



# **NIALS**

## **DIGEST**

**March, 2024**



**NIGERIAN INSTITUTE OF  
ADVANCED LEGAL STUDIES**



# NIALS Digest

**Prof. M.T. Ladan, PhD**

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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!





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## VALIDATION SESSION OF THE PROSECUTION AND LEGAL AID PROVIDERS



The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Wednesday, 6th March, 2024 participated at the event organized by the Federal Ministry of Justice in collaboration with the United Nations Children's Fund (UNICEF) with the theme *Validation Session of the Prosecution and Legal Aid Providers Guidelines for Children in Contact with the*

*Law, Child Witnesses and Victims.*

Present at the event were the UNICEF Chief Child Protection Officer, Ibrahim Sesay, Senator Mohammed Monguno, Chairman Senate Committee on Judiciary, Human Rights and Legal Matters, Ibrahim Babadoko, the Director of Public Prosecution of the Federation, Police Commissioner Legal, Director Mrs Leaticia Ayoola Daniel of the Federal Ministry of Justice, Abuja.

The event took place at Bolton White Hotel, Abuja.









## PUTTING A WOMAN'S FACE TO THE AfCFTA



The African Women Network on African Continental Free Trade Area (AWNA), Nigerian Chapter was inaugurated on Thursday, 7<sup>th</sup> March 2024 with the theme *Putting a Woman's Face to the AfCFTA*.

The event which took place at the Reitz Continental Hotel, Abuja in partnership with Friedrich –Ebert-Stiftung was attended by the Director General, Nigerian Institute of Advanced Legal Studies,

Professor Muhammed Tawfiq Ladan, PhD. Other attendees include; Professor Jonathan Aremu, Hauwa Mustapha, National Coordinator of African Women Network on AfCFTA-Nigeria, Professor David Luke from the London School of Economics, United Kingdom, International Labour Organization(ILO) and Friedrich –Ebert-Stiftung (FES) representatives, President of AWNA, Mrs Marie Thiam, Barrister Legborsi.









LEGISLATIVE AND ENABLING POLICY FRAMEWORK: - REGIONAL AND NATIONAL

BY

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(HUBERT HUMPHREY FELLOW, USA,), MEMBER, WORLD JURIST ASSOCIATION, USA

DIRECTOR-GENERAL, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES, ABUJA, NIGERIA.

A PRESENTATION MADE AT A ONE-DAY WORKSHOP ON “PUTTING A WOMAN’S FACE TO THE AFCFTA”.

ORGANISED BY

THE AFRICAN WOMEN NETWORK ON AFCFTA (AWNA) – NIGERIA CHAPTER.

