



**NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES**

NIALS DIGEST

November, 2022



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MOTTO

Knowledge that makes the Difference.

MISSION

To be the nucleus and hub of legal research and advanced studies in law in Nigeria.

OUR VISION

To be a world class institution that is the primary source of information, training and advice at the highest level of policy formulation on legal matters, effectively impacting on local and international institutions in the development of law.

NIALS ENABLING ACT

Commencement Establishment of the Nigerian Institute of Advanced Legal Studies

- (1) There is hereby established an institute to be known as the Nigerian Institute of Advanced Legal Studies (in this Act referred to as “the Institute”) which shall have the functions assigned to it by this Act.
- (2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

MEMBERSHIP OF THE COUNCIL, etc.

- (1) There shall be established for the management of the affairs of the Institute a body to be known as the Nigerian Institute of Advanced Legal Studies Council (in this Act referred to as “the Council”)
- (2) The Council shall consist of the following members, that is
 - (a) a Chairman to be appointed by the President;
 - (b) a representative of the Federal Ministry of Justice;
 - (c) a representative of the Federal Ministry charged with responsibility for higher education;
 - (d) six Deans or Heads of Faculties, or other formations



of Nigerian Universities offering degree courses in law at not less than post-graduate level, to be appointed by the President; the Director-General of the Nigerian Law School; one member of the Judiciary nominated by the Chief Justice of Nigeria; the President of the Nigerian Bar Association; five persons of whom one shall be a woman to be appointed by the President; and the Director-General of the Institute.

(3) The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Council and the other matters therein mentioned.

FUNCTIONS OF THE COUNCIL

(i) Council shall be responsible for the determination of the overall policy of the Institute and in particular for the financial and operational programmes of the Institute and for ensuring implementation of such policies and programmes.

(ii) Without prejudice to the generality of subsection of this section, it shall be the duty of the Council to approve the research and training programmes of the Institute, determine the fees to be paid for research, consulting, training and any other services that may be offered by the Institute and promote or undertake any other activity that in the opinion of the Council is calculated to help achieve the purposes of the Institute.

NIALS ANTHEM

Ever questioning,
Ever Probing,
Nigerian Institute of Advanced Legal Studies!
Vision foretold by founding fathers,
Ideas nurtured by patriotic fervor,
Urging us to make the difference,
And be the nucleus of legal studies,
With passion and hope our mandate deliver,
And be the best that we can be,
A truly world class institution,
Nigeria's law abode!

CRIMINAL JUSTICE ADMINISTRATION



The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD participated at the opening session of the three (3) day Inaugural Regional Conference on Criminal Justice Administration with a theme ***Consolidating Reforms in Criminal Justice and its Administration.***

The event was jointly organized by Nigerian Institute of Advanced Legal Studies, JuriTrust, Nigerian Bar Association, Centre for Socio Legal Studies, Independent Corrupt Practices Commission, Legal Defense and Assistance Project and five (5) other MacArthur Foundation Cohort group on criminal Justice held at National Judicial Institute, Abuja from Tuesday, 1st November to Thursday, 3rd November, 2022.

Participants and Resource persons were drawn from Ghana, Rwanda, South Africa, Burundi, Nigeria among other countries.

The Chief Justice of the Federation, Honorable Justice Olukayode Ariwoola GCON was represented by Justice Chima Centus Nweze.





OPENING REMARKS BY President OF NIGERIAN ASSOCIATION OF LAW TEACHERS DURING A TWO-DAY HYBRID CAPACITY BUILDING WORKSHOP FOR LAW TEACHERS ON INTEGRATING THE ACJA 2015/STATE LAWS INTO TEACHING OF RELEVANT LAW SUBJECTS IN NIGERIAN UNIVERSITIES

2nd - 4th November, 2022, Abuja

Protocols

It is heartwarming to be called upon to give opening remarks in this all-important Train-the-Trainers Workshop for Law Teachers on Integrating the Administration of Criminal Justice Act, 2015/State Laws into the teaching of relevant law subjects in the Nigerian Universities. I am therefore grateful to the organizers of this Workshop, the Nigerian Institute for Advanced Legal Studies, NIALS, and their collaborating partners, McArthur Foundation for packaging this Workshop to train our lecturers to have better understanding of ACJA, and equally better delivery skills in their teaching and integration of its application or implementation in the relevant courses in the Universities. These courses include Criminal Law, Criminal Procedure Law, Evidence Law, and to a good extent, Legal System. It is only by improvement in the teaching of courses generally that the students will understand it better and, in turn, become better lawyers for benefit of the entire society subsequently. So what is going on here and now has far-reaching benefits for the larger society, apart from what immediate gains the trainees can get out of it now.

The content of the Training is rich and specifically designed and directed to achieve the main goal of the Workshop as contained in the Guidebook of Workshop which I am privileged to have a preview of. The Guidebook is the major work tool or reference material for the participants in the Workshop. It has given section by section and chapter by chapter analyses of the relevant laws with proper hints on how to integrate them into the relevant law courses in the Universities. Evidently, you were nominated from your various Faculties to be part of this Workshop on the basis that you teach one or two of the above-mentioned relevant courses. Please, make the best of this opportunity to improve your mastery of or expertise in this area of Law teaching.

To benefit maximally, I believe your best attitude to this training is to really tune your mind to a state of "learning". That implies a readiness to take in more knowledge and dislodge creases and doubts in line with the Trainers instructions. What you knew before might be helpful in understanding your trainers, but it will certainly be expanded, adjusted or refreshed by the inflow of new ideas resonating during this Workshop. Otherwise, the training would be in vain. I am inclined to saying attributed to the great jurist, Oliver Wendell Holmes, that 'man's mind, once stretched by a new idea, can never go back to its original dimensions'.

