



SPECIAL EDITION NIALS DIGEST

**NIALS PERFORMANCE REPORT UNDER
THE LEADERSHIP OF DG PROF. M.T. LADAN:**

**STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN
NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL,
THE NIGERIAN LAW REFORM COMMISSION
AND THE JUDICIARY, 2019-2024**

VOL. X

September, 2024

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SUPPORTING THE UNDERSTANDING OF AND COMPLIANCE WITH THE ADMINISTRATION OF CRIMINAL JUSTICE ADMINISTRATION 2015 AND SUPPORTING THE UNDERSTANDING OF AND COMPLIANCE WITH THE ACJA AND ACJLS MONITORING AND EVALUATION SUMMARY REPORT

1. total of Number of Beneficiaries,
2. Strategic tools developed, adopted and disseminated.
3. Total number of workshops and colloquia series held.
4. Impactful outcomes/ results.
5. Feedback points.

1. Introduction

The Administration of Criminal Justice Act was signed into law in 2015 as innovative legislation that brought fundamental reforms to the Nigerian Criminal Justice System. At its enactment, the instrument was envisaged to comprehensively improve criminal justice delivery and enhance the operations of criminal justice institutions. However, justice stakeholders' understanding and compliance with the innovative provisions remained key to properly implementing the revolutionary legislation.

As part of MacArthur's *On Nigeria's Big Bet Programme*, which focused on providing support to address corruption in the country, the Nigerian Institute of Advanced Legal Studies in 2017, received a 3-year grant for the project *Supporting the Implementation of and Compliance with the Administration of Criminal Justice Act 2015*. The project, as an offshoot of concerted efforts to ensure the speedy and effective dispensation of justice through the implementation of the ACJA 2015, applicable at the federal level and subsequent state replicas, envisaged that effective dispensation of justice was a significant pillar in the anti-corruption architecture, especially considering the prosecution of high profile cases and potential enhancement of criminal justice institutions and processes achievable through proper implementation of the provisions of the ACJA and the respective state replicas.

Following the completion of the 2017- 2020 grant, the Institute received funding for another grant cycle.

This report provides a summary of the activities, impact and feedback of the project.

2. The Goal and Objectives of the Project

The overarching goal of *the project* was to address poor compliance with and implementation of the provisions of the ACJA/ACJL through specific interventions that target the justice sector stakeholders as implementers and or compliers with the laws. Table 1 provides a simplified summary of the goal of project. Based on this aim, the interventions under the project sought to:

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Problem	Poor implementation and compliance with the provisions of ACJA among criminal justice stakeholders at federal level and state counterparts
Solution	Provide documents and conduct activities that provide a forum explaining and simplifying the interpretation of the provisions the law to criminal justice stake holders
Success (Theory of Change)	Awareness and understanding about proper interpretation and application of the provision of ACJA by a higher percentage criminal justice stakeholders which will lead to effective implementation and compliance

Table 1: Summary of the Goal, Solution and Success indicator of the Project.

- Ensure an appropriately sensitised stakeholder cluster which will help to up-scale confidence in criminal justice administration in Nigeria;
- Institutionalise activities that target significant (but not often addressed) aspects of case management and reduction of delays under the ACJA/ACJL through an anti-corruption focus;
- Support the development of tools such as guidelines, rules of court, practice directions that support seamless implementation of the reforms;
- Complement similar programmes of other organisations whose projects are based on the ACJA;
- Enrich the growing pool of bibliographic materials on the ACJA/ACJL which can be consulted by relevant stakeholders

1. The Theory of Change Approach

The project adopted a theory of change approach. A theory of change approach reflects long-term behavioural changes in the institutional, individual or community levels, while visualising all the possible evidence and assumptions that are linked to those changes.

envisages that activities conducted (sphere of interest) will influence changes in criminal justice administration (sphere of influence) as justice sector stakeholders as individuals and in their respective clusters utilise the knowledge gained from the activities and respective publications. These changes would result in effective implementation and compliance with the administration of criminal justice reforms.

2. Impact of the Activities Conducted under the Project

2.1. Supporting Understanding and Compliance through Stakeholder Learning Events

Under this category of events, the Institute has for the period under review developed and validated 3 Institutionalised curricula for judges, lawyers and law teachers respectively. These curricula were utilised for the capacity enhancement events. In light of the exigencies of the pandemic, the Institute also developed and validated training manuals deployed for the capacity building.

The Institute also conducted 18 capacity enhancement events which comprised of 4 dedicated events for judicial officers, 2 dedicated training events for prosecutors and defence lawyers, 1 Train the Trainers workshop for law teachers and 9 mixed training events for various justice stakeholders.

Capacity Building	No of workshops/ colloquia series
Workshops for Judicial officers and Criminal Justice stakeholders	9
Colloquial for Appellate Court Justices and Federal High Court	4
Workshop and Train the Trainers workshop (TOT) Law teachers	2
Stakeholder Validation Events	2
Feedback Roundtable	1
Total	18

Table 2: Summary of the total no of capacity building.

As shown in **chart 1**, a total of 1,114 justice sector stakeholders were engaged in the capacity building and enhancement events.

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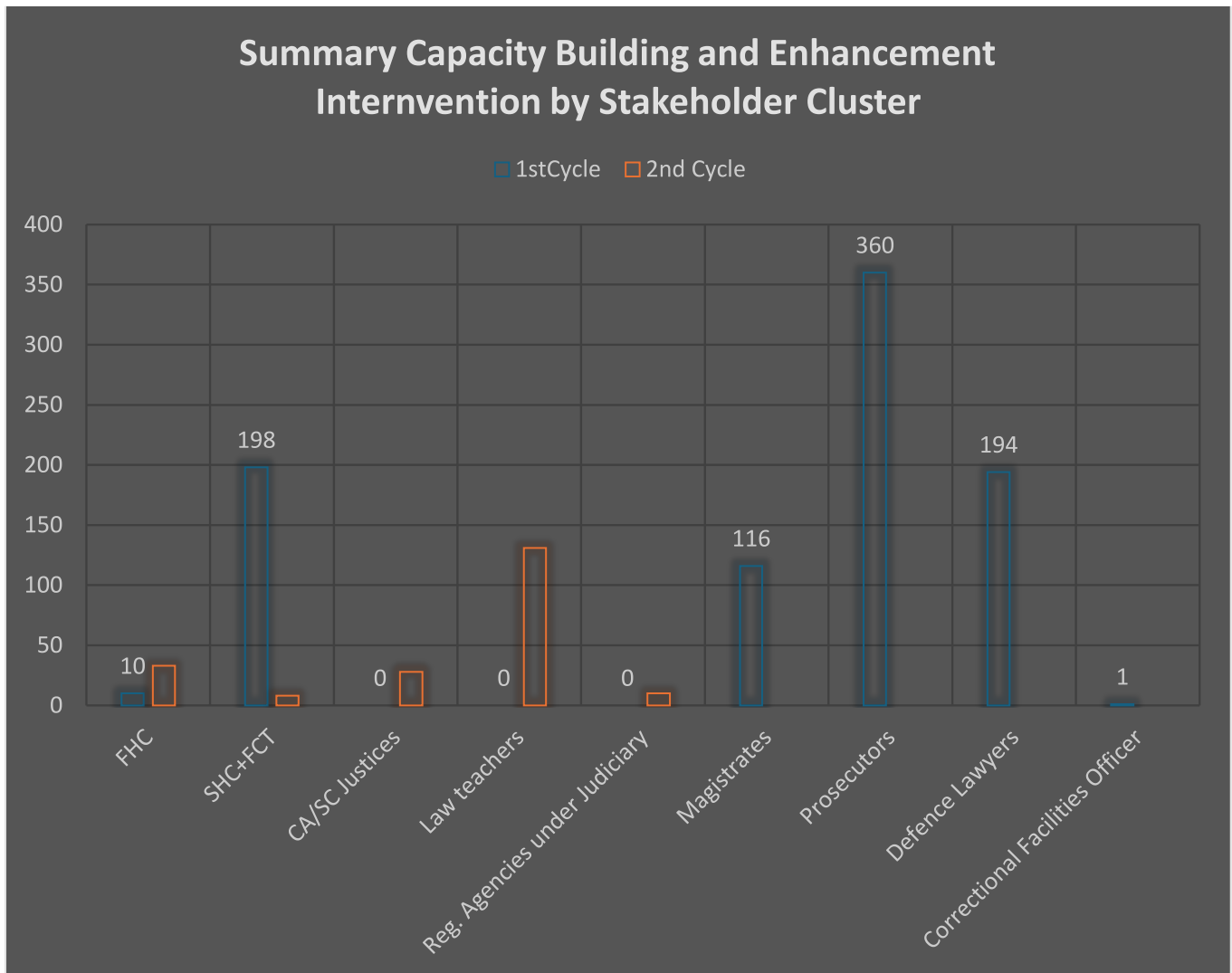


chart 1: total number of stake holders engages in

In the first cycle (2017-2020) 904 justice sector stakeholders were engaged in 13 sessions, while in the second cycle (2021-2023) 210 Justice sector stakeholders were engaged in 5 sessions as shown the Graph 1 above