DATE: - 7<sup>TH</sup> MARCH 2024

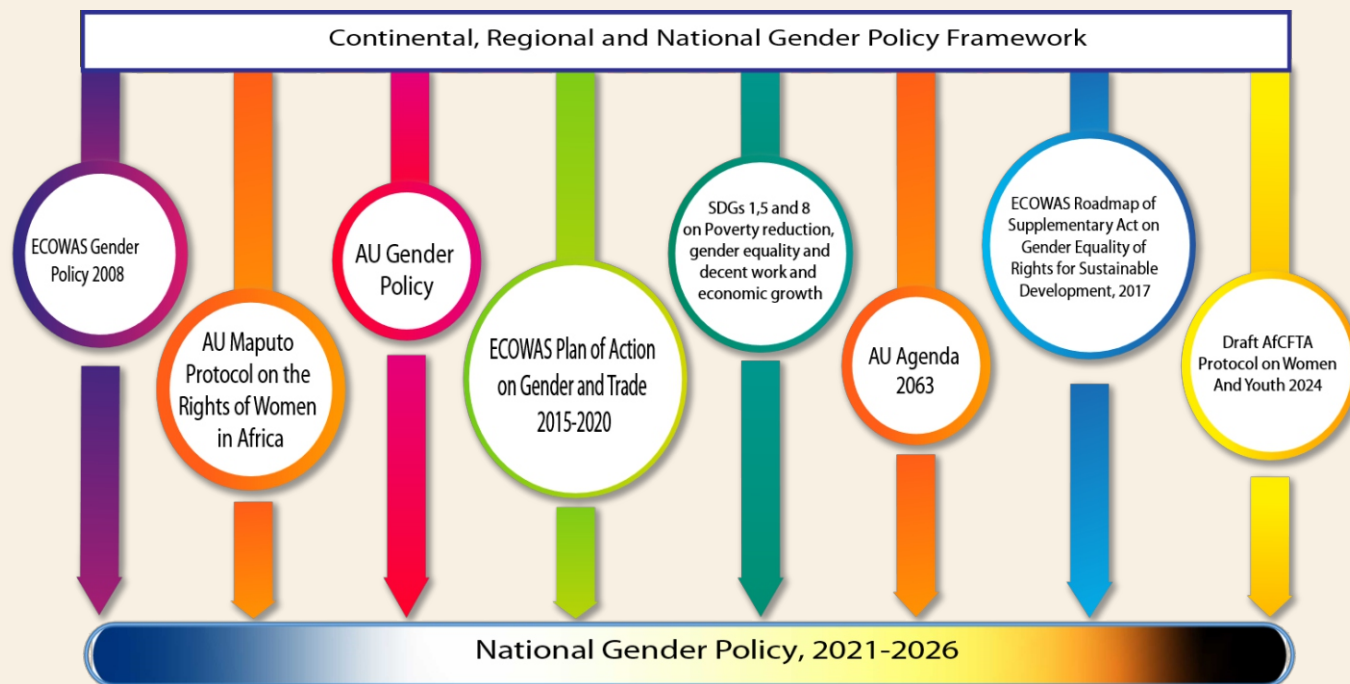
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# 1. INTRODUCTION

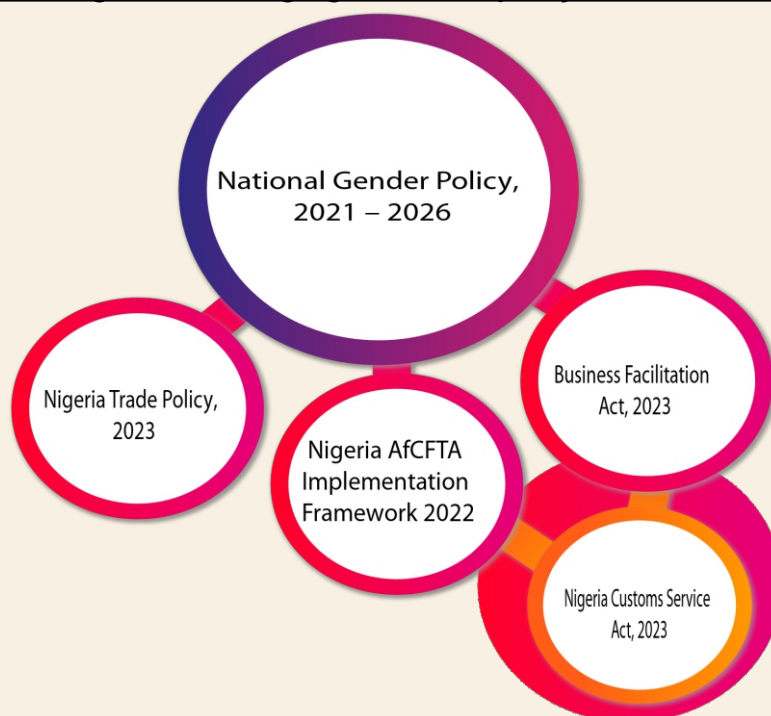


**FIGURE 1: - Continental, Regional and National Gender Policy Framework**



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**FIGURE 2: - Recent Nigeria's enabling legislative and policy framework: - 2021 to 2023**



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## 2. HIGHLIGHTS OF THE RECENT LEGISLATIVE AND ENABLING POLICY FRAMEWORK IN NIGERIA

### 2.1. HIGHLIGHTS OF TRADE POLICY OF NIGERIA (2023-2027)

#### Objectives of the Trade Policy 2023-2027

The Policy has one core objective and eight other specific objectives. The core objective is to increase the contribution of the trade sector to the GDP and global trade of Nigeria substantially so that the national economy can grow and develop progressively.