Remember that the ultimate design of the training is to turn you into a conduit of passing the knowledge down the line by training others, particularly your students in your various



Schools. You have a **duty** to deliver on this. Any failure in this respect will make you guilty of conversion or liable of breach of contractual obligations, depending on whether the duty is considered to be public or private.

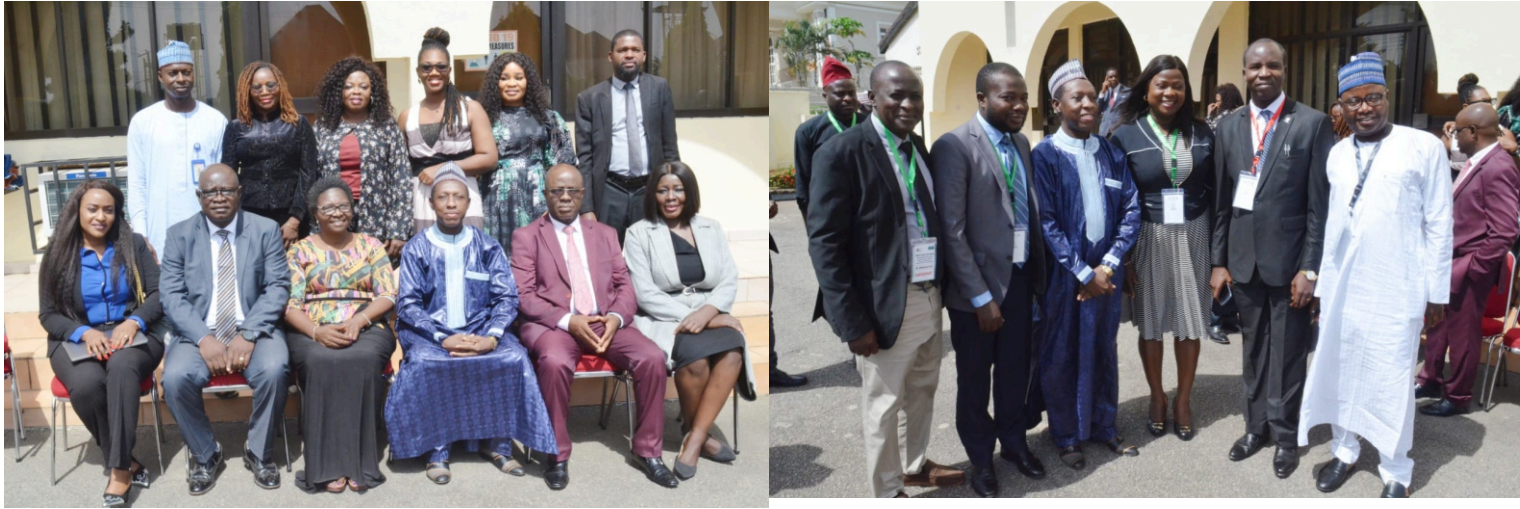
For NALT which I represent as its President and whose members are the direct beneficiaries of this training, we are deeply obliged and grateful to NIALS for its efforts in organizing this Workshop. NIALS has been highly supportive and promotional of NALT members, especially in terms of skills improvement, especially during the leadership of its current DG, Professor M T Ladan. DG Sir, I give you our word that NALT is ever ready to collaborate and synergize with you and any other institution to improve the skills of its members. Improved and result-based skill is what keeps us (lecturers) relevant and marketable in the society.

Once more, I thank the management and authorities of NIALS and MacArthur Foundation for the privilege to give this opening remarks. I wish the trainees good disposition, pleasant learning experiences and look forward to the positive Doppler effect of the training on our students when the trainees retire to their respective Universities.

Enjoy your training and stay in Abuja.
THANK YOU!

Professor Ezenwa Chinedu Ngwakwe
President, NALT
(Dean, Abia State University, Umuahia)

APPLICATION OF THE GUIDEBOOK ON INTEGRATING ACJA 2015



The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD on Wednesday, 2nd November, 2022 said the key objective of the Capacity Building Workshop for Law Teachers on the Application of the Guidebook on Integrating ACJA 2015 is to appraise them with the innovative provisions in Criminal Laws and procedures, as well as Law of Evidence Act.

The Director General made this known during a two (2) day Hybrid Capacity Building Workshop organized for Law Teachers on the Application of the Guidebook on Integrating ACJA 2015 in the Teaching of Relevant Law Courses in Nigeria.

Participants at the event also witnessed the unveiling of NIALS Books and publications that were produced through the support of Mac Arthur Foundation. The books are targeted at equipping law teachers in Nigeria with the provisions of the Administrative Criminal Justice (ACJA) Acts of 2015, and as adopted by some states of the federation.

The President of Nigerian Association of Law Teachers (NALT) and Dean, Abia State University, Umuahia, Professor Ezenwa Chinedu Ngwakwe speaking at the event reminded the participants that the ultimate design of the training was to turn them into a conduit of passing the knowledge down the line by training others, particularly students in their various Schools, hence they have a **duty** to deliver on the core mandate.

Dr Wole Shettima, Director Africa Mac Arthur Foundation and a Legal Expert tasked participants to ensure that they bring up the generation of lawyers who are vast in the Administration of Criminal Justice Acts to enhance the dispensation of Justice in the country.

Chief Adegboyega Awomolo SAN, member of NIALS Governing Council in an interview maintained that law is a dynamic program, and that it will continue to improve from time to time, hence, teachers of law are obliged to consistently improve their knowledge of law and procedures.

