



# NIALS

**NIGERIA INSTITUTE OF  
ADVANCED LEGAL  
STUDIES**

# DIGEST

**AUGUST, 2024**



NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES



# •NIALS Digest

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

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## **NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES**

### **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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## NIALS 8TH INAUGURAL LECTURE

The Nigerian Institute of Advanced Legal Studies on Thursday, 1st August, 2024 held her 8th Inaugural Lecture titled “*The Interplay between Corruption and Human Trafficking: Implications and Solutions for Nigeria*”. The lecture which was delivered by Professor Fatima Waziri-Azi, Director General of National Agency for the Prohibition of Trafficking in Persons (NAPTIP) held at the Auditorium, Musa Yar'dua Centre, Abuja, and was chaired by *The* Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD.

Some of the dignitaries present at the event were

Professor Peter Terkaa Akper, SAN OFR, Professor Adewopo Adebambo, SAN, Professor Emily Alemika, Professor Ibe Ifeakandu, and Principal Officers of the Institute (The Institute Librarian, Professor Uluocha Anyaogu, Institute Bursar, Mr John Yawe, Institute Secretary, Mr Tiamiyu Sharafadeen and Chief Executives of some Ministries, Departments and Agencies (MDAs) in Nigeria.

Academic and Non-Academic staff from Grade Level 06 from Lagos office of the Institute attended the Inaugural lecture virtually at the NIALS Post Graduate Lecture Theater, Lagos state.





# NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES





# NIALS/CROSS RIVER STATE SPECIALISED TRAINING



The Nigerian Institute of Advanced Legal Studies and Cross River State Specialized training Titled: Commercial Negotiation, Legislative Drafting, Litigation and ADR Skills. The training was attended and Facilitated by some of NIALS Professors as well as Research Fellows such as: (Professor Animi Sylvanus -Pepple,

Professor Peter Akper SAN, Professor Ibe Ifeakandu, Professor Peter Anyebe, Associate Professor Izuoma Egeruoh-Adindu Dr. Laura Ani and Mrs Ijeoma Anozie. the training was held at Calabar International Conference Center from 5th to 9th August, 2024.







## GUEST SPEAKER PROF. M.T. LADAN: UNIVERSITY OF GHANA LEGON ACCRA GRADUATION CEREMONY



The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD was at the University of Ghana on August, 10th 2024 as a keynote speaker during the two congregation ceremonies for One thousand, two hundred and thirty- six (1,236) students who successfully completed their respective programmes of study during the 2023/2024 Academic year.

The ceremonies were presided over by Professor Nana Akua Anyidoho and Mrs Doris Adwoa Kisiwa Ansah, members of the University Council,

who represented the Chancellor, Mrs Mary Chinery-Hesse.

In his lecture, Professor Ladan urged the new graduates, especially those from the Law faculties to give back to their society, to be a voice for Justice and encouraged them to adhere to the ethical standards of their chosen profession in order to make an impact in their society.

The event held at the Cedi Conference Centre (CCC), Department of Economic, University of Ghana.





**DIRECTOR GENERAL NIALS PROFESSOR MUHAMMED TAWFIQ LADAN AS THE KEYNOTE SPEAKER AT THE UNIVERSITY OF GHANA SCHOOL OF LAW CONGREGATION CEREMONY, 10<sup>TH</sup> AUGUST 2024.**

Prof. M. T. Ladan is the Director General / CEO of the Nigerian Institute of Advanced Legal Studies, located at the Supreme Court of Nigeria Complex, Abuja and the University of Lagos, Akoka.

Prof. Ladan is a professor of law with (37) thirty-seven years experience in teaching, research, supervision and mentorship, with specialization in public international law relating to trade, investment, energy, environment, climate change, human rights, natural resource management, gender and development in Africa.

Prof. Ladan's contribution to the development of law and jurisprudence in Africa is manifested in his Sixteen (16) authored law books, over Eighty (80) Journal articles published and over one hundred (100) conference and seminar papers presented across all the continents of the globe: - USA, UK, Brazil, Canada France, Netherlands, Denmark, India, Switzerland, Indonesia, UAE, Jordan, Qatar, Kenya, Uganda, Tunisia, Egypt, Ethiopia, Cape Verde, South Africa, etc. Among his authored books are: -Introduction to jurisprudence (2010) and introduction to African Economic Integration Laws on Trade, Investment, Competition, Intellectual Property Rights and Dispute Settlement (2023).

Prof. Ladan's twenty-four (24) years consultancy and advisory services to United Nations Agencies like UNICEF, UNDP, ILO, UNCRI-Italy, UNHCR, UN Women, UNESCO, UNEP-Kenya, and UNODC, as well as Economic Community of West African States (ECOWAS) Commission, has resulted in the development and adoption for implementation of the following global and regional instruments: - UNEP Compendium on Innovative Laws promoting Green Economy, 2014; UNEP Compendium of best practices on Enforcement of Environmental law; UNICRI-UNEP Reports on Environmental Crimes, (2017); UN Declaration on the Culture of Peace UNESCO Draft report of 1997, adopted by the UN General Assembly in 1999 and resulted into the UN Declaration on the Right to Peace in 2016; ECOWAS Investment Code and Policy for West Africa, adopted in 2018; ECOWAS Supplementary Acts on Harmonization of Business Laws in Africa, etc.

Prof. Ladan has between 2019 and 2024 managed a two and half (2.5) million dollars MacArthur Foundation Grant on capacity building of the criminal Justice Sector in Nigeria. Ladan sits on IUCN-World Commission on Climate Crisis, Switzerland, 2023 – 2025;

Prof. Ladan has a post-doctoral certificate in leadership as a Hubert Humphrey Fellow, University of Minnesota, USA, 1999 – 2000; a certificate in Alternative Dispute Resolution (ADR) in 1996 from California State University, Sacramento; Ph.D. Law from Ahmadu Bello University, Zaria, Nigeria (1997), LLM (1990) and LLB in 1986. Prof. Ladan is Married with children.



**GRADUATION GUEST SPEECH FOR THE 2023/24  
UNIVERSITY OF GHANA SCHOOL OF LAW'S CONGREGATION**

**By**

**PROFESSOR MUHAMMED TAWFIQ LADAN, PhD**

*Hubert Humphrey Fellow, USA*

*Member, Commission on Climate Crisis, Switzerland,*

*Member, World Jurist Association, USA*

*Director General, Nigerian Institute of Advanced Legal Studies*

*On Saturday 10<sup>th</sup> August 2024*

*At Cedi Conference Centre,*

*The University of Ghana, Legon, Accra*

Allow me to express my profound gratitude to the management of the University of Ghana through the able leadership of the Provost of the College of Humanities and the Dean, School of Law for finding me worthy of invitation to be the Guest Speaker today.

To the Graduands, I share in your pride and Joy and that is why I quickly accepted the invitation to be here without hesitation.

My heartfelt congratulations to you all and your families as well as the distinguished legal scholars led by your eminent Dean of Law, Professor Raymond Atuguba, who prepared you for today's momentous milestones in life.

I speak to you today as someone who, in 1986 (38 years ago) was once also a newly graduating law student (LLB) and (LLM) in 1990 and PhD in 1997. As such, I remember being filled with a mixture of excitement and optimism but also, at the same time, like some of you today perhaps, a sense of anxiety at the challenges ahead. While LLB is a minimum entry point to your legal career, LLM is always of added



advantage and PhD is a terminal degree that widens your horizon and puts you on a more comfortable stance in a competitive global market over your peers.

The challenges of navigating the Job Market and Managing the transition from student life to the life of a working professional in a disruptive, digital, creative and knowledge based global economy should not be underestimated.

Notwithstanding these challenges, because law is a problem solving tool and the legal profession is a dynamic one you are well placed therefore to adapt to new developments and flourish in the modern world.

The BIG QUESTION IS HOW? Let me offer you a few thoughts, gathered over the course of my 38 years legal career, that I hope will be of practical benefit. Many colleagues and observers frequently ask me, “how come you are able to sustain a lifestyle of having one leg in academia, another leg in government and other legs in civil society and consultancy services?” My response has always been the following points of collected thoughts, basic common sense and lessons from avoidable mistakes that we make in life:-

First, I chose to be in academia due to its flexible work environment that allows one to make an impactful difference on others and to render services to the nation and humanity at large.

So I dreamt big and high beyond the sky, like an eagle bird knowing that Law is an evolving subject and the legal profession is a dynamic one that is full of choices and limitless promises.

Hence, recognize that our education in law, and life, is a long term and ever continuing process. When you have a dream to realize, you will face a lot of challenges in life. But NEVER give up, withdraw or allow yourself to be limited by anything. You must strategically overcome them with a sense of OPTIMISM, HUMILITY, DILIGENCE, COMMITMENT AND AUDACITY OF HOPE.

Legal education prepares us to solve complex relationships or socio-economic and political challenges facing our nations or humanity using knowledge from various fields of law as our strategic framework. It enables us therefore to see challenges as chances to grow and learn, not as things to avoid or fear in life.

