



**NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES**

NIALS

DIGEST

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Knowledge that makes the Difference.

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!**



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PERMANENT SITE PROJECT

The construction phase of the Nigerian Institute of Advanced Legal Studies Permanent Site project has commenced with the Phase 1 Administrative Block work in progress, 7th November, 2023.



THE FOUNDATION OF NIALS ADMINISTRATIVE BLOCK





NIALS ADMINISTRATIVE BLOCK WORK IN PROGRESS







CAREER PROGRESSION

Senior Research Fellows of Nigerian Institute of Advanced Legal Studies, Ms Izuoma Egeruoh and Ms Lilian Uche concluded their PhD defenses respectively on 9th November, 2023.



IZUOMA EGERUOH-ADINDU
SENIOR RESEARCH FELLOW,
NIGERIAN INSTITUTE OF ADVANCED
LEGAL STUDIES



MS. LILIAN UCHE
SENIOR RESEARCH FELLOW,
NIGERIAN INSTITUTE OF ADVANCED
LEGAL STUDIES

This brings to the total of Seven (7) additional PhD holders to Nigerian Institute of Advanced Legal Studies staff profile under the administration of Professor Muhammed Tawfiq Ladan PhD (2019-2023).

These are Dr. Anyebe Peter, Dr. Helen Okoro, Dr. Jane Ezirigwe O., Dr. Uzor Okparaku, Dr. Hussaini Ali alongside Ms Izuoma Egeruoh and Ms Lilian Uche.

**THE CLIMATE CRISIS COMMISSION OF
THE IUCN/WORLD NATURE CONSERVATION AND
SUSTAINABLE DEVELOPMENT ORGANIZATION
IN GLAND, SWITZERLAND,
HAS APPROVED THE 2 YEAR**

**POLICY AND LEGAL EXPERT MEMBERSHIP
OF PROFESSOR MUHAMMED TAWFIQ LADAN,
(DIRECTOR GENERAL NIALS)**



**NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES**

**THE CLIMATE CRISIS COMMISSION OF
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(DIRECTOR GENERAL NIALS)**

**WITH IMMEDIATE EFFECT 2023-2025. THE IUCN/ WORLD BODY HAS BOTH
UNITED NATIONS CONSULTATIVE AND OBSERVER STATUS ON SUCH
MATTERS, 16TH NOVEMBER, 2023 TO NOVEMBER 2025.**

Announcer: DG NIALS



COMMENTS

Study on Impact of Climate Change on Human and Peoples' Rights in Africa

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Introduction

This draft study effectively establishes the background, urgency, and objectives around examining climate change and human rights in the African context. As noted, Africa is disproportionately vulnerable to climate change impacts across water, food, health, infrastructure, and other sectors. These disruptions fundamentally threaten human rights and people's dignity and well-being. Centring this human dimension is critical. The structure logically progresses through summarising the latest climate science, documenting differentiated impacts, analysing rights implications, surfacing issues around response measures, clarifying state obligations, and defining the African Commission's role. The research underpinning each section is thorough and drawn from authoritative sources like IPCC reports. The framing bridges climate, human rights, development, and ethics perspectives in a novel yet accessible way. The thoughtful recommendations target relevant stakeholders and provide actionable guidance. Overall, this draft represents a significant contribution and provides a strong foundation. Some areas that could potentially be expanded and enriched are highlighted below to further strengthen the analysis.

Situating the Report within the ACHPR's Mandate

The introduction could be strengthened by clearly situating the study within the specific mandate of the African Commission on Human and Peoples' Rights (ACHPR) to interpret the African Charter on Human and Peoples' Rights. Reference to relevant ACHPR jurisprudence on environmental protection and sustainable development would help frame the analysis from a legal perspective.



Climate Change Overview

The concise summary of observed and projected climate changes across Africa's sub-regions accurately captures the scientific consensus. To further support and humanise this, specific examples, statistics, and case studies could be provided. The IPCC AR6 report has rich details on impacts across water, food, health, desertification, infrastructure etc., that could be drawn from. Recent extreme events like cyclones, locust invasions, heatwaves etc., could be cited to make the threats more visceral. Voices from affected communities would also help convey lived experiences.

Explicitly citing AR6 projections on temperature increases, sea level rise, changing precipitation patterns etc., would ensure the latest authoritative climate science is reflected. AR6 has higher confidence in attribution and future impacts compared to previous IPCC reports. Data on economic costs and development setbacks may also be relevant to include. Recent civil society reports with testimonies from the ground could be valuable references. Overall, providing more specifics, examples, and stories would further strengthen this section. The section could also be strengthened by providing specifics on observed and projected impacts across Africa's sub-regions. For instance, East Africa has already experienced more frequent droughts and floods, while West Africa faces severe coastal erosion and drying lakes. A historical timeline of key extreme weather events shows the Horn of Africa underwent major droughts in 2010-2011, 2014-2015, and 2017, causing famine and displacement. Such examples make the human impacts more visceral. Local communities and civil society have played an important role in adaptation and resilience, though require more support. Explicitly citing AR6 projections on temperature rise, sea level increase, and changing precipitation patterns ensures the latest climate science is reflected.

Vulnerable Groups

The focus on differential climate change impacts on vulnerable groups is apropos and rightly centres people. The brief overviews of heightened risks faced by women, children, indigenous peoples, displaced persons, the elderly, the disabled etc are reasonable. However, more evidence, nuance and perspectives from each group could enrich the analysis. Are certain occupations, income classes, ethnic groups, and geographies more vulnerable? Further nuance can be added through detailed case studies, quotes and examples that reveal the intersectional nature of vulnerability and amplify marginalised voices. For instance, what specific climate-exacerbated barriers do disabled women face in securing sexual and reproductive health rights? How are elderly indigenous persons in rural areas impacted by water scarcity? What coping mechanisms have nomadic youth adopted in response to a loss of grazing lands? Statistics on relative mortality, poverty reduction and development indicators for each group could reveal differentiated outcomes. Such details and human stories would further highlight the intersectional nature of vulnerability and underscore that climate risks amplify existing inequities. Statistics on relative mortality, poverty reduction and development indicators for each group could reveal differentiated outcomes. The draft study establishes a strong framing and rationale for examining vulnerability. Delving more deeply into the nuances would further strengthen this section.

Climate change is increasing migration pressures in Africa, with over 2.6 million displaced by disasters in 2018 alone. With worsening impacts, climate migration and refugees will likely emerge as a major concern on the



continent.

Rights Implications

The discussion of specific rights implicated by climate change is thoughtful and wellstructured. The draft study notes the indivisibility of rights and interlinkages across civil, political, economic, social, and cultural dimensions. The analysis of rights to food, water, health, housing, education, property etc., effectively integrates climate impacts with human rights frameworks and existing jurisprudence. The relevance of supplementary protocols dealing with women, children, indigenous groups etc., is also well-delineated. This section can be enriched by more systematically identifying rights differentiated risks across vulnerable groups flagged earlier. For instance, how exactly does loss of land, housing and property undermine women's empowerment? How are indigenous self-determination rights affected by changes in land use, tenure, and natural resources? What climate impacts constrain the realisation of youth rights to recreation, information, participation etc? The mental health toll of climate change, especially on youth, is profound but overlooked currently. Trauma from extreme weather, climate anxiety about the future, and loss of traditional lifestyles due to environmental degradation are taking a heavy psychosocial toll. Providing specific examples of rights infringements through case studies would reveal nuances and make the analysis more tangible. Actual or potential communications detailing harms to rights from climate impacts could be hypothesised and discussed. Highlighting substantive, procedural and distributive justice dimensions for each right would be worthwhile. Overall, the draft study establishes a robust foundation. Building on this base with details, illustrations, and textures would further strengthen the rights analysis.

Strategic Litigation Opportunities

Strategic litigation against government and corporate climate inaction is emerging worldwide as a powerful tool to demand climate justice. Climate change undermines the human rights of present and future generations across Africa. Mobilising law and rights through strategic cases could compel state and corporate accountability and drive equitable, ambitious climate action on the continent. Relevant insights from climate litigation developments include:

- Recent cases have successfully sued governments for insufficient climate policies and fossil fuel companies for abetting climate harm. Approaches include framing climate as a justice issue impacting livelihoods and invoking constitutional principles.
- African litigants could challenge the impacts of Chinese overseas emissions, employ youth networks and partner with international climate lawyers. Framing climate risks as violations of constitutional rights to life, dignity and environment is promising.
- Cases should centre gender and intergenerational equity, uplift marginalised voices, and demand climate-resilient development. The relief sought could encompass damages, adaptation financing, rights to climate education and fossil fuel moratoria.
- Counter-lawsuits against civic freedoms must be confronted. Activists should be defended by invoking rights to assembly, association, and expression. Vexatious corporate SLAPP suits should be exposed. Overall, strategic climate litigation can spur accountable, just and ambitious rights-



based climate action in Africa's unique context. The ACHPR and regional judicial bodies must creatively employ their mandates to secure climate justice on the continent.