The other eight specific objectives include to:

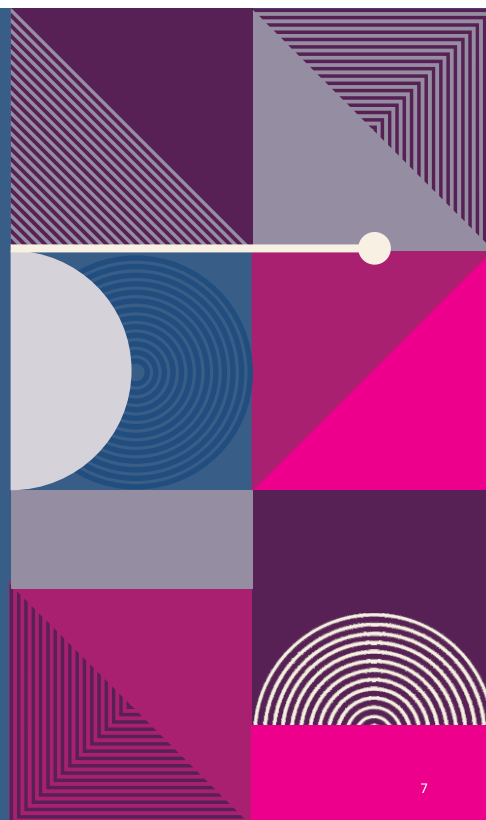
- (a) reduce the dependence of the Nigerian economy on oil and gas, promote export of value-added manufactured products and generally diversify the economy;
- (b) develop an efficient and flourishing domestic market that is both competitive and integrated into the global economy;
- (c) take advantage of the size of the population of the country and the demographic as a positive economic force that will patronize made-in-Nigeria products; and create more jobs and reduce the rate of unemployment



### Scope of coverage and application

The Policy is multi-sectoral and encompasses MDAs, States, civil society organizations and the stakeholders that have been identified in the institutional framework in figure 7.1 that are in one way or the other, connected with trade in Nigeria. The Policy applies throughout Nigeria within the purview of her rights and obligations under the various trade instruments identified within the Policy.

The Trade Policy 2023-2027 is a trade policy of the Federal Government prepared by the FMITI Federal Ministry as a mechanism to improve trade in Nigeria and boost the economy and foreign earnings aside from the oil sector, which is the primary source of foreign exchange. The Policy identifies sectors particularly within the rights and obligations of Nigeria under the WTO, AfCFTA, ECOWAS and other international agreements. It outlines goods and services that can be added value to enable Nigeria leverage on the opportunity to stimulate growth and development in her economy just like other emerging economies. It finally identifies an implementation strategy and action plan which if carefully followed, will result in the attainment of the core objective of the Policy.

