



NIGERIAN BAR ASSOCIATION

NATIONAL SECRETARIAT: Plot 1102, Muhammed Buhari Way, Cadastral Zone A00, Central Business District, Abuja Nigerian Tel: +234 800 333 1111
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27th June 2022

Dear Colleagues,

STATEMENT ON THE TENURE OF OFFICE OF BRANCH EXECUTIVE OFFICERS

1. I have noted, with deep concern, the controversies brewing in some Branches of the Nigerian Bar Association (NBA) over the issue of the tenure of office of the Branch Executive Committee members.
2. By reason of Paragraph 9 of Part I of the Third Schedule to the NBA Constitution 2015 (as amended in 2021), each Branch Electoral Committee is required to conduct the election of officers of the Branch on a date **in the month of June of an election year**. Meanwhile Paragraph 6 of Part I of the Third Schedule to the Constitution provides that the Officers of the Branch **shall be elected every two (2) years**. By reason of the latter provision and established tradition, elected Branch Officers have historically served for a single term of two years, akin to what obtains at the national level.
3. The seeming conflict between the above provisions, in Branches where the last elections were not held in the month of June, has occasioned the recent controversy regarding whether all NBA Branches, including those Branches whose officers have not yet exhausted their terms of office, are required to conduct their elections in the month of June.
4. Consequently, and subject to the ratification of NBA National Executive Council (NBA-NEC), my resolution of this issue is as follows:
 - i. NBA Branch Elections are to be held in the month of June and all Branches are required to adhere to this unequivocal provision of the NBA Constitution;
 - ii. NBA Branches whose previous election(s) did not take place in the month of June will henceforth ensure that upcoming elections take place in the month of June while the inauguration/swearing-in of the Branch Officers will take place on the expiration of the two-year term of office of the outgoing Branch Executive Committee. This is in line with the well-known rule of statutory interpretation that any ambiguity

NATIONAL OFFICERS:

Olumide A. Akpata **President**

Joyce Oduah, **General Secretary**; John Aikpokpo Martins, **1st Vice President**; Debo Adeyemo Kazeem, **2nd Vice President**; Omubo Victor Frank-Briggs, **3rd Vice President**;
Mercy Ijato Agada, **Treasurer**; Olukunle Edun, **Welfare Secretary**; Raphael Nnamdi Anagor, **Financial Secretary**; Dr. Rapuluchukwu Nduka, **Publicity Secretary**;
Uchenna Nwadialo, **Assistant Secretary**; Ferdinand Naza, **Assistant Publicity Secretary**

must be resolved against the draftsman and in favour of the person whose right is threatened.

iii. It will be recalled that at the NBA-NEC meeting held in Ilorin on 9 June 2022, it was resolved to further amend the NBA Constitution 2015 (as amended in 2021) to address non-contentious issues. In the circumstance, I will be proposing to the 2022 NBA Annual General Meeting (NBA-AGM), through the NBA Constitution Review Committee, that a new proviso to Paragraph 9 of Part I of the Third Schedule to the Constitution be introduced to remedy this issue and prevent future controversies.

5. While I am optimistic that the 2022 NBA-AGM will approve the proposed amendment to the Constitution referred to in 4(iii) above, It is imperative that, in the interim, all concerned must comply strictly with the directives contained in 4(i) and 4(ii) above.

Thank you.



OLUMIDE AKPATA
PRESIDENT