Climate Response Measures

The discussion of unintended consequences of climate response actions is insightful -- both in terms of the measures examined (REDD+, carbon pricing, BECCS etc.) as well as the types of risks flagged across rights to housing, property, self-determination, displacement etc. However, more details on the scale and likelihood of unintended impacts would be useful to contextualise the issues. How prevalent are land grabs or evictions under REDD+ based on evidence? How likely is BECCS implementation in Africa in the near future? Similarly, more specifics on the human rights safeguards processes associated with each measure would enrich the analysis -- e.g. requirements around transparency, participation, and consent in REDD+ benefit-sharing schemes.

The section on climate finance is a notable inclusion and rightly highlights principles of transparency, accountability, participation etc. More details are needed, though, on how these principles and safeguards can be operationalised in practice. What oversight mechanisms are viable in the African context? How to meaningfully assess project impacts on vulnerable groups and rights? Examples of best practices and lessons learned from existing climate finance projects could inform implementation. Covering innovative insurance, social protection, and local resilience programs would also be relevant. Overall, the draft study provides an excellent framing of key measures and associated risks. More details on the scale of impacts and practical safeguards would further strengthen the assessment.

State Obligations

The discussion of state obligations comprehensively covers procedural, substantive, corrective, and distributive dimensions across the spectrum of respect, protect, and fulfil duties. The analysis is firmly grounded in climate change, human rights, and environmental jurisprudence. The clarification of obligations differentiated based on historical emissions and current capabilities is balanced. Important principles like non-discrimination, non-retrogression and progressive realisation are highlighted. Concrete examples of relevant legislative, policy, institutional and programmatic actions are provided. The discussion also rightly focuses on obligations around climate finance principles, just transition safeguards and access to remedies. This section could delve deeper into the political economy constraints and implementation challenges faced by African states in meeting climate and human rights commitments. While obligations are clear, what are the governance barriers in practice? How to build institutional capacity and deliver policy coherence? The role of international cooperation and multilateral support could also be expanded. Additionally, more details could be provided on recourse options and navigating issues around attribution and causation of harm in the absence of directly applicable climate human rights jurisprudence. Relying more on ACHPR precedents would sharpen and africanise the obligations outlined. But overall, this section very comprehensively covers the spectrum of state obligations within the purview of this study.

African Commission Role

The draft study effectively delineates promotional, protective, and collaborative pathways for the ACHPR to



forward the climate change and human rights agenda. The promotional entry points highlighted, like resolutions, state reporting, events, information dissemination etc., are pragmatic. Creative options like appointing a Special Rapporteur could also be mooted. The opportunities around norm development, standard setting and jurisdictions vis-a-vis communications are well-framed, recognising the complexities involved. Collaborating with organs like AMCEN, PAP, AU etc. that already integrate climate considerations is justified and would leverage synergies. This section could potentially also map out capacity development, knowledge management, technical assistance, and advocacy needs and opportunities to equip the Commission and partners to meaningfully operationalise the recommended functions. The study could also recommend generating more research on climate and human rights issues in the African context to expand the knowledge base. Highlighting and supporting promising developments and innovations in national legislation, policies, and civil society actions related to climate change would be valuable to underscore successes and models to scale up. But overall, the draft study incisively outlines promising avenues for the Commission's leadership.

Conclusion and Recommendations

The conclusion effectively encapsulates the key messages and findings relating to the disproportionate climate risks facing Africa and associated threats to human rights protections. It underscores the need for urgent and scaled-up actions by all stakeholders anchored in rights and justice. The recommendations could potentially be expanded by including more specific institutional and policy actions, creative communication, and education proposals, and dealing with controversial yet critical matters like phasing out fossil fuels, debt cancellation, climate reparations etc. Adapting the analysis into a draft ACHPR resolution could further amplify impact. But overall, the report thoroughly lays the groundwork and motivation for urgently addressing this existential threat confronting Africa. It represents a timely and valuable contribution to the discourse and policy processes on the continent and globally.



TREATY LAW AND STATE PRACTICE

History was made on 16th November, 2023 when Nigerian Institute of Advanced Legal Studies unveiled a set of Volumes 1-9 of the *Multilateral Treaties Legally Binding on Nigeria: -1960-2023 and their Tabular Analysis*, the first in 33 years. The Hybrid Seminar on “Treaty Law and State Practice in Nigeria State” held at Rockview Hotel Classic, Abuja.

The Director General of Nigerian Institute of Advanced Legal Studies, Professor. Muhammed Tawfiq Ladan PhD in his submission maintained that 95% of all the Multilateral Treaties in Nigeria having been ratified has not been domesticated, hence a dialogue between the Executive and the Legislative arm of government is required to prioritize the multilateral treaties binding on Nigeria, in the areas of Trade, Investment, Intellectual Property Rights, Human Rights.

The Attorney General of the Federation and Minister of Justice, Lateef Fagbemi, SAN who was represented by the Permanent Secretary and Solicitor General of the Federation, Mrs Beatrice Jedy Agba stated that every Treaty entered into in Nigeria under the Renewed Hope Agenda of President Bola Ahmed Tinubu shall be explored for the advancement of Nigeria.

Some of the dignitaries at the event include Chief Adegboyega Awomolo SAN, Ambassador Usman Sarki, Rear Admiral Jamila Sadiq Malafa, Barrister Rabiu Yusuf, Chairman House Committee on Treaties Protocols and Agreement among others.







NATIONAL PRACTICE ON DOMESTICATION OF TREATIES IN NIGERIA (1960-2023):

BY
PROF. MUHAMMED TAWFIQ LADAN

INTRODUCTION

Domestication of a treaty or international agreement is a process of incorporating or transforming the provisions of a (signed and ratified) treaty into the domestic law of a given country, thereby given it the needed force of law in the national legal system, including enforceability of its provisions by domestic courts.

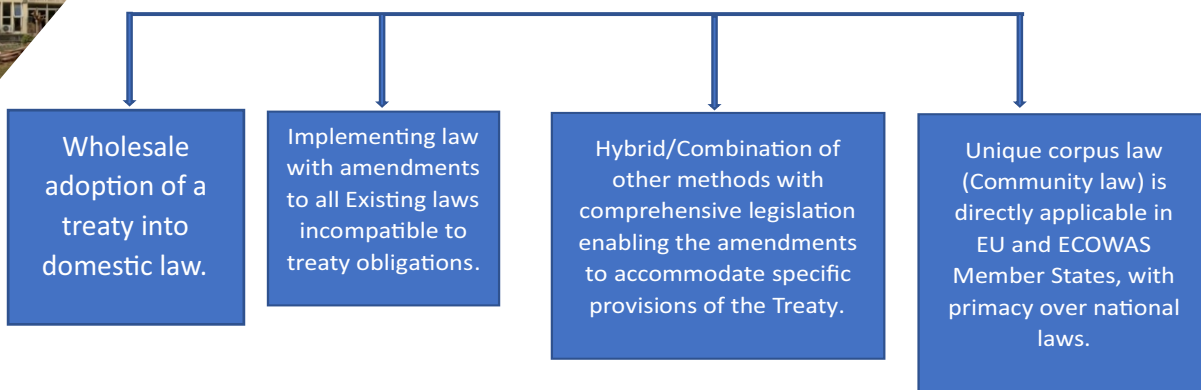
The domestication of treaties should be viewed against the background of the principle found in most legal systems that the status of international law or treaties in national legal systems is determined by national constitution/law and not by international law itself.

In Nigeria, the trend of case law suggest two things: - that an undomesticated treaty (though ratified) has no force of law whatsoever in Nigeria, by virtue of section 12(1) of the 1999 constitution, as amended; and that a domesticated treaty in accordance with section 12(1) of the constitution does not operate in Nigeria by the force of international law but by virtue of the statute enacted by the legislature (National Assembly) to implement it. (see the Supreme Court decisions in *Abacha v. Fawehinmi* (2000) FWLR (pt.4) 553 at 586, per Ogundare, Jsc; and in the case of *Attorney General of Federation v. AG of Abia State and Ors* (2002)FWLR(pt. 102) P.1 at 92-93).

However, the Constitution of the Federal Republic of Nigeria (Third Alteration) Act, 2010/ came into force in 2011, appears to have made ratified but undomesticated labour related treaties Justiciable in Nigeria without any legislative intervention by means of an implementing national legislation of such treaties (See section 6(2) and section 254(c) of the Act). Subsection (2) of the said section 254(c) introduced monist doctrine of automatic application of ratified treaties thereby excluding application of both Section 12(1) of the Constitution and the Judicial authority in the case of Abacha v. Fawehinmi as far as labour treaties are concerned in Nigeria.

It is worth noting that international trade agreements/treaties like the AfCFTA are, as a rule of international law, not Self-executing. State Parties to such treaties must ensure that the required domestic legal arrangements are in place in order to give effect to their obligations. They cannot invoke their national law or their own constitution to escape from their international obligations (See Article 27 of the Vienna Convention on the Law of Treaties). There are four (4) basic methods of national implementation of a treaty in international practice:-

Figure 1



1. The practice in the domestication of treaties in Nigeria: - 1960-2023

Domestication of treaties in Nigeria is primarily a constitutional requirement by virtue of section 12(1) of the 1999 constitution, as amended. It is also a statutory /legislative requirement by virtue of section 3(1)(a) and 3(2)(a) as well as 3(3) of the Treaties (Marking Procedure etc.) Act, Cap.T20, Laws of the Federation of Nigeria (LFN) 2004.