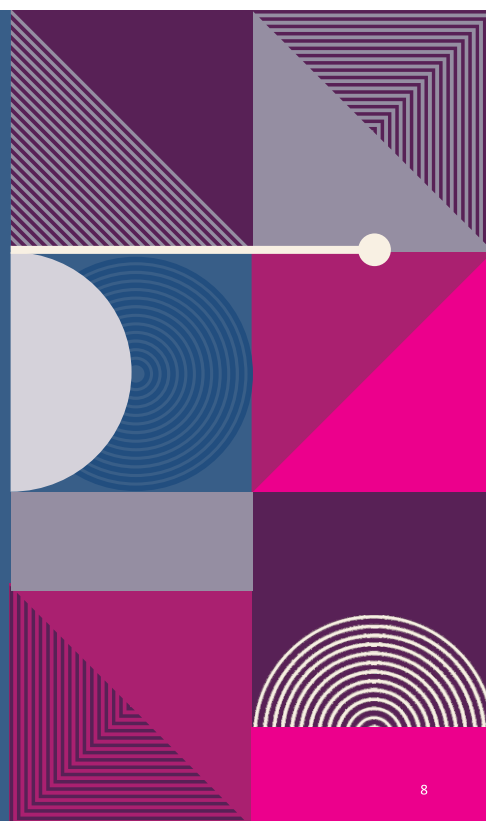


## **2.2. HIGHLIGHTS OF NIGERIA AFCFTA IMPLEMENTATION STRATEGY**

### Objectives

The Strategy has eight core objectives which are described as pillars. They include:

- (a) productive capacity: which aims to grow the capacity of the Nigerian economy to produce and export competitively to the rest of Africa with focus on specific value chains of AfCFTA and Nigerian products and services;
- (b) trade facilitation: which aims to make Nigeria the best in Africa through the optimization and establishment of trade facilitation measures (such as automation of administrative procedures) to bring down the cost and time of trade by 80% by 2035;
- (c) trade policy: aims to ease access to African markets for Nigerian products, services, investments, and incentives for investment with the necessary safeguards against unfair trade practices;
- (d) trade related-infrastructure: which aims to leverage on innovative ways to enhance energy to power economic activities, rehabilitate and develop transportation infrastructure to move goods and persons across the borders and upgrade digital infrastructure;
- (e) trade Finance: which aims to facilitate access to funds and financial instruments and also harmonize regional and regulatory and risk management frameworks to expand financial opportunities that ease cross-border trade and investment across the continent; and
- (f) factor market integration: which aims to improve mobility of Nigerian natural, corporate persons and skills across Africa through policy initiatives such as reformation of immigration visa regime, and other initiatives as outlined in the Strategy.



### Scope and Application of the Strategy

The scope of the Strategy extends to the historical background of the AfCFTA including its objectives, and the Framework Agreement establishing it, the macroeconomic, trade, production and competitiveness frameworks that exist in Nigeria. It also encompasses an analysis of the performance of the oil and non-oil sectors, critical factors that underpin the implementation of the AfCFTA including considerations regarding the Global Value Chains, the strategic institutional framework to implement the Strategy and the governance structure that will implement, administer, monitor and evaluate the Strategy. The Strategy applies to a wide range of stakeholders that are involved in trade in goods and services in within the purview of the rights and obligations of Nigeria, nationally, regionally and continentally under the AfCFTA Agreement including stakeholders like Governments both at the national and sub national levels, the private sector, the civil society, traders, investors, economic operators, and others.

The AfCFTA Agreement presents Nigeria with a phenomenal opportunity to achieve her national development plan, boost the growth and development of her economy and position made-in Nigeria goods and services to be accepted and sought after both within and outside Africa. It particularly affords Nigeria the opportunity to participate in the Global Value Chains of production which can create more jobs and grow goods and services beyond the oil sector. The objectives of the Strategy can be achieved provided Nigeria takes advantage of the issues identified within the Strategy and implements it through the governance structure followed by strict adherence to the Monitoring and Evaluation framework instituted within the Strategy.

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### 2.3. Highlights of the Business Facilitation Act, 2023

- The BFA aims at enhancing transparency and efficiency of public service delivery
- Translating directly into greater productivity and competitiveness.
- Translating into increased EASE of **DOING BUSINESS IN NIGERIA**
- The BFA is a soft infrastructure which borders on regulations, transparency, communication and timelines (as opposed to traditional hard infrastructure such as roads and rails).
- The BFA is a strategic instrument that incorporated the key principles of Executive Order 001.