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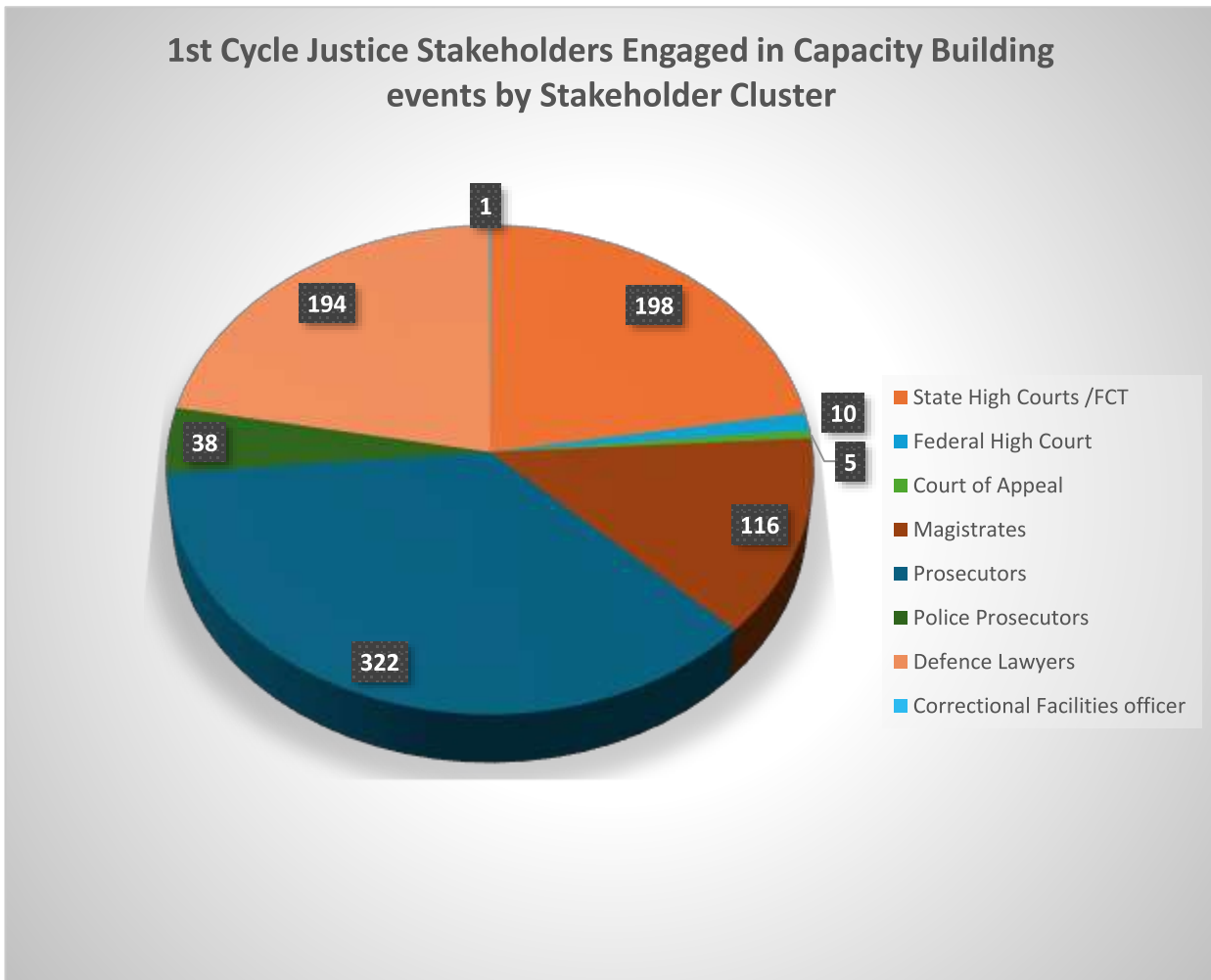


Chart 2: total number of stake holders engaged in capacity building in the first cycle

The focus of the 2nd cycle intervention was mainly on judicial officers and law teachers as specific justice stakeholders of interest. A total of 210 persons were engaged in the capacity building and enhancement events.



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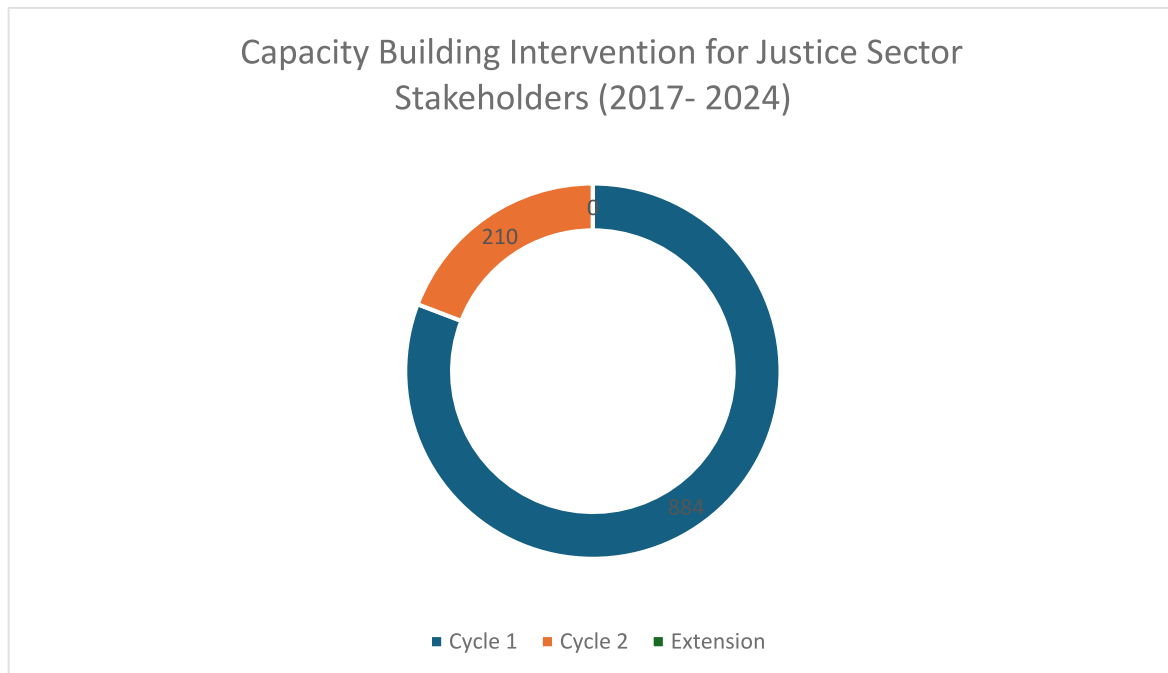


Chart 3: chart above shows the difference between stakeholders engaged in the first cycle ad in the second cycle.

From the **Chart 3** there were more stakeholders engaged in the first cycle than the 2nd cycle. This reduction in the number of stakeholders was tied to the focus of the 2nd cycle and the impact of the economic downturn.

The Institute ended the 2nd cycle with an Interactive Feedback Roundtable on The Effective Implementation of And Compliance with The Administration of Criminal Justice Act/Law. The interactive feedback round table helped in stocktaking of comparative experiences, lessons learned, and ways to improve the effective implementation of ACJA/Ls in Nigeria.

1.1. Supporting the Development and Publication of Rules of Courts and Practice Directions as Reform Supporting Instruments

NIALS has contributed to the drafting and publication of enhanced compliance instruments for 18 states and the FCT. The Institute envisioned Rules of Court (RsC) and Practice Directions (PDs) made pursuant to the ACJA 2015 and subsequently, the state replica as essential protocols to enhance compliance with the innovative reforms since they support a creative narrative

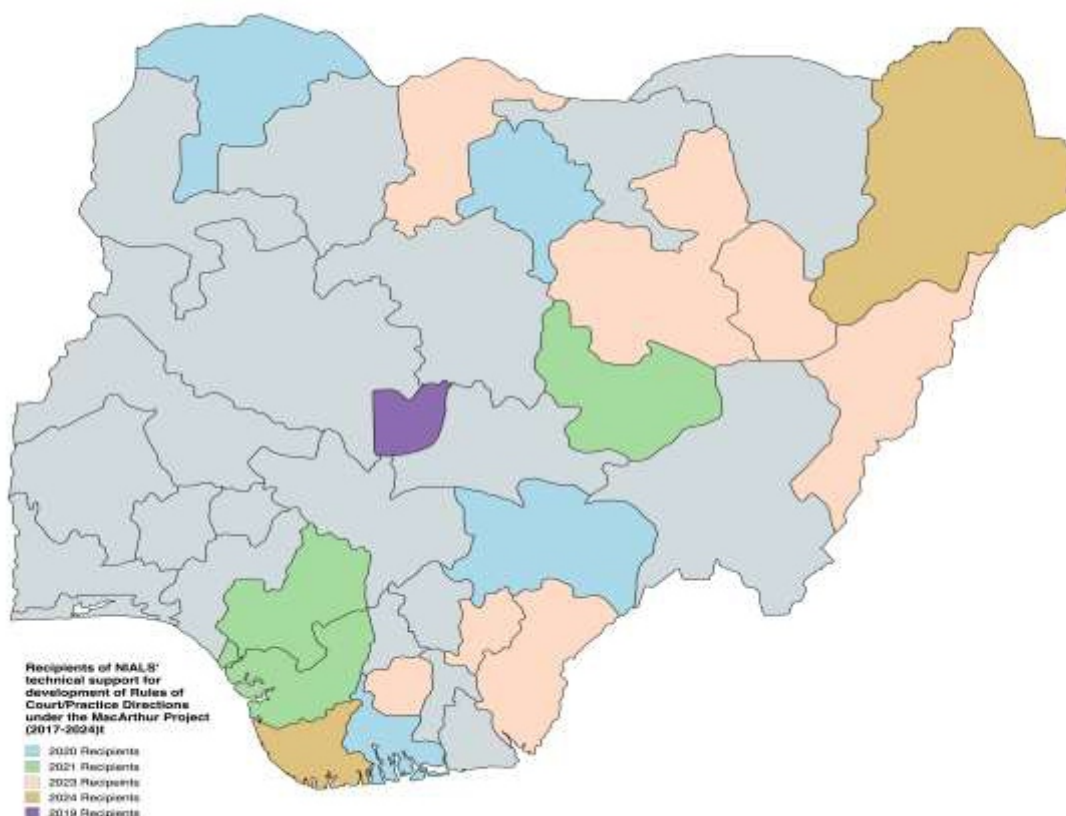
Prior to the enactment of the Administration of Criminal Justice Act 2015 which is a federal legislation, three states (Lagos, Anambra and Ekiti) had undertaken extensive criminal justice procedure reforms within their subnational framework which resulted in the enactment of their respective Administration of Criminal Justice Laws in 2007, 2011 and 2014 respectively.

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Technical meetings	
Meetings with 8 different states CJ stakeholders	8
Meeting with NJC	2

Table 3: Summary of the total no technical meetings with stakeholders

Summary of States with Rules of Court and Practice Direction with



Map 1: shows the number of states that received technical support/ intervention from NIALS.

By the end of the first phase of the project (2017-2020), the Institute had provided technical support to 6 states and the FCT, leading to the issuance of Rules of Court by the heads of the respective courts. The technical support provided in the 2nd phase of the project resulted in the adoption of 11 tools comprising of 4 Rules of Court and 7 Practice Directions made pursuant to the respective state's recently adopted

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criminal justice administration procedure laws.

While the Extension phase of the project is still ongoing, the Institute has already begun to record outputs from its technical support offered to states. In the 2nd half of 2024, the Chief Judge of Bayelsa State adopted and signed the State's Practice Direction in August 2024.

As shown in the Map above as at 31st August 2024, 25 states across the federation and the FCT have a supporting tool to improve understanding and implementation. This represents 68% of the 36 States and the FCT.