The Nigerian Constitution gives the federal government exclusive Jurisdiction over 68 items on the Exclusive Legislative List of the 2nd Schedule to the Constitution, including matters relating to Foreign Affairs (see item 26); implementation of treaties(item 31), Trade and Commerce between Nigeria and other countries (see item62); Customs and Excise Duties (see item 16); Trade representation, etc(see item 20); Export Duties(see item 25); Maritime and Shipping (item 36); Copyright (item 13); Patents, Trade Marks, Trade or Business Names, Industrial Designs and Merchandise Marks(item 43). In its description of Nigeria’s Foreign Policy Objectives, section 19(d) of the Constitution refers to “respect for international law and treaty obligations as well as the seeking of settlement of international disputes by negotiation, mediation, conciliation, arbitration and adjudication”.

The National Policy on Justice, 2017, adopted by the Federal Executive Council in November 2019, equally refers to Nigeria’s commitment to compliance with her Treaty obligations consistent with the constitutional responsibilities pointed out earlier(see NPJ thematic issue 17 @ pp. 67 to 68).

The Nigerian Constitution makes no specific treaty making procedure/power, but reserves to the Legislature/National Assembly the exclusive power to domesticate treaties relating to matters on the Exclusive Legislative List, including the power to make laws on matters **not** included in the Exclusive List for the purpose of implementing a treaty (Section 12(1) & (2)).

NB: - Constitutionally therefore, the Executive’s power to make treaties (negotiation, conclusion/ signing and ratification) is implied, having the responsibility of promoting Nigeria’s foreign policy objectives, initiating and concluding trade and commerce agreement on behalf of the Federation and people of Nigeria, as statutorily empowered by section 1(2) of the Treaties (Making Procedure , Etc.) Act.



Hence in practice, since independence, while the acts of Negotiation, Conclusion and Ratification of Treaties are undeniably a cluster of Executive functions, the primary and exclusive role of the Legislature / National Assembly lies in domestication of treaties (already ratified by the executive) in order to give it the force of law for domestic implementation. This is so because, NEITHER the Constitution NOR the Treaties (Making Procedure) Act ASSIGNS ANY ROLE to the National Assembly in respect of treaty-making in Nigeria. Cumulatively, the power to make and domesticate treaties in Nigeria is a prerogative of the Federal Government. This was the position of the Supreme Court of Nigeria, per Ogundare, Jsc, in the case of Attorney General of Federation v. AG of Abia and others, where the Court held that: -

“In the exercise of its sovereignty, Nigeria from time to time enters into treaties, both bilateral and multilateral. The conduct of external affairs is on the exclusive legislative list. The power to conduct such affairs is therefore, in the Government of the Federation to the exclusion of any other political component unit in the Federation.” ((2002) FWLR pt.102,1 at 92-93). Further, under Article 1(a) of the Vienna Law of Treaties, only central governments have the capacity to validly conclude treaties on behalf of sovereign states.


Table 1: - Methods Adopted by Nigeria in Practice.

1.	<p><u>Wholesale adoption:</u> - An implementing national legislation is enacted for wholesale adoption of a treaty into domestic law (and Annexed the treaty in question). E.g., the African Charter on Human and Peoples Rights, Cap. A9, LFN 2004; and the Geneva Conventions Act Cap.G3, LFN 2004(which gives effect to the fundamental provisions and obligations relating to universal Jurisdiction for war crimes and duty to punish individuals under the Four Geneva Conventions of 1949). NB:- In 2009, the Geneva Conventions and Additional Protocols (Consolidated) Bill was scheduled for consideration by NASS, for the purpose of Repeal of Cap. G3 and for the Domestic implementation of both the Four Geneva Conventions and their Two Additional Protocols of 1977. Officially gazetted as SB 315/C31693183, NASS; and was re-tabled in 2019/2020 as an Executive Bill for passage.</p>
2.	<p><u>Superseding for incompatibility/inconsistency with treaty obligations:</u> - An implementing legislation with <u>suspension</u> or <u>amendments</u> to all Existing national legislations that may be / are incompatible with State obligations under the treaty in question. E.g., the <u>Child Rights Act, No. 26 of 2003,</u> superseded the <u>Children and Young Persons Act of 1945 etc for inconsistency with Nigeria’s treaty obligations under both the UN Convention on the Rights of the Child and the AU Charter on the Rights and Welfare of the Child ratified by Nigeria (section 274).</u></p>



3. **A Hybrid approach/Combination of other methods:** - An implementing Comprehensive Legislations enabling the CONSEQUENTIAL AMENDMENTS to accommodate new or expansive provisions contained in the treaty; or for the specific provisions of the treaty to be incorporated in consequential amendments to existing domestic legislations.
E.g., the Suppression of Piracy and Other Maritime Offences Act, 2019, gives effect to the fundamental maritime security provisions under the UN Convention on the Law of the Sea (UNCLOS) 1982 and the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (SUA Convention) 1988 and its Protocols.
NB: - while section 21 of the Act provides for consequential amendment / repeal, Sections 2,6 and 9 refer to the two treaties explicitly on matters relating to application, Jurisdiction, Custody and detention.
4. **Domestication by Reference:** - is where the implementing legislation transforms a treaty (or treaties) into domestic law merely by reference to either specifically or generally of the treaty in the body, long and short titles, preamble or schedule of the implementing statute.
E.g., the Constitution of Nigeria(Third Alteration) Act, 2010 (Assented on 4 March 2011) is an incorporation of the National Industrial Court (NIC) Act into the Constitution, a re-establishment of the NIC as a superior court of records with exclusive Jurisdiction on labour and related matters provided in section 254(c) as embodied in Section 6 of the Third Alteration Act. Section 254(c) (2) of the Act , made reference to the application of all treaties, which Nigeria has ratified , relating to labour, employment, workplace, industrial relations or matters connected therewith, and conferred Jurisdiction on NIC to deal with such matters, notwithstanding anything to the contrary in this Constitution.
NB: - The above provision appears to have practically rendered inoperative the provisions of section 12(1) of the Constitution in this context. (See the Supreme Court of Nigeria’s decision in the case of NDIC v. Okem Ent. Ltd (2004)10 NWLR (pt.880) p.107 at 182.)
NB: - The Plant Variety Protection Act, 2021 refers to UPOV and incorporated the provisions of the 2001 Plant Variety Treaty ratified by Nigeria on 20 January 2021 relating to Plant Breeders and Farmers’ Rights.
5. **Domestication by a UNIQUE CORPUS LAW** (Community law) with direct application in Member States of the European Union (EU) and the Economic Community of West African States (ECOWAS), without recourse to the rigours and attendant delays of parliamentary ratification (in civil law jurisdictions)or domestication of such treaties (in dualist Jurisdictions like Nigeria).
NB: - In ECOWAS, under the new Community Legal regime, consistent with MONISM, all Supplementary Acts passed by the Authority of Heads of States, apply directly in Member States as Legally binding instruments.

While Figure 1 and Table 1 above reveal the methods of domestication of treaties in both international and Nigerian practices, tables 2-4 below show the applicable legal instruments on treaty making and domestication and selected domesticated treaties relating to trade, economic integration, human rights and humanitarian law, petroleum, taxation an maritime crimes, amongst others, in Nigeria.



The Case Law Analysis On Domestication By Reference In Nigeria : - Aero Contractors Co. of Nig Ltd v. NAAPE ⁰ors (2014) 42 NLLR(Pt.133) 664, NIC, PER Hon. Justice B. B. Kanyip.

Before addressing the merit of the issue before the Court, I need resolve an issue raised by the claimant as to the application of ILO Conventions and jurisprudence in this Court. The defendants, making submissions in that regard, had called on this Court to take cognisance of the relevant ILO Conventions 87 and 98 and their accompanying jurisprudence. In its reply on points of law, therefore, the claimant submitted that this Court cannot apply the said ILO Conventions and jurisprudence to this case. To the claimant, Nigeria may be a signatory to ILO Conventions, the law in Nigeria on the applicability of international treaties is that such treaties cannot have the force of law unless they have been enacted into law by the National Assembly, citing *Nnaji v. NFA* [2010] 11 NWLR (Pt. 1206) 438 at 454 H – A and *Abacha v. Fawehinmi* [2000] 6 NWLR (Pt. 660) 228 at 247.

I must first of all state that the causes of action in *Nnaji v. NFA* and *Abacha v. Fawehinmi* all arose before the coming into effect of the Third Alteration to the 1999 Constitution. So the cases do not cover the issues raised by the Third Alteration to the 1999 Constitution. It is section 12 of the 1999 Constitution, as amended, dealing with implementation of treaties that *Nnaji v. NFA* and *Abacha v. Fawehinmi* interpreted and applied. The said section 12 provides –

- (1) No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly.
- (2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty.
- (3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the Houses of Assembly in the Federation.



The thing with section 12 of the 1999 Constitution, as amended, is that a treaty as such shall not have the force of law in Nigeria unless such treaty has been enacted into law by the National Assembly and that law has been ratified by a majority of all Houses of Assembly in the country.