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#### 2.4. Highlights of the Nigeria Customs Service Act, 2023

- The NCS Act, 2023 repeals the Customs and Excise Management Act (CEMA) and other piece of legislations relating to Customs and Excise and provides the legal and institutional framework for the reform of the administration and management of customs and excise in Nigeria.
- The Act includes provisions that will enable the NCS to meet its key objectives such as revenue generation and collection, prevention and suppression of smuggling, collaboration with other relevant agencies, **facilitation of international trade and economic development**, valuation of good and determination of rules of origin of goods for the purpose of applying preferential and non-preferential rules. It encourages free movement of goods, provides tariff incentives for business engaged in environmentally friendly / sustainable practice (such as fishing methods, shipping friendly practices, responsible aquaculture in the blue economy of Nigeria and in international trade. It introduces simplified and transparent customs procedures for the import and export of goods and natural resources.)

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#### 2.5. National Gender Policy, 2021 – 2026

- The NGP incorporates the guiding principles contained in all the Continental and regional instruments mentioned earlier, namely: - Gender Equality, Non-discrimination, participation in decision making process affecting women's live in society, in law, policy, economy, politics, trade investment, education, employment, family and leadership; gender mainstreaming in law and policy making and implementation; access to credit and access to justice for redress and compensation; women's rights as fundamental human rights in their social, economic, civil, political, cultural, environmental and developmental contexts.
- The NGP provides institutional framework at the federal, state and local levels; monitoring and evaluation framework as well as the roles of government, CSOs, private sectors, local communities, development partners and the academia in the strategic resource mobilization and implementation of the policy.
- The NGP is consistent with Nigeria's human rights treaty obligations under UN CEDAW and the AU Maputo Protocol on the Rights of Women in Africa.

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### 3. HOW TO MAKE THE ENABLING FRAMEWORK ON TRADE WORK FOR WOMEN

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1<sup>ST</sup>, policies must ensure benefits of economic growth are EQUITABLY distributed, with a particular focus on gender inclusivity and dismantling barriers that hinder the progress of women;

2<sup>ND</sup>, the recognition by policy and lawmakers that the foundation of women's empowerment is deeply rooted in the principles of human rights (such as non-discrimination, participation, equality of rights and opportunities, access to market information, tools and finance);

3<sup>RD</sup>, CSOs and the academia need to engage the media and policymakers in understanding the fact that the upcoming AfCFTA Protocol on Women and Youth in Trade aims at focusing on the empowerment rights and roles of women and youth as entrepreneurs, exporters, importers, producers and cross-border traders; recognizing the importance of gender equality and the empowerment of women as key drivers for sustainable development; enhancing women's participation in trade to fulfil the core objectives of the trade agreement; improving the competitiveness of women in their various trade roles while addressing gender considerations in trade agreements;

4<sup>TH</sup>, Women's empowerment in trade requires removing not only tariff and non-tariff barriers to trade, but also protection of labour rights (such as decent work and fair wages, equal pay for equal work) and eradication of labour exploitation (such as income inequality, unpaid caregiving work/duties, inability to balance work and family life) as well as enhancement of social safety nets to shield vulnerable populations, particularly women, from economic shocks (such as considering how majority of women in the informal sector can have access to paid maternity leave or old age pensions that can support them when they cannot work).

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5<sup>th</sup>, by addressing economic, social and cultural barriers that Women Owned Business (WOBs) generally face when it comes to trade in particular: they lack access to networks, capital and knowledge of regional markets, market requirements and standards and regional supply chains; trade related and administrative procedures and red tapism are particularly burdensome due to time poverty, poor access to infrastructure and discriminatory practices at the border.

6<sup>th</sup>, by constantly reminding policy and lawmakers/decision makers/implementers that AfCFTA is a project in construction, a “blank canvass” opening a whole range of possibilities in its different operational phases. Hence Member States have shown the willingness to create room for women in trade by including gender in the creation process by including Article 3(e) into the AfCFTA Agreement which stipulates that the AfCFTA has a general objective to “promote and attain sustainable and inclusive socio-economic development, gender equality and structural transformation”.