The event which held from Wednesday, 2nd November 2022 to Thursday, 3rd November 2022 at Rock View Hotel Classic, Abuja was organized by the Nigerian Institute of Advanced Legal Studies and their collaborating partners, McArthur Foundation.



NATIONAL DAY FOR THE INTERNALLY DISPLACED PERSON



The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD on Friday, 4th November, 2022 delivered a keynote address on the topic: *Sustainable Funding for Durable Solution in Nigeria* at the National Day for the Internally Displaced Person with the theme: ***The Journey So Far, Future of Durable Solutions***. The event took place at the Banquet Hall, Presidential Villa, Abuja.

The Director General opined that the justification for sustainable financing for durable solutions to displacement in Nigeria lies in five (5) basic factors: -

1. Forced displacement of population (as either Refugees or IDPS) for whatever cause(s), is both a humanitarian crisis and a sustainable development challenge because, it has significant developmental impacts affecting human and social capital, economic growth, poverty reduction efforts, and environmental sustainability.
2. Forced displacement has an important bearing on meeting the SDGs 1-10, since displaced populations tend to be the poorest and often experience particular difficult access to basic social services (health, education, water and sanitation).
3. Displacement itself might undermine or even reverse the development of nation, State or region and it always increases the risk of impoverishment and perceived marginalisation of already vulnerable groups in society.
4. A well designed development interventions with sustainable funding regime, can help to prevent displacement by stabilising fragile communities and offer employment opportunities which may improve food production, and the upgrading of health and education services has a lasting local impact, even after displaced persons/ IDPs have returned to their homes safely.
5. All the above raise one fundamental question in a search for durable solution to the

plight of displaced persons: - who are the identified actors responsible for mobilising sustainable financing for durable solutions to displacement in Nigeria?

Stakeholders at the event suggested an all society approach as a durable and sustainable method of addressing the challenges of IDP's.

The Federal Commissioner National Commission for Refugees, Migrants and IDP's, Imaan Sulaiman-Ibrahim reminded participants that the tripartite agreements between Nigeria, Cameroon and United Nation High Commission for Refugees (UNHCR) have reached an advanced stage.

Assistant Representative, Operations, United Nation High Commission for Refugees (UNHCR), Gilbert Mutai maintained that his office will continue to value the contribution of Humanitarian and development actors, as well as other stakeholders in achieving the GP20 objectives by the end of 2020.

The Honorable Minister of Humanitarian Affairs and Disaster Management, Sadiya Umar Farouq in her remark assured all Nigerians that the Federal Government is prepared to do everything possible to mitigate the impact of this National Disaster, while also providing succor to ensure that its citizens are able to bounce back and collectively rebuild their lives in the shortest possible time frame.

The Chief of Staff to the President of Nigeria, Professor Ibrahim Gambari who represented President Muhammadu Buhari opined that this year's event offers Nigerians the opportunity as a nation to publicly and symbolically demonstrate our solidarity.

Professor Ladan during the event was awarded with National Humanitarian Award by the Ministry of Humanitarian Affairs and the National Commission for Refugees, Migrants and IDP's for his outstanding contribution to humanitarian policy and legal development in Nigeria and ECOWAS.





**KEYNOTE ADDRESS ON SUSTAINABLE FINANCING FOR DURABLE SOLUTIONS TO DISPLACEMENT
IN NIGERIA**

**DELIVERED
BY**

**PROF. MUHAMMED TAWFIQ LADAN PhD,
HUBERT HUMPHREY FELLOW, USA AND DIRECTOR GENERAL OF THE NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES,**

AT

**THE COMMEMORATION OF THE NATIONAL DAY FOR IDPs- THE JOURNEY SO FAR, THE FUTURE
OF DURABLE SOLUTIONS.**

**HELD ON FRIDAY, 4TH NOVEMBER, 2022,
VENUE: -BANQUET HALL, ASO VILLA, ABUJA -10AM.**

ALL PROTOCOLS DULY OBSERVED.

Distinguished Chairperson, I would like to express my profound gratitude to the Honourable Federal Commissioner, NCFRMI, for inviting me to deliver this keynote address on a pertinent subject of "sustainable financing for durable solutions to Displacement in Nigeria".

It is common knowledge that national statutory budgetary allocation to any Ministry, Department and Agency (MDA) is never adequate, and this is compounded by the current global energy and food crisis, resulting into more and more displaced population being pushed to the level of impoverishment. E.g the 2022 Appropriation reveals that the NCFR got a total allocation of 12.3bn:-personnel-627mm, overhead 555mm and capital 11.1 bn. Hence, the justification for Sustainable financing for durable solutions to displacement in Nigeria lies in 5 basic factors: - First, forced displacement of population (as either Refugees or IDPs) for whatever cause(s), is both a humanitarian crisis and a sustainable development challenge because, it has significant developmental impacts affecting human and social capital, economic growth, poverty reduction efforts, and environmental sustainability.

Second, forced displacement has an important bearing on meeting the SDGs 1-10, since displaced populations tend to be the poorest and often experience particular difficult access to basic social services (health, education, water and sanitation).



Third, because displacement itself might undermine or even reverse the development of nation, State or region and it always increases the risk of impoverishment and perceived marginalisation of already vulnerable groups in society.

Fourth, on the other hand, a well designed development interventions with sustainable funding regime, can help to prevent displacement by Stabilising fragile communities and offer employment opportunities which may improve food production, and the upgrading of health and education services has a lasting local impact, even after Displaced persons / IDPs have returned to their homes safely.