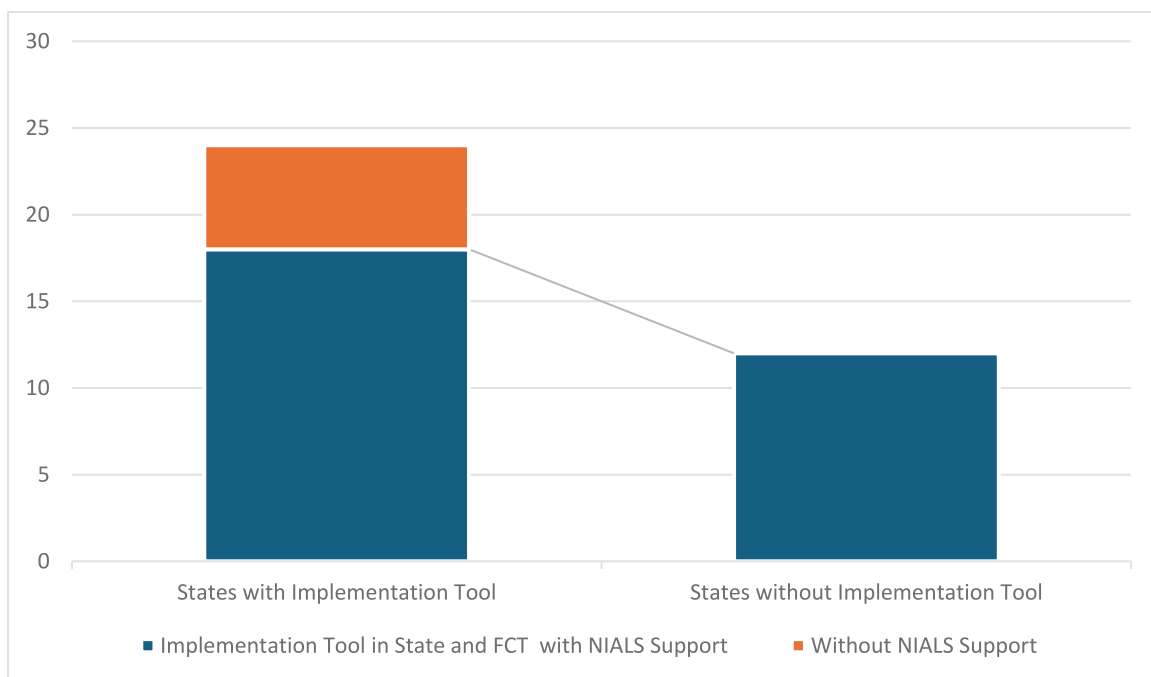


Chart 4: The chart shows the difference between stakeholders engaged in the first cycle and in the second cycle.

1.1. Strategic Tools and Nationwide Distribution of Publications.

As shown in the chart above., the Institute has developed 30 strategic tools under the project. The Institute has produced 20900 copies of the strategic tools out of which 18894 copies of the various tools have been distributed to criminal justice stakeholders nationwide.

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S/N	Tool Kits Produced	Printed	No. Distributed
1	Guidebook on Integrating ACJA 2015 in the Teaching of Relevant law courses in Nigeria	500	469
2	11 States Rules of Court, FCT, Edo State, Plateau State, Cross River State, Ebonyi State, Adamawa State, Borno State, Bauchi State, Imo State, Gombe State, Katsina state, Bayelsa State	3,700	3,225
3	Guidelines and Abstract of Protocols, Regulations and Guidance on COVID-19 relevant to criminal justice and legal education actors	500	310
4	13 subject matter Policy Bulletins under the ACJA	5,400	5,000
5	4 Volumes of Compendia Series on Analysis of states Administration of Criminal Justice Laws.	1,100	729
6	2 Monographs on Suggested Amendments to the ACJA 2015 and State Administration of Criminal justice laws 2022 and Supreme Court decisions in Udeogu V FRN: Policy and Practice Implications for the Criminal Justice System in. Nigeria	1,000	790
7	6 Volumes of Digest of Cases on the Administration of Criminal Justice Act (ACJA) 2015, (Volumes 1-V)	4,700	4,415
8	2 Training manuals for Lawyers on the Implementation of the Administration of Criminal Justice Act 2015 and for Judges	4,000	3,400

Table 3: summary of the strategic tools developed and distribution

Apart from distribution to the Federal and State Ministries of Justices and the Chambers of Judges and Justices of Superior courts, the Institute has also shared the publication at various events related to criminal justice administration. At the workshops for the criminal justice stakeholders and Training of trainers (TOT): 2 sets of these publications were distributed to each of the law teachers in attendance and the faculty libraries as mini-libraries. From 2021-2024 a total number of 73 Law Faculties benefited from the distribution of the publication as mini libraries while at the Law Teachers conference in 2022, 114 Law teachers were also recipients of the mini library.

5.0. GESI Approach

5.1. Impact of the Project

The project Supporting the Understanding of and Compliance with the Administration of Criminal Justice Act 2015 and Administration of Criminal Justice Laws has spanned 7 years comprising of 2 grant cycles and 1 grant extension since its award in 2017.

- The most significant impact of the project is the positive contribution to enhancing the knowledge base of several justice sector stakeholders and members of the public who engage with the criminal justice system.
- Through its dedicated capacity building and enhancement events judicial officers, law teachers, and lawyers in both public and private sectors have been equipped with the requisite knowledge to ensure compliance with the provisions of the ACJA 2015 and their state replicas. Specifically, the participants have created a pool of recipients who are bearers of enhanced knowledge to be shared within their immediate stakeholder community.
- Also, the stakeholder engagements with the leadership of the judiciary have Strengthened cooperation among justice collaborators.
- The various State Members of the general public have also benefited from the strategic tools developed under this project. This evident from the distributed 18,338 out of 20900 publications.

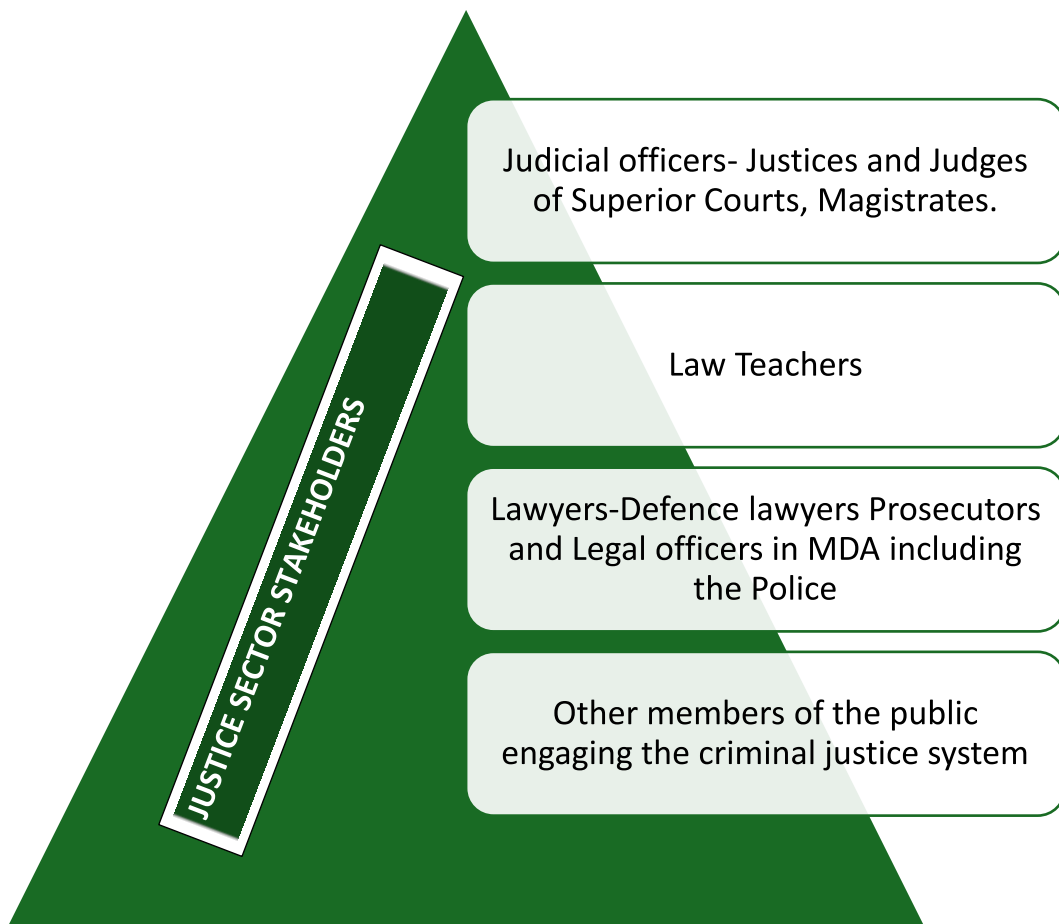


Chart 5: Summary of the different Justice Sector holders that benefited from NIALS intervention

- Development of GESI learning and approach to projects in the Institute
- Collaboration with cohorts strengthened collaboration between NIALS and other CSO and Government organisations.

6.0. Feedback

The following feedback was received from Interactions from participants and from the feedback roundtable,

- The Guidebook on Integrating ACJA 2015 in the Teaching of Relevant Law Courses in Nigeria have become part of teaching materials at the law faculties of Nigerian Universities and Law schools.
- The draft implementation action plan for the 2016 National Judicial Policy was adopted as a working document.

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- The Law Teachers observed that ACJA is a forward-looking procedural law with salutary provisions. Some of Nigeria's substantive laws lag behind the aspirational provisions of ACJA. Consequently, the relevant statutes need to be amended to align them with the provisions of ACJA.
- The Law Teachers observed that ACJA lacked clarity about the conceptual definition of some terms such as arrest, search and seizure. The Guidebook developed by the Institute has clarified the meaning of such concepts to engender understanding and application.
- There is an apparent need for greater understanding and enlightenment on how to effectively execute a search, human rights standards and handling seized and abandoned properties under the criminal justice administration in Nigeria. These aspects are critical to enhancing accountability and transparency in the system.
- There are irregularities in implementing and applying non-custodial sentencing measures across the country due to a lack of resources, knowledge and capacity to implement relevant ACJA provisions on non-custodial sentencing.
- There is some unfamiliarity among justice sector actors in states with state laws on criminal justice administration. Justice sector actors, in some cases, do not have access to copies of the laws.
- The Physical publications have contributed to enhancing the Criminal Law section of the libraries of several universities.
- The apparent lack of financial capacity of the court to support indigent defendants with legal representation, and because this is a constitutional requirement from which cannot be derogated, has resulted in the existence of stalled cases.
- The problem of *trial denovo*, which the ACJA 2015 came to cure, is still subsisting due to the court's lack of financial capacity to facilitate the movement of an already transferred judge to go back and complete part-heard matters.
- There is increased awareness of the use of electronic systems. States like Kaduna noted that the application of e-filing in the state has helped in the administration of justice and sped up criminal trials.
- The fundamental and general challenges faced by learned justices in the practical application and implementation of the ACJA 2015 include the application of non-custodial sentences, as there is no adequate mechanism for monitoring; inability and reluctance of the courts to impose wasted costs on prosecutors or legal aids counsels for tardiness and unnecessary adjournments. For instance, in states like Bauchi and Borno, the reason for their reluctance is that legal aid counsels represent defendants on a pro-bono basis, and the imposition of wasted cost will discourage them from

taking up the cases. Other challenges include no case submission, congested dockets, and incessant adjournments.