Second, take a cue from the attitude of an eagle bird in problem solving and grabbing opportunities due to the following reasons:-

- It enables you to keep your vision right, remain consistently focus in life, and let the sky bow to your sheer determination to succeed, your preparedness to grab every opportunity that comes your way and turn both your dreams and opportunity into a positive outcome that benefits humanity, your nation and community.
- It prepares you to be a multi-tasking problem solver using the guiding Principles of Fairness, Justice, Equity, Equality and Truthfulness etc, embedded in your legal education and the knowledge of every aspect of law, such that you become the VOICES for Justice, Fairness,



Equity, Equality before the Law and Equal Protection of the Law;

- It further prepares you to be creative/innovative in finding legal solutions to challenges facing your Community/Nation/Humanity in whatever future capacity you find yourselves.
- So always keep an open mind and be ready to question your own conclusions in order to test them. And know when to admit you are wrong;
- Remember the popular sayings that “knowledge is POWER, MONEY and SECURITY”, YES, they apply to Law/Legal Education, only if your KNOWLEDGE OF LAW IS CURRENT and RELEVANT. This requires your commitment to continuing legal education in order to keep yourself abreast of emerging fields of law or current legal issues and challenges facing humanity and your nation.

Third, finally, GIVE BACK to your community by making a difference:-

- As you prosper in future, show gratitude for your good fortune by giving back to your community in kind or cash or time or by motivating or mentoring others for a more prosperous and secured society.
- And we must never forget that we have a crucial role to play in addressing some of the conflicting and competing national and global interests that surround us in today's disruptive world characterized by digitalization, competition, creativity, innovation and complex relationships.
- In giving back to your community, remember to be the Voice for Justice, Equal Protection of the law and more importantly, a problem solver.
- Remember, as you all navigate through the expected or anticipated challenges of life, the saying: - **“OUR GREATEST GLORY IS NOT IN NEVER FALLING, BUT IN RISING EACH TIME WE FALL”**.

In conclusion, I do not pretend that these are the only pieces of advice or takeaways that you will need today and in your future careers, but they are, I believe, worthy of your kind consideration.

As for today, take time to pause and celebrate successful completion of this state of your legal education. Remember to be like an EAGLE and believe that you can fly above the storm, NOT with PRIDE, but with a sense of PURPOSE in life.

If you cannot be like an eagle bird, attitude-wise, then be **“AN IMPACTFUL EXAMPLE”** to others in your personal, public or professional life.

THANK YOU FOR LISTENING



## NATIONAL WORKSHOP ON CURRENT TRENDS IN PUBLIC SECTOR ACCOUNTING AND PUBLIC SECTOR REFORMS IN NIGERIA

The Office of the Auditor General for the Federation in conjunction with the Public Account Committee (PAC), Federal House of Representative organized a National workshop on **Current Trends in Public Sector Accounting and Public Sector Reforms in Nigeria**.

The workshop held from Monday, 12th to Friday,

16th August, 2024 at Rockview Classic Hotel, Abuja.

Nigerian Institute of Advanced Legal Studies management nominated the Institute Bursar, Mr John Yawe, and the Director, Budget and Planning, Mrs Ufon Obot to attend the workshop.



## THE NEW WIPO TREATY ON GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

Nigerian Institute of Advanced Legal Studies (NIALS) in collaboration with Open Africa Innovation and Research Partnership (Open AIR) organized a One-Day Seminar with the theme: *The New WIPO Treaty on Genetic Resources and Associated Traditional Knowledge: Gauging Nigeria's Preparedness for Global Transformation in Intellectual Property*.

The seminar which held at the Supreme Court Complex, Abuja on Tuesday, 13th August,

2024 had in attendance Professor Chidi Oguamanam, Open AIR Chair on Bio-Innovation, Indigenous Knowledge Systems and Global Knowledge Governance Centre for Law, Technology and Society, University of Ottawa as the guest speaker, with Professor Adewopo Adebambo SAN as Chairman of the lecture, Dr. Oluwatobiloba Moody, Director of World Intellectual Property Organization (WIPO) Nigeria alongside Academic staff of the Institute.



# NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES





## TWO-DAY NATIONAL SEMINAR ON LAW AND RELIGION STUDIES AND LEGAL EDUCATION IN NIGERIA FOR THE DEANS OF FACULTIES OF LAW OF NIGERIAN UNIVERSITIES



The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD alongside the Vice Chancellors of the University of Ilorin, Professor Wahab Egbewole SAN, Almuhibbah Open University, Abuja, Professor Ahmed Salisu Garba, and the University of Abuja, Professor Aisha Maikudi as well as Professor Kofi Quashigah of the University of Ghana, Professor Mark Hill of

Nigerian Institute of Advanced Legal Studies (NIALS) in collaboration with Bauchi State University, Gadau, Almuhibbah Open University, Abuja and University of Ilorin with support from the Center for Law and Religion Studies, Brigham Young University Utah, United States of America held a Two-Day Fully funded National Hybrid Seminar on *Law and Religion Studies and Legal Education in Nigeria for the Deans of Faculties of Law in Nigerian Universities*.

United Kingdom and Professor Renata Uitz, Central European University (CEU) all participated during the opening session of the seminar.

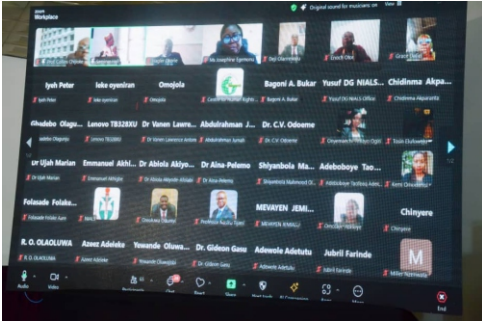
The seminar held at the Rockview Classic Hotel, Abuja from Wednesday, 14th to Thursday, 15th August, 2024.







# NIGERIA INSTITUTE OF ADVANCED LEGAL STUDIES





**WELCOME ADDRESS BY THE DIRECTOR GENERAL, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES, PROF. MUHAMMED TAWFIQ LADAN, DELIVERED AT THE 2-DAY HYBRID NATIONAL SEMINAR FOR DEANS OF LAW FACULTIES IN NIGERIAN UNIVERSITIES. ORGANIZED BY THE NIALS IN COLLABORATION WITH THE UNIVERSITY OF ILORIN, BAUCHI STATE UNIVERSITY, GADAU AND AL-MUHIBBAH OPEN UNIVERSITY, ABUJA, WITH SUPPORT FROM BRIGHAM YOUNG UNIVERSITY, UTAH, USA, HELD ON 14TH TO 15TH AUGUST, 2024, AT THE ROCKVIEW ROYALE HOTEL, ABUJA.**

### **PROTOCOL**

On behalf of the chairman of the Governing Council of NIALS, Hon. Chief Justice of Nigeria, Hon. Justice Olukayode Ariwoola, management and staff of the Institute, organising committee of partner institutions led by Prof. Wahab Egbewole, SAN, Vice Chancellor, University of Ilorin, and Prof. Ahmed Garba, Vice-Chancellor, AL-Muhibbah Open University, Abuja, and the Vice-Chancellor, Bauchi State University, Gadau, I would like to welcome you all to our Hybrid 2 day national seminar, fashioned out of the series of international conferences organized by The International Center for Law and Religion Studies and the African Consortium for Law and Religion Studies (ACLARS).

From the theme of the national seminar for Deans of Law Faculties, "Law and Religion Studies and Legal Education Nigeria", we aimed at fostering respectful understanding and improve expertise at the critical intersection where law and religion meet; contribute to law reform processes and broader implementation of the principles of religious freedom worldwide; track and share trends of case law from other jurisdictions on the intersection between law and religion and to assist law faculties with a draft Curriculum on how to integrate law and religion studies in our existing subjects or as an elective course. We believed strongly that this approach will assist us in generating interest in seeing the law and religion studies in the context of respect for human dignity, tolerance and emerging field of specialization from the general and broad courses like Constitutional law and Human Rights law.

I welcome you all once more to this august gathering and wish us all an open-minded and fruitful deliberations for the common good of all.



**SPEECH BY THE CHANCELLOR, AL-MUHIBBAH OPEN UNIVERSITY, ABUJA; HER EXCELLENCY, HAJIYA AISHA ABDULKADIR MUHAMMAD, SAURAUNIYAR BAUCHI**

**THE SEMINAR ON LAW AND RELIGION STUDIES**

**Protocol:**

1. The Director General of the Nigeria Institute of Advanced Legal Studies, Prof. Muhammad Taufiq Ladan
2. The DG, The Nigerian Law School,
3. Vice Chancellors here present
4. International Legal Scholars especially the Director of the International Center for Law and Religion Studies, Prof. Brett Scharffs, Professors Kofi Quashigah, Mark Hill KC and the rest

Distinguished Deans, other Guests here present, Ladies and Gentlemen:

It is with immense pride and a profound sense of responsibility that I stand before you today at this important seminar on law and religion studies. I extend my sincere greetings and commendations to all present for your commitment to advancing our understanding of this vital area of study.

We cannot overstate the importance of a comprehensive understanding of law and religion in fostering national cohesion. In our beautifully diverse nation, the harmonious coexistence of various religious and cultural beliefs supports our collective prosperity and peace. This seminar represents a pivotal platform for dialogue and education, crucial for shaping policies and practices that respect and nurture our rich diversity.