Fifth, all the above raise one fundamental question in a search for durable solution to the plight of displaced persons: - who are the identified actors responsible for mobilising sustainable financing for durable solutions to displacement in Nigeria ?

Answer: - The primary responsibility both by treat and constitutional obligations lies on the government at all levels of governance because, in the case of IDPs, they have never Ceased to be citizens of Nigeria in which they were internally displaced. So by virtue of Section 14(2)(b) on primary purpose of government; sections 16 (2) (d) and 17 (3) on social security and protection for the vulnerable group; as well as the Kampala Convention on IDPs, place the primary obligation on the national government to respect, promote and protect the rights of IDPs in its economic, social, cultural and political contexts, and to assist them in all phases of displacement, including safe return, reintegration and reconstruction etc, that are essentially Capital intensive, which government alone cannot handle.

NB: - Next to government is the Development Actors and the private sector who need to supplement government's efforts in a search for durable solutions to the plight of displaced population and they can do the 4 Key interventions :-

1. Be guided by the Human rights and development approach for sustainable financing and development action or initiatives because this approach is a responsibility-based approach asking who is, and who should be responsible for what with respect to whom?
2. By strengthening national and local governance, action: - in terms of
 - a) Improving local capacities to address internal Displacement & Support Durable solution in a transparent & accountable manner.
 - b) Supporting local authorities in the design, planning and implementation of Community-based Projects to reintegrate IDPs.
3. Concerted efforts by development actors in supporting States to improving access to basic social services: - affecting the right of Displaced persons to healthcare, education, water & sanitation, both during and after displacement.
4. Re-establishment of livelihoods & food security through initiatives such as: -
 - a) temporary work programs with payment in cash or food, vocational training programs or shorter skills training programs to improve chance of entering labour market.
 - b) Improving access to and provision of productive assets such as markets, land, Livestock, tools & micro-credits without discrimination
5. Providing access to housing, land, property & temporary shelter: - Action / initiatives - aimed at protecting the land and property IDPs left behind or help them recover or replace their lost properties.

GOLD AND GEMSTONE CONFERENCE AND EXHIBITION

Women in Mining in Nigeria (WININ), Lagos Chapter held her Gold and Gemstone Conference/Exhibition on Friday, 4th and Saturday, 5th November, 2022 with the theme ***Unveiling Nigerian Gold and Gems to the World at Lagos State.***

A Senior Research Fellow of Nigerian Institute of Advanced Legal Studies, Laura Ani represented the Institute at the epoch event.



From Left to Right: WIMIN National President, Hon. Engr Janet Adeyemi FMMGS, FNSE, Sir Odien Ajumogobia SAN, Laura Ani, SRF NIALS (Panelist), Hon. Perm Sec Ministry of Energy and Mineral Resource, Lagos, Mrs Shola, Hon. Perm Sec Ministry of Mines and Steel Development, Dr. Oluwatoyin Akinlade, Jumoke Fajemirokun, Partner ENR Advisor (Panelist), Sina Sipasi, Partner AELEX Law (Panelist), Mrs Foluke Ademokun, Lagos state Coordinator, WIMIN

CLE COURSE



The Nigerian Institute of Advanced Legal Studies Continuing Legal Education (CLE) course on Advanced Course in Practice and Procedure commenced on Tuesday, 8th November, 2022 at National Judicial Council Meeting Hall, Supreme Court Complex, Abuja. More than twenty five (25) participants registered and participated during the training course.



2023 BUDGET DEFENCE

The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan PhD alongside his counterparts from Nigeria Law School, Professor Isa H. Chiroma and Nigerian Copyright Commission, John O. Asein PhD on Tuesday, 8th November, 2022 appeared before the Senate Committee of the National Assembly for the 2023 Budget Defence.



2022 ANNUAL SEMINAR OF THE HUBERT H. HUMPHREY FELLOWSHIP ALUMNI ASSOCIATION, NIGERIA

The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD on Thursday, 17th November, 2022 participated at the 2022 Annual Seminar of the Hubert H. Humphrey Fellowship Alumni Association, Nigeria.

The Director General in his presentation captioned ***Electoral Integrity and the Electoral Reform Act, 2022:- Laying the Foundation for a Credible 2023 General Election in Nigeria*** highlighted the following;

1. The Electoral Act 2022 ushered in about twenty innovative provisions (on pre-election, election, and post-election matters) that will aid in the conduct of free, fair and credible elections.
2. Election Security is the business of all political parties, candidates and their supporters, though primarily the duty of law enforcement / security agents to

protect the ballot boxes, INEC officials and voters against any form of intimidation, disruption or violence.

3. Electoral Integrity is the responsibility of all to promote and protect.

4. Even though the Electoral Act 2022 is a remarkable improvement on the repealed Electoral Act, 2010 (as amended), The right attitude at this stage, is to view it as a WORK IN PROGRESS tool aimed at Strengthening our Democratic Process.





