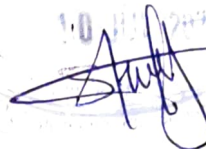


Chidi Anselm Odinkalu

10 July, 2023

Yakubu Chonoko Maikyau, SAN, OON
President, Nigerian Bar Association (NBA)
NBA House, Central Business District
Abuja, Federal Capital Territory (FCT).



Mr. President,

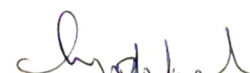
NOTICE OF RESIGNATION FROM THE ECNBA

It has been my privilege over the past 19 months to serve on the Electoral Committee of the Nigerian Bar Association, ECNBA. This committee delivered the NBA's leadership elections nearly one year ago, on 16 July 2022.

In the period since the introduction of digital voting in our Association in 2016, elections into offices in the Nigerian Bar Association (NBA) have become dependent on data and its governance. In a country in which elections are notoriously in disrepute, the NBA has a duty to set high standards in the preparation and conduct of its elections. For reasons that I outline below, I have come to the plain conclusion that this aspiration for a credible election in the next cycle of elections in our Association in 2024 now faces a clear and present risk of foreseeable frustration. In the light of this painful conclusion, I have reconsidered my membership of the ECNBA and hereby tender my resignation from the Committee with effect from 10 July, 2023.

The integrity of the NBA's elections is fundamentally dependent on the credibility of two things: the voting platform (interface) and the membership data. The former is outsourced, while the NBA provides the latter to the ECNBA. For the 2022 elections, ECNBA contracted the voting service provision for the sum of N18 million. The organs of the NBA approved this sum

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as part of the budget for the election. As I write, N12.6 million of this sum has so far been paid. One year after the elections took place, we still owe the provider N5.4 million, representing 30% of the agreed sum. The Association has not complained about service standards by the provider nor has it declared a contractual dispute. It is not the case that the NBA is insolvent. Yet, despite the best and repeated efforts of the ECNBA, our Association has chosen to not honour this lawful obligation.

Following the failure of any breakthrough in efforts to address this matter with you, my colleague(s) on the ECNBA brought this matter to your attention at the last (virtual) NEC meeting on or about 26 June. But rather than address it in the spirit in which it was raised, you shut it down, complaining that you regretted giving my colleague(s) the floor. That was hardly a vote of confidence on the Committee.

This lingering debt damages the commercial and organizational credibility of the ECNBA and of its membership. The voting platform providers who administered the 2022 elections cannot now be enthusiastic about further dealings with a chronic debtor. The reputation of the NBA as a chronic debtor or as reluctant to comply with contractual obligations will be well known within the small community of providers of such services in Nigeria. This surely raises the bar of difficulty for the next election, which is a mere one year from now.

This difficulty may not be fatal if it were to be the only issue that the ECNBA could confront with regard to the next election, but it is not. As you are aware, on 1 July, 2022, the NBA entered into a contract with a company to, among other things, provide “innovative technology service and work process automation to the NBA.” The deliverables under this contract included “clean up (of) the database of the NBA for accuracy”. This contractor designed and managed the Bar Practising Fee (BPF) payment portal for 2023 which, however, ran into difficulties over allegations of non-fulfilment of contractual obligations by the NBA with regard to fees owed to the contractor. It is my understanding that relations with this contractor may now have broken down irretrievably, that the portal has been deactivated and that the data collected from this portal are not accessible to the NBA because, being indebted to the contractor, it has been denied access to the encryption keys which the contractor can only release after the debts owed to it have been reconciled and cleared.



These facts have multi-dimensional consequences for all streams of work on which our Association's next elections depend. First, the credibility of underlying data for the next cycle of elections is at best in question with this situation of breakdown in the relationship with the data management contractor. Second, with its commercial credit shot and goodwill damaged, the capacity of the ECNBA to have access to a credible election service provider for the next election is now questionable. Third, these matters of data credibility and commercial credibility cannot be bridged by the ECNBA alone. But fourth, the manner in which you treated the ECNBA's good-faith inquiry on this and related matters at the last NEC meeting leaves me with genuine doubts as to whether the Committee in fact enjoys your confidence.

Fifth, I must make clear that I do not wish to be mis-interpreted as saying that these developments are compatible with a design to compromise the 2024 election in our Association. Absent urgent course correction, however, that outcome is foreseeable. All that I am willing to say, therefore, is that with one year to go to our next elections, these deficits cannot be bridged by hope or prayer and I just don't see any plan in place to address these seriously. If anything, the contrary is the case at this time.

I continue to believe that the credibility of elections in the NBA must be sacrosanct. This is the spirit and service compact that persuaded me to agree to serve on this ECNBA. In the light of all the facts at my disposal, however, my only option, Mr. President, is reconsider my position. This is a matter of conscience. I have come to the reluctant conclusion that I can best advance these goals outside the ECNBA and I hereby resign. Kindly accept, Mr. President, assurances of my fraternal esteem. I wish you well.

Yours Sincerely,



Chidi Anselm Odinkalu, Ph.D. (London-LSE)

MEMBER, ECNBA

CC: ECNBA