My passion for education, particularly in fields that bridge law, religion, and societal development, is deeply personal and reflective of my broader commitment to empowering our people through knowledge. I demonstrate this commitment not only by endorsing the Center for Law and Religion Studies at Al-Muhibbah Open University, but also by spearheading tangible initiatives that have a direct impact on our community. For instance, the scholarship program I championed, which provides a 50% fee reduction, amounting to N250,000 out of a N500,000 fee per session, creates access to quality education for Nigerians, especially women and the underprivileged. This initiative has created opportunities for numerous individuals to pursue their academic and professional aspirations.

Furthermore, the establishment of the AOU Institute of Information and Communication Technology, which has grown to become a cornerstone of the university, underscores our dedication to equipping our youth with the skills necessary to thrive in today's digital world. This institute is not just a testament to our commitment to technological advancement but also a beacon of hope for



many young Nigerians aspiring to become global leaders in technology.

Today, I am delighted to see that vision manifesting into reality, with the center not only established but thriving and expanding its reach through initiatives like this seminar. As we begin this important dialogue, my pledge to you is that my support for your efforts will not wane. I will continue to advocate for the expansion of educational programs that address the intersections of law and religion, understanding that these are foundational to achieving lasting peace and unity in our society.

As we embark on these two days of learning and sharing, let us remain committed to the pursuit of knowledge that not only enlightens but also heals and unites. Let us forge pathways that lead not just to academic achievement but also to the building of a more just, empathetic, and inclusive society.



National Seminar on Law and Religion Studies and Legal Education in Nigeria For the Deans of  
Faculties of Law of Nigerian Universities  
Sponsored by the Nigerian Institute for Advanced Legal Studies (NIALS)

Keynote Address

**A Historic Moment for Law and Religion Studies in Nigeria**

Brett. G. Scharffs, Director, International Center for Law and Religion Studies, Brigham Young University Law School, Provo, Utah, USA

Good afternoon.

We gather at a time of immense importance for the Country of Nigeria. Indeed, I believe this gathering may someday be viewed as having historic significance. Let me explain why I believe this to be true.

With a population of 233 million (Nigeria is the 6<sup>th</sup> most populous country in the world).<sup>1</sup>

And according to United Nations projections, this population is expected to almost double to nearly 400 million by 2050 (when Nigeria is it is projected to be the third largest country in the world by population, surpassing the United States).<sup>2</sup>

And I've seen projections that by the turn of the next century, Nigeria is likely to overtake China as the second-most populous country in the world.<sup>3</sup>

And yet, Nigeria has some of the highest levels of religious conflict of anywhere in the world, including strife between Christians and Muslims, but perhaps even more fearsome divisions within Islam itself.

And while it is an oversimplification to characterize these as *simply or essentially* religious conflicts, it would be an equal oversimplification to deny the *religious component* of these conflicts.

The latest data from the Pew Research Organization finds that Nigeria had very high social hostilities relating to religion, and a moderate score on its government restrictions on religious freedom index. Indeed, according to Pew's Social Hostility Index, in 2021 (its latest data), Nigeria had the highest social hostilities relating to religion of any country in the world.<sup>4</sup>

And so we gather to discuss and promote a simple idea that has a prospect for radically transforming Nigeria into a global superpower not just in terms of population, but in developing mechanisms for living in peace, respecting the human dignity and worth of every person - a country characterized by

<sup>1</sup> See Worldometers.info (visited Tuesday, August 13, 2024), daily estimates based on Worldometer's elaboration of the latest United Nations data.

<sup>2</sup> See, Press Release, World Population projected to reach 9.8 billion by 2050, and 11.2 billion in 2100 – says UN,

<sup>3</sup> Institute for Health Metrics and Evaluation (IHME) 2020 report.

<sup>4</sup> Pew Research Center, Globally, Government Restrictions on Religion Reached Peak Levels in 2021, While Social Hostilities Went Down, March 5, 2024.



religion and the rule of law, social peace, and a profound respect for religious freedom for all people.

A 2020 report by the Pew Research Center found that 88% of Nigerian respondents (the highest percentage of any country surveyed) consider religious freedom to be “very important,” ranked among the highest priorities for democratic principles.<sup>5</sup>

The confluence of high social hostilities regarding religion, and a high value placed upon religious freedom by Nigerians, creates a unique opportunity for developing better legal and social mechanisms for addressing and regulating the relationship between the state and religious institutions, and the relationships between people.

Of course, I speak as an outsider, with an appreciation and understanding of the details of the conditions in Nigeria, as well as its legal system, that is perhaps less than nearly everyone in attendance.

But as an outsider who has devoted my career to the teaching of law and religion from an international law and comparative law perspective – this gathering gives me great hope.

The Center I direct, the International Center for Law and Religion Studies at BYU Law School, seeks to promote human dignity and freedom of religion and belief for all people in all places – doing this primarily through teaching and other academic work, building networks, and working on law reform efforts. And so, while an outsider to Nigeria, I come as a friend.

Assembled here are Deans and Representatives of nearly every law school in Nigeria, to hold a National Seminar on Law and Religion Studies and Legal Education.

Take a moment and soak that in – this is a gathering that has the possibility of initiating a national transformation in law and religion studies in Nigeria, and beyond in West Africa and throughout Africa itself. The purpose is not merely academic. The law is where theory meets practice; where we construct legal mechanisms for governing social, economic, and religious life.

Scholars here in Nigeria have already done pioneering work in developing and utilizing a curriculum for teaching law and religion in Nigerian Universities.

This curriculum focuses on many important topics, including constitutional law and human rights frameworks, theoretical and methodological approaches to law and religion studies, religion in public life and policy, the impact of emerging technologies such as AI, religion and education, religion-state relationships, religion and employment, religion and family law, property law, criminal law, health regulations, gender and minority rights, blasphemy, and law and religion in specialized institutional setting such as correctional Centres, the military, police, and other related institutions in Nigeria.

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<sup>5</sup> See Pew Research Center, how people around the world see democracy in 8 charts, February 27, 2020.



No doubt this curriculum can be further developed and improved. That is one of the primary purposes of this gathering.

For our part, together with Professor Renata Uitz, a law professor and Senior Research Fellow at the Democracy Institute, at Central European University in Hungary, who is with you in Abuja, and Professor Cole Durham, the President of the G20 Interfaith Forum, and the Founding Director of the Center I now lead, we are working on a new edition of our Casebook on Law and Religion, which is the first casebook in the world for teaching law and religion from an International Law and Comparative Law Perspective. Our hope is that the new edition of the Casebook will be an even better tool to help foster the teaching of law and religion in Nigeria.

Let me briefly describe how this casebook came into existence.

In the United States, nearly every **Constitutional Law** casebook has something about the First Amendment, but it is usually relegated to just one class session.

And every **First Amendment Law** casebook focuses primarily on the freedom of speech, freedom of the Press, and Freedom of Association. Usually there is one or two chapters about non-establishment and free exercise of religion, but these are typically at the back of the book and seldom get taught.

And when Professor Durham began teaching law and religion courses in the 1970's, even the few **Law and Religion casebooks** that existed focused exclusively upon U.S. law, with perhaps a smattering of religious law perspectives (such as canon law, Judaic law, and shari'a).

In the 1990's, after the Berlin wall came down, and the newly independent states of Eastern Europe were re-established, Professor Durham was invited each year to teach a course on Freedom of Religion at Central European University in Budapest. He began to develop materials that taught freedom of religion not just from a U.S. perspective, but that included international law materials (primarily from the European Court of Human Rights, but also from the UN and other international law institutions), and also included comparative constitutional law materials from about twenty different countries.

When I began teaching these courses with Professor Durham nearly 25 years ago, we developed the idea of creating what we believed might be a “field-making” casebook that taught law students about law and religion not just from a U.S. law perspective (which remains important, especially for U.S. law students, and as a comparator for others), but also from an international law and comparative law perspective.

The resulting casebook, *Law and Religion: National, International, and Comparative Law Perspectives*, has now been translated into a dozen languages and is used for teaching law and religion in many parts of the world.

From the beginning, one of the visions we had for the casebook is that it would have a variety of National Supplements focusing on law and religion in specific countries, that would make the casebook more relevant to particular places and circumstances. This National Seminar is in a way a



realization of that vision.

The casebook is used in places as varied as China, Vietnam, Indonesia, Uzbekistan, and South Africa, where our Center has partnered with other leading academic and government institutions to organize certificate training programs on Religion and the Rule of Law.

We also use the Casebook as part of an annual Young Scholars Fellowship on Religion and the Rule of Law, held for three weeks each summer at Christ Church college, at Oxford University. This year's cohort included Professor Getachew Assefa, the dean of the College of Law and Governance Studies at Addis Ababa University in Ethiopia, who hopes to establish a center on law and religion studies similar to the Center established by Professor Ahmed Garba at Bauchi State University.

I hope that a few of you in this room may participate in that fully-funded three-week program in the future. Indeed, Professor Garba was a member of the inaugural class in the Oxford Young Scholars program, back in 2018.

As I draw to an end, let me share a story that, I think, illustrates the importance of law and religion studies, as well as the importance of cross-cultural religious literacy.