- The Judges also complained of the prosecutors' lack of adequate knowledge of plea bargain procedures.

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Capacity Development and Enlightenment of the Public

In furtherance of its continuing legal education mandate, the Institute designed and executed several public lectures. These public lectures comprised of Annual Lectures, lectures in collaborations with other organisations and public policy lectures. Notably, for the period under review, the Institute took advantage of the new normal of engaging in remote meetings and deliberations. Several of the activities were conducted using a hybrid format of in-person and use of virtual platforms.

Founders Day Annual Lecture

Since 1979, the Institute has marked its Founders' Day on the 17th of March as an annual event. Learned jurists and distinguished scholars of various shades of opinions have delivered the Annual Founders' Day Lecture. The 2021 Founders Day Lecture, held using the online platform was styled as a two-part lecture- first a realistic discourse amongst renowned academic professors in the Institute on moving the Institute forward and then focus on the judiciary in the quest for autonomy.

Professor Olanrewaju Fagbohun, SAN immediate past Vice-Chancellor of Lagos State University delivered the first webinar titled 'Building an Inclusive Academic Organisation: NIALS in the Spotlight' on the 29th March, 2021.



Cross section of online participants at the Founders' Day Annual Lecture

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The learned professor drew on his knowledge as a staff of the Institute and his experience as a Vice-Chancellor to highlight certain areas in which the Institute had excelled in delivering the expectations as a world class institution. He commended the efforts of past and present leaders of the Institute and also made appropriate recommendations on how to ensure that the Institute continues to break barriers and reward excellence. Three past Directors-General of the Institute; Professor Ameze Guobadia, Professor Epiphany Azinge, SAN and Professor Deji Adekunle, SAN contributed to the discussions

The subject of financial autonomy for the Judiciary as a front burner issue in Nigeria influenced the choice of the 2nd lecture to mark the Founder's Day. Distinguished Professor Taiwo Osipitan, SAN from Faculty of Law, University of Lagos, delivered the lecture tagged 'Toward a Search for a Fiscally Autonomous Judiciary in Nigeria' on the 6th of July, 2021.

**NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES
(NIALS)**

**6TH
JULY 2021
TIME: 11 AM**

**2nd
NIALS FOUNDERS' DAY
PUBLIC LECTURE WEBINAR 2021**

**Lecture Topic
'THE SEARCH FOR A FISCALLY
AUTONOMOUS JUDICIARY IN NIGERIA'**

DISTINGUISHED STAKEHOLDER PARTICIPANTS:

Mrs Ibirobo Tamuno-Adekola
NIALS Council Member

Prof. Yusuf M Yusuf,
Dean, University of Maiduguri
NIALS Council Member

Prof. Abubakar Muhammad Madaki,
Dean, ABU, Zaria
NIALS Council Member

Prof. Ige Omatayo Bolodeaku,
Dean, University of Lagos
NIALS Council Member

Prof. OVC Okene,
Dean, Rivers State University
NIALS Council Member

Prof. Sylvester Sadiq Shikyi,
Dean, University of Jos
NIALS Council Member

Dr. Samuel I Nwatu,
Dean, UNN
NIALS Council Member

DISCUSSANTS

Chief Host:
Prof. Muhammad Tawfiq Ladan, PhD
(DG NIALS)

Lead Speaker:
Dist. Prof. Taiwo Osipitan, SAN

Prof. Peter Akper, SAN, OFR
Director of Research, NIALS

Prof. Adabambo Adewumi, SAN
Professor/SP Chair, NIALS

Prof. Animi Sylvester-Peggle
Director, CLECEILP, NIALS

Prof. Emmanuel Okon
Director, PG School, NIALS

Prof. Emily Alomika
Deputy Director, CEREP, NIALS

**Meeting ID: 843 3078 3888
Passcode: NFDL**

<https://us02web.zoom.us/j/34330783888?pwd=DU0oQnA4WVYhMEZoRXdQRkVUNVlDUT09>

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The learned silk in his presentation utilised a comparative analysis of the pay packages of Apex Court justices in Nigeria, United Kingdom, United States of America and Australia, to buttress that officers in Nigeria are highly under-paid. In his submission, Professor Taiwo Osipitan, opined that the provision of Section 84(3) of the Constitution should be amended in a manner it would be impossible for allowances of Judicial Officers to be altered to their detriment. He also recommended an immediate upward review of pay packages of Judicial Officers which have remained frozen since the last review in 2008. Council members invited as distinguished stakeholder participants in their comments supported the opinion of the learned presenter and unanimously called for appropriate restructuring especially at state level to ensure financial autonomy for the judiciary.



Both online webinars were well attended.

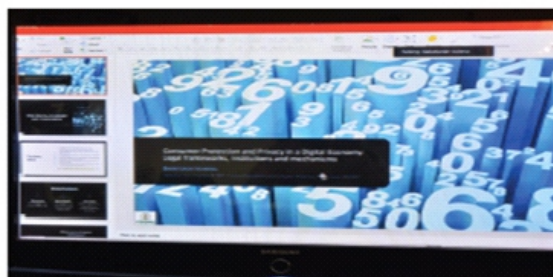
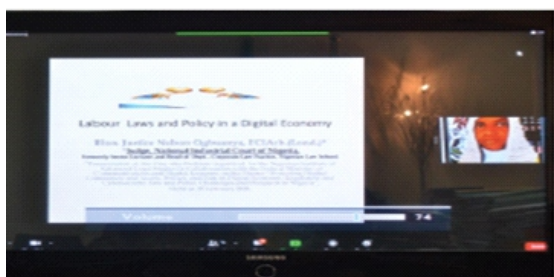
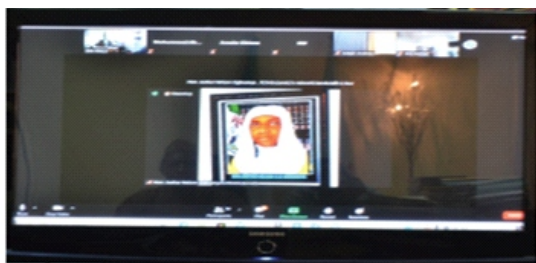
2021 Law and Policy Webinars

Law and Policy Webinars Series provide an avenue for the Institute to showcase well researched opinions on contemporary issues bedevilling the Nigeria environment and beyond. The presentations also contain practical law and policy suggestion that can be used to address the identified challenges. The Institute conducted two (2) Public Policy Webinars in the year under review.

The NIALS webinar on *'Regulatory and Cyber Security Law and Policy: Challenges and Prospects in Nigeria'* focused on current drive by the Federal government to ensure the

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digitalisation of the Nigerian Economy and related outcomes to enhance economic growth and development. The Chairman of Webinar the Honourable Minister of Communication and Digital Economy, in his opening remarks highlighted the existence of a strong regulatory framework in Nigeria and consequently challenged stakeholders to effectively implement, monitor and enforce it, to drive the digital economy.



Cross section of online participants at the Regulatory and Cyber Security Law and Policy: Challenges and Prospects in Nigeria

In a bid to contribute to national discourse and critical review of Nigeria's progress in exploring innovative infrastructure projects financing options and entrenching sustainability into infrastructure financing, the Institute on 2nd March 2021, congregated virtually, relevant stakeholders to discuss the theme '**Financing Infrastructural Projects for Sustainable Development in Nigeria: Challenges and Prospects**'. The webinar which was well attended by over hundred (100) participants focused on key issues such as financing infrastructure projects, SDGs and infrastructure development and finance, Public – Private Partnership in infrastructure projects and environmental considerations for infrastructure projects among others. Presentations and discussions were led by Prof. Olufumi Saibu of the Department of Economics, University of Lagos. Other speakers included Engr. Chidi K. C. Snr, (Director-General, ICRC); Professor Damilola Olawuyi, SAN (Deputy VC, ABUAD); Prof. Yinka Omoregbe, SAN (former Hon. Attorney General, Edo State); Dr. Sam Amadi (Baze University, Abuja); Dr. Ahmed Rabi'u (Faculty of Law, Bayero University, Kano); Dr. Maryam Shehu Mohammed (Company Secretary, Kaduna Electricity Distribution Plc); Dr. George Nwangwu, Director (Global Centre for Law, Business and Economy, Abuja) and Professor Peter Akper SAN, Director of Research, Nigerian Institute of Advanced Legal Studies, Abuja.

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Consultancy, Collaborative Undertakings and General Research Activities

The conduct of research and the dissemination of research findings require huge funding commitments- one which the Institute would ordinarily be unable to shoulder independently. Hence, the Institute through its Management continues to create new alliances and service pre-existing partnerships to ensure the existence of adequate funding and sponsorship of planned Institute programmes. The Institute was involved in a significant number of activities in this context in 2021.

Research Grant Activities

I. Activities Under the NIALS Implementation of and Compliance with the Administration of Criminal Justice Act/Law Project, under the MacArthur on Nigeria Programme

Following the conclusion of the three-year project on Supporting the Implementation of ACJA 2015/ACLs in Nigeria, MacArthur Foundation in January 2021 awarded the Institute a fresh grant cycle under the Implementation of and Compliance with the Administration of Criminal Justice Act/Law Project 2.0. The new phase of the project is designed to consolidate on gains on entrenching the proper implementation of the innovative provision in the criminal justice reform in Nigeria as evidenced by ACJA and the state replicas.

A. Inception Meeting of the MacArthur 2.0 Project Team



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The Director General inaugurated the members of the various components under the project at the Inception Meeting of the Project held on the 31st of May 2021 at the Penniel Apartment Conference Hall, Wuse II Abuja.

