

UPDATE ON BIPORAL 2022 ELECTIONS

Hello Banana Island Estate Family,

The elections into the 2022 Biporal Executive Committee is around the corner, as a matter of fact, in a matter of days from now, and it is intended herein to update us with a situation Report on the elections and to point out some pertinent issues related thereto.

First of all , may we thank all the residents and members , of this great community, for the interest which you all have shown in the elections into the Biporal 2022 Executive Committee , through your positive reactions to the several stages set out on the Time Table , some of which, it is intended to be addressed herein .

Now that we are near to this epic event, there may be the need to address some key issues related thereto, for the purpose of ensuring fair, seamless and hitch-free elections , come Saturday , the 29th of October, 2022 at the Second Oval (near the children's playground) in Banana Island, Ikoyi, Lagos.

TIME:

The elections shall begin at 10am on the said Saturday, 29th October, 2022, and shall end at 3pm. It is expected that the votes cast shall be counted at the venue of the elections, immediately after the close of voting on that day, and the results will be announced after the counting of all the votes cast, on that same day.

VOTERS' REGISTER:

The Voters' Register has been duly compiled, with the names of all eligible voters for the elections entered accordingly. The same is now open and on display at the Biporal Office in the Estate.

THE ELECTIVE OFFICES:

The offices for which elections shall be conducted, are as follows:

- CHAIRMAN
- VICE CHAIRMAN
- GENERAL SECRETARY
- LEGAL ADVISER
- FINANCE SECRETARY

- TREASURER
- SOCIAL/WELFARE SECRETARY
- PUBLIC RELATIONS OFFICER

NOMINATIONS:

Nominations were received for all the above positions, which were duly supported by a Proposer and Secunder respectively, while no nomination came for the position or office of THE ASSISTANT GENERAL SECRETARY, hence it's not being made available for contest in these elections.

Accordingly, only the above positions, for which nominations were duly forwarded, with Proposers and Seconders endorsing the same, will be open for elections on Saturday, the 29th of October, 2022, at the Second Oval, (near the children's playground, Banana Island, Ikoyi, Lagos.

PETITIONS AND OBJECTIONS:

In accordance with the Election Policies and Guidelines issued in respect of this election, Friday, 21st of October, 2022, was the deadline for the submission of any or all objections/ petitions against any of the candidates so presented for elections.

In total , a number of 11 (eleven) Petitions and Objections were received by Friday , the 21st of October, 2022, which was the deadline for the submission of Petitions and Objections against any candidate vying for one or any of the above stated elective posts .

In summary, all the eleven Petitions and objections were against the candidacy of one of the contestants, Mr. Emeka Nweze, who is contesting for the post of VICE CHAIRMAN of the Biporal Executive Committee, in the coming elections.

By way of categorization, all the Petitions and Objections so received, fell under four distinct categories, with some petitions or objections containing more than one of the said four categories, as follows:

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| a) Petitions/Objections alleging criminality against the Candidate | - 2 |
| b) Petitions/Objections bordering on reputation and/or character | - 8 |
| c) Petitions/ Objections alleging a particular complaint made to and pending Before the Biporal Executive Committee (Chairman). | - 1 |
| d) Petitions/Objection alleging non-ownership of property in Banana Island Estate | - 1 |

All the above Petitions and Objections so received were duly acknowledged.

It is our considered opinion that since this entire electioneering process is derived from the CONSTITUTION & RULES AND REGULATIONS OF BIPORAL, which in itself, is duly registered with the Corporate Affairs Commission (CAC), Abuja, it is therefore an instrument of LAW.

Also the right of every candidate who has made him or herself available to contest and be voted for, is an inalienable right recognized and protected by LAW.

Also ,the freedom and right of every individual, within the Estate to free speech, association, as well as to freedom from discrimination , being clearly issues of LAW, as well as the fundamental rights and limits of individuals, communities , associations and all Nigerians in the exercise of their authority over persons equally being an issue of LAW,

the subject of the Petitions and Objections so raised herein CAN and MUST only be looked at , considered and treated squarely and purely with the eyes of the LAW, and by applying nothing more than established principles of fairness, equity , justice and Law, devoid of any and all personal bias' , sentiments , inclinations and or preferences , in furtherance of our hallowed principle of RULE OF LAW, which is applicable, in no less a community of distinguished persons that we are or are supposed to be, as in Banana Island Estate , Ikoyi.