In 2018, a group of Muslim boys who lived in a Christian neighborhood in Lebanon circulated a video of themselves desecrating a statue of Mary at a local Catholic church. They were charged with vandalism and soon found themselves standing in a courtroom to face the consequences. The judge, Jocelyn Matta, was Christian, but at their sentencing she asked the boys what The Holy Koran taught about Mary. The boys had no idea. She took out a copy of the Koran, and turned to the Al Imran chapter, which describes the birth of Mary, her being a virgin, and the announcement of Jesus's conception by the angel Gabriel. As she read to them, the boys became visibly ashamed of their behavior. Her verdict was to require the young men to memorize these verses from their own Holy book.

As Father Rouphael Zgheib, national director of the Pontifical Mission Societies in Lebanon, explained, "The judge realized that the boys did not know anything about the Quran despite being Muslims, and chose that kind of sentence in order to teach them to respect their own religion as well as the faiths of those who are not Muslims."

This story is remarkable, and illustrates the importance of human dignity, religious freedom, and religious literacy, in several important ways. For one, a Christian Judge was familiar with the teachings of the Koran. Second, the young vandals did not really understand their own Holy Scripture. Third, the judge, rather than giving a harsh sentence to the young men, required them to memorize some scripture – not from the Bible, but from their own sacred text, The Koran.

This story reflects deep lessons of human dignity, religious understanding, and a view of the redemptive capacity of these young men.

1. Story about Christian Church being Built Across the Street from a Mosque (Nigeria) A second story comes for a city midway between Northern Nigeria (which is majority Muslim) and Southern Nigeria





(which is majority Christian). As we are all too aware, religious and ethnic conflict are familiar in this great nation. Several years ago, a small local Christian congregation received zoning approval to build a church across the street from an existing Mosque.

The Christian pastor, in an effort to be a good neighbor, took the architectural plans to show the Imam of the Mosque. He had hoped the Imam would be excited for the Christian Community, but the Imam noticed that the steeple of the Church would be higher than the minaret on his Mosque.

Although zoning approvals had been granted, the Christian congregation decided to lower the height of the steeple, so it would be no higher (indeed slightly shorter) than the minaret of the Mosque.

Sometime later, in response to some local religious tensions, late at night, a group of Muslim young men marched down the street with torches, with the intent of burning the Christian Church. The Imam came from the Mosque, crossed the street, and implored the boys to stop, explaining simply – “These people are our friends.”

Again, this story is a remarkable testament to the power of treating each other with dignity and respect. The Christian leader reached out to his Muslim neighbor to share the good news of the construction of the church. The Muslim leader was gracious while noting the discrepancy in the height of the steeple compared with the minaret. The Christian church, without compulsion, decided to change the architectural design of the church to be proportionate with the Mosque. This helped create a genuine friendship between the two leaders and their communities. And when the dark night of conflict and potential violence arrived, it was the Muslim leader, making an appeal to the youth of his own faith, that prevented the Church from being burned.

Unfortunately, the story did not have a happy ending – several years later the church was burned down. This shows us that we cannot solve problems of intolerance and hatred once and for all. It takes ongoing and tireless effort, especially in how we educate the rising generation to value religious tolerance and pluralism.

The reason I add this sad coda is to make an important point – maybe that isn't the end of the story either. Perhaps through the study of law and religion, and the spread of legal and social norms that protect as well as value religious freedom, the story will have a new, more hopeful and peaceful chapter.

### Conclusion

So, in conclusion, let me thank and congratulate **Professor Muhammed Tawfiq Ladan**, Director-General of the Nigerian Institute of Advanced Legal Studies, **Professor Kofi Quashigah**, President of the African Consortium for Law and Religion Studies, and **Professor Ahmed Salisu Garba**, and their many colleagues from NIALS, Bauchi State University, Almuhibbah Open University, and the University of Ilorin, for convening this important national seminar on law and religion studies.

The vision of this National Seminar is not merely to introduce an *interesting topic* into law school



curricula, but to help train a rising generation of lawyers with skills and knowledge that will enable them to lead important law reform efforts that are tailored to the constitutional and legal structures of Nigeria, the country's history and social realities, and the particular role of religion in the lives of ordinary Nigerians.

Please know that you have good friends and willing partners at the International Center for Law and Religion Studies.

As Nigeria continues its progress along its journey to being among the largest and most influential nations on earth, may human dignity for everyone everywhere, freedom of thought, conscience and religion for all, and religion and the rule of law be among the many things for which Nigeria is rightly celebrated. May our work, here, and as we return home, make this National Seminar truly historic.

And so, I end with a question. What will we, each of us, do from here?

Thank you, and God bless us every one.



## LAW AND RELIGION IN NIGERIA: A REVIEW OF SOME CASES

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2023 ICLRS Oxford Young Scholar Fellow in Law and Religion / Member, Board of African  
Consortium for Law and Religious Studies

### Objectives:

- Classify some conceptions on the intersection of law and religion
- Identify specific Nigerian court cases that address relationship between law and religion
- Identify the fundamental principles regarding law and religion in Nigeria that can be derived from these court cases.
- Identify the arguments and debates arising from these cases that may enhance academic discourse and jurisprudence in the field of law and religion

### Religion and State Relation

- ***The Registered Trustees of Apostolic Church of Christ v. The Registered Trustees of Grace Church of Christ* (2021) LPELR-55340(SC):** The provision of section 10 connotes that *religion is not a business or purpose any government in Nigeria should engage itself with*. It is an act of great constitutional profanity for a Government, under the Constitution, to compulsorily acquire land for overriding public purpose or interest to allocate the same land for religious purpose or a place of worship.
- ***Olisa Agbakoba v. A.G. Federation & Anor* (2021) LPELR - 55906 (CA):** This right (to freedom of religion) implies that every individual citizen has full freedom of religion. No one can be subjected to any social, economic or political discrimination simply on grounds of religion. No one should be discriminated against in public employment on grounds of religion. *These provisions (section 38) underscore the secular state of the Nigerian Nation.*
- ***Registered Trustees of Atheist Society of Nigeria v. AG Akwa Ibom State & Ors* (2022) LPELR- 58700(CA):** The purport of this Section 10 of the Constitution is that every citizen has full freedom of religion and that no one can be subjected to any social, economic or political discrimination on ground of religion. Thus, the Constitution not only guarantees the rights of religious belief but promotes religious tolerance and harmony amongst citizenry...*The proper touchstones are religious liberty and equality, not separation as such... The key concept is not that religion must in every way be walled out of and separated from governmental policies but rather religious minded citizens must be treated equally with others.*



## Right to Freedom of Religion in Nigeria

- ***Medical and Dental Practitioners Disciplinary Tribunal v Okonkwo (2001) 7 NWLR (Pt. 711) 206***: The right to freedom of thought, conscience or religion implies a right not to be prevented, without lawful justification, from choosing the course of one's life, fashioned on what one believes in, and a right not to be coerced into acting contrary to one's religious belief...put in a nutshell, is that an individual should be left alone to choose a course for his life, unless a clear and compelling overriding state interest justifies the contrary.
- ***Olisa Agbakoba v A.G. Federation & Anor (2021) LPELR -55906 (CA)***: This right (to freedom of religion) implies that every individual citizen has full freedom of religion. No one can be subjected to any social, economic or political discrimination simply on grounds of religion. No one should be discriminated against in *public employment* on grounds of religion.

## Freedom Religion in Educational Institutions

- ***Lagos State Government v Abdulkareem (2022) LPELR-58517(SC)***: The wearing of the hijab by a female Muslim is a manifestation, practice and observance of her religion of Islam. Educational institutions have a duty to respect the guidance and direction the parents of their pupils have given them in the practice of their religion, so long as it does not infringe on the rights of others. See also *The Provost, Kwara State College of Education Ilorin v Muritala (Unreported, Appeal No. CA/IL/49/2006)*.

## Institutional Religious Autonomy and Court Non-Interference

- ***Owodunni v Registered Trustees of Celestial Church of Christ (2000) LPELR-2852 (SC)***. The Supreme Court refused to interfere or get entangled in the doctrinal affairs of the CCC regarding the dispute arising from Church's leadership succession. Accordingly, it advised the church to amend its constitution to provide for a workable leadership succession plan.
- ***Thomas v Olufosoye (1986) LPELR-3237 (SC) 1***: Eso JSC observes: What is very important in the case is the danger of bringing religion as such to the reasoning of jurisprudence. The reasoning in religion is one of God or Allah which passeth all jurisprudential understanding. The more so when Christian judges have to be called upon to settle Moslem disputes or Moslem judges adjudicate upon Christian issues. The unbeliever in each case can only apply the laws of the State ... Yet judges, once they are seised of a matter have no choice but to apply the laws and not religious sentiments.
- NB: *The above suggests that in relation to religious autonomy of religious organisations, the Nigerian courts would adopt a restrained deference approach. This is to say, religious organisations in Nigeria have a degree of autonomy in administering their internal affairs as courts are careful not to get entangled in religious issues. Where there is a religious dispute,*



however, even on matters of doctrine, faith, discipline, among others, Nigerian courts when approached, would exercise jurisdiction though reluctantly over these matters.