Now section 254C of the 1999 Constitution, as inserted by the Constitution (Third Alteration) Act 2010, deals with the jurisdiction of this Court. Its relevant provisions for present purposes are subsections (1)(f) and (h), and (2), which provide as follows –

- (1) Notwithstanding the provisions of sections 251, 257, 272 and anything contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the National Industrial Court shall have and exercise jurisdiction to the exclusion of any other court in civil causes and matters: –
 - (f) relating to or connected with unfair labour practice or international best practices in labour, employment and industrial relation matters;
 - (h) relating to, connected with or pertaining to the application or interpretation of international labour standards;
- (2) Notwithstanding anything to the contrary in this Constitution, the National Industrial Court shall have the jurisdiction and power to deal with any matter connected with or pertaining to the application of any international convention, treaty or protocol of which Nigeria has ratified to labour, employment, workplace, industrial relations or matters connected therewith.

There are two ways of approaching the issue at hand. The first is the question whether the Constitution (Third Alteration) Act 2010, which inserted section 254C(1)(f) and (h) and especially (2) is not the domestication demanded by 12 of the 1999 Constitution itself. I think it is. The Constitution (Third Alteration) Act 2010 amended the 1999 Constitution. Before it was passed and assented to by the President of the country, it was sent to all the “Houses of Assembly in the Federation” and was ratified by majority of the Houses of Assembly, hence the alteration of the 1999 Constitution itself. This effectively means that the requirements of section 12 of the 1999 Constitution were and have been met when section 254C(1)(f) and (h) and (2) was enacted as per the Constitution (Third Alteration) Act 2010.

Even if the first approach were not to be the case, the second approach at treating the issue is that both subsections (1) and (2) of section 254C of the 1999 Constitution, as amended, commence with the word “Notwithstanding”. In subsection (1) it is “Notwithstanding the provisions of sections 251, 257, 272 *and anything contained in this Constitution...*” and in



subsection (2), it is “Notwithstanding anything to the contrary in this Constitution...” Section 12 qualifies as both “anything contained in this Constitution” in subsection (1) and “anything to the contrary in this Constitution” of subsection (2). The use of the word ‘notwithstanding’ in any statutory instrument has been judicially considered by the Supreme Court. In *Peter Obi v. INEC & ors* [2007] 11 NWLR (Pt. 1046) 565 at 636 – 634 per Aderemi, JSC, the Supreme Court cited *NDIC v. Okem Ltd and anor* [2004] 10 NWLR (Pt. 880) 107 at 182/182 with approval where it held as follows –

When the term “notwithstanding” is used in a section of a statute it is meant to exclude an impinging or impending effect of any other provision of the statute or other subordinate legislation so that the said section may fulfill itself.

In like manner the use of the word ‘notwithstanding’ in section 254C(1)(f) and (h) and (2) of the 1999 Constitution, as amended, is meant to exclude the impending effect of section 12 or any other section of the 1999 Constitution. It follows that as used in section 254C(1)(f) and (h) and (2) of the 1999 Constitution, as amended, no provision of the Constitution shall be capable of undermining the said section 254C(1)(f) and (h) and (2); and I so find and hold.

So, whichever of the two approaches is adopted (or even if both approaches are adopted), I have no hesitation whatsoever in finding and holding that this Court has the jurisdiction and power to apply “any international convention, treaty or protocol of which Nigeria has ratified”; and ILO Conventions 87 and 98 and the ILO jurisprudence that goes with them can be so applied in view of their ratification by Nigeria. A look at the website of the ILO available at http://www.ilo.org/dyn/normlex/en/f?p=1000:11200:0::NO:11200:P11200_COUNTRY_ID:103259 will show that Nigeria on 17th October 1960 ratified both the Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87) and the Right to Organise and Collective Bargaining Convention, 1949 (No. 98); and both Conventions are in force in terms of Nigeria’s membership of the ILO. The argument of the claimant in the instant case that this Court cannot apply the said ILO Conventions and the jurisprudence that goes with them is consequently untenable and so is hereby rejected and hence discountenanced.



Table 2: -Legal Instruments on Treaties Making Procedure and Domestication in Nigeria

S/N	Title of Instrument	Purpose / Objectives	Scope/ Content/structure
1	Constitution of the Federal Republic of Nigeria 1999, as amended.	The Constitution is for the purpose of promoting the good government and welfare of all persons in our country, on the principles of freedom, equality and justice, and for the purpose of consolidating the unity of the Nigerian people. Accordingly, section 1(1) of the Constitution provides that the Constitution is supreme and its provisions shall have binding force on the authorities and persons throughout the Federal Republic of Nigeria. Section 1(3) further provides that if any other law is inconsistent with the provisions of this Constitution, this Constitution shall prevail, and that other law shall, to the extent of the inconsistency, be void.	Section 12 of the Constitution provides for the Implementation of treaties as follows- (1) No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly. (2) The National Assembly may make laws for the Federation or any part thereof with respect to matters not included in the Exclusive Legislative List for the purpose of implementing a treaty. (3) A bill for an Act of the National Assembly passed pursuant to the provisions of subsection (2) of this section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the House of Assembly in the Federation.



2	Treaties (Making Procedure, Etc.) Act Cap T20 Laws of the Federation of Nigeria 2004.	The Act provides, among other things, for treaty-making procedure and the designation of the Federal Ministry of Justice as the depository of all treaties entered into between the Federation and any other country.	The Act consists of 7 sections, providing for the following – <ul style="list-style-type: none">• Section 1 - Treaty making procedure• Section 2 - Making of treaties• Section 3 - Classification of treaties• Section 4 - Designation of the depository of treaties• Section 5 - Register of treaties• Section 6 - Responsibility to give information to Federal Government Printer• Section 7 provides for the short title of the Act.
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Table 3:- Selected Domesticated Treaties In Nigeria

1. Treaty to Establish the African Union (Ratification and Enforcement) Act, 2003.
2. The International Convention for the Safety of life at sea No. 9 (Ratification and Enforcement) Act, 2004.
3. United Nations Convention against Transitional Organised Crime (ratification and Enforcement) Act, 2005.
4. Treaty to Establish African Economic Community Relating to the Pan African Parliament (Accession and Jurisdiction) Act, 2005 as amended in 2016
5. Treaty on Mutual Legal Assistance in Criminal Matters between the Government of the Federal Republic of South Africa (Ratification and Enforcement) Act, 2005.
6. Extradition Treaty between the Government of the Federal Republic of Nigeria and the Government of the Federal Republic of South Africa (Ratification and Enforcement) Act, 2005.
7. Treaty between the Federal Republic of Nigeria and the Democratic Republic of Sao Tome and Principe on the Joint Development of Petroleum and Other Resources in areas of the Exclusive Economic Zone of the two States (Ratification and Enforcement) Act, 2005.
8. United Nations Convention on Carriage of Goods by Sea (Ratification and Enforcement) Act, 2005.
9. Treaty to Establish Rotterdam Convention on the Prior informed Consent Procedure for certain Hazardous chemicals and Pesticides in International Trade (Ratification and Enforcement) Act, 2005.
10. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 as amended (Ratification and Enforcement) Act, 2006.
11. International Convention on Civil Liability for Oil Pollution Damage, (Ratification and Enforcement) Act, 2006.
12. International Convention for the Prevention of Pollution from Ships, 1973 and 1978 Protocol (Ratification and Enforcement) Act, 2007.
13. Transfer of Convicted offenders (Enactment and Enforcement) (Amendment) Act, 2013.
14. Prohibition Of Double Taxation Between The Federal Republic Of Nigeria And The Republic Of South Korea (Domestication And Enforcement) Act, 2017
15. Agreement on the Avoidance of Double Taxation between Federal Republic of Nigeria and the Kingdom of Sweden (Domestication and Enforcement) Act, 2017.
16. Avoidance of Double Taxation Agreement between the Federal Republic of Nigeria and the Kingdom of Spain (Domestication and Enforcement) Act 2018.
17. African Charter on Human and Peoples' Rights (Ratification of Enforcement) Act, Cap. A, LFN 2004.
18. Geneva Corrections Act, Cap.G3, LFN 2004.
19. Child Rights Act, No.26, 2003.
20. Plant Variety Protection Act, 2021.



2. The Why of Domestic Implementation of Treaties?

- Usually, the obligation to perform a treaty is intrinsic to its ratification / accession by the state and therefore is not expressly stipulated. The Vienna convention on the law of treaties simply states that a treaty must be performed in good faith by the states which are parties to it. Indeed, a state in good faith does want that the treaty to which it has become a party, is given full effect.
- It is the normal duty of the states which are parties to a treaty to take every necessary step to ensure that provisions of the letter are given full effect.
- Out of a total of **23** International Humanitarian Law/ International Criminal Law Treaties, Nigeria had **Signed** all, **Ratified 20** out of 23, **Domesticated 2** with 6 Domestication Bills pending before NASS. (See ICRC.org/databases/treaties - Accessed on 1st March 2023).
- Out of a total of **14** UN Human Rights Treaties, Nigeria had **Ratified /Acceded to 12** and **Domesticated 7** by hybrid, reference and superseding methods (Acts: - E.g., the CRA, 2003; The Torture Act, 2017, NAPTIP Act, 2015; VAPP Act, 2015 and Persons with Disabilities Act, 2018).
- Out of a total of **178** International Labour Organization (ILO) Conventions (Fundamental, Governance and Technical), Nigeria had **Ratified 44**, of which 26 are in force in Nigeria by virtue of Domestication by reference made under the Constitution, Third Alternation Act, 2010/2011.
- Out of total of **23** Multilateral Environmental Treaties, Nigeria had **Ratified 20** with only **two domesticated** (UNCLOS, 1982 by SUPOMO Act, 2019) and (Plant Variety Treaty – ITPGRFA, 2001, by the Plant Variety Protection, Act, 2021).
- Out of a total of **17** UNESCO Treaties, Nigeria had **Ratified all the 17** with **zero domestication**.
- Out of a total of **61** African Union Treaties relating to Governance, Trade, Economic integration, Human Rights, Health, Education etc., Nigeria had **Ratified 26** of them with only **4 domesticated**.
- Nigeria had Ratified /Acceded to **10** (ten) Intellectual Property Treaties between 1963 and 2017 (source: - WIPO IP Portal – accessed 15 June, 2021).
- In addition to the Foundation ECOWAS Treaties of 1975, Revised in 1993 and Amended in 2006 by the Supplementary Protocol amending the Revised Treaty of 1993, fifteen (15) Supplementary Acts passed by the Authority of Heads of State are directly applicable in all Member States by virtue of the Monist Corpus Law/Community Law. (See ECOWAS Documentation online for the Supplementary Acts passed between 2008 and 2014).
- Nigeria inherited from the UK at independence about 334 treaties. (See Nigeria’s treaties in Force 1970-1990 (1990) 22).



