

**IN THE NIGERIAN BAR ASSOCIATION ELECTION APPEALS  
TRIBUNAL (NBA-NEAC)**

**PETITION/APPEAL NO: NBA-NEAC/09/22**

**MS ADAEZE ANN ANAH  
(PETITIONER/APPELLANT)**

**AND**

**THE ELECTORAL COMMITTEE  
OF THE NIGERIAN BAR ASSOCIATION  
(RESPONDENT)**

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**DECISION**

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**IN THE NIGERIAN BAR ASSOCIATION  
NATIONAL ELECTIONS APPEAL COMMITTEE (NBA-NEAC)**

**PETITION/APPEAL NO:NBA-NEAC/09/22**

**DECISION**

<b>1</b>	<b>PARTIES:</b>	<p><b>MS ADAEZE ANN ANAH ---- PETITIONER</b></p> <p><b>ELECTORAL COMMITTEE OF THE NIGERIAN BAR ASSOCIATION</b> } <b>RESPONDENT</b></p>
<b>2</b>	<p><b>PROCEDURAL HISTORY:</b></p> <ul style="list-style-type: none"> <li>- Date of Petition --- 27<sup>th</sup> May, 2022</li> <li>- Date of Receipt of Appeal --- 30<sup>th</sup> May, 2022</li> <li>- Date sent to ECNBA --- 1<sup>st</sup> June, 2022</li> <li>- Date of ECNBA’s Response --- 3<sup>rd</sup> June, 2022.</li> <li>- Date of Petitioner’s Reply --- 7<sup>th</sup> June, 2022</li> <li>- Date and Manner of Hearing --- 9<sup>th</sup> June, 2022 (Virtual and documentary)</li> </ul>	
<b>3</b>	<p style="text-align: center;"><b>APPEAL SUMMARY</b></p> <p>The Petitioner, until her disqualification by the Respondent, was an aspirant contesting to represent the NBA in the General Council of the Bar from the Eastern Zone in the 2022 NBA General Elections. The Petitioner was nominated by Mr. Jacob Johnson Usman, SAN and Seconded by Ms Mimi Ayua, both of the Northern Geographical Zone. The Petitioner was disqualified by the Respondent (ECNBA) <i>vide</i> a Notice of Disqualification dated the 20<sup>th</sup> day of May, 2022 on the ground that both her nominator and seconder were not qualified to nominate her in line with the dictates of the NBA Constitution, because they are not from the same Geographical Zone as the Appellant. Dissatisfied with the decision of the Respondent, the</p>	

	Petitioner has appealed to this Committee vide a letter dated 27 <sup>th</sup> day of May, 2022.	
<b>4</b>	<b>ISSUE FOR DETERMINATION</b>	
	<b><i>Whether by the combined reading of Parts V, Paragraphs 2 and 5 of the Second Schedule to the NBA Constitution 2015 (as amended), the Petitioner's disqualification by the Respondent is sustainable in law?</i></b>	
<b>5</b>	<b>Reasons for Disqualification (ECNBA's Position)</b>	That the Petitioner's Nominator and Secunder were not as qualified as the Petitioner as stipulated in Part V, Paragraph 5 of the Second Schedule to the NBA Constitution 2015 (as amended).
<b>6</b>	<b>Grounds of Appeal (Petitioner's Position)</b>	That regional zoning is not part of the qualifications contemplated in the NBA Constitution for Election into the General Council of the Bar, hence, cannot alone be applied to disqualify an Aspirant to the said Office.
<b>7</b>	<b>Findings by the NBA – NEAC</b>	<ul style="list-style-type: none"> <li><b>i.</b> The Petitioner is from the Eastern Zone in the NBA regional zoning arrangement.</li> <li><b>ii.</b> The Petitioner's Nominator, Mr. Jacob Johnson Usman, SAN and the Secunder Ms Mimi Ayua, are both from the Northern Geographical Zone.</li> <li><b>iii.</b> By virtue of Part V, Paragraph 2 of the Second Schedule to the NBA Constitution 2015 (as amended), each Zone in the NBA must produce at least Six (6) representatives to the General Council of the Bar. This implies that representation into the General Council of the Bar is on</li> </ul>

		<p>zonal basis, and duly stipulated in the NBA Constitution.</p> <p><b>iv.</b> By virtue of Part V, Paragraph 5 of the Second Schedule to the NBA Constitution 2015 (as Amended in 2021), the Petitioner’s Nominator and Secunder shall both be as qualified as the Petitioner.</p> <p><b>v.</b> In line with the NBA Constitution therefore, the Petitioner’s Nominator and Secunder, being from the Northern Zone are both not as qualified (to represent the Eastern Geographical Zone) as the Petitioner, who was at the time being nominated for Election into the General Council of the Bar as NBA Representative from the Eastern Zone.</p> <p><b>vi.</b> That the zoning arrangement under the NBA Constitution, forms part of the qualifications for Election into the General Council of the Bar.</p> <p><b>vii.</b> That <i>stricto sensu</i>, the Petitioner was not validly nominated and seconded.</p>
8	<p style="text-align: center;"><b>DECISION</b></p> <p>In the light of the totality of the findings above, we hold that the Petitioner was not validly nominated and seconded, because the Petitioner’s Nominator and her Secunder are not as qualified as her.</p> <p>We also hold that the Respondent (ECNBA) acted within the precincts of the NBA Constitution, particularly Part V, Paragraphs 2 and 5 of the Second Schedule to the NBA Constitution 2015 (as amended) in disqualifying the Petitioner.</p> <p>In the final analysis, on the strength of the evidence before the Committee, we resolve the sole issue for determination in this Appeal in the affirmative that the Petitioner’s disqualification by the Respondent for Election as NBA</p>	

	Representative into the General Council of the Bar (from the Eastern Zone) is valid in law and it is hereby sustained.  In the circumstance, this Appeal lacks merit and is hereby dismissed.
9	<b>DIRECTIVE(S)</b>  <b>None.</b>

**DATED THIS 11<sup>TH</sup> DAY OF JUNE, 2022**

**SIGNED:**



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**OLUFUNMILAYO ROBERTS, C.Arb.**  
**(CHAIRPERSON)**

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**AUGUSTINE AJINEH, ESQ**  
**(SECRETARY)**