### Religious Autonomy and State Non-Interference

- ***Pentecostal Fellowship of Nigeria v Governor Kaduna State (Unreported, Suit No. KDA/HC/2016)***: The Court held that the Kaduna State Religious Preaching Bill 2016 which sought to screen and license religious preachers by the state violates the constitutional right of religious organisations to self autonomy.
- ***Registered Trustees of the Christian Association of Nigeria v. Corporate Affairs Commission and Anor (FHC/ABJ/CS/84/2022)***: The church is an ecclesiastical being. Each church is characterised by its distinct dogma or creed and same for each congregation and denomination that constitute the church. It is on this ground that it is impossible for one church to be administered by another church and the church being what it is for the soul of man, the doctrinal distinctness and difference must be respected by the authorities within and without. This being so, it is then impracticable for the church or a denomination thereof to be administered by secular arrangement such as interim manager or managers stated in Section 839 of the CAMA 2020 or any other arrangement put in place by the CAMA which does not take into account the doctrinal composition of the church. It is also my opinion that to suspend the trustees and appoint an interim manager or managers to manage the affairs of the church will conflict with the sacerdotal order of its divine administration and desecrate same. See also ***Emmanuel Ekpenyong v The National Assembly & Ors (Unreported, Suit No. FHC/ABJ/CS/1076.2020)***

### Scope of Powers of Religious Tribunals and the Discipline Religious Leaders

- ***Tijani v Arowolo (2014) LPELR-23078(CA)***: Religious court or tribunals are bound to follow the principles of natural justice when exercising disciplinary powers. Also, they cannot adjudicate on crimes and offences prescribed under the state legislation. See also, ***Anyanwu v Okoroafor (Unreported, Suit No. FCT/HC/CV/1889/2014)***
- ***Egubson v Joseph Ikechiuku (1977) LPELR-1050 (SC)***: Religious institutions must comply with its internal rules and procedures when exercising disciplinary powers over their leaders and members.

### Religious Institutions and Property Management

- ***Godwin v Christ Apostolic Church, (1998) 14 NWLR (Pt 584) 162***: It is the duty of every a religious leader, as an agent, to keep the money and property of his principal [religious institution] separate from his own and from that of any other person and must account for same, as stewards.
- ***Eternal Sacred Order of Cherubim and Seraphim v Adewunmi (1969) 2 ALC 273***: The management of the property of a religious organisation is tied to the autonomy of the religious



organization.

### **Taxation of Religious Institutions**

- ***Bishop Betram Lasbery (1939) 5 WACA 1142:*** Where it was held that the voluntary easter offering received by an incumbent and profits accruing to him are assessable in terms of income tax.
- ***SA Authority v. Regional Tax Board (1970) LLJR-SC:*** The case asks whether a religious community called the Holy Apostles Community Aiyetoro can be taxed under the Income Tax Law of Western Nigeria. The court ultimately determined that based on sections 3 and 4 of the Income Tax Management Act, a community's income can be taxed by the legislature of the territory where the community is located.



**LIST OF ACADEMIC STAFF FROM RESEARCH  
PROFESSOR/ PROFESSOR LIBRARIAN  
(CONUASS 07) TO RESEARCH FELLOW 1/ SENIOR  
LIBRARIAN (CONUASS 04)**

S/N	TITLE	SURNAME	FIRST NAME	OTHER NAMES	RANK
1	Prof.	LADAN	Muhammed	Tawfiq	Director- General
2	Prof.	GUOBADIA	Amazie	Desire	Research Professor
3	Prof. SAN	OWASANOYE	Bolaji	Olufunmileyi	Research Professor
4	Prof. SAN, OFR	AKPER	Peter	Terkaa	Research Professor
5	Prof.	SYLVANUS- PEPPLE	Animi	Esther	Research Professor
6	Prof. SAN	ADEWOPO	Adebambo	Anthony	Research Professor
7	Prof.	ALEMIKA	Emily	Ifeloja	Research Professor
8	Prof.	OKON	Emmanuel	Edem	Research Professor
9	Prof.	UDOMBANA	Ngozi	Justina	Research Professor
10	Prof. Dr.	WAZIRI-AZI	Fatima	Yetunde	Research Professor
11	Prof. Dr.	IFEKANDU	Ibe	Okegbe	Research Professor
12	Prof. Dr.	NLERUM	Francisca	Ekwutosi	Research Professor
13	Prof. Dr.	AREWA	John	Adebisi	Research Professor
14	Prof. Dr.	ANYEBE	Peter	Ademu	Research Professor
15	Prof.	ANYAOGU	Ulocha	K.V	Professor Library
16	Prof.	OWOEYE	Jide	Edward	Professor Library
17	Prof.	JOHN-OKEKE	Rita	Chinelo	Professor Library



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19	Dr.	CHUMA- OKORO	Helen	-	Associate Research Professor
20	Dr.	BELLO	Fatima	-	Associate Research Professor
21	Dr.	OGUNLEYE	Taiwo	Adebola	Associate Research Professor
22	Dr	MADU	Vivian	Chukwudumebi	Associate Research Professor
23	Dr	MADUEKWE	Nkiruka	Chidia	Associate Research Professor
24	Dr	UCHE	Oyinyechi	Lilian	Associate Research Professor
25	Dr	EGERUOH	Izuoma	Euphemia	Associate Research Professor
26	Dr	EZIRIGWE	Jane	Chinyere	Associate Research Professor
27	Dr.	ALI	Hussaini	-	Associate Professor Library
28	-	OLUWAGBAMI	David	A.	Senior Research Fellow
29	Mr	SHANKYULA	Tersoo	Samuel	Senior Research Fellow
30	Mr	AGU	Okechukwu	Benedict	Senior Research Fellow
31	Miss	AEDIRAN	Adejoke	Omowumi	Senior Research Fellow
32	-	ANI	Ekpowan	Laura	Senior Research Fellow
33	Miss	IKOBI- ANYALI	Awele	Lauretta	Senior Research Fellow





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38	Mr	AJETUNMOBI	Ridwan	Lanre	Senior Research Fellow
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40	Miss	OGWUDA	Ebele	Gloria	Senior Research Fellow
41	Mr	CHUKWUEMEKA	Castro	Nwabuzor	Research Fellow I
42	Mr	ODUM	Emeka	Henry	Research Fellow I
43	Dr	QUADRI	Kafayat	Motilewa	Research Fellow I
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52	Mrs	GANDIBA	Eunice	Tali	Research Fellow I
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54		AYODELE	Kemi	Beatrice	Research Fellow I



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56	Miss	JOSHUA	Akobella	Tommy	Research Fellow I
57	Mr	ADESANYA	Olusegun	Victor	Research Fellow I
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59		EZEH	Rose	Uloma	Senior Librarian
60	Mr	OGUCHE	David	-	Senior Librarian
61	Ms	GABASA	Paraya	-	Senior Librarian



**LESSONS FROM THE LIMITS OF SOVEREIGN/ DIPLOMATIC IMMUNITY IN INTERNATIONAL TRADE OR COMMERCIAL TRANSACTIONS: - THE CASE OF THE CHINESE COMPANY, MESSRS ZHONGSHAN F.I.I COY LTD AGAINST OGUN STATE OF NIGERIA ON ENFORCEMENT OF ARBITRAL AWARD, RESULTING INTO THE SIEZURE OF THREE NIGERIAN PRESIDENTIAL JETS UNDERGOING MAINTENANCE IN FRANCE BY A FRENCH COURT**

1. A fundamental principle of international law is that, a sub-national entity like Ogun state, within the federation of Nigeria, is NOT A SUBJECT OF INTERNATIONAL LAW, and so the provisions of international law in any trade, commercial or investment(bilateral treaty or Agreement)is DIRECTLY APPLICABLE ONLY TO THE FEDERATION OF NIGERIA(represented by the federal government of Nigeria).
2. Hence the federal government of Nigeria is directly answerable for the actions or omissions of its subnational-state governments in such international relations, without or with the consent or knowledge of the federal government of Nigeria.
3. The supreme Court of Nigeria, had earlier affirmed this principle of international law in the case of Attorney General of the Federation against the Attorney General of Abia State (No.2),(2002)6 NWLR (pt.764)p.542,SC.
4. In international law, the concept of RESTRICTIVE immunity applies to DENY SOVEREIGN/DIPLOMATIC IMMUNITY, to any nation-state like Nigeria, that enters into any international trade or commercial transactions, from legal action instituted against it or its sub-national entity in respect of any dispute arising from the commercial, trade or investment transactions.
5. The supreme court of Nigeria again in the case of African Re-corp v.JDP construction ltd(2007) 11 NWLR(pt.1045)p.224,SC,affirmed this restrictive concept that sovereign or Diplomatic immunity DOES NOT EXTEND TO /COVER commercial purposes.
6. Moving forward, the ministry of foreign Affairs and the office of the Attorney General of the federation/Minister of Justice should go beyond cautioning its subnational entities like Ogun state government, Committing Nigeria to such commercial transactions.
7. There is a need for a joint review of technical experts nominated by the Ministries of Justice and Foreign Affairs to scrutinize such proposed agreements and advise appropriately on the legal implications and liability regime of relevant stakeholders.
8. There is the need for a national database or register for documenting and tracking all such agreements as well as monitoring compliance with them.

*By Professor Muhammed Tawfiq Ladan*  
*Director General NIALS, Abuja*  
*15<sup>th</sup> August, 2024*



# COURTESY VISIT

The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Tuesday, 20th August, 2024 played host to Dr. Femi Taslim Elias, an International Law Lawyer, based in Washington DC, United States of America who was on a courtesy visit in his office at the Supreme Court Complex, Abuja.