Therefore going by those categories of Petitions and Objections, we report in response thereto, as follows:

a) Petitions/Objections alleging criminality:

In response hereto, we state that it is a well-established position that the sole responsibility for investigation any allegation of crime and any pronouncement related thereto, is the exclusive responsibility of the Nigerian Police Force or Court of competent jurisdiction.

Consequently, it is not the prerogative of the Electoral Committee or any individual(s), to investigate, advance or even exercise any punitive action against an individual on an allegation of crime, in the absence of a valid judgment of a court or even a case pending before a court of Law.

Accordingly, we advise that it will be ultra vires the power of the Electoral committee to act on this category or ground of objection.

b) Petition/Objections bordering on reputation or character:

While it is appreciated that every individual has a right to his /her opinion as to the character or reputation of another person, such an opinion is, by every stretch of imagination, highly subjective, and cannot constitute a ground for disqualifying a candidate, in the absence of any established case (as evidenced by the Judgment of a court) confirming and or deprecating such action, conduct or character of the person. Consequently, it does not lie within the power of the Electoral Committee to disqualify or in any way, apprehend any candidate on such grounds.

c) Petition/Objection bordering on an incident which was reported to and is pending before the Biporal Top Executive Committee (Chairman) for investigation:

With regard to this category of allegations in some of the Petitions/Objections received, we advise that the scope of power and authority conferred upon the Electoral Committee or the RETURNING OFFICER, by virtue of the BIPORAL Constitution, does not extend to acting on or prejudging a matter that has been reported to the administrative arm of BIPORAL, as represented by the Executive Committee and ably headed by the Chairman.

We therefore, state that since the said complaint has been lodged and is being investigated, is not our responsibility or prerogative to pre- judge ,act upon, or in any way , exercise oversight or impose any action, (whether punitive or otherwise) ,against anyone connected with such an incident , as that again would tantamount to clearly out stepping our scope of authority.

d) Petitions/Objections alleging non ownership of landed property in Banana Island:

It is conceded that this allegation is one that falls within the scope of authority given to the Electoral Committee, as the BIPORAL Constitution clearly provides that no person shall be eligible to contest any position in the Executive Committee, unless he or she owns property in Banana Island.

Accordingly, and consequent upon the receipt of this Petition /Objection, the candidate was formally communicated to and requested to confirm or deny the said allegation, and to submit documentary evidence (if any) in support of his claim to ownership of landed property in the estate

We confirm that, in response to the said communication, the candidate, on Saturday the 22nd of October, 2022 promptly responded thereto and forwarded copies of the documentary evidence to support his rebuttal of the said allegation, that he does not own landed property in the Estate.

Being certified copies received by us on Saturday, we have, this morning, confirmed the authenticity and veracity of the said Title documents so received.

We have also checked the records of Biporal Office, to confirm if the said ownership was communicated to and accordingly so entered in its books, and we confirm that the said record was so made and recorded at the material time.

In the circumstances, we state categorically, that the conditions for disqualifying Mr. Emeka Nweze are not supported and sustainable, on the grounds stated above, and we therefore find him free and eligible to contest the 2022 Elections into the Executive Committee of BIPORAL, for the position of the VICE CHAIRMAN.

ELECTIONS ON SATURDAY, 29th OCTOBER, 2022.

Finally, may we advise and encourage all registered voters to exercise their inalienable rights, freedom and liberty to choose those individuals who should serve in the capacity as Executive Committee members of BIPORAL for the new term, commencing in October, 2022, by coming en masse, to vote on Saturday, 29th October, 2022 from 10 am.

Once again, please be assured that we shall do our very best to ensure that the coming elections are smooth, fair, transparent, hitch - free and completely devoid of any preferences, favor or manipulation.

MAY GOD BLESS US ALL

Signed:

**ALADE AGBABIAKA Esq, SAN, FCI Arb (UK)
(CHAIRMAN, 2022 BIPORAL ELECTORAL COMMITTEE)**