



# NIGERIAN BAR ASSOCIATION

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## OUR LAWS AND DEMOCRACY MUST BE PROTECTED AT ALL TIMES

The Nigerian Bar Association has closely monitored recent political and legal developments as the nation gradually approaches the 2027 General Elections. These developments, particularly those arising from the interpretation and potential application of provisions of the Electoral Act 2026, raise serious constitutional, democratic, and rule-of-law concerns that require immediate intervention.

We particularly deprecate the disturbing involvement by lawyers and courts in the internal affairs of political parties despite the clear provisions of the Electoral Act, 2026, which stipulates in Section 83 of the Act that **"No court in Nigeria shall entertain jurisdiction over any suit or matter pertaining to the internal affairs of a political party."**

Not only are courts denied jurisdiction to entertain any matter pertaining to the internal affairs of a political party, but they are also precluded from granting any interim or interlocutory injunction even where any action has been brought in violation of the Act. The section further provides that **"Where such an action is brought in negation of this provision, no interim or interlocutory injunction shall be entertained by the Court, but the Court shall suspend its ruling and deliver it at the stage of final judgment and shall give accelerated hearing to the matter"**.

What we now see are situations where actions are not only instituted in Courts by lawyers in clear violation of the Act, but Courts purportedly grant interim and/or interlocutory injunctions in clear contempt of statutory provisions of the law. This does not augur well for our democracy. Democracy will not thrive in a situation where lawyers and courts take actions and decisions that not only negate our laws but also do violence to them. This emerging trend of subverting the clear letters of the Electoral Act and dragging courts into the internal affairs of political parties through disingenuous litigation, forum shopping, and *malafide* applications designed to secure undemocratic political advantage, bodes no good for our democracy. Such practices, if not immediately curbed, would directly contradict the clear intendment of the Electoral Act and risk transforming the judicial processes into avenues for political score-settling or electoral manipulation.

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We must reiterate that these provisions were clearly designed to curb abuse of court processes and discourage forum shopping in political disputes. This is therefore why the NBA is concerned that the abuse, misapplication, or selective deployment of these provisions may create opportunities for manipulation capable of undermining democratic competition and shrinking the political space.

Members of the Bar are reminded that they are Ministers in the Temple of Justice and not political agents seeking judicial endorsement of partisan objectives. The filing of actions intended to draw courts into internal political party disputes, particularly where jurisdiction is expressly excluded, constitutes an abuse of court process and a violation of professional responsibility.

The NBA will take firm steps to deter such conduct. Lawyers who deliberately file actions aimed at procuring judicial interference in intra-party affairs, or who seek *ex parte* or interlocutory orders in clear violation of statutory provisions, risk facing disciplinary proceedings. We will not hesitate to present petitions before the Legal Practitioners Disciplinary Committee (LPDC) against any Legal Practitioner found to be engaging in such conduct. This will be pursued decisively to serve as a deterrent and to preserve the sanctity of the judicial process.

The Nigerian judiciary must stay vigilant and resist being drawn into political theatrics. Courts should firmly decline invitations, no matter how artfully crafted, to intervene in matters the law explicitly bars them from. When statutes limit judicial meddling in party affairs, judges must show restraint, adhere to the law, and focus on cases properly before them.

We call on the National Judicial Council to make regulations that will sanction any judge who knowingly assumes jurisdiction in matters clearly barred by law, grants orders in respect of intra-party disputes in violation of statutory provisions, or lends the authority of the court to partisan political maneuvering. The NBA will not shy away from drawing the NJC's attention to the actions of any judicial officer found to have acted in a manner inconsistent with the judicial oath, constitutional responsibilities, and the preservation of public confidence in the courts. The NBA will not hesitate to activate its constitutional responsibility to protect the integrity of the justice system.

The NBA calls on the Independent National Electoral Commission to exercise its expanded supervisory powers with utmost neutrality, independence, and fidelity to democratic values. The Commission must not, under any circumstances, be perceived as a participant in political engineering or as an institution whose regulatory authority is deployed in a manner that weakens political pluralism.

The Chairman of INEC, being a distinguished Professor of Law and Senior Advocate of Nigeria, is uniquely positioned to appreciate the constitutional implications of these developments. The NBA expects that the Commission, under his leadership, will ensure that its actions reflect independence, fairness, and strict adherence to democratic norms. The Bar is closely watching the conduct of the Commission and expects that its regulatory role will strengthen, not diminish, confidence in Nigeria's democratic process.

The Bar will deploy all lawful mechanisms, engagement, advisory opinions, strategic litigation, and disciplinary processes, to ensure that lawyers do not weaponize the legal process so that the judiciary is not misused. Lawyers must remain officers of the court, not architects of procedural manipulation. Nigeria's democracy must not be weakened by legal maneuvering, institutional capture, or the misuse of judicial authority. The courts must remain arbiters of justice, not instruments of political advantage. Electoral institutions must remain neutral umpires, not participants in political contests.

The electoral institutions must operate within the bounds of constitutional democracy.



**MAZI AFAM OSIGWE, SAN**  
PRESIDENT