Dr Femi Elias is the son of Late Justice

(Professor) Taslim Elias of the World Court/ International Court of Justice, Former Chief Justice of Nigeria, and Attorney General of the Federation.

It is worthy of note to mentioned that Nigerian Institute of Advanced Legal Studies (NIALS) Library is named Taslim Olawale Elias Library.





**NIALS/MACARTHUR PUBLICATIONS DISTRIBUTION OF MINI LIBRARIES TO DEANS OF LAW FACULTIES AND LAW TEACHERS IN NIGERIAN UNIVERSITIES 2021 TO AUGUST 26, 2024**

1. Unijos Law Faculty
2. Rivers State University
3. Uniben Law Faculty
4. NDU Law Faculty
5. POLAC Law Faculty
6. Bauchi State University Gadau
7. Law School Kano
8. NAU Law Faculty
9. NJUK Law Faculty
10. Chukwuemeka Odumegwu Ojukwu University
11. University Ibadan Law Faculty
12. BMC Law Faculty
13. Nigerian Law School Yenagoa
14. Kwara State University
15. NLS Kano Law Faculty
16. Madonna Law Faculty
17. Veritas Law Faculty
18. Bayero University Kano
19. BINGHAM UNI Law Faculty
20. ABSU Umuahia Law Faculty
21. SAN Law Faculty
22. Nasarawa State University Keffi
23. Pan African University
24. Admirally University Delta State
25. Delta State University
26. YUMSUK Law Faculty
27. Koladaisi University Ibadan
28. Redeemer's University
29. Nnamdi Azikwe University
30. Elizade University
31. University of Benin Law Faculty
32. American University of Nigeria, Yola
33. Ahmadu Bello University Zaria
34. Maryam Abacha University, Niger
35. Federal University Lokoja
36. Ibrahim Badamosi Babangida University Lapai



37. Wellington Fatai
38. Lead City University
39. University of Ilorin
40. Edo State University
41. Edwin Clark University
42. Benue State University
43. Ambrose Ali University
44. Crescent University
45. Olabisi Onabanjo University
46. Umaru Musa Yar'Adua University Katsina
47. Bowen University
48. Imo State University
49. Obafemi Awolowo University
50. University of Maiduguri
51. Achievers University Owo
51. University of Abuja
52. University of Nigeria Nsukka
53. Adekunle University
54. Clifford University
56. Lagos State University
57. Base University
58. Kogi State University
59. Al-Hikmat University
60. Enugu State University of Technology
61. Godfrey Okoye University
62. University of Ilorin
63. Edwin Clerk University Kiagbodo, Delta State
64. Chris Land University Owode, Abeokuta, Ogun State
65. North East University, Gombe State
66. Caleb University, Imota, Lagos College of Law Magodo Campus, Lagos
67. University of Port Harcourt, Faculty of Law, East West Road Choba, Portharcourt
68. Ebonyi State University, Abakaliki
69. University of Delta, Faculty of Law Owa Oyibu Campus, Agbor Delta State
70. University of Calaber, Faculty of Law
71. Benson Idahosa University, Faculty of Law, University Way, Off Upper Adesuwa Grammer School Road, Benin City
72. Babcock University
73. Afe Babalola University Ado Ekiti

NB: A total of 119 Law Teachers collected the Publications at the 2022 February NALT Conference in Kano Hosted by Bayero University Kano.ayero University Kano.



## ONE DAY MACARTHUR FOUNDATION CRIMINAL JUSTICE COHORT POST IACC ENGAGEMENT WORKSHOP

The Director General NIALS, Professor Muhammed Tawfiq Ladan's Presentation title: *“Key Takeaways and Potential Strategies to Advance Collective Anti-Corruption Efforts in Nigeria: Post-Iacc 2024*

*Cohort Engagement”* at the One Day Macfound Criminal Justice Cohort Engagement with the Anti Corruption Stakeholders Post the June 2024 Global Anti-Corruption Conference held in Vilnius, Lithuania held at Yar'aua Centre Abuja on 28th August 2024.





**KEY TAKEAWAYS AND POTENTIAL STRATEGIES TO ADVANCE COLLECTIVE  
ANTI-CORRUPTION EFFORTS IN NIGERIA: POST-IACC 2024 COHORT  
ENGAGEMENT**

*By*

**PROFESSOR MUHAMMED TAWFIQ LADAN, Ph.D**  
**Director General,**  
*Nigerian Institute of Advanced Legal Studies,*  
*Abuja*

**BEING A PRESENTATION MADE AT A ONE DAY MACARTHUR FOUNDATION  
CRIMINAL JUSTICE COHORT POST IACC ENGAGEMENT WORKSHOP**

**ORGANIZED BY**

**THE CENTRE FOR FISCAL TRANSPARENCY AND PUBLIC INTEGRITY,  
ABUJA**

**DATE:** Wednesday 28<sup>th</sup> August, 2024

**VENUE:** Meeting Room A, Yar'Adua Centre, Abuja

**TIME:** 9:30am

**THE STARTING POINT IS THE INTERNATIONAL ANTI-CORRUPTION  
CONFERENCE (IACC) 2024 VILNIUS DECLARATION, JUNE 21<sup>ST</sup>**

**1. INSPIRED BY THE IACC 2024'S THEME, CONFRONTING GLOBAL THREATS:  
STANDING UP FOR INTEGRITY WE COVER 2,000 PEOPLE FROM ABOUT 140  
COUNTRIES, CONVENED IN PERSON THEREFORE PLEDGE TO:**

- Defend the defenders against formidable adversaries
- Target environmental crimes by fighting corruption natural resource management climate finance projects and crimes against the environment.
- Dismantle the global enterprise of kleptocrats, criminals, traffickers and their accomplices.
- Prevent global insecurity and violent conflicts;
- Build an ethical global economy for sustainable development;
- Leverage on the power of technology to fight corruption;
- Uphold the principle of democracy and human rights against corrupt practices and abuse of power;
- Stop the flows of dirty money by collaborating to close the loopholes in the global financial





system that allow money laundering and payment of bribes; and to recover and repatriate illicitly acquired wealth/assets to repair the damage caused to the victims of corruption,

- Uncover complex corruption schemes by investing in forensic capacities, data analytics and financial intelligence;
  - Elevate the work of leaders with energy, integrity and passion to champion social justice;
- ii. Collaborative action defends integrity and transparency is the key to success.

## 2. POTENTIAL STRATEGIES MOVING FORWARD

1. We knew the WHY, WHAT and HOW corruption undermines effective promotion and protection of human rights: Breaking the silos by putting the interlinkage between Anti-Corruption and Human Rights approaches into practice e.g Enhancing citizen's participation in governance, their access to information and access to justice in Nigeria.

NB:- Section 14(2) (B) primary purpose of government and 15(5) on state obligation to abolish corruption practices and abuse of power; 14(2)(c) on citizen's right to participate in governance (1999 Constitution of Nigeria as amended)

### 1. Strengthening cross-sectoral capacity and cooperation:-

- Use of human rights tools in corruption prevention and prosecution e.g., reparation, strategic litigation and transitional justice;
- Supporting applied research on transformative approaches to corruption prevention based on human rights;
- Building and sustaining trust in central bank through compliance with ethics and integrity;
- Addressing the impact of corruption on policy making planning and implementation as well as communities;
- Engaging the private sector in collective action against corruption (through a practical guidance note on compliance with the UN Guiding Principles on Business and Human Rights).

**THANKS YOU FOR LISTENING**



## DEFENCE HEADQUARTERS ANNUAL GENDER CONFERENCE 2024

The Director General of Nigerian Institute of Advanced Legal Studies (NIALS), Professor Muhammed Tawfiq Ladan's Lead Presentation on the title: *"Strengthening Institutional Mechanism To Promote Gender Inclusivity for a Gender Responsive and Operationally Efficient Armed Forces of Nigeria"* this presentation was made at the One Day Defence Headquarter Annual Gender Conference which was held on 29th day of August 2024 at the National Defence College, Abuja with the former Head of State, Gen. Abdulsalami Abubakar, Ex First Lady, Mrs Patience Jonathan, and the Commandant National Defence College Abuja and others were all present at the event.





**STRENGTHENING INSTITUTIONAL MECHANISM TO PROMOTE GENDER INCLUSIVITY FOR A GENDER RESPONSIVE AND OPERATIONALLY EFFICIENT ARMED FORCES OF NIGERIA**

**By**

**PROFESSOR MUHAMMED TAWFIQ LADAN, PHD**

*Hubert Humphrey Fellow, USA*

Member of World Jurist Association, USA

**Director General,**

Nigerian Institute of Advanced Legal Studies,

Abuja Nigeria

**A PRESENTATION MADE AT A ONE DAY ANNUAL GENDER CONFERENCE ON MAINSTREAMING WOMEN, PEACE AND SECURITY AGENDA IN THE ARMED FORCES OF NIGERIA**

**OUTLINE OF PRESENTATION**

- Objective
- Introduction
- Mainstreaming Women, Peace, Security Agenda and Participatory Strategy for Gender Responsive Institutional Mechanism
- Promoting Gender Inclusivity as a Principle of Gender Equity that leads to Gender Equality is both a treaty and a Constitutional Obligation in Nigeria
- Toward a viable framework for strengthening institutional mechanism to enhance operational efficiency in the armed forces of Nigeria
- Conclusion

**1. Objective**

- To equip participants with the legal foundation and gender policy guiding principles for promoting gender inclusivity in the Nigerian military
- To enhance the knowledge capacity of participants on how gender inclusivity as a principle of gender equity leads to gender equality for a gender responsive and operationally efficient armed forces of Nigeria.