ELECTORAL INTEGRITY AND THE ELECTORAL REFORM ACT, 2022:- LAYING THE FOUNDATION FOR A CREDIBLE 2023 GENERAL ELECTION IN NIGERIA

BY

**PROF. MUHAMMED TAWFIQ LADAN, PhD,
PROFESSOR OF LAW / HUBERT HUMPHREY FELLOW, USA (1999-2000);
DG / CEO, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES (NIALS),
MEMBER, WORLD JURIST ASSOCIATION, USA**

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BEING A DISCUSSION NOTE PRESENTATION MADE AT THE 2022 ANNUAL SEMINAR OF THE HUBERT H. HUMPHREY FELLOWSHIP ALUMNI ASSOCIATION, NIGERIA

DATE: - 17 NOVEMBER 2022

VENUE: BOLINGO HOTEL / HYBRID

TIME: 10 am

**ELECTORAL INTEGRITY AND THE ELECTORAL REFORM ACT, 2022:-
LAYING THE FOUNDATION FOR A CREDIBLE 2023 GENERAL ELECTION IN
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BY

**PROF. MUHAMMED TAWFIQ LADAN, PhD,
PROFESSOR OF LAW / HUBERT HUMPHREY FELLOW, USA
DG / CEO, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES (NIALS),**

INTRODUCTION

Nigeria has witnessed elections characterized by various forms of controversy, allegations of electoral fraud and malpractices, often resulting in electoral violence and violations of citizen's rights to vote and be voted for, and to participate freely and safely in democratic governance. Lack of accountability for electoral crimes perpetrated by indicted individuals, institutions, or security agents as well as election officials and political parties' agents, encourages impunity in the electoral process.

This growing culture of electoral impunity questions the INTEGRITY of the entire electoral process in Nigeria. It further questions the LEGITIMACY of huge resource investments in managing our electoral process, having been ranked recently as one of the most expensive in the world. LEGITIMACY questions routinely trail most political office holders. Their claims to political power have traditionally been settled Not by the people (Voters) but by the Courts of law and tribunals as the recognised NON-VIOLENT election dispute resolutions mechanisms.



It is against this background that Nigeria embarked upon various electoral reforms between 2010 and February 2022. The four key reasons why the episodic electoral changes (reforms) aimed at strengthening our democratic process are: -

- i. The imperative of curbing the growing culture of impunity.
- ii. The need to enhance transparency and accountability in our electoral process.
- iii. Promoting electoral integrity.
- iv. Enhancing access to electoral justice.

HHHFA: - Integrity, Transparency, Accountability and Justice

The Hubert H. Humphrey Fellowship Alumni Association, Nigeria Not only believes in, but promotes the following: -

- i. Integrity, Transparency and Accountability in Governance at all levels and in both public and private sectors of our economy;
- ii. Combating Corrupting and Abuse of Power - Sections 15(5) of the constitution;
- iii. Participation, of not only its members, but also all eligible Nigerians, in democratic governance and in decision-making processes affecting their lives as relevant, if not, equal stakeholders – Sections 14(2) (c) and (d) read together (on participation and sovereignty) of the Constitution.
- iv. The security and welfare of all people as the primary purpose of government – section 14 (2)(b) of the constitution.
- v. Non-Violent means of dispute settlement, using courts of law and other recognized Alternative Dispute Resolution (ADR) methods (such as Mediation and Arbitration).

The above sense of commitments on the part of a prestigious body like HHHFA with Professionally acclaimed members both in private and public sectors, tie into the rationale behind Nigeria's electoral reform initiatives since 2010, that brought about some episodic changes in our electoral process.

WHAT IS THE NATURE AND SCOPE OF NIGERIA'S ELECTORAL REFORM INITIATIVES, 2010 TO 2022: - WHO ARE THE TARGET GROUPS? ANY POSSIBLE LEGAL IMPLICATIONS, MOVING FORWARD? TAKE AWAYS.

The nature and scope of Electoral Reform initiatives in Nigeria can be seen from 3 stages affecting various target groups:- Pre-election, Election and Post-election stages.

Table 1 below depicts the key reform initiatives on Pre-Election matters and affected target groups.



The justification for key reform on Pre-Election matters lies in the fact that poor internal party democracy and accountability remain the critical challenges of improving the governance mechanism of political parties in Nigeria and making it a functional instrument for the development of Nigeria's nascent democracy. As it is today, it has failed to be issue-driven, ideologically focused as well as respectful to party constitutions and guidelines, particularly in the conduct of party primaries / ward congresses, and distribution of power among its ranks.

The foregoing has serious implications for national development in terms of prospect for evolving a systematic, efficient and purposeful leadership recruitment or selection process, capable of crystallising the ideals of good governance, while promoting the ideals of integrity, honesty, commitment to, and respect for the rule of law, to an effective reward system and a disciplined approach to the management of the common wealth.

According to the Supreme Court of Nigeria, a Pre-Election matter is “a cause of action which predates and does not constitute any complaint against the actual conduct of an election. That issues of nomination and sponsorship of party's candidates for an election precede the elections and are therefore Pre-Election matters”.

Table 1 below explains the recent electoral reforms initiatives on pre-election matters. **Table 1: - Key Electoral Reform Initiatives on Pre-Election Matters**

<p>1. Party primaries with timelines to submit list of candidates to INEC and Exception to the prohibition of substitution of candidates/Exclusion of political appointees from voting and being voted at primaries</p>	<p>2. Locus standing to challenge nomination of candidates and the legal implications</p>	<p>3. Exclusive Jurisdiction on pre-election disputes over conduct of party primaries</p>	<p>4. Limitation on Campaign Financing and Prohibitions during political broadcast and campaign by parties, as well as liability regime upon conviction ranging from fine, imprisonment and forfeiture under sections 89-97 EA 2022:-</p>
<ul style="list-style-type: none"> Section 29(1) Electoral Act, 2022, requires that political parties <u>must conduct primaries and submit their list</u> of candidates resulting from validly conducted primaries, at least <u>180 days</u> (6 months) before the general 	<ul style="list-style-type: none"> Sections 29(5) Electoral Act, 2022 <u>restricts locus standing</u> to institute pre-election cases to <u>Aspirants</u> within the 	<ul style="list-style-type: none"> The EA <u>2022</u> having <u>repealed the 2010 EA</u> also <u>delisted the earlier concurrent jurisdiction conferred on State, Federal and FCT High Courts, by</u> 	<ul style="list-style-type: none"> Section 85: - offences in relation to <u>finances</u> of a political party; Section 86: - Submission of party annual statement to INEC detailing assets, liabilities and <u>source of funding and sanctions for violations.</u>