The members of the Research Components under the project are as follows:

Component A

Ag. Chairperson: - Prof. Peter Akper, SAN
Member: - Prof. A. Adewopo, SAN
Secretary: - Ms. Lilian Uche
Tasks: - Coordinate Appellate Justices Colloquium/ Training Workshop Series for Law Teachers on ACJA

Component B

Ag. Chairperson: - Assoc. Prof. Ibe O. Ifeakandu
Member: - Dr Fatima Bello
Secretary: - Dr. Nkiruka Maduekwe
Tasks: - Coordinate Activities on Rules of Courts/Consultations on ACJLs Implementation/COVID-19 Guidelines for the Justice Sector

Component C

Ag. Chairperson: - Prof. E. Okon
Member/Secretary: - Dr. Irekpitan Okukpon.
Asst. Secretary: - Dr. A. Habila
Tasks: - Coordinate Activities Relating to: - Digest of Cases/Policy Bulletin Series/Constitutional and Legislative Reforms on ACJA

Component D: - M&E/Documentation

Ag. Chairperson: - Dr. Osato Eruaga
Member: - Ms. Jane Ezirigwe
Member: - Engr. Jauda I. Yusuf
Project Accountant: - Chief Accountant, Sadiq Musa.

The Inception meeting provided an opportunity for the team leads of the various components to familiarise themselves through various presentations with the expectations of the Grantor under 2.0. It also provided the avenue for the team members to brainstorm and present workplans for their respective components based on the comprehensive proposal of activities as approved by the Grantor.

Representatives of the Nigerian Association of Law Teachers (NALT) and the National Judicial Institute (NJI) were present at the Inception meeting as key partners under the research grant.

B. Development, Review and Validation of the Guide Book for Integrating Administration of Criminal Justice Act (ACJA) 2015 in the Teaching of Relevant Laws in Nigeria

Realising the need to institutionalise the reforms within the criminal justice system and the absence of a comprehensive literature on the subject for teachers of Law, the Institute through Component A under MacArthur 2.0, developed and published the *Guidebook for the Integration of Administration of Criminal Justice ACJA in the Teaching of Relevant Laws in Nigeria*. This Guidebook aims at institutionalising a training curriculum that will enhance the teaching of the reforms in the criminal justice system contained in the ACJA 2015 and the state replicas in relevant Laws in faculties of Nigerian Universities and the Nigerian Law School.

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The Guidebook as developed by an Institute led research team, was reviewed and validated under the partnership with the Nigerian Association of Law Teachers in a 2-day Review and Validation Meeting which held from 5th to 6th of October, 2021. Dignitaries at the event included the Attorney General of the Federation and Minister of Justice, Abubakar Malami, SAN (ably represented by the Special Assistant to the President on Justice Reforms, Juliet Ibekaku-Nwagwu); Professor Isa Chiroma, SAN Director General of the Nigerian Law School ; Professor Usman Shuaibu, President, National Association of Law Teachers (NALT) and an array of seasoned erudite law professors.



NIALS team at the review and validation workshop for the Guidebook for Integrating ACJA in the Teaching of Relevant Laws in Nigeria

C. National Colloquium for The Justices of the Appellate Courts on the Administration of Criminal Justice Act

The Institute identified in its grant proposal that consensus on the interpretation of various innovative provisions of the ACJA among justices is an important requirement for the effective implementation of the criminal justice reforms contained in the Administration of Criminal Justice Act and the state replicas. To this end, the Institute partnered with the National Judicial Institute to organised a Colloquium for appellate justices from 3rd to 4th November 2021. The event which took place at the Frasier Suites, Abuja, was conducted with support of MacArthur Foundation. The purpose of this colloquium was to afford justices of appellate courts the opportunity to intellectually engage in robust discourse around pertinent issues in the ACJA. Such robust discussions contribute to enhanced development of the legal jurisprudence of the Nigerian criminal justice system.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.



Cross section of participant at the Colloquium for Justices of the Appellate Court on the Administration of Criminal Justice

The discussions at the colloquium highlighted the pitfalls in the ACJA that needs to be addressed and the colloquium offered the participants an opportunity to identify these pitfalls in some sections of the ACJA which will be considered for amendment.



Director General NIALS flanked by the CJN and other Appellate Justices at the presentation of publications sponsored by MacArthur

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.

The in-depth discussions were conducted among seventeen (17) Appellate justices- two (2) Supreme Court Justices and fifteen (15) Court of Appeal Justices.



D. Development of Rules of Court: Delta, Edo and Plateau States

A key component of MacArthur 2.0 is ensuring that justice sector stakeholder have a firm grasp of the meaning of provisions contained in the state ACJLs. The Institute identifies that aiding states in the drafting of Rules of Court as an efficient pathway to further the overriding objectives of the ACJA/L which is the speedy and efficient dispensation of justice; ensuring justice for the victims, the offender and the state; promote proper case management practices as well as improve the implementation of the ACJA/L generally.

In other to achieve this, the Institute is collaborating with the Chief Judges of the relevant State High Courts to ensure that the provisions introduced were not contrary to the principal enactment or the Constitution of the Federal Republic of Nigeria 1999. Notably, the Institute under MacArthur 1.0 had concluded and published earlier in 2020, Rules of Court of Court for Kano, Sokoto, Ekiti, Benue and Rivers State.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.



The consultative and technical review meetings in 2021 has led to the drafting and publishing of the Rules of Court on Administration of Criminal Justice for Delta, Edo and Plateau States respectively.

E. Development and Validation of the Guidelines for the Justice and Legal Education Sectors to Facilitate Adherence to the National Covid-19 Guidelines

Current Adjustments to the Reality of the prevalence and effect of the COVID-19 virus has made it imperative that all facets of society be properly guided on the implementation of guidelines and protocols relating to operating in and adjusting to the new normal. The Institute from an in-depth review of available resources with respect to operating amidst the pandemic among justice sector stakeholders, identified the absence of a comprehensive guide that summarily highlight responsible practices for justice sector stakeholders, including law lecturers as necessary parties as the trainers of the feed lot of the justice system. This gap justified the development of the Guidelines for the Justice and Legal Education Sectors to Facilitate Adherence to the National Implementation of COVID-19.

The Guideline which was developed by a team of researchers in the Institute over a period of three (3) months. Following the review of expert reviewers, the draft document was presented for further review and validation by stakeholders in the justice and legal education sector.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.

The review and validation event chaired by the Director-General of the Nigerian Law School, (ably represented by the Deputy Director-General, Abuja) provided an avenue for stakeholder input and buy-in.

F. Compendium on Comparative Analysis of ACJLs (Vol.3)

The Institute in the year under review, engaged in critical analyses of the five state laws on criminal justice administration. The analyses adopt the Administration of Criminal Justice Act, 2015 as the baseline tool for assessing the various state laws. The Institute had earlier completed of the analyses of twenty three (23) states and published same as two volumes under the ended MacArthur 1.0 grant. The aim of the analyses and the resultant publication was to provide a comprehensive database for relevant stakeholders.

As it currently stands, the Institute has conducted an in-depth analysis of twenty eight (28) state laws on the Administration of Criminal Justice Law.

G. Development of Policy Bulletin

Four (4) Policy Bulletins were prepared based on the following topics:

- a. ACJA: A Hybrid Law?
- b. Towards Effective Prosecution of Human Trafficking and Maritime Offences under the ACJA
- c. Arrest in Lieu: An Analyses of Cases Based on Selected State ACJLs
- d. The ACJA, Human Rights and Legality of the Death Sentence on Pregnant Women.

A Guideline to facilitate the preparation of the Bulletins were sent to assigned NIALS Researchers and a first draft of the Bulletin was prepared between August and October 2021. The Bulletins were reviewed by Expert Reviewers between October and November 2021, and corrections based on said review were effected by the researchers in December 2021.

The four (4) Policy Bulletins are currently being edited and will be printed and disseminated to justice sector actors within the first quarter of 2022.

H. Development of Case Digest

The mandate involved the collation and analysis of Court of Appeal and Supreme Court rulings and judgments to be published as a Digest of Cases (Volume III of 2021). These judgments are based on the ACJA 2015 and Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 ('NAPTIP Act')

Case collection and analysis, based on case collection templates and guidelines prepared by Component C, were completed by NIALS Researchers by October 2021. This analysis was collated in a draft Case Digest and Expert Reviewers in the field of criminal law and human rights carried out a review of the draft from November to December 2021. A Case Digest Review Template was also prepared by Component C to guide the Expert Reviewers in their task. Formatting and editing of the draft Digest is currently ongoing.

Final printing of the Digest will take place in the first quarter of 2022.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.

NIALS Tackling Nigeria's Energy Poverty through Sustainable Waste-to-Energy Initiatives Research The ECOWAS Centre for Renewable Energy and Energy Efficiency (ECREEE) and Konrad-Adenauer-Stiftung (KAS) in August 2020, awarded the Institute a grant of two thousand euros to conduct research relating to sustainable waste to wealth initiatives to address energy poverty in Nigeria

The research sought to provide directions for Lagos State and Nigeria generally regarding utilisation of Municipal Solid Waste (MSW) for energy generation in Nigeria and the need for legal reform of currently existing legislation on waste and energy.

The research was concluded in 2021 and the written report submitted to the donor.

NIALS' The Right to a Healthy Environment as a Panacea to Environmental Degradation in Nigeria

Following a submission of a proposal the Social Science and Humanities Research Council (SSHRC)/CARISSA Partnership in June 2019, awarded the Institute a joint grant to be shared among ten (10) institutions to partner in conducting research on Canada's Human Right's role in Sub-Saharan Africa. The objective of the research project is to analyse and theorise the nature, attainments, challenges and prospects of governmental Canadian human rights engagements in sub-Saharan African countries like Nigeria. The research which is on a three years grant, is currently in its last cycle.