7<sup>th</sup>, by giving women the tools to stand up for themselves and put pressure on policy-makers to take their needs and issues into account, we are building the capacity of women engaging with the AfCFTA, fostering a culture of dialogue in which no one is left behind, and guided in our approach to “putting a Woman’s face to the AfCFTA”, by the UN SDGs related to poverty reduction (SDG-1), Gender Equality (SDG-5), and Decent Work and Economic Growth (SDG-8), as well as the AU Agenda 2063, the Africa we Want, that aims at creating a free of gender discrimination Africa by 2063.

## 4. SCHEDULE OF AFCFTA ANNEXES WITH INVENTORY OF LAWS/ REGULATIONS AND POLICIES IN NIGERIA.

See Appendix



## NIALS STRESS MANAGEMENT WORKSHOP

The Nigerian Institute of Advanced Legal Studies on Thursday, 7th March, 2024 organized a One (1) Day *Stress Management Workshop* to intimate and educate its management staff on how to better understand what causes stress, how it affects their general well-being, optimal coping techniques and how to better manage their time.

The event which took place at Top Rank Hotel, Gimbiya Street, Area 11, Abuja had participants drawn from the ranks of Deputy Institute Secretaries (DIS), Directors and other top management officials. Health vital checks such as blood pressure and fasting blood sugar were conducted on all participants.



## **NIALS DIRECTOR GENERAL CELEBRATES FIVE (5) OUTSTANDING WOMEN ON INTERNATIONAL WOMEN'S DAY 2024**

**T**he Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Friday, 8th March, 2024 celebrated his five (5) female outstanding Special Assistants with unique qualities and contributions to the development of Nigerian Institute of Advanced Legal Studies, 2019- 2024 during the 2024 International Women's Day celebration.

The Special Assistants are SA-Continuing Legal Education, Associate Professor (Dr) Irepitan Okukpon, SA-M&E, Associate Professor (Dr) Osato Eruaga, SA-Consultancy and International Relations, Associate Professor (Dr) Nkiruka Maduekwe, SA-Regional Economic Integration Law and Practice, Associate Professor (Dr) Fatima Bello, and SA-ICT & Documentation, Engineer Jauda Yusuf M.Sc-IT, 2022.





# SPECIALIZED TRAINING

The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD with Major General Seidu Musa, Director Army Legal Services, Major General E. Emeka, the representative of the Chief of Army Staff, the Commander Brigade of Guards during the Opening Session of the Five (5) Day Specialized Training Workshop for Military Officers and Personnel's of Allied

Institutions on the operations of the International Criminal Court under the Rome Statute.

The training was organized by the Nigerian Institute of Advanced Legal Studies with the Directorate of Legal Service (Army) from 18th -22nd March, 2024 at Headquarters Directorate of Legal Services, Abuja.











## NIALS STAFF GETS THE MINISTRY OF JUSTICE 2024 MINISTERIAL MAIDEN AWARD



The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD's recommendations were approved by the Federal Ministry of Justice for the First ever Ministerial Award conferred on Two (2) staff of the Institute: Directorate Cadre: Mrs Senapon Jerry-Imahiagbe, FNIM, Director, General Administration/Digitization of Files and Records (Lagos), and Mid-Career Professionals to Dr Izuoma Egeruoh-Adindu of Continuing Legal Education (CLE) on Friday, 22nd March,

2024 at the Federal Ministry of Justice Auditorium, Abuja.

The Director General commended the Nigerian Institute of Advanced Legal Studies' Committee members from Lagos and Abuja combined for screening and voting recipients for his approval.





**Creative Economy in Nigeria: Law and Policy** is an initiative of the Nigerian Institute of Advanced Legal Studies, Nigeria's apex institution for research and advanced studies in law since March 1979. This compendium of articles is one of the institute's numerous efforts in research and publication of topical and contemporary issues in law and related subjects. With specific focus on the creative economy in Nigeria, the book provides useful authentic knowledge on the potential of the Nigerian creative economy, the current status of the relevant laws and policies to drive the economy, and suggested reforms to boost its performance and realize its full potential.