**2. Introduction**

- The importance of women in conflict prevention and resolution, peace building and post-war reconstruction and rehabilitation cannot be overstated. Series of UN Security Council



Resolutions (UNSCR) on women, peace and security, have long established the relevance of a gender perspective in military affairs, combat, and peace operations. UNSCR 1325 and succeeding nine resolutions on women, peace and security have established an international framework for the adoption of a gender perspective in the pursuit of international security and the conduct of peace operations. Despite growing international recognition of the UNSCR 1325 as a global norm, the practical implementation of the participation of women in combat operations in the Nigerian Armed Forces has been slow and obvious due to the misconception that women lack the physical ability to withstand the strains of war and the extreme violence that goes on the battlefield, and combat operations in general.

- The involvement of women in combat military operations has gained global attention in recent times. For instance, ground-combat units the brigade level have until now in most countries, excluded women from combatant status, largely in infantry, armours, and special forces units, and thereby how EXCLUSIONS have also been linked to the high levels of allegations of sexual abuse and harassment of women within the ranks because they contribute to women not being perceived as equals. The Nigerian Armed Forces Gender Policy launched in April 2021, is a welcome development having indicated a sign of gender mainstreaming to the practical attainment of 27.9% female participation in peace support operations, while the UN benchmark is 17%. This deliberate effort by the Nigerian military is consistent with the UNSCR 1325 mandating countries to develop their own action plans to identify, evaluate and monitor efforts to achieve the objectives of women, peace and security.

### **3a. PROMOTING GENDER INCLUSIVITY AS A PRINCIPLE OF GENDER EQUITY THAT LEADS TO GENDER EQUALITY IS BOTH A TREATY AND A CONSTITUTIONAL OBLIGATION IN NIGERIA.**

#### **INCLUSIVE GOVERNANCE AND AFFIRMATIVE ACTION AS AN EQUITY PRINCIPLE IN NIGERIA**

##### **I. INCLUSIVE AND PARTICIPATORY GOVERNANCE**

- ❖ A CONSTITUTIONAL DUTY UNDER SECTION 14(2)(b) and (c) of the 1999 Constitution of Nigeria: - the primary purpose of Government is to promote the security and welfare of all people; and to ensure the **participation in government by the People**.
- II. As a primary constitutional objectives under Preambular para 4: - to promote the **good governance** and welfare of all persons on the basis of the **constitutional principles of EQUALITY, JUSTICE and FREEDOM** and for consolidating the unity of our People.
- III. How? By the state prohibiting **DISCRIMINATION** on grounds of place of origin, sex, religion, status, ethnic or linguistic differences – section 15(2) constitution;
  - ❖ By the State fostering a feeling of **belonging, and of involvement** among the various people of the Federation, to the end that loyalty to the nation shall override



sectional loyalties – section 15(4) Constitution.

❖ **Affirmative Action** is beyond appointment by slots of % - because it is an **EQUITY Principle** aimed at promoting **INCLUSIVITY** and **PARTICIPATION** in Governance by all citizens.

❖ It further aims at addressing prolonged political, socio-economic imbalances, injustices and inequities suffered by a key, relevant and equal stakeholder group, though **VULNERABLE** in terms of been persistently **DISCRIMINATED** against (by discriminatory laws, policies and practices); **DISADVANTAGED** (in political and socio-economic spheres); **EXCLUDED** (from participation in decisions making processes affecting their lives, families, communities, businesses, economy and nation); and **Marginalised** (in both public and private sectors of life due to the entrenched patriarchal system fuelled by socio-cultural practices and poor policy implementation or inconsistencies).

❖ By the State abolishing corrupt practices and abuse of power-section 15(5) to realise Affirmative Action Targets.

**Nb:** - all the above provisions of sections 15 of the constitution relate to the **Political objectives** of Nigeria.

IV One of the **Economic objectives** of the constitution-section 16 (i)(b) is for the State shall control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of **social justice and equality of status and opportunity**.

V. One of the **social objectives** of the constitution in section 17(2)(a) is for the State to ensure that every citizen shall have **equality of rights**, Obligations and opportunities before the law.

❖ It is also about the **DUTY** of every citizen under section 24(c) constitution to respect the **DIGNITY** of other citizens and the **RIGHTS AND LEGITIMATE INTERESTS** of others, live in harmony and unity and in the spirit of common brotherhood.

❖ Furthermore, **AFFIRMATIVE ACTION IS A CORE SET OF TARGETS TO BE ACHIEVED** under item 3.7 of the NATIONAL GENDER POLICY: - LEADERSHIP and POLITICAL PARTICIPATION, namely amongst others: -

- ADOPTION OF THE GENDER AFFIRMATIVE ACTION OF **50 : 50 PARITY** IN ALL ELECTIVE AND APPOINTIVE POSITIONS, IN LINE with global and regional best practices;
- Reduction of monetized politics and god-fatherism which are detrimental to women's participation in politics and popular democracy;
- Compliance of all political parties in the country with the **50% AFFIRMATIVE ACTION FOR WOMEN IN LEADERSHIP POSITIONS (elective and appointive)** within political party system and in presenting candidates for political offices, including party primaries.



Gender Equity

- Recognises that each person has (or group of people) have different circumstances or needs and allocates the exact resources and opportunities needed to reach an equal outcome.
- Equity is about **how** to achieve equality in status, rights and opportunities through the guiding principles of **FAIRNESS OR JUSTICE, INCLUSIVITY, IMPARTIALITY, NON-DISCRIMINATION, AFFIRMATIVE ACTION** and **PROVISION OF LEVEL PLAYING FIELD**.
- The purpose of EQUITY as process of being fair to women and men, is to do justice, by seeking to correct the historical wrongs that have left women behind (such as societal restrictions on employment and participation in politics or decision making processes affecting their lives.)
- To ensure fairness, strategies and measures must often be available to compensate for women's historical and social disadvantages, exclusion, discrimination and marginalisation, that prevent women and men from otherwise operating on a level playing field.

Gender Equality

- Recognises each individual or group of people is given the same resources or opportunities, such as making it legal for women to own land or attend school.
- **EQUALITY** is the end goal, while equity is how we get there.
- Although equality and equity are often used inter-changeably, they don't mean the same thing.
- Equality is about being equal in status, rights and opportunities as well as before the law.

### 3b. HOW GENDER EQUITY LEADS TO EQUALITY

- Gender equity seeks for the provision of fairness in the distribution of benefits, opportunities, rights, responsibilities or obligations between women and men.
- The African Union Gender Policy, 2009, defines "**Gender Equity**" as the just and fair distribution of benefits, rewards and opportunities between women, men, girls and boys. While "**Gender Equality**" means the absence of discrimination based on gender in the allocation of resources, benefits and access to services.
- Although neither the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), (Nigeria Signed on 23 April 1984, ratified on 13 June 1985; and ratified its optional protocol to CEDAW on 8 September, 2001) nor the African Union Protocol on the Rights of Women in Africa (Maputo Protocol ratified by Nigeria on 16 December 2004), makes explicit reference to the term "Gender Equity", they both nevertheless make provisions that seek to promote Gender Equity that leads Equality.



- E.g., Article 4 of CEDAW provides that: - “Affirmative Action measures shall NOT be considered discrimination. Special measures protecting pregnancy shall **not** be considered discriminatory.” Article 3 of CEDAW provides: - “State Parties shall take all appropriate measures, especially in the political, social, economic and cultural fields, to ensure the full development and advancement of women for the purpose of guaranteeing them enjoyment of human rights on equal footing with men”.
- The African Union Maputo Protocol provides for Equality and Non-Discrimination under Article 2 (Elimination of all forms of discrimination), 9 (political participation and decision making), 8 (access to justice) and 12(Education). Amongst its globally celebrated innovative provisions is the clause on the need to adopt a gender perspective in national development procedures, including prioritisation of gender budgeting.
- Specifically, article 10 of the Protocol: Guarantees women’s rights to participate in the promotion and maintenance of peace and security, and Conflict prevention and resolution at the national regional and global levels.

#### **4.1 A GENDER INCLUSIVE SECURITY SECTOR FOR ENHANCED OPERATIONAL EFFICIENCY IN NIGERIA:- WHY IT MATTERS, THE EMPIRICAL EVIDENCE AND LESSONS FROM GOOD PRACTICES**

##### **GENDER INCLUSIVITY**

- Is about creating an environment where people of all genders feel valued, respected and empowered to contribute their unique talents, bravery and perspectives.
- By embracing gender inclusivity, institutions of governance or workplace unlock a wealth of diverse ideas, experiences and insights that fuel creativity, enhance decision making processes and ultimately drive their competitive advantage.

Gender inclusion in the security sector is crucial for fostering a diverse and inclusive environment. It involves actively seeking to recruit, promote and engage women in leadership roles, peace making, peacekeeping and enforcement, as well as conflict prevention and resolution.