3. THE HOW OF DOMESTIC IMPLEMENTATION?

Methods of Domestic Implementation of a Treaty

There are 4 basic methods in international practice: -

- An Implementing Legislation for WHOLESale ADOPTING of a treaty into domestic law (and Annexed the treaty in question). E.g. The Geneva Conventions Act and the African Charter on Human and Peoples' Rights.
- An Implementing Legislation with AMMENDMENTS to all EXISTING national legislations that may be/are incompatible with state obligations under the treaty in question. E.g., French-civil law jurisdiction approach.
- A HYBRID/combination of other method Approach: - with COMPREHENSIVE Legislation enabling the CONSEQUENTIAL AMENDMENTS to accommodate new/expansive provisions/elements in the treaty; or for the specific provisions of the treaty to be incorporated in consequential amendments to existing domestic legislations. E.g., the Canadian Act on the Rome Statute of ICC Cap. 24 of 29th June, 2000.
- See the Preamble to the Canadian Act.
- Unique corpus law (Community law) with direct applicable in Member States of the EU and ECOWAS, without recourse to the rigours of parliamentary ratification or domestication of such treaties. In ECOWAS, they are known as a Supplementary Acts, that the Authority of Heads of States passes.



Table 4: Establishment, mandate, composition and the Secretariat of the NATCOM on IHL.

Name and Address of Committee	Year established / Legal Basis / Operation	Composition	Mandate
<p>National Committee for the Implementation of IHL Treaties in Nigeria. C/O Federal Ministry of Justice, Department of International and Comparative Law, Abuja. Email: Nnanna O. Ibom and danjuma999@yahoo.com 08033378838 and 08033070208</p> <ul style="list-style-type: none"> Chaired by the Permanent Secretary / Solicitor General. Deputy Chair / Technical Expert on IHL: - Prof. M. T. Ladan. Email: - mtaldan@gmail.com 	<p>Established: - 23 July 2010 Legal Basis/Operation: - Decision of the Attorney General of the Federation/ Minister of Justice/ Terms of Reference: 23 July 2010.</p>	<p>Representatives: - Ministries of Justice, Foreign Affairs, Defence, Education, Women & Children, interior, health, finance, culture & tourism, office of the Secretary to the Federal Govt., National Human Rights Commission, National Commission for Refugees, the Academia, the Nigerian Red Cross Society and the Defence Headquarters.</p>	<ul style="list-style-type: none"> To advice and assist the government in implementing and disseminating IHL. To evaluate existing national laws in the light of the IHL treaty obligations; To make recommendations for further implementation of IHL; To propose implementing legislations of IHL treaties. To monitor new developments in IHL.

FREQUENCY OF MEETINGS / CHALLENGE

1. The Committee is expected to meet thrice per year or more whenever the need arises.
2. But due to poor budgetary allocation to the NATCOM IHL Secretariat over the years, meetings have been irregular and at best once annually with support from the ICRC Delegation to Nigeria and ECOWAS.



Table 5: Below indicates relevant Treaties on International Humanitarian Law and International Criminal Law that Nigeria has either signed or has signed and ratified: as at OCTOBER 2023

S/No.	TITLE OF INSTRUMENTS	SIGNATURE	RATIFICATION	STATUS
1	Protocol for the Prohibition of the Use of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare. Geneva, 17 June 1925		15.10.1968	For domestication
2	Geneva Conventions of 12 August 1949		20.06.1961	Domesticated in 1960
	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977		10.10.1988	For domestication
	Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 8 June 1977		10.10.1988	For domestication
3	Convention for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954		15.06.1961	For domestication
	Protocol for the Protection of Cultural Property in the Event of Armed Conflict. The Hague, 14 May 1954		15.06.1961	For domestication
	Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict the Hague, 26 March 1999	17.05.1999	21.10.2005	For domestication
4	Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction. Opened for Signature at London, Moscow and Washington. 10 April 1972	10.07.1972	09.07.1973	For domestication



5	Convention of the OAU for the Elimination of Mercenarism in Africa. Libreville, 3rd July 1977	10.02.1978	14.05.1986	For domestication
6	Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction, Paris 13 January 1993	13.01.1993	20.05.1999	For domestication
7	Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, 18 September 1997		27.09.2001	For domestication
8	Rome Statute of the International Criminal Court, 17 July 1998	01.06.2000	27.09.2001	For domestication
9	Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May be Deemed to be Excessively Injurious or to Have Indiscriminate Effects. Geneva, 10 October 1980	26.01.1982		For ratification
10	International Convention against the Recruitment, Use, Financing and Training of Mercenaries, 4 December 1989	04.04.1990		For ratification
11	ECOWAS Convention on Small Arms and Light Weapons, Their Ammunitions and Other related Materials	14.6.2006	27.10.2008	For domestication
12	2000 Optional Protocol to the Convention on the Rights of the Child on the involvement of Children in Armed Conflict	08.09.2000	25.09.2012	For domestication
13	2008 Convention on Cluster Munitions	12.06.2009	28.2.2023	For domestication
14	AU Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala IDP Convention)	23.10.2009	17.04.2012	For domestication

15	Treaty on the Prohibition of Nuclear Weapons, 2017	20.09.2017	6.8.2020	For domestication
16	Arms Trade Treaty, 2013	-	12.08.2013	For domestication
17	Convention on the Prevention and Punishment of Genocide, 1948	-	27.07.2009	For domestication
18	Convention on the Non-Applicability of statutory Limitations to War Crimes and Crimes Against Humanity, 1968	-	01.12.1970	For domestication

Table 6: List of Domesticated IHL Treaties/National Implementing Legislations/Draft Domestication and other Bills on IHL/ICT in Nigeria: - 1960 – 2023

S/NO	TITLE OF INSTRUMENT	STATUS
1.	Geneva Conventions Act Cap. G.3 Vol. 7. LFN 2004	Domesticated Treaty: - Commencement date: 30/9/60
2.	Armed Forced Act Cap. A. 20 Vol.1 LFN 2004	Implementing legislation relating to universal jurisdiction and state duty to punish for IHL violations. Commencement date 6 th July 1994 (Initially Armed Forces Decree 105 of 1993 as amended in 1994)
3.	Nigerian Red Cross Society Act Cap. N.130 Vol. 12 LFN 2004	Commencement date 1/1/1961
4.	Geneva Conventions and Additional Protocols Bill, 2009/2019	Initial Draft Bill the National Assembly: - For the Repeal of Cap. G.3 LFN 2004 and for the domestic implementation of both the conventions and the Additional Protocols. Officially gazetted as SB315 / C3169 – 3183 National Assembly, Abuja. Being represented as an Executive Bill, 2019.
5.	Chemical Weapons Convention (Prohibition) Bill, 2016. An Executive Bill presented to NASS. Being of monitored by the National Authority on chemical and Biological weapons convention, SGF's Office	Implementing legislation: - Officially gazetted 7 th June, 2016, Vol.13, No.31 NASS Journal, Abuja. Yet to be passed into law by the NASS/scaled through 2 nd Reading as at 18 Oct. 2018.
6.	Rome Statute of the ICC (Ratification and Enforcement) Bill 2016.	Implementing legislation: - Officially gazetted 17 th June, 2016, Vol. 13 No. 31. Passed by the Senate: 19 th May 2005.



	Represented the Revised Bill for an Act to provide for the prevention and punishment of certain international crimes and offences and to give effect to the Rome Statute of the ICC, 1998 and connected matters, 2016.	As an Executive Bill presented by the Attorney General of the Federation and Minister of Justice.
7.	National Commission on Small Arms and Light Weapons Bill, 2018.	Draft implementing legislation officially gazetted in NASS Journal Vol. 15, No. 05, 24 Jan. 2018.
8	Terrorism (Prevention and Prohibition) Act, No.15 , May 2022	The Act provides for, among other things, the prevention, prohibition, prosecution and punishment of financing of the proliferation of weapons of mass destruction in Nigeria and related matters.
9	National Commission for refugees, migrants and IPDs Act, No.1, 2022	The Act provides for the institutional mechanism for the protection of, and assistance to IDPs as required by the AU Convention on IDPs ratified by Nigeria.
10	The AU Convention on the Protection and Assistance to IDPs in Africa (Domestication and Enforcement Bills, 2023, No. HB.2107)	This Domestication Bill of the Kampala Convention on IDPs in Nigeria was passed by the House of Representatives in May 2023 but could not be harmonized with that of Senate before the expiration of the 9th NASS. NB: - Having elapsed, requires a re-submission by the Executive to the 10th NASS for consideration.