The book is a contribution from seasoned scholars, administrators, practitioners in the legal profession, and stakeholders, with in-depth knowledge of intellectual property law, its implications for Nigeria, and its application in all aspects of the Nigerian economy, including the creative economy. Each chapter provides deep insights into specific areas of the creative economy, including law and policy, regulation/administration, publishing, film/audiovisual, music and performance, design/fashion, and the heritage sector. This is in addition to cross-cutting issues to do with combating piracy, leveraging the AfCFTA for the growth of the creative economy, and the role of new technologies, such as artificial intelligence (AI), on the evolution of copyright law.

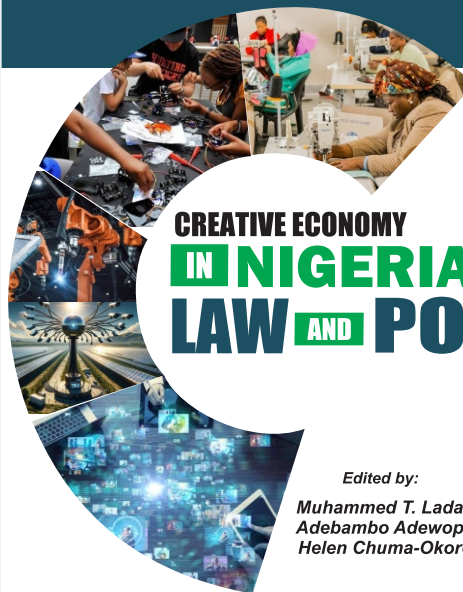
The book is an important contribution to existing literature on the creative economy and would be useful to the academia, law and policy makers, members of the legal profession, industry players and other stakeholders in both the public and private sectors.

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**CREATIVE ECONOMY IN NIGERIA: LAW AND POLICY**

Edited by:  
Muhammed T. Ladan  
Adebambo Adewopo



## CREATIVE ECONOMY IN NIGERIA: LAW AND POLICY

Edited by:  
Muhammed T. Ladan  
Adebambo Adewopo  
Helen Chuma-Okoro



NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES 2024





## NATIONAL POLICY ON JUSTICE 2024-2028



The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Tuesday, 26th March, 2024 participated at the Meeting of the *Technical Committee on The National Policy on Justice 2024-2028*.

Other eminent personalities at the event were Professor Mohammed Tabiu SAN, Professor Yemi Akinseye George SAN, Dr Uju Agomoh, Founder/Director of PRAWA, Dr Chibueze Okorie, Deputy Director General Nigerian Law School, Special

Assistant to the Honorable Attorney General of the Federation on Justice Sector Reform, Mr Felix Okojie and Mr. Uthman from the Federal Ministry of Justice among others.

The event which held at Reitz Continental Hotel, Abuja was organized by the Federal Ministry of Justice from Monday, 25th – Tuesday, 26th March, 2024





# POST GRADUATE STUDIES HAND BOOK

The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Wednesday, 27th March, 2024 approved the release of both Hard and Soft copies of Akinola Aguda School of Post Graduate Studies Hand Book (2022-2027) recently printed and bonded for Lagos and Abuja offices respectively.



## AKINOLA AGUDA SCHOOL OF POSTGRADUATE STUDIES



NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

## HANDBOOK 2022-2027



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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES



## DIRECTOR, GENERAL ADMINISTRATION GETS AN AWARD OF RECOGNITION

The Director, General Administration/Digitization of Files and Records (Lagos), Mrs Senapon Jerry-Imahiagbe, FNIM displayed her plaque received as a Fellow of The Nigerian Institute of Management (Chartered) University of Lagos Chapter at the Lagos office Nigerian Institute of Advanced Legal Studies' premises.

The event was witnessed by the Institute Secretary, Mr Tiamiyu Sharafadeen and other members of staff. It was indeed a gathering to honor and celebrate dedication and hard work.