<p>elections.</p> <ul style="list-style-type: none"> This is a welcome development as it gives INEC 6 months , as opposed to 60 days under the earlier law, to procure all election materials and services, demonstrate readiness and quality assurances to conduct elections. Section 33 of the 2022 EA disallows political parties to change or substitute candidates whose names have been submitted to INEC. Except in the case of death or withdrawal by the candidate or under Section 34 where it is meant to replace a deceased candidate who died during an election. Section 84(12)EA 2022: - disqualifies political appointees from voting or be voted for as delegates to the convention/congress of any political party for the purpose of the nomination of candidates for any election. <p>NB:- what is the rationale behind this provision?</p> <ul style="list-style-type: none"> Does it undermine the power of 	<p>same political party. Thus only a member of the political party who took part in the primaries that has locus to challenge the nomination of the candidate suspected to have submitted false information and/or document to the INEC.</p> <p>NB. The implication of sections 29(5) is that such an allegation against the candidate by an aspirant from the same party is considered an internal party wrangling and a member of another political party or public have no right to challenge such a candidate that submitted false information/documents to INEC</p> <p>NB. Another implication is that an aspirant who succeeded in</p>	<p>granting exclusive Jurisdiction to only the Federal High Court to hear and determine pre-election disputes arising from party primaries, for redress (Section 84(13-14)).</p> <p>NB. The implication of the above exclusive Jurisdiction is that Judges of the Federal High Court across the Federation that are already overwhelmed by case loads will probably be further overstretched by pre-election disputes.</p> <p>NB: - In about 3 weeks from the date of Assent of the EA 2022, the Federal High Court, Umuahia was asked to determine the constitutionality of section 84(12) on political appointees in the case of Nduka Edede v. AGF (Suit No. FHC/UM/CS/26/2022 , where the Judge on 18th March 2022, declared it unconstitutional, null and void for</p>	<ul style="list-style-type: none"> Section 87: - INEC's power to limit contribution to a party with sanctions of exceeding limit. Section 88:- Limitation of election expense by candidate for presidential, NASS, Governorship, State assemblies and LGAs, ranging from 5 billion to 50 million naira. Section 88(8): - prohibits individual or other entity donation to a candidate beyond 50 million naira with sanctions for exceeding limits. Section 89: - allows INEC to determine the cap for election expenses to be incurred by a political party. The violation of which attracts sanctions. Section 90: - on disclosure of sources of funding by party to INEC. Sections 91-97: - Prohibits certain conducts during rallies and campaigns such as the use of violence or thuggery, abusive, slanderous, religious or tribal campaign, broadcast 24 hours preceding or on polling day, disadvantageous media coverage, etc.
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<p>political parties to regulate themselves, conduct their own primaries and determine eligibility criteria for participation in primaries?</p> <ul style="list-style-type: none"> • Does it discriminate against political appointees of ruling parties? • Already declared unconstitutional by a Federal High Court. 	<p><u>proving that candidate submitted by their political party</u> who subsequently won the general election and declared by the Federal High Court to have perjured, <u>will not be returned as a winner but rather, a candidate of the opposition party that came 2nd</u> in the election will be returned as the winner. Hence such a <u>successful aspirant</u> against his party candidate <u>will have empty Judgement</u>, and he can best be described as a spoiler (section 29(6)).</p>	<p><u>disenfranchising, limiting and disqualifying</u> or ousting the constitutional right or <u>eligibility</u> of any <u>political appointee, political or public officer holder to vote or be voted for at any convention or congress of any political party for the purpose of nomination of candidates for elections.</u>)</p>	
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Table 2 : - Election And Post-Election Phases Reform Initiatives

<p>1</p>	<ul style="list-style-type: none"> • <u>Section 3 EA 2022</u> provides for <u>release of funds</u> for <u>General Elections to INEC</u> at least <u>ONE YEAR</u> before the election. • This clause aims at putting INEC on a <u>financially secure</u> and comfortable advantage to <u>procure</u> its goods and services <u>timeously</u> for a more efficient and effective election administration than the <u>logistics nightmare INEC faced in 2019 due</u> to late release of funds
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2	<ul style="list-style-type: none">• <u>Section 51(2)</u> EA 2022 is to the effect that the total number of <u>Accredited Voters</u> will be the <u>determining factor</u> in cases of <u>over-voting</u>, and the presiding officer shall cancel the result of the election in that polling unit.
3	<ul style="list-style-type: none">• <u>Section 47</u> gives <u>legal backing</u> to the <u>use of Smart Card Reader((SCR)</u> or any other <u>technological device</u> that <u>INEC</u> may deploy for <u>Accreditation of voters</u> and <u>voting on election day</u>. Where such a <u>device malfunctions</u>, INEC is empowered to <u>cancel</u> the <u>election</u> in that polling unit and <u>rescheduled</u> within 24 hours another election.
4	<ul style="list-style-type: none">• <u>Section 50</u> declares that <u>voting</u> at an election shall be <u>open secret ballot</u> and gives legal backing for INEC to possibly use <u>electronic means of transmission of results</u>.• Hopefully this should bolster <u>transparency</u> to the process, <u>make nonsense of ballot snatching</u> and <u>elicit voter confidence</u> to turn out enmasse on election day.
5	<ul style="list-style-type: none">• <u>Section 54</u> empowers INEC to make <u>necessary</u> arrangements for <u>Persons with Disabilities</u> and <u>special needs</u> to cast their voters on <u>election day</u>.• This clause is consistent with section 42 of the constitution that <u>prohibits discrimination on any ground of Disability</u>.
6	<ul style="list-style-type: none">• Sections 114 – 129 provide for <u>Stiffer Penalties</u>: - imprisonment or fines or both for various forms of <u>Electoral of fences / malpractices / fraud</u> that <u>political parties, candidates, supporters, INEC officials and law enforcement officials</u> do, and could commit.
7	<ul style="list-style-type: none">• <u>Post-Election reform initiatives</u> by the EA 2022 includes: - clearly set out post -election procedure, collation, declaration and posting of <u>results; determination of election petitions</u>, prosecution and trial of election petitions/cases.



