



*Speech of the CITN President, Chief Mark Anthony Dike, FCTI at the Tripartite Press Conference organised by the APBN on the signing of the Terms of Settlement (ToS) and Memorandum of Understanding (MoU) between the CITN and ICAN on 10<sup>th</sup> March, 2015 at The Golden Gate Paradise, Lagos*

## **Protocols**

It is simply amazing that a long lingering and festering crisis of epic proportions can be laid to rest by a solemn and simple ceremony of the signing of some pieces of paper which we are symbolically witnessing today. My joy knows no bounds that a preventable dispute that lingered on for several years and which defied several mediations is eventually being laid to rest today through the signing of both the Terms of Settlement (ToS) and a Memorandum of Understanding (MoU) by the Institute of Chartered Accountants of Nigeria (ICAN) and the Chartered Institute of Taxation of Nigeria (CITN). This feat was facilitated by the astute and painstaking mediation efforts of our umbrella body, the Association of Professional Bodies of Nigeria (APBN).

Though it is often said that conflicts are desirable in shaping human ideologies and relationships, they never occur without negative consequences. Very often such consequences constitute serious threats to humanity and undermine particular human development objectives. In the case of this settled dispute, if we are truthful to ourselves, we would realize that in one way or the other, both Institutes had suffered some magnitude of consequences. Energies and finances that should have been directed to the development of our respective bodies had been dissipated in seemingly endless court processes and media altercations. We have successfully indoctrinated, though wrongly, our respective members, particularly the younger ones, of the superiority of one body over the other, hence instilling professional hate into them. While our leaders should be working to foster good working relationship that would advance peace and tranquillity amongst professional bodies for the overall benefit of our dear Nation - Nigeria, some of us, on both sides of the aisles, regrettably, ensured that the gulf remained widened for so long.

Today's event is historical in several ways. I say so because this is a dispute that started about twelve years ago with so many players and interests playing one role or the other. I will attempt to provide a brief narration of events leading to this historic moment for the benefit of those who might not have a clear grasp of the issues.

The issue that brought up the imbroglio was the decision reached by the CITN at its 2004 Annual General Meeting to enforce to the letter, the provision of her Charter, specifically on the right to practice taxation in all its ramifications. A publication to that effect was made which some members of ICAN found offensive. Within the space of a few months, a seemingly innocuous issue was blown out of proportion and the erstwhile “mother and child” who ought to enjoy the best of filial relationship became professional antagonists.

When several measures and steps taken by respected members of both Institutes and indeed APBN to amicably resolve the crisis yielded no fruit, CITN was constrained to seek a judicial interpretation of the matter in *CITN v ICAN* (Suit No M/476/2005) at the High Court of Lagos State on the 14th of October 2005. Being dissatisfied with the outcome of this case, ICAN proceeded to institute an appeal in *ICAN v CITN* (Appeal No: CA/L/673/07) at the Court of Appeal, Lagos Division. Again, being dissatisfied with the judgment of the Appeal Court, ICAN proceeded to the Supreme Court in appeal No. SC/492/2013. CITN also filed a cross appeal at the Supreme Court.

It may interest you, ladies and gentlemen, to note that in 2012, the APBN initiated moves aimed at reconciling both parties by setting up a 5 man mediation team. Since then and until now, several drafts of a Memorandum of Understanding (MOU) had undergone series of redrafting at various times. This, of course, was not unexpected as it is an obvious fact that concessions and compromises, sometimes, are not easy to make. It is pleasing to note that this long and tedious process of finding a long lasting resolution eventually saw the light of the day on February 12, 2015 when both the CITN and ICAN finally put pen to paper by signing the Terms of Settlement which both parties agreed to file jointly at the Supreme Court for its consent judgement as well as the Memorandum of Understanding that would thereafter govern the relationship between both Institutes with respect to membership and the practice of taxation.

I am greatly elated by the history that is being made today by the signing of these aforementioned documents. It is a testament to the will power of the leadership of both Institutes to persevere and hold on in spite of several vested interests and reservations by a few individuals on the expected outcome of the mediation efforts. It is my expectation that successive leaderships of both Institutes will commit themselves to fully implement the terms of the MOU and TOS without acrimony. It is also my hope that we shall always tow the path of regular communication towards resolving any unsavoury issue that may arise in future.

Permit me, Ladies and Gentlemen to end my speech by borrowing from the words of a former Head of State, General Yakubu Gowon, spoken at the end of the

Nigerian civil war. Rather than sounding like Julius Caesar who, in a moment of euphoria, at the end of the Punic Wars, said 'Veni! Vidi! Vici!!!, that is: 'I came! I saw!! I conquered!!!, General Gowon proclaimed his now famous 'No Victor! No Vanquished!! mantra which won him global acclaim. But that nobility of heart did not apparently strike any cord with one of his lieutenants, the then Civilian Administrator of the then East Centeal State, late Mr. Ukpabi Asika, who glibly muttered the expression, 'Amnesty does not mean Amnesia', that is: 'Forgiveness does not mean Forgetfulness'. May we never have people with such frame of mind!

Similarly, much as we have had clash of interests, bruised egos in the pursuit of this accord, friends turned to foes, professional colleagues became professional opponents, in a larger sense, I want to declare that truly, there are no vanquished here. There are no losers either. We have all won an outstanding victory for all lovers of peace and tranquility within the professional fraternity. We must therefore work assiduously and faithfully to ensure that never again will our ranks and files as professionals be so divided when we ought to present a united front in tackling the developmental challenges of our country, Nigeria.

Definitely my speech would be inconclusive without appreciating the unwavering efforts of past and present executives of the Association of Professional Bodies of Nigeria (APBN) which today is led by our revered past President, Mr. Gabriel Foluso Fasoto, FCTI who coincidentally was at the helm of affairs of our Institute at the peak of this imbroglio. I want to appreciate, most specially, Pa S.T. Oyefeko, undoubtedly an Elder Statesman and Chairman of the APBN Mediation Committee, who sacrificed his time, energy and resources at the expense of his health to ensure that this face-off is put behind us. Indeed, all the members of his team deserve our collective appreciation for their sagacity, doggedness and resilience in the pursuit of peace between our two Institutes.

Also worthy of praise are our past Presidents, Council members, friends of the Institute and indeed our members who were steadfast and showed genuine concern and desire to put this conflict behind us.

Thank you all for coming to share in this joyous occasion and may God bless and prosper our professional fraternity in Nigeria.

Long live the Federal Republic of Nigeria!  
 Long live the Chartered Institute of Taxation of Nigeria!!  
 Long live the Institute of Chartered Accountants of Nigeria!!!

Chief Mark Anthony Dike, FCTI  
**President/Chairman of Council**