COLLABORATIONS AND PARTNERSHIPS

The Institute, as the apex law institution, frequently engages in collaborative undertakings for funding, in-depth research and interrogation of relevant areas of law. Within the period under review the Institute has been able to establish and is currently in collaboration with notable local Institutions including the Nigerian Institute for Legislative and Democratic Studies, the Federal Ministry of Trade and Investment (FMITI), Nigerian Association of Law Teachers (NALT), Nigerian Maritime and Safety Administration Agency (NIMASA) and its parent ministry, Federal Ministry of Justice. The Institute also collaborating with several notable international organisation including UNODC, UNDP, GIZ, RoLAC and the MacArthur Foundation. Some of these collaborative undertakings and specific obligations areas listed below

a. NIALS- NIMASA Collaboration on Admiralty Law Issues

Nigerian Institute of Advanced Legal Studies in collaboration with Nigerian Maritime Administration and Safety Agency and National Judicial Institute held 1st NIMASA/NIALS Admiralty/ Maritime Law Colloquium. The event took place at Radisson Blue Hotel, Victoria Island, Lagos from 15th to 16th April, 2021. It was the first in its series, having been rebranded from the Strategic Admiralty Law Seminar for Judges, which had run for nine (9) consecutive years. The Colloquium expanded in scope to include selected legal professionals and Court of Appeal Justices. The Colloquium was attended by the President and Justices of the Court of Appeal, Justices of the Federal High Court and Judges of State High Courts in littoral states in Nigeria. The theme of the Colloquium, '*Achieving Maritime Safety, Security and Shipping Development ('TRIPOD-S') Through Enforcement of Legislation and the Implementation of the Deep Blue Project: The Role of the Judiciary and State Actors*' was enriched by presentations of expert resource persons from the perspectives of various legal and maritime actors. The Suppression of Piracy and Other Maritime Offences (SPOMO) Act 2019 constituted the main legislation from which

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issues of maritime safety, security and shipping were discussed at the Colloquium.

B. Collaboration with Nigerian Institute for Legislative and Democratic Studies (NILDS)

The Partnership in capacity building in Legislative Drafting between Nigerian Institute of Advanced Legal Studies (NIALS) and the National Institute for Legislative and Democratic Studies (NILDS) was further strengthened in 30th March 2021 during a courtesy visit from the Director-General of NILDS Professor Abubakar O. Suleiman to the Director-General of NIALS Professor Mohammad Twafiq Ladan, PhD. The visit was held in Abuja, at NIALS office Supreme Court Complex.

C. Collaboration with UNESCO

The Institute in the last quarter of 2021 began talks with UNESCO on possible collaboration to conduct training on Freedom of Expression in Africa and the Safety of Journalists. In furtherance to this proposal, the Institute was invited to nominate participants to engage in a Train of Trainers Workshop from 29th November to 4th December, 2021 in Kenya. Dr. Irekpiton Okukpon and Dr. Hazard Habila were the Institute's nominees.



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The purpose and objective of the workshop was to train trainers from Judicial training institutes in Africa on Freedom of expression and safety of journalists. Other participants at the training included judges and staff of judicial training institutes from Ethiopia, Uganda, Tanzania, South Africa, Namibia, Mozambique, Senegal and Sudan. Arrangements are currently on-going to finalise the collaboration activities.

D. EU-UNICEF-Federal Ministry of Justice (FMOJ) Collaboration with Partner Institution on Child Access to Justice

The Institute on 5th August, 2021 was inaugurated as part of team partnering on Child Access to Justice. Other partner institutions include United Nations Office on Drugs and Crime (UNODC), NPG, Nigeria Immigration Service (NIS), Nigeria Customs Service (NCS), Legal Aid Council (LAC), National Human Rights Commission (NHRC), Nigerian Bar Association (NBA) and the United Nations Children's Fund.

E. NIALS-ROLAC-NILDS-FMoJ Collaboration for the Training of Drafters in National Institutions

The Institute collaborated with ROLAC, National Institute for Legislative and Democratic Studies (NILDS) and Federal Ministry of Justice (FMOJ) to design and train legislative drafters in national institutions. The partnership resulted in a four (4) day Training workshop for forty-five drafters of various national institution from 7th to 10th December, 2021.



Professor Alemika and other members of NIALS team at the Legislative Drafters workshop

F. NIALS-Law Pavilion Partnership

The Institute in the year under review, entered into partnership with Law Pavilion, the Leading Legal Technology Solutions Provider in Africa. The aim of the partnership is to publish the Institute's books and journals in E-Format and made available using the Law Pavilion Platform to make it more readily available. The partnership arrangement also includes a collaboration on a study project mooted by the DG of NIALS regarding the Jurisprudence of the Supreme Court and Court of Appeal (2001- 2021)

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published in volumes. In furtherance to above agreement, the Managing Director of Law Pavilion, Mr. Ope Olugasa on Monday, 26th July, 2021 officially signed a Memorandum of Understanding with the Institute for the commencement of the e- Publishing of NIALS publication.



Director General NIALS and the MD Law Pavilion at the signing of MoU

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It is hoped that the E-publishing will bring about a wider reach and access to an expanded global target audience and of course, for a diversified Internal Generated Revenue (IGR) drive in a COVID-19 Economic recovery period.

G. NIALS COMPASS Law Chambers Partnership

The Director General of Nigerian Institute of Advanced Legal Studies, Professor Muhammed T. Ladan on behalf of Management, signed a Memorandum of understanding with the principal partner of the Compass Chambers. The partnership commits the Institute to providing faculty for capacity building including continuing legal education and specialised training programmes for clients sought by Compass chambers



Director General NIALS and Principal Partner on compass Law Chambers

H. NIALS-UNODC Partnership in the Area of Counter-Terrorism Research and Studies

NIALS partnered with the United Nations Office on Drugs and Crime (UNODC) on the task of developing the Manual for Investigators and Prosecutors in Counter Terrorism in Nigeria. The published Manual produced under the funding of the European Union was launched the output on the 21st of October, 2021.



Director General NIALS at the presentation workshop of the Manual for Investigators and Prosecutor

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I. NIALS/MacArthur Collaboration on the Administration of Criminal Justice in Nigeria 2.0

The project seeks to enhance the understanding of the Administration of Criminal Justice Act (ACJA), 2015 and the state replica by facilitating implementation through among other things, the development of institutionalised curricula and guidance instruments (Component A); development of rules of courts under the ACJA (Component B); and development of case digests and case bulletins on the ACJA (Component C).

Following the end of the MacArthur funded project for the NIALS *Support for the Implementation of and Compliance with Administration of Criminal Justice Act 2015*, (2017- 2020), the Institute was awarded another cycle of funding from the same funders for *Collaboration on the Administration of Criminal Justice in Nigeria 2.0*. The current phase began in January 2021 and will be concluded in December 2023.

J. NIALS-Harvard Copyright X Collaboration

The partnership commenced in 2013. The purpose of the collaboration is for the conduct of a 12-week course organised to propagate knowledge of copyright, create an informed community of copyright owners and users, and encourage more people, particularly students, to develop interest and expertise in the subject. The Institute successfully conducted the 2021 course, including exams between March and June 2021 for 19 participants.

K. Nigerian Institute of Advanced Legal Studies (NIALS)/Centre for Comparative Law in Africa (CCLA), Faculty of Law, University of Cape Town, South Africa Collaboration

The research collaboration is focused mainly on energy law and policy development and sponsored by the TY Danjuma Foundation. This collaboration produced a book titled 'Ending Africa's Energy Deficit and the Law: Achieving Sustainable Energy for all in Africa (2018).' The partnership is also responsible for the ongoing AfCFTA Book Project on Regional Integration in Africa.

L. NIALS- WAYAMO Collaboration on the Institutionalisation of ICL and IHL in Nigeria

The Institute has since 2019 been in collaboration with WAYAMO, a non- profit organisation established to strengthen the rule of law and promote international criminal Justice. The objective of the partnership is to equip Nigerian institutions with the necessary skill to train their network of legal practitioners and actors in International Criminal Law (ICL) and International Humanitarian Law (IHL). To this end, the parties have cooperated in organising several Train of Trainers (ToT) courses.

M. NIALS-WIPO Partnership on Intellectual Property Policy in Nigeria

The Institute in the year under review began discussions with the WIPO Country Representative on possible areas of collaborations with respect to intellectual property policies in Nigeria.

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Submissions and Attendance in Response to Call for Memoranda for Law and Policy Reviews

The Institute participates regularly in law and policy reviews This is in furtherance of its mandate to aid in shaping good law and policy in Nigeria. The submissions in response to a call for memoranda on specific policy or law (and attendance of public hearings) are essential process in this regard.

A. Public Hearing on a Bill for an Act to Repeal Treaties (Committee on Treaties, Protocol & Agreement), March 2021:

Professor Peter Akper represented the Institute at the public hearing where the Institute's response to the Call for Memoranda was presented.

B. Nigerian Office for Trade Negotiation (NOTN) Call for Memoranda, March 2021:

The Institute also responded to the NOTN's on Call for Memoranda on NOTN Call for Memoranda the protocols on Intellectual Property Rights, Competitive Policy, Sustainable Investment and Ecommerce under the Africa Continental Free Trade Agreement. The NIALS team for drafting the memoranda consisted of Professors Adebambo Adewopo SAN, Peter Akper, SAN, OFR; Emmanuel Okon and Dr Franscisca Nlerum.

C. Call for Submission of Memoranda on the Harmonisation of Copyrights Bills October 2021

Another highlight under this form of activities was Institute's submission in response to the call for submission of memoranda on Harmonisation of the Copyrights Bills and the subsequent public hearing held on 12th October, 2021 at the National Assembly Complex. The process of amending the Copyright Act started sometime 2012 when the Nigerian Copyright Commission (NCC) works closely with major stakeholders and international IP communities to produce a draft copyright bill. The NCC opened the draft bill for comments in 2015 to repeal the extant Act and re-enact a new law in Nigeria. The draft bill was approved eventually by FEC in 2018, which was thereafter sent to the National Assembly for consideration earlier this year. There is also a private member Copyright Bill sponsored seeking to amend the extant Copyright Act. It is this development that necessitated the Senate (joint committee on Trade and Investment, and Judiciary, Human Rights and Legal Matters) to organise a public hearing on the harmonisation of the bills. The submitted memoranda registered the Institute's reservation and made recommendations in relation to the provisions on voluntary registration of works, liabilities of Internet Service Providers, criminal sanctions, provisions on the regulatory agency, criminal sanctions and collective management of rights.

D. Call for Memoranda on the Review of 2018 Guidelines on the Conferment of Senior Advocate of Nigeria

The Review Sub-Committee of the Legal Practitioners Privileges Committee on 15th November, 2021, requested the Institute to submit a memoranda on areas in the current guideline for the Conferment of SAN and all matters pertaining the rank that require amendment. The Director-General on the 18th of November set up a three-man Committee of erudite professors to present the Institute's position.

E. Climate Change Legal Working Group

The Climate Change Legal Working Group comprises of technical experts working on developing the appropriate legal framework to address the lapses in the Climate Change Bill. The workshop seeks to reconcile the contentious issues in the 2019 version which did not receive presidential assent. The group in several meetings finalised the documents on the Climate Change Bill and presented same to the Climate Change Department of Ministry of Environment

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ahead of the conference of parties in November, 2021. The technical working group was key to achieving Presidential assent of the recent Climate Change Act.