8	<ul style="list-style-type: none">• More importantly is the <u>legal recognition of Election Tribunals / Appellate courts</u> as the <u>Necessary Non -violent means of election disputes resolution</u> (sections 130 - 145)• <u>Efforts</u> have been made by the <u>Judiciary to Fast -Track Election Disputes Settlement</u> in order to <u>avoid unnecessary delay</u> in the <u>dispensation of electoral Justice</u> , <u>through the Elections Tribunals and Appellate Courts Practices Directions.</u>
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TAKE-AWAYS

1. The Electoral Act 2022 ushered in about twenty innovative provisions (on pre-election, election, and post-election matters) that will aid in the conduct of free, fair and credible elections, ALL OTHER FACTORS HELD CONSTANT, BECAUSE IT IS NOT A PANACEA FOR ALL THE CHALLENGES THAT BESET THE ELECTORAL PROCESS IN NIGERIA.
2. Election Security is the business of all political parties, candidates and their supporters, though primarily the duty of law enforcement / security agents to protect the ballot boxes, INEC officials and voters against any form of intimidation, disruption or violence.
3. Electoral Integrity is the responsibility of all to promote and protect by e.g., ensuring that: -
 - Campaign financing and Media Regulations are complied with in order to address the Phenomena of Money Politics and Vote Buying / Selling, Voter Suppression and Spread of Hate Speeches / Fake News: - that seek to undermine electoral integrity and peaceful conduct of elections in Nigeria.
4. Even though the Electoral Act 2022 is a remarkable improvement on the repealed Electoral Act, 2010 (as amended), the right attitude at this stage, is to view it as a WORK IN PROGRESS tool aimed at Strengthening our Democratic Process.

DIGITAL MARKETING STRATEGY WORKSHOP

Mrs Macaulay Regina Ugonna, Deputy Institute Secretary (Marketing/Conference and Event Planning) of Nigerian Institute of Advanced Legal Studies participated at the Digital Marketing Strategy Workshop held from November, 12-18, 2022 at CMD South-West Zonal office Ibadan, Oyo state.





COMMON WEALTH EDUCATION ASSOCIATION

The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD on Friday, 18th November, 2022 participated in the webinar organized by the Common Wealth Education Association with the theme: *The Role of Law Schools in the Advancement of the Professional Legal Education in the Commonwealth: The West African Model.*