SECTION B: Implementation of the ECOWAS IHL Plan of Action (2019-2023)

i. Implementation of Thematics in ECOWAS IHL Plan of Action 2019-2023

Using the boxes corresponding to each thematic area, please set out the implementation activities undertaken since last reply to the questionnaire or the current status of implementation related to the thematic in your country. Be sure to include challenges faced and lessons learned/best practices as these will facilitate the dialogue and exchange of ideas. (The Plan of Action serves as a guide for activities, and how to measure success, But alternative activities and success indicators related to the thematic areas should also be included)

Table 7:

Thematic	Implementation Activities / Current Status	Success indicators	Sources of verification	Responsible institution	Challenges	Lessons Learned / Best Practices
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Migrants and Displaced Persons	<ul style="list-style-type: none"> National Policy on IDPs 2021 approved and publicly presented. National Commission for Refugees, Migrants and IDPs, Act no.1 2022 entered into force establishing an institutional mechanism for Migrants and IDPs in Nigeria. The AU Convention IDPs Domestication and Enforcement Bill, 2023 passed by House of Representatives only 	<ul style="list-style-type: none"> Passage by the Legislature and assented by the President. 	Official gazette Federal Government Printers.	National Commission for Refugees, Migrants and IDPs	The Domestication Bill, 2023 could not be jointly passed by both Senate and House due to time lapse of the 9 th NASS.	Effective mobilisation of relevant stakeholders for advocacy is a strategic tool that led to the success story.
Children	<ul style="list-style-type: none"> 35 out of 36 states of Nigeria had adopted / passed Child Rights Laws 	Adoption of the Federal Child Rights Act, 2003 by states	Official gazettes.	Federal state / Ministries of Women Affairs	Capacity gaps to implement	Buy-in of state Ministries and CSOS
Sexual violence	<ul style="list-style-type: none"> 35 out of 36 states of Nigeria had adopted / passed Violence Against Persons Laws 	Adoption of the Federal Violence Against Persons Act, 2003 by states	Official gazettes.	National Anti-Human Trafficking Agency	Poor funding regime	Effective collaboration among relevant stakeholders is key
Protection of health care and the red cross	<ul style="list-style-type: none"> National Health Act, 2014 National Health Policy, 2016 	State Governments implementing guidelines on health care protection.	Official gazettes.	Ministries of Health at Federal and State levels	Lack of resources to implement at state and local levels.	Resources mobilisation from donor / development partners as complementary
Thematic	<ul style="list-style-type: none"> Implementation Activities / current Status 	Success indicators	Sources of verification	Responsible institution	Challenges	Lessons learned / Best Practices.
Civilian population	<ul style="list-style-type: none"> The National Defence Policy; The National Security Policy; and The 2015 Nigerian Military-Civil Cooperation Manual 	Implementation plans of action in progress	Ministry of Defence and Defence HQs.	Ministry of Defence and Office of The National Security Adviser	Inadequate resources for implementation	Effective collaboration as key success factors.

Integration of IHL in other thematic areas

- Has your country taken any national measures in order to integrate IHL in other thematic areas? (for instance, missing persons) if so, please clarify which area(s) and provide details of measures for the integration.

YES,

➤ Integration of IHL

What measures has your country taken to integrate IHL: If any applicable, please elaborate.



- Mainstreaming of International humanitarian law into training, programs of military and security forces.

YES. For about twenty five IHL has been mainstreamed in the training programmes of the military and security forces at the Command and Staff College, Jaji, Kaduna; the Nigerian War/Defence College, Abuja; and since 2011 at the Nigerian Military Police College, Zaria. This is in addition to the annual seminar series by the Directorate of Army Legal Services, Abuja and the Military 1 Mechanized Division Hq, Kaduna for Military Commanders.

- IHL and IHRL in the rules of engagement of military and security forces in both situations of Internal Security or peacekeeping situations.

YES. There is the National Cyber Security Policy Strategy 2021; the 2006 National Defence Policy; There is the Code of Conduct for Nigerian Military launched in February 2010. There is also the revised 2016 National Counter-terrorism Strategy and the 2014 National Security Policy and Strategy adopted by the National Council of States/Federal Government in February 2015. There is also the 2009 and revised 2015 Nigerian Military-Civil Cooperation Manual.

- Ensuring that Judges, Parliamentarians and Legal practitioners have the capacity to deal with issues of International Humanitarian Law?

YES. For legal advisers and officers in the Federal Ministries of Justice, Defence and National Legislative Assembly, the ICRC, Abuja, has been organizing an annual workshop on techniques in the domestic implementation of IHL treaties in Nigeria (Six sessions held between 2010-2018).

- Other measures? Please specify
 - **The teaching, research and publications on IHL by the academia in the Law Faculties of Nigerian Universities since 1998 to date.**
 - **The annual national IHL workshop for law teachers in Nigerian Universities being organized by the ICRC since 1997 to date.**
 - **The annual law students' national moot court competition on IHL in Nigeria being organized by the ICRC in collaboration with Nigerian Law Faculties since 2010.**

4. STRATEGIES FOR DEVELOPING A NATIONAL IMPLEMENTING LEGISLATION DOMESTICATING THE AFCFTA IN NIGERIA.

The following strategic actions are worth considering in pursuit of the above: -



I. Establish a technical expert working group to develop a workplan for developing a domestic implementing legislation of the AfCFTA in Nigeria. inclusive of the workplan are the following points: -

- Provide rationale behind/Justification for domestication and implementation;
- Propose desk review of relevant national legislations in order to identify gaps, remove legal obstacles for trade and identify legislations needing amendment;

II. Invest in a consultative process

The development of a national instrument on AfCFTA is a process worth investing in for the following reasons: -

- It is an opportunity for the government to demonstrate its approach to fulfilling its primary role in addressing trade matters and NAC-AfCFTA and to further build its capacity.
- It brings together all relevant actors involved in addressing trade matters in the affected country. It triggers relevant discussions among all participants in the process and provides advocacy opportunities.
- It helps to resolve misunderstandings and to reach agreement on key notions, definitions and concepts.
- It is an excellent opportunity to involve the private sectors and CSOS.
- It is an important learning exercise for everyone involved.

The consultative process to develop a national instrument is as important as the outcome, because it will shape its content and prospects for its successful implementation.

III. Define the nature and scope of the envisaged national implementing legislation: -

The first decision to reach is whether the stakeholders involved would prefer to adopt any of the 4 models in international practice or to reflect on other Nigerian national practices by reference and by special adoption of ECOWAS Monist model or to look for best practices elsewhere.

IV. Which method for AFCFTA and its protocols??

- **5 options** are available from Nigerian National Practice on domestication of Treaties in Nigeria, 1960 – 2023.
- Due to its complexity and vast areas of coverage, the preferred option is first, to Domesticate the fundamental principles and State obligations and establish a national coordinating body for the implementation of AfCFTA. Hence may adopt the Reference or Hybrid method or take a cue from the Geneva Conventions Act, Cap. G3, LFN 2004 approach.



5. Need for Monitoring and Evaluation Framework of implementation of the Policy and the Domestication Bill

Monitoring and evaluating implementation serves two primary purposes:

- I. **Measuring progress:** It is important to measure the progress made in implementation of the instrument and assess its impact on economy. Progress assessments are also important for donors if they are to continue to support the implementation activities.
- II. **Promptly identifying obstacles and gaps:** Obstacles and gaps in the implementation process can be problematic and costly if they are not quickly identified and addressed.

An implementation action plan can help to measure progress and identify obstacles and gaps. In order to maximise its potential, any such plan should clearly identify a body with monitoring expertise and experience, establish monitoring periods and require the national institutional focal point to convene regular or ad hoc meetings to take stock of the implementation process.

III. The six W's of an implementation action plan

- Who undertakes what activity, where and when, using which funding and under whose leadership?
- **Who?** This question identifies those responsible for implementing particular aspects of the national instrument.
- **What?** This question identifies the specific activities to be undertaken in line with the chosen thematic priorities.
- **Where?** This question identifies the geographical area(s) where priority activities are to take place.
- **When?** This question determines the specific timeframes for the various parts of the implementation process.
- **Which funding?** This question prompts leaders to identify sources of funding for specific activities.
- **Whose leadership?** Drawing on the structures established by the national instrument, this question ensures that responsibility for specific activities is clear.

IV. Keeping the process on the national agenda

Given the complexity of the consultative development of a national instrument on AfCFTA, national and other entities may have to make substantial efforts to keep the process on the national agenda. The periods between validation and adoption, and then between adoption and implementation, are particularly important in this sense.