Dr Irekpitan Okukpon (4th from right), Dr Nkiruka Maduekwe (2nd from right) and Mrs Izuoma Egerouh Adindu (2nd from left) at one of the technical meetings held by the Climate Change Working Group

The Institute was well represented at these meetings by Drs. Irekpitan Okukpon, Nkiruka Chidia Maduekwe and Mrs Izuoma Egerough- Adindu.

F. National Technical Working Group on the Protection and Promotion of Geographical Indicators (GIs) in Nigeria

Geographical Indications (GIs) is an aspect of Intellectual Property Rights that applies to products whose unique attributes, characteristics, features or popularity is obtained from their geographical origin. Nigeria has about ten thousand (10,000) potential geographical indications products. Among them are Benue-yam (which is misappropriated and rebranded as Ghana yams in overseas markets), cotton from Taraba, Nsukka yellow pepper (Ose Nsukka), Potatoes from Plateau region, etc.

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Dr Osatohanmwene Eruaga (First from the right), Dr. Nkiruka Maduekwe (Second from the right) with other members of the GI Technical Working Group in the technical meeting

The goal of the Technical Working Group is to develop and submit an appropriate bill for the protection and promotion of GIs in Nigeria. The TWG on GI of which NIALS is a member, has been working assiduously on this goal since September 2021.

G. Submission of Memoranda to National Assembly on the Review of the Legal Practitioners Act (Repeal and Re-enactment) Bill, Legal Education Bill and Legal Aid Council (Amendment) Bill

The Senate of the National Assembly called for a Public hearing on the 15th November, 2021 for the under listed Bills and referred them to the Senate Committee on Judiciary, Human Rights, and Legal Matters (The Committee), for further legislative actions. The Bills are:

- a. Legal Practitioners Act (Repeal and Re-enactment) Bill 2021
- b. Legal Education (Amendment) Bill 2021
- c. Legal Aid Council Act (Amendment) Bill, 2021

In response to the call, the Institute delegated Okike Ajawachukwu, Prudence Okparavero and Benjamin Poopola to review the Bills and make presentation at the Public hearing.

Speaking on behalf of the Institute (NIALS,) Prudence Okparavero drew the attention of the house to sec. 1(3)(n)-(q) of the bill for LPA stating that by virtue of their political standing and elective office, persons listed in the above sections are members of the Legislature and should not be

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appointed members of the Body of Benchers. Also sec. 7(2) of the LPA should adopt the listing paragraph style of drafting. The last line of sec. 14(4)(b) should read "...affidavit or any other **legal** document whatsoever." Attention was also drawn to the first line of sec. 15 where reference was made to section 13 instead of section 14.

The meeting came to a close by 5:10pm, and was adjourned.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.

i. National Colloquium of Federal High Court Judges on Administration of Criminal Justice Act (ACJA) 2015 in Nigeria

The Institute identified in its grant proposal that consensus on the interpretation of various innovative provisions of the ACJA among justices is an important requirement for the effective implementation of the criminal justice reforms contained in the Administration of Criminal Justice Act and the state replicas. To this end, the Institute partnered with the National Judicial Institute to organise a Colloquium primarily for the Federal High Court judges. The event which held in collaboration with National Judicial Institute (NJI) on the 24th - 25th February 2022, focused on identifying and collating the challenges and perspectives of the Federal High Court Judges on the implementation of ACJA.

The activity also afforded Judges of Federal High Courts the opportunity to intellectually engage in a robust discourse around pertinent issue in the ACJA, with other key criminal stakeholders such as the Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices Commission (ICPC), on how to achieve the objectives of the ACJA on speedy dispensation of justice in Nigeria. Key areas interrogated centred around Sentencing and Consequential Orders under ACJA; Practical Application of ACJA from a Judge's Perspective and an impact assessment of Appellate Court decisions on Criminal Justice in Nigeria.

The colloquium had 30 participants from Judges of Federal High Court, Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices Commission (ICPC).



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ii. Train of Trainers (ToT) Workshop on the Application of the Guidebook on Integrating ACJA 2015 in the Teaching of Relevant Law Courses in Nigeria

Recognising the need to institutionalise a training curriculum to enhance the teaching of the reforms in the criminal justice system contained in the ACJA in faculties of Nigerian Universities and the Nigerian Law School, the Institute in October 2021 developed the Guidebook for the Integration of Administration of Criminal Justice ACJA in the Teaching of Relevant Laws in Nigeria. Following the review and validation of the Guidebook, the Institute organised the Training of Trainers (ToT) workshop for specific law lecturers on how best to put it into use.



The workshop which was held in a hybrid form on the 2nd and 3rd of November, 2022 had in attendance 65 participants. 45 law teachers attended the physical event held at Rockview Classic Hotel Abuja while 11 law teachers joined virtually.

The resource persons for the TOT were drawn from seasoned academics who are knowledgeable in the area of Criminal Justice.

iii. Jurisprudential Review of the Compatibility of Sections of the ACJA/State ACJLs with 1999 Constitutional Provisions

Researchers under the project sought to review ACJA's compatibility with the 1999 Constitution and to identify areas for as well as proposed amendments based on the reviews. This mandate under the project also requires NIALS support to civil society organisations in engaging the National Assembly and State ACJLs to propose amendments to sections of the ACJA/State ACJLs. The outcome of the research was published in August 2022

iv. Case Digests Reflecting Procedural and Substantive Decisions on the ACJA 2015 & NAPTIP Act 2015

In 2021, researchers in the Institute under the Project worked on the collation and analysis of Court of Appeal and Supreme Court rulings and judgments based on the ACJA 2015

and Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015 ('NAPTIP Act). The draft underwent a rigorous review process before it was approved for publication. The Digest was published in May 2022 and is currently being disseminated nationwide.

v. *Policy Bulletins on Topical Issues Pertaining to the Application of the ACJA 2015 and State ACJLs*

Research into topical issues pertaining to the implementation of the ACJA 2015 and the State replicas to facilitate a deeper understanding of the Nigerian criminal justice system were conducted in 2022. Flowing from the research, two policy bulletins- *Towards Effective Prosecution of Human Trafficking and Maritime Offences under the ACJA* and *The ACJA, Human Rights and Legality of the Death Sentence on Pregnant Women* were printed in September 2022. These policy bulletins are being disseminated nationwide.

vi. *Research on the Guidelines for the Appointment of Judges in Nigeria*

The process of recruitment and elevation of Judges in Nigeria has been a subject of controversy. The debate which centres around two key- issues appointment/ selection of Judges and elevation to a higher bench- has raised serious concerns and has been linked to the lack of trust in the judicial system. To ensure a corrupt-free and well-motivated, justice-driven court system, it is important to draw clear principles and guidelines on the process of appointment and selection of judges in Nigeria.

The Institute under the MacArthur funded Project 2.0 in November 2022, commissioned the research on the existing policy governing the appointment and elevation of judges in Nigeria. The key objective of the research is to support the process of enhancing judicial integrity and increasing transparency in judicial appointments and elevation. The proposed review of guidelines, policy and rules of courts, utilising as the yardstick standard principles and criteria in line with global best practices, will also address the challenge of welfare, conditions of service and security of tenure of appointment of judicial officers. The findings and recommendations will form an integral contribution to the Technical Meeting of Stakeholders on Judicial reform which is to take place in 2023.

2.1.2 NIALS/CARISSA Project 2020 -2022

A collaboration between the Research/Dissemination Network on Canada's Rights Role in Sub-Saharan Africa (CARISSA) domiciled and implemented by the University of York, Canada and NIALS commenced in 2020, and was estimated to be completed in 2022. The objective of the research project included shaping the understandings and actions of policy-makers/practitioners in Canada and Africa with respect to Canada's contribution to the rights landscape in Africa.

In achieving this goal amongst others, CARISSA, in collaboration with NIALS and other partners held a series of virtual workshops in October 2020 and December 2021. A further hybrid Workshop to determine the progress of CARISSA partners with their research took place in July 2022) in Pretoria, South Africa. NIALS was represented at the Workshop by Nnenna Uche-Eboh (Senior Research Fellow), whilst the DG NIALS, Professor Muhammed Tawfiq Ladan, PhD; Professor Animi

Sylvanus-Pepple (Director of Research) and Assoc. (Prof.) Irekpitan Okukpon, PhD attended and participated at the same event via Zoom virtual platform.

In fulfilment of its obligations under the Project, NIALS' prepared and submitted a 5,000-word research study titled '*The Right to a Healthy Environment in Nigeria: A Panacea for Environmental Degradation in Nigeria*' in October 2022. The research study examined the practical application of The Right to a Healthy Environment (TRHE) as a human right in Nigeria, using the Canadian approach as a case study. The study utilised qualitative and quantitative research tools, focusing on three oil-rich key States in Nigeria for the empirical study. The research study is currently being reviewed by the CARISSA/University of York team and feedback is expected by January 2023.

2.2 Collaborative Research & Publications

In the period under review, several academic researchers in the Institute took advantage of their diverse expertise and approaches to interrogate issues relating to evolving law and law-related fields. These respective collaborative researches resulted in the stimulation of new ideas and innovative solutions which have been published in various reputable publications.

2.2.1 Book Chapter on Energy Transition and the Future of Natural Gas Law and Policy Research

In June 2021, Professor MT Ladan (DG NIALS), Assoc. (Prof.) Irekpitan Okukpon and Dr. Nkiruka Maduekwe conducted research on Natural Gas Law as a sustainable energy source in Nigeria. The outcome of the research (co-authors) was published as a chapter titled 'Energy Transitions and the Future of Natural Gas Law, Policy and Research' in the book, *Handbook of Natural Gas and the Global Energy Transitions* in July 2022.

The chapter discussed the complementarities of natural gas as a sustainable energy source and socio-economic implications of its usage in Nigeria by 2030. It identified the inextricable potentials of policy action and reform in facilitating sustainable pathways for natural gas in Nigeria, and the need for diversity in technology, innovation, research and development.

Since its publication, *The Handbook of Natural Gas and the Global Energy Transitions* published by the renowned London publishers Palgrave Macmillan, has been the subject of various accolades and acclamation in the global energy industry within the past six months.