THE ROLE OF LAW SCHOOLS IN THE ADVANCEMENT OF PROFESSIONAL LEGAL EDUCATION IN THE COMMONWEALTH: THE WEST AFRICAN MODEL

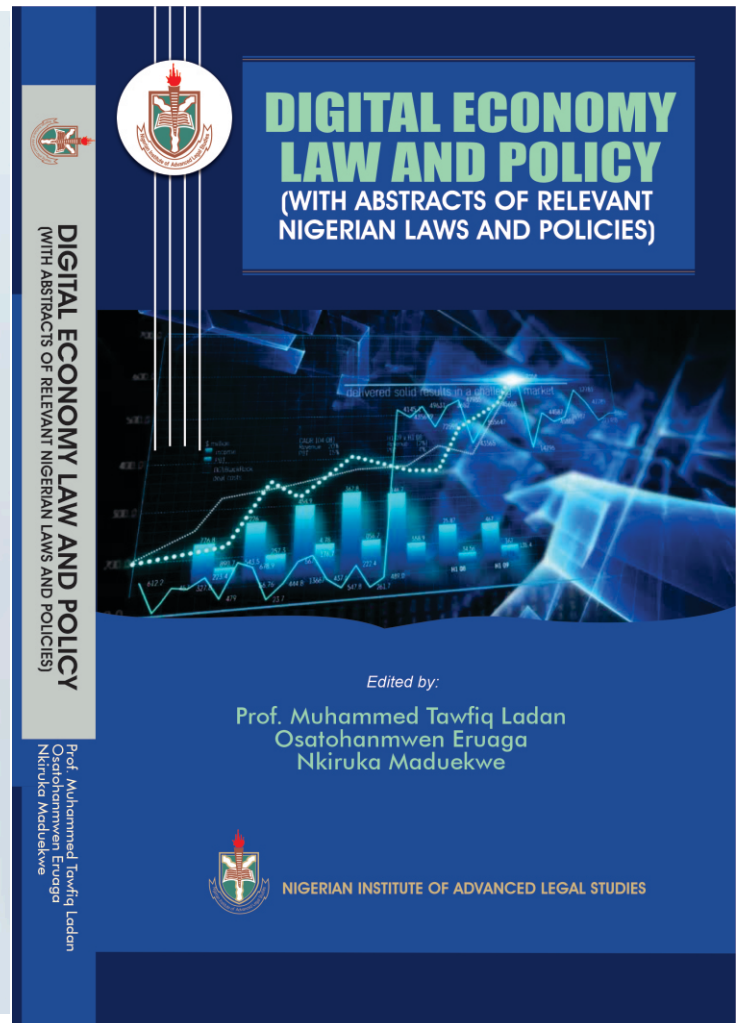
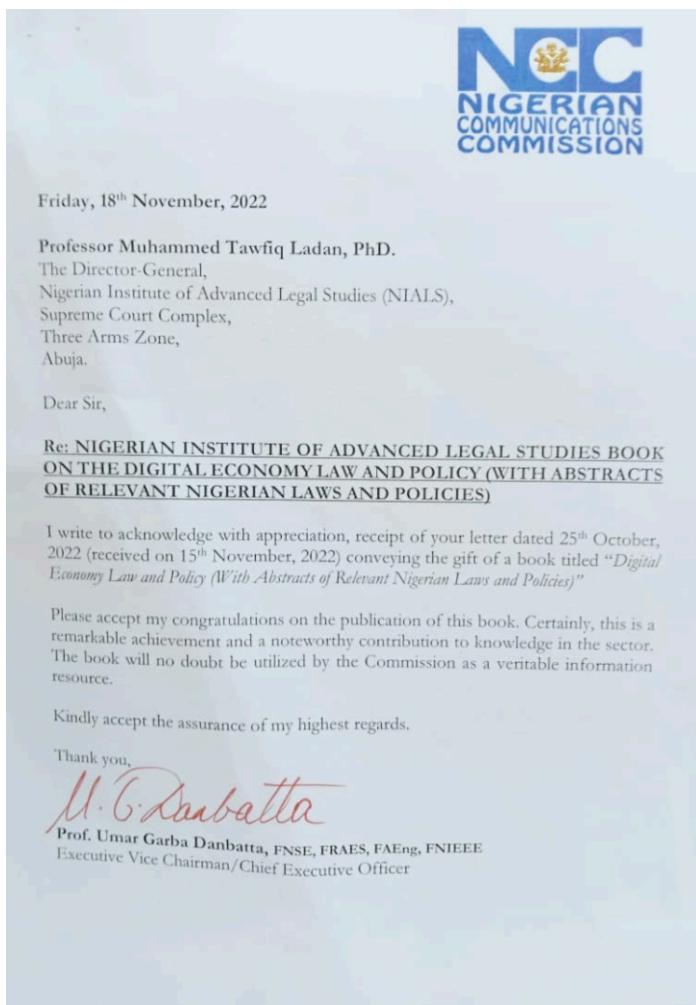
KEYNOTE SPEAKER	SPEAKER	SPEAKER	SPEAKER	HOST
 PROF. MUHAMMED TAWFIQ LADAN DIRECTOR-GENERAL, THE NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES	 PROF. DAVID MCQUOID-MASON PRESIDENT, CLEA	 PROF. SIVA KUMAR REGIONAL PRESIDENT, CLEA ASIA INDIA	 PROF. ISA HAYATU CHIROMA, SAN DIRECTOR-GENERAL, NIGERIA LAW SCHOOL	 PROF. AMARI C. OMAKA REGIONAL CHAIRPERSON, CLEA WEST-AFRICA
SPEAKER	SPEAKER	SPEAKER	SPEAKER	
 PROF. OLUYEMI BAMGBOSE, SAN DEPUTY VICE-CHANCELLOR, RESEARCH & INNOVATION, UNIVERSITY OF IBADAN	 VERALINE NCHOTU, PHD CLEA NATIONAL REP CAMEROON	 ADUBEA JENNIFER HALL CLEA NATIONAL REP GHANA	 SAINEY BAH CLEA NATIONAL REP THE GAMBIA	



DIGITAL ECONOMY LAW POLICY

Nigerian Communication Commission (NCC) on Friday, 18th November, 2022 acknowledged the receipt of a book titled **Digital Economy Law and Policy (with Abstracts of Relevant Nigerian Laws and Policies)** from Nigerian Institute of Advanced Legal Studies.

In a letter signed by the Executive Vice Chairman/Chief Executive Officer, Professor Umar Garba Danbatta, he congratulated the Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan, PhD on the publication of the book, and assured the Director General that the book will be utilized by the commission as a veritable information resource.



AFRICAN AND ROMANIAN PERSPECTIVES ON CONSOLIDATING THE EUROPEAN UNION (AFRICA UNION PARTNERSHIP)

The European Institute of Romania on November, 2022 announced the publication of a new collective Working paper entitled *African and Romanian Perspectives on consolidating the European Union-African Union Partnership*.

The paper gathers contributions from Sixteen (16) researchers, think tankers, consultants or public officials from Nigeria, Egypt, Ethiopia, Ghana, Kenya, Morocco, Rwanda, South Africa and Uganda.

Some publications collated from Nigerian Institute of Advanced Legal Studies are; **Opportunities and challenges to the implementation of the Joint Vision for 2030** by Muhammed Tawfiq Ladan, Emmanuel E. Okon, Osatohanmwun O.A Eruaga, Jane Ezirigwe and **The new EU-AU Digital Economy Partnership: Challenges and Way Forward for African Countries** authored by Muhammed Tawfiq Ladan, Emmanuel E. Okon, Osatohanmwun O.A Eruaga, Jane Ezirigwe.

The publication is complemented by an Eastern European perspective through four (4) contributions signed by leading Romanian experts researching Africa.



CLE COURSE

The Nigerian Institute of Advanced Legal Studies Continuing Legal Education (CLE) course on Government Legal Advisers/ Law Officers commenced on Tuesday, 22nd – 24th November, 2022 at National Judicial Council Meeting Hall, Supreme Court Complex, Abuja.





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