The following measures may help to sustain momentum for the development and implementation of the instrument:

- Ensuring the government body entrusted with leading the process is equipped with the necessary capacities and decision-making powers to maintain the pace of the process;



- Advocacy by other national, regional and international entities with their relevant governmental counterparts and, if applicable, with parliament for swift adoption and implementation. A national champion may be identified to pursue the process;
- Expressions of commitment and support for implementation from other national, regional and international entities during the process;
- The making and honouring of financial commitments for implementation;
- Ensuring that national, regional and international entities' planning and programming is in line with the instrument, even if not yet adopted, giving effect to expressed commitments.

CONCLUSION

It is evident from the above that domestication of treaties in Nigeria is a constitutional function, supported by case law. The analysis reveals also that between 1960 and April 2023, Nigeria has triggered four out of 5 different methods of domestication of treaties on different subjects. Due to the complexity of AfCFTA and its Protocols, all the four options are open for possible consideration or a combination of domestication by Reference and Hybrid may be plausible.



NIALS ADVANCE COURSE ON PRACTICE AND PROCEDURE

The NIALS Advanced Course in Practice and Procedure offers contemporary understanding of legal practice and procedure with a view to advancing participant's ability to apply legal knowledge and skills to modern law practice. The course is structured to provide the required Continuing Legal Education to Private Legal Practitioners, Judges, State Counsel, Corporate Lawyers, Academics, Legal Advisers and Law Officers in Government Ministries, Departments and Agencies. The faculty experts selected for this course are sure to provide in-depth practical knowledge while utilising complex practice exercises and scenarios.

The training was held at the National Judicial Council (NJC) Conference Room, Abuja. It featured very interesting and trending topics from seasoned Resource Persons.





CNFA PROPERTY TRANSFER

Cultivating New Frontiers in Agriculture (CNFA) and Nigerian Institute of Advanced Legal Studies (NIALS) on 16th November, 2023 agreed to property agreement.

CNFA is an International Agricultural Development Organization that specializes in the design and implementation of sustainable, enterprise-based agricultural initiatives. They work with business, foundations, governments, and communities to build customized local and global partnerships that meets the world's growing demand for food.





Cultivating New Frontiers in Agriculture

Director Emeritus

John R. Block
John H. Costello

Chair

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Board of Directors

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Gail E. Mitchell
Thad W. Simons
Devry Boughner Vorwerk

President & CEO

Sylvain Roy

Property Transfer Agreement and Act of Acceptance

CNFA and Nigeria Institute of Advance Legislative Studies (NAILS) (the "Parties"), represented by the undersigned, agree to a transfer between them of property described herein (collectively, the "Property") and agree to certain undertakings in connection with the transfer of the Property, as provided below:

CNFA, the title and custody holder(s), agrees to transfer all right, title, and interest in the Property, and physical possession of the Property to Nigeria Institute of Advance Legislative Studies (NAILS), National Assembly Complex, 3Arms zone CBD Abuja.

Nigeria Institute of Advance Legislative Studies (NAILS) agrees to accept such transfer of the Property, as detailed in the Property List.

The total acquisition cost of the Property was \$6,866.78. The current market value of the Property is \$5,660.60, as detailed in the Property List.

Nigeria Institute of Advance Legislative Studies (NAILS) agrees to use the Property to further the aims and goals of its organization and to maintain the Property in good condition.

Property transferred to Nigeria Institute of Advance Legislative Studies (NAILS) is transferred "as is." CNFA makes no representations or warranties, express or implied, as to the condition of the Property. CNFA and its Client have no obligation or responsibility of any kind for the Property from and after the date of transfer.

Property List:

Inventory Tag	Item Name	Model/Type	Serial Number	Quantity	Customs Declaration (if imported)	Acquisition Cost (USD)	Current Value (USD)
CNFA/AIA/ABJ/001	Cash Box	N/A	N/A	1	N/A	\$27.93	\$27.93
CNFA/AIA/ABJ/006	EXTENSIONS - Electrical	N/A	N/A	1	N/A	\$10.06	\$10.06
CNFA/AIA/ABJ/007	EXTENSIONS - Electrical	N/A	N/A	1	N/A	\$10.06	\$10.06
CNFA/AIA/ABJ/012	HP LASER JET PRINTER	HP	VNF3N120550	1	N/A	\$377.09	\$377.09

Address
1828 L Street, NW, Suite 710



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CNFA/AIA/ABJ/022	CYLINDER - FIRE EXTINGUISHER	N/A	TP25	1	N/A	\$139.66	\$139.66
CNFA/AIA/ABJ/051	PERFORATOR (GIANT)	N/A	HDP2160	1	N/A	\$25.14	\$25.14
CNFA/AIA/ABJ/052	STAPLER (GIANT)	N/A	HD-23517	1	N/A	\$11.17	\$11.17
CNFA/AIA/ABJ/053	PERFORATOR (SMALL)	N/A	HD-23517	1	N/A	\$25.14	\$25.14
CNFA/AIA/ABJ/054	PERFORATOR (SMALL)	N/A	DP-720	1	N/A	\$11.17	\$11.17
CNFA/AIA/ABJ/055	PERFORATOR (SMALL)	N/A	DP-720	1	N/A	\$11.17	\$11.17
CNFA/AIA/ABJ/084	OFFICE DESK	N/A	N/A	1	N/A	\$189.94	\$189.94
CNFA/AIA/ABJ/092	OFFICE DESK	N/A	N/A	1	N/A	\$189.94	\$189.94
CNFA/AIA/ABJ/093	OFFICE DESK	N/A	N/A	1	N/A	\$189.94	\$189.94
CNFA/AIA/ABJ/094	OFFICE DESK	N/A	N/A	1	N/A	\$189.94	\$189.94
CNFA/AIA/ABJ/095	OFFICE DESK	N/A	N/A	1	N/A	\$189.94	\$189.94
CNFA/AIA/ABJ/104	WORKSTATION A	N/A	N/A	1	N/A	\$516.76	\$142.15
CNFA/AIA/ABJ/105	WORKSTATION B	N/A	N/A	1	N/A	\$516.76	\$142.15
CNFA/AIA/ABJ/106	WALL MOUNTED BOARD	N/A	N/A	1	N/A	\$61.45	\$61.45
CNFA/AIA/ABJ/114	Printer Cabinet	N/A	N/A	1	N/A	\$40.5	\$40.5
CNFA/AIA/ABJ/115	Printer Cabinet	N/A	N/A	1	N/A	\$40.5	\$40.5
CNFA/AIA/ABJ/116	Reception Visitor's Chair	N/A	N/A	1	N/A	\$335.2	\$335.2
CNFA/AIA/ABJ/120	CONFERENCE TABLE CHAIR	N/A	N/A	1	N/A	\$111.73	\$111.73
CNFA/AIA/ABJ/128	CONFERENCE TABLE CHAIR	N/A	N/A	1	N/A	\$111.73	\$111.73
CNFA/AIA/ABJ/132	EXECUTIVE L-SHAPED TABLE	N/A	N/A	1	N/A	\$335.2	\$335.2
CNFA/AIA/ABJ/133	EXECUTIVE L-SHAPED TABLE	N/A	N/A	1	N/A	\$335.2	\$335.2
CNFA/AIA/ABJ/134	SMALL MEETING TABLE	N/A	N/A	1	N/A	\$50.28	\$50.28
CNFA/AIA/ABJ/225	VISITOR'S CHAIR	N/A	N/A	1	N/A	\$106.15	\$106.15

Washington, DC 20036

www.cnfa.org nonprofit,
tax-exempt 501(c)(3)

corporation



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CNFA/AIA/ABJ/235	Thuraya XT-Pro Dual Satellite phone	N/A	35873307-106525-8/526-6	1	N/A	\$1753.95	\$1488.77
CNFA/AIA/A BJ/237	NAL Nano shout with touchscreen	N/A	J18UGS	1	N/A	\$819	\$562.97
CNFA/AIA/ABJ/238	9mobile Model M028AT Alternative Internet	9mobile	M028AT200927004500	1	N/A	\$69.83	\$69.83
CNFA/AIA/ABJ/239	FLIP CHART BOARD			2		\$64.25	\$128.50
					TOTAL	\$6,866.78	\$5,660.60

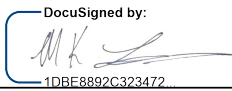
Contact
Tel:

DocuSign Envelope ID: 5A6E6EFF-C3A0-4837-877B-9A3C9803CC13

Transfer Acceptance:

The undersigned, authorized representatives of the Parties, acting on the basis of a Power of Attorney, confirm that, under our observation, CNFA transferred, and Nigeria Institute of Advance Legislative Studies (NAILS) received the Property as stated in the Property List.

Representative of CNFA – Transferor:

PR 
 1DBF8892C323472


 Signature

Olumide Ojo
 Printed Name

Chief of Party
 Title
 11/16/2023

 Date

Representative of Nigeria Institute of Advance Legislative Studies (NAILS) – Transferee:


 628EF568D120485...

 Signature

Prof Taofik Lidan
 Printed Name

Director General
 Title
 11/14/2023

 Date

Issued by:

Name: _____
 Title: _____
 Signature: _____
 Date: _____

Collected by:

Name: _____
 Title: _____
 Signature: _____
 Date: _____



WORKSHOP ON INTERNATIONAL HUMANITARIAN LAW

International Committee of the Red Cross in collaboration with the Nigerian Institute of Advanced Legal Studies held her Annual Thematic Workshop on International Humanitarian Law in Abuja from 22nd – 23rd November, 2023.