#### **4.2 EMPIRICAL EVIDENCE AND LESSONS FROM GOOD PRACTICES: WHY WOMEN IN INCLUSIVE SECURITY AND PEACEFUL SOCIETIES?**

##### **Empirical Analysis of 8 Decades of International Crises Reveals:-**

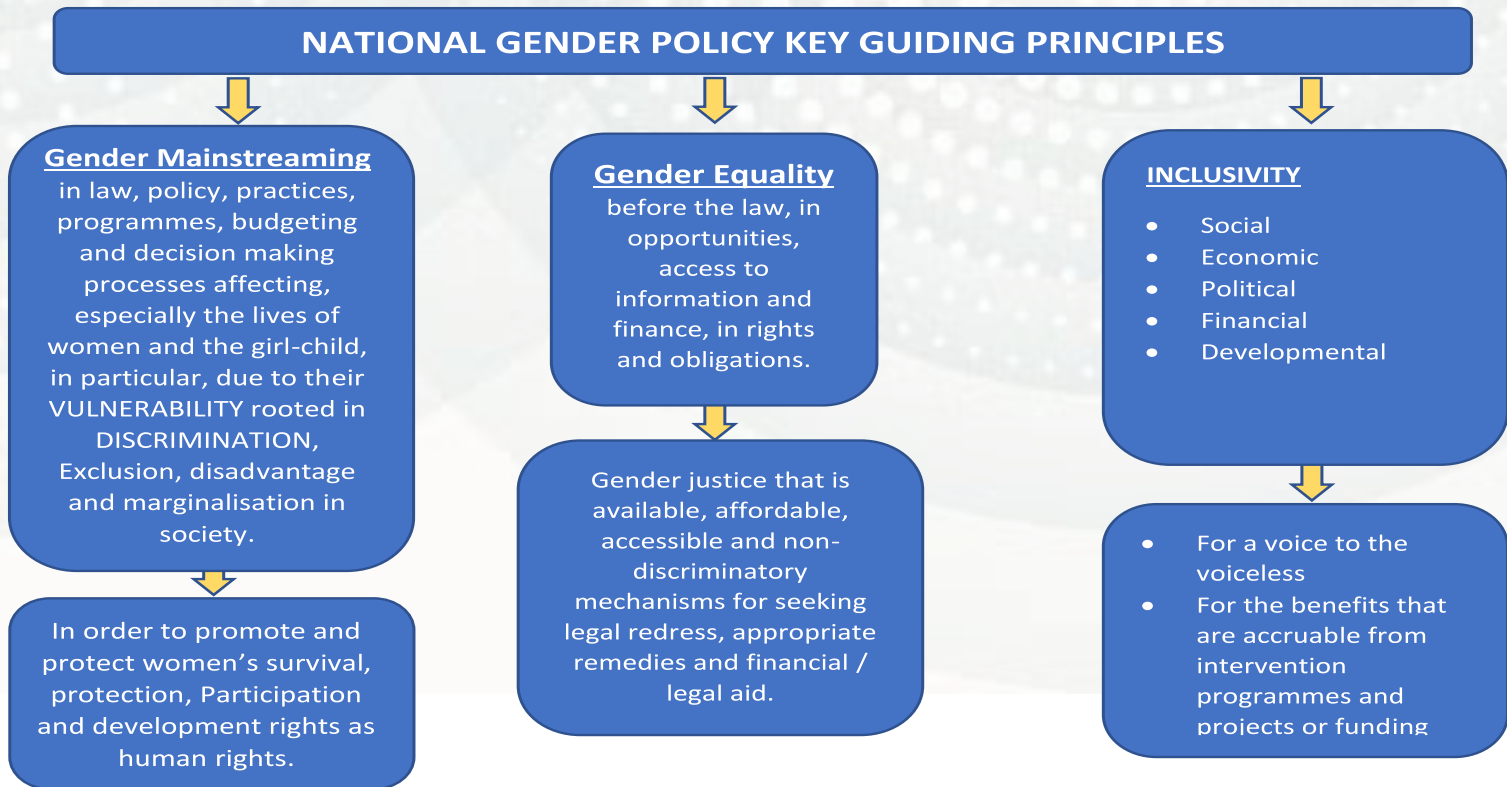
- I. Like men, women play a variety of roles when conflict threatens. A small minority of women join and support terrorist organizations when they perceive no other options to address their grievances; or when they are manipulated, misguided, coerced or induced;



- ii. Evidence abound in the low involvement of women in the security architecture of countries like Nigeria, where the abilities of women were untapped for decades of violent conflict, civil disturbances and in the fight against acts of terrorism including banditry and kidnapping.
- iii. While the security sector institutions in Nigeria strive to achieve their mandates over the years huge gender gaps are visible in their enabling legislations/policies and operational procedures at all levels. Yet, ensuring women's meaningful representation in the security sector is critical to building an INCLUSIVE responsive, and accountable security sector that reflects diversity of the community it serves and better respond to their needs.
- iv. Where women's inclusion is prioritized, peace is more likely particularly when women are in a position to influence decision making (as legislators, cabinet ministers, security management officials etc:- case studies or Rwanda, Liberia and Sierra Leone).
- v. Reasons why this is so:-
  - a. Women promote dialogue, build trust, bridge divides and bild coalitions for peace.
  - b. They bring different perspectives to bear on what peace and security mean and how they can be realized, contribution to a more holistic understanding of peace that addresses long term needs as well as short term security.
  - c. Whether preventing conflict, contributing to peace processes, or rebuilding their societies after war, women take an inclusive approach, such that their inclusivity benefits entire communities, not just women (case studies of South Africa, Burundi, Kenya, Colombia, Northern Ireland, Pakistan, Guatemala, Philippines, Solanki, Liberia and Sierra Leone)
  - d. Women are well placed to detect early warning signals of oncoming violence, extremism or radicalization that men may miss. When women serve in security forces, this detective capacity can be a particularly valuable skill, as they bring a complementary understanding of the threat environment in the communities they serve.
  - e. Women in security forces can access easily the female half of the population that may be closed off to men in conservative cultures, and women are more likely to report gender based violence to female security officer than male.
- vi. Underscore the following evidence of BENEFITS to Women's Inclusion/Gender Inclusivity:-
  - Women personnel are required to perform certain peculiar tasks involving other women special needs
  - Improving situational awareness, intelligence gathering and constructive dialogue or interaction with a larger segment of the local population.
  - Increased trust, credibility, and legitimacy from the perspective of the local population.
  - Improved conduct and ability to track, evaluate and address Sexual and Gender Based Violence (SGBV) in security sector operations.



FIGURE 1: - NATIONAL GENDER POLICY KEY GUIDING PRINCIPLES



## 5. TOWARDS A VIABLE FRAMEWORK FOR STRENGTHENING INSTITUTIONAL MECHANISM TO ENHANCE OPERATIONAL EFFICIENCY IN THE ARMED FORCES OF NIGERIA

### KEY CONSIDERATIONS

- i. The AFN Gender Policy launched in April 2021 is a welcome development, as it seeks to, among others, ensure 35% Affirmative Action of Women and achieve increased women involvements in recruitment and enlistment, education, training, retention, promotion, posting, operations, logistics, accommodation, budgeting, institution of maternity and paternity leave for both women and men of the Nigerian Armed Forces.
- ii. Need to further review the AFN Act Cap A20, LFN 2004 and other security sector legislations, policies and operational procedures to reflect Nigeria's legally binding treaty obligations under the AU Protocol on the Rights of Women in Africa, Article 9 on the Right to participation in the political and decision making process affecting their lives, national security and national development, consistent with section 14 (2) (c) of the Nigerian Constitution on the right of every citizen to participate in governance. Further, Article 10 on the right of women a peaceful existence and to participate in the promotion and maintenance of peace and security at the national and international levels, and in all aspects of planning, formulation and peace-making, peacekeeping, peace-enforcement, peace-



building, as well as post conflict reconstruction and rehabilitation. This is consistent with the primary purpose of government under section 14(2)(b) of the Constitution is to promote the security and welfare of all people.

- iii. Need to produce an implementation plan of action of the AFN Gender Policy 2021 that is activity based, with timelines, roles and responsibilities, verifiable indicators, resources mobilisation, periodic review, monitoring and evaluation. This will ensure consistency with the National Gender Policy, 2021-2026, item 3.5 on Gender and security sector with explicit reference to the AFN requiring gender integration in laws, policies and operational procedures.

### 5.2 KEY RECOMMENDATIONS INCLUDE:

- Need for senior level political commitment and coordination capacity to embrace and actualize reforms at the operational level
- Need for proactive initiative to address socio-cultural barriers to women's recruitment and to support their retention and promotion.
- Greater investment is needed to build institutional capacities and competencies of key military personnel on gender inclusivity for operational efficiency.

### 6. CONCLUSION

It is evident from the above analysis that Gender INCLUSIVITY is both a constitutional and treaty principle of Gender Equity and Equality in workplaces. Hence promoting gender inclusivity will strengthen the military institutional mechanism for a gender responsive and operationally efficient Armed Forces of Nigeria, consistent with the UN Security Council Resolution 1325 and succeeding resolutions on Women, Peace and Security. Finally, the key considerations and recommendations outlined aimed at providing a viable framework for strengthening the institutional mechanism on women, peace and security in Nigeria.

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**THANK YOU FOR YOUR Attention**