GOVERNMENT LEGAL ADVISERS WORKSHOP

The Course was designed to, among others provide participants with valuable skills to navigate the issues and challenges encountered as Legal Advisers/ Law Officers in a way that would maximize their clients economic benefit while ensuring compliance with regulations. It will get participants acquainted with arbitration as an alternative dispute resolution technique; provide participants with knowledge on regulatory compliance and the enforcement of policies; and arm participants with the knowledge on the role of government legal adviser / law officers in government international relations. The course will also provide participants with knowledge on best practice in data protection, digitization of files, cyber security for operational efficiency at work; and the knowledge for developing policy documents, storing and disseminating electronic information in the digital space.

The training was held from 21st – 23rd November, 2023 at the Auxiliary Building Committee Room of National Judicial Council, Abuja and featured very interesting and trending topics from seasoned Resource Persons.





SPECIALIZED TRAINING FOR LEGAL OFFICERS

Nigerian Institute of Advanced Legal Studies and National Agency for Great Green Wall held its Specialized Training for Legal Officers from Monday 20th –Friday, 24th November, 2023.

The training was held at the Conference Room of Federal Judicial Service Commission (FJSC), beside Supreme Court Complex, Abuja.





NIALS COMMISERATE WITH DG



The Management and Staff of Nigerian Institute of Advanced Legal Studies commiserate with our Director General, Professor Muhammed Tawfiq Ladan PhD over the demise of his mother, Hajia Maryam Yusuf Ladan and his Elder sister who both passed on at the ages of 99 and 78 years respectively.

We are saddened by the news of their demise. We extend our heartfelt sympathy to our Director General and the bereaved family.

They have since been buried according to

Islamic rites on separate days at Kano State.

As the words of Oscar Wilde goes *where there is sorrow, there is holy ground*. Sir, we entreat you to morn their loss with fortitude and thanksgiving to Allah for affording you their lifetime companionship and kinship, as we converge our thoughts in the firm conviction that the Almighty God will repose their souls in His Bosom, for all time.

Please accept our deepest Condolences.



TOWARDS AN EFFECTIVE OPERATIONALIZATION OF THE TRADE MARK LAW IN NIGERIA

The Nigerian Institute of Advanced Legal Studies and Trade Mark Registry of the Federal Ministry of Industry, Trade and Investment on Thursday 30th November, 2023 held a Hybrid Webinar with the theme *Towards an Effective Operationalization of the Trade Mark Law in Nigeria: Development, Challenges and Prospects*.

The Webinar was designed to increase the awareness of Trademark system in Nigeria generally and to push for the reform of the Nigeria Trademark Legal Framework, particularly the Trademark Act, 1965 which has never been amended or reviewed since its inception; and to provide insight on measures that will help the Trademark system to be more efficient through effective service delivery of the Trademark Registry (FMITI) in line with global best practices through interventions by relevant stakeholders and participants.

NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES & TRADEMARK REGISTRY OF THE FEDERAL MINISTRY OF INDUSTRY, TRADE AND INVESTMENT

PRESENTS

HYBRID WEBINAR

TOWARDS AN EFFECTIVE OPERATIONALISATION OF THE TRADEMARK LAW IN NIGERIA: DEVELOPMENT, CHALLENGES AND PROSPECTS

Moderator:
Prof. Adebambo Adegwopo, SAN

Lead Speaker:
Prof. Bankole Sodipo, SAN

Speakers:
Prof. Kasim Waziri
Dr. Helen Chuma-Okoro
Mr. Obinna Anthony Uzomah

Webinar Coordinators:
Prof. Ibe Ifeakandu ... 08160043069
Lanre Ajetunmobi ... 08055795371

HOSTS

30TH NOV, 2023 VENUE: **zoom** TIME: 11.00AM

OVERVIEW

The webinar is designed to increase awareness of the Trademark system in Nigeria generally, and to push for the reform of the Nigeria Trademark legal framework, particularly the Trademarks Act, 1965, which has never been amended or reviewed since its inception; and to provide insights on measures that will help the Trademark system more effective through efficient service delivery of the Trademarks Registry (FMITI) in line with global best practices through interventions by relevant stakeholders and participants.





COURTESY VISIT

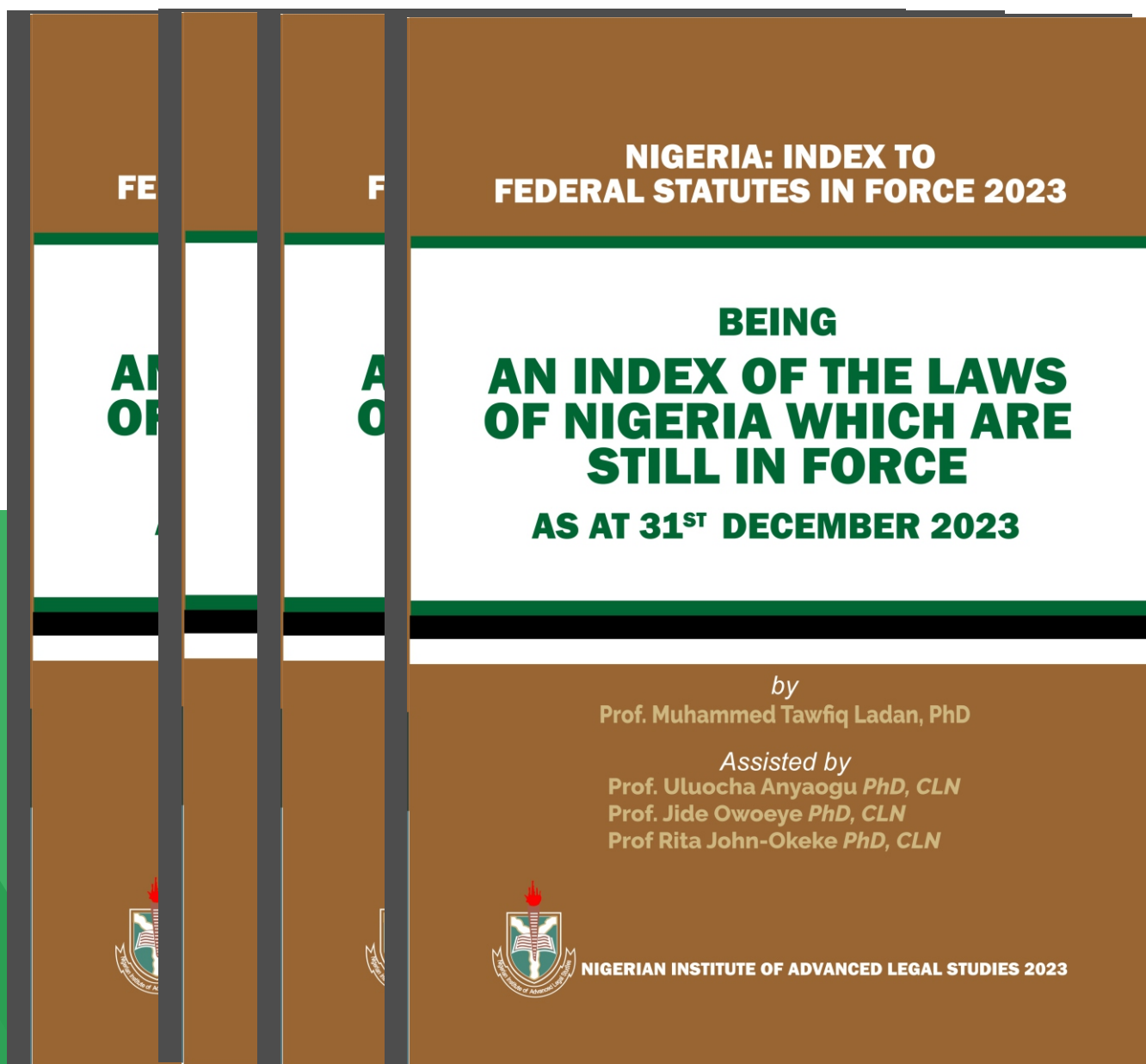
The Director General, NIALS received a courtesy visit by Brigadier General S. I. Musa, Director of Army Legal Directorate, Nigerian Army this courtesy visit was to provide capacity building on all NIALS courses / Specialised Courses on International Criminal Law and Justice. The visit was held at the Director General's Office Supreme Court Complex Abuja on Thursday 30th November, 2023.





NIGERIA: INDEX TO FEDERAL STATUTES IN FORCE 2023

The Director General of Nigeria Institute of Advanced Legal Studies, Professor Muhammad Tawfiq Ladan PhD on Thursday 30th November, 2023 unveiled the most Current Index of the Laws of the Federation of Nigeria, 2023. This latest publication is the first in 20 years: 2004 - 2023.





COMPENDIUM ON ACJLS ANALYSES VOL 4

The Director General of Nigeria Institute of Advanced Legal Studies, Professor Muhammad Tawfiq Ladan PhD on Thursday 30th November, 2023 unveiled the VOL. 4 of Compendium on ACJLS Analyses.





ABUJA OFFICE:

Supreme Court of Nigeria Complex,
Three Arms Zone,
PMB 385, Garki, Abuja.
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info@nials.edu.ng
Contact: 08100363602

LAGOS OFFICE

University of Lagos Complex,
PMB 12820, Akoka Lagos State.