2.2.2 Book Chapter on Sustainable Development Goals (SDGs) in Africa

In January 2022, Professor MT Ladan (DG NIALS), Assoc. (Prof.) Irekpitan Okukpon and Dr. Nkiruka Maduekwe finalised research on sustainable access to water and sanitation in (southern and western) Africa. The findings of the research were reflected in a proposed book chapter titled 'Realising Sustainable Access to Water and Sanitation in Africa: The Role of Critical Institutions.' The chapter examined current institutions and legal framework regarding access to water and sanitation in the South African Development Community (SADC) region and the Economic Community of West African States (ECOWAS) region. The chapter also analysed the effectiveness of existing regional

frameworks on these SDG goals, noting the need for improved strategies towards their achievements at national levels. The chapter is proposed to be published in the book '*SDGs in Africa and the Middle East Region (2022-23)*'.

The manuscript has been subjected to the SDG Book Project Editorial Team's rigorous review processes and is currently awaiting publication. It is expected that this chapter will be published within the first quarter of 2023.

2.2.3 Collaborative Research: African and Romanian Perspectives on Consolidating the European Union – African Union Partnership

In August 2022, the Ambassador to Romania, Her Excellency Safiya Nuhu, extended an invitation from the European Institute of Romania to the Institute to provide perspectives on the renewed partnership between the EU and the AU birthed by the sixth EU-AU summit of February 2022.

During the past two decades, the relations between the European Union (EU) and the African Union (AU) have been developing under three main pillars: development aid and loans; trade and investment; and democracy, peace, security, and migration. However, the recent global challenges, such as post-pandemic recovery, climate change and most recently the Russian unprovoked and unjustified military aggression against Ukraine, have had a profound impact on the relationship. The 2022 EU-AU summit thus signalled a change of perspective from financial commitments to working together towards achieving common goals, as shown by the EU-AU *Joint vision for 2030*.

The research papers- 'Opportunities and challenges to the implementation of the Joint Vision for 2030' and The new EU-AU digital economy partnership: challenges and way forward for African countries co-authored by Professor Muhammed Tawfiq Ladan, Professor Emmanuel E. Okon, Associate Professor Osatohanmwun Eruaga and Dr Jane Ezirigwe were submitted to the Romanian Institute for publication in the Collaborative Report. The papers highlighted perspectives on potential strategic, institutional, and sectoral developments that should be taken into consideration with respect to the renewed partnership. They also contained concrete policy recommendations to support the relationship along the lines of solidarity, security, peace and sustainability.

The Collaborative Report titled *African and Romanian perspectives on consolidating the European Union – African Union partnership* was published in November 2022.

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In furtherance of the mandate and mission, the Institute designed and executed several free lectures to enhance public awareness about various subject matters. These public lectures comprised the annual fellow's lecture, lectures in collaboration with other organisations and public policy roundtables.

Notably, for the period under review, the Institute engaged the hybrid approach, providing a virtual platform alternative for members of the public.

Fellows Lecture and Conferment of the Honorary Fellowship of the Institute

The Fellows Lecture provides an avenue for fellows or persons to be conferred with the fellowship to give insights into front-burner issues.

The 2022 lecture, which held on Tuesday, 22nd February 2022, at the Shehu Musa Yar'adua Centre, Abuja, was delivered by Professor Taiwo Osipitan on the theme “A Decade of the 2011 Evidence: Development, Problems and Prospects.” The Guest lecturer x-rayed the developments in Nigerian evidence law through pertinent provisions of the Evidence Act 2011. Referring copiously to caselaw, the learned silk passionately highlighted associated lacunas with the Act, such as issues pertaining to the admissibility of electronic evidence, which merited the call for legislative and judicial attention.

The lecture was followed immediately with the Conferment of the Honorary Fellowship to six eminent personalities who have distinguished themselves and made valuable contributions to the growth and development of the Institute. The Fellowship conferees for 2022 were:

- President of the Court of Appeal, Honorable Justice Monica Dongban-Mensem;
- Justice of the Supreme Court, Honorable Justice Chima Centus Nweze,
- Honourable Attorney General of the Federation and Minister of Justice, Mr Abubakar Malami SAN;
- Professor Auwalu Hamisu Yadudu of the Faculty of Law, Bayero University, Kano;
- Professor Taiwo Osipitan, SAN of the Faculty of Law University of Lagos; and
- Professor Paul O. Idornigie SAN, of the Faculty of Law, Veritas University, Abuja.

The event was witnessed by eminent dignitaries across the legal profession, including the then Chief Justice of Nigeria, Hon. Justice Ibrahim Tanko Muhammad, Hon Justice Umaru Abdullahi (Rtd.), the Attorney General of the Federation, ably represented by his special assistant, Dr Umaru Jibril, the Director General of NIALS, Prof. Muhammed Tawfiq Ladan, past Director Generals of NIALS, Governing Council members of NIALS, His Excellency Prof. Yemi Osinbajo ably represented by his Chief of Staff, and the Chief Judge of the Federal High Court Hon. Justice J. T Tsoho.

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Roundtables

The Institute's roundtables provided a platform to engage relevant stakeholders in addressing front-burner issues in the local and the international scene. Furthermore, it offers the opportunity to enlighten members of the public on the matters interrogated. The Institute organised six roundtables in 2022. These roundtables took an innovative turn in the year under review, with the respective academic department hosting most of the events on behalf of the Institute. The Institute roundtables were as follows:

i. The Review of Nigeria's Trade Law and Policy Discussions on the Finance Act, 2021

This roundtable which the Commercial Law Department hosted on behalf of the Institute, was held on Monday, 31, January 2022. Dr John Isemede, a Trade Law Expert and former Director-General of NACCIMA, served as the lead speaker at the event.

ii. Treaties in Force and Domestication of Treaties in Nigeria

The roundtable hosted by the International Law Department was held on the 15th of March, 2022. The roundtable focused on the jurisprudence of treaty development and domestication in Nigeria. Professor Peter Akper, OFR, SAN and Professor Emmanuel Okon were key speakers at the event.

iii. The Role of Customary Law and Customary International Law Jurisprudence in the 21st Century

Professor Ibidapo-Obe, as the keynote speaker, interrogated misconceptions on the relevance of African customary law, which is linked to failure to appreciate it as a living and evolving jurisprudence and a failure to constantly assess and delineate the limitations of implementing African customary law in the 21st century. A recommendation at the roundtable was the review of the current curriculum of law in the universities to ensure that it reflects African Customary law as a living law concept.

The roundtable, which held on the 15th of March 2022, was hosted by the African and Comparative Law Department.

iv. Creative Economy Law and Policy Roundtable

With 2021 designated the year of the creative economy by the United Nations, it became imperative to increase public awareness within the national space of the importance of the creative sector and its proper regulation. The roundtable organised by the Institute provided a platform for stakeholders to consider pressing issues revolving around the interplay between human creativity and ideas and intellectual property, knowledge and technology. The roundtable was held as a hybrid event on the 27th of July, 2022, with Dr J.O Aisen (Director- General, Copyright Commission) and Professor Animi Sylvannus-Pepple (Director of Research NIALS) serving as the Keynote speaker and Chairperson, respectively.

v. The Role of Private Law in Africa's Economic Integration

The roundtable sought to highlight several complex issues regarding the applicable legal regime or approach in protecting and enforcing the rights of private persons and entities involved in the different transactions, particularly in the context of the emergence of AfCFTA in 2019, as an indicator of the pursuit of economic integration in Africa. The webinar featured two keynote speakers in the persons of Prof Richard Oppong and Dr Garth J Bouwers, whose presentations were titled 'The Blurring of the Public and the Private Law in International Trade Law: Problems & Prospects for Effective Economic Integration in Africa' and 'Private International Law Systems in African Countries: Problems & Prospects for Effective Economic Integration in Africa.' A pertinent recommendation arising from the event was the need for all states to embrace Pan-African rules of private international law to regulate the rights and provide effective remedies for private parties to boost intra-Africa trade and commerce.

The Private & Property Law Department hosted the roundtable.

vi. Electoral Democracy in Nigeria: Challenges and Opportunities under the Electoral Act

With the enactment of the Electoral Act 2022, various stakeholders have raised concerns about the implementation of its provisions and the implication for the upcoming elections. The institute, through this roundtable, provided perspectives on pertinent electoral issues arising from the Act. The Public Law Department hosted the roundtable on the 22nd of September, 2022.

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**NIGERIAN INSTITUTE OF
ADVANCED LEGAL STUDIES**

NIALS Public Law Department

inviting you to a
scheduled Zoom Roundtable

**TOPIC: NIALS VIRTUAL ROUNDTABLE ON
ELECTORAL DEMOCRACY IN NIGERIA:
CHALLENGES AND OPPORTUNITIES
IN THE NEW ELECTORAL ACT**



Prof. Muhammed Tawfiq Ladan, PhD
Hubert H. Humphrey Fellow, USA
Director General, NIALS

CHIEF HOST



Professor Animi Sylvannus-Pepple
Director of Research
Nigerian Institute of Advanced Legal Studies

CHAIRMAN



Prof. F.M. Kwede
Deputy Dean, Faculty of Law, University of Jos
Keynote Speaker



Hon. Mike Igini Esq
INEC Resident Commissioner, Akwa Ibom State
Lead Speaker

Public Lectures Organised in Collaboration with other Organisations

The institute was instrumental in organising several free public lectures online or physically. These public lectures included the NIALS-McNair International Law Firm Webinar on Dispute Resolution in the International Energy Sector held online on the 18th of October, 2022 and the NIALS-African Heritage Foundation Nigeria Webinar 'Africa by Africa: Creating Awareness of the Challenged African Culture' held online on the 19th of December, 2022.

These events demonstrated the Institute's dedication to imparting knowledge.

NIALS/ILA TRAINING ON INTERNATIONAL LAW AND DIPLOMACY

The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD on Monday, 22nd July, 2024 participated at Opening Ceremony of One (1) week training course of the Certificate of Advanced Studies in International Law and Diplomacy.

The hybrid event which held at the Supreme Court of

course will focus on their interplay and how to apply the inherent theory in solving global problems.

Ambassador Usman Sarki in his goodwill message commended Nigerian Institute of Advanced Legal Studies and its indefatigable Director- General, Professor M. T. Ladan, for organizing this highly significant study course in association with the

International Law Association (ILA), and maintained that the training course will provide participants the necessary opportunities to learn about issues that form the emerging and advanced aspects of the International law and their efforts on diplomacy in a complex and multiplex world where it is becoming rather difficult to determine the way



Nigeria Complex, Abuja was chaired by Ambassador Usman Sarki, former Deputy Permanent Representative of Nigeria to the United Nations, New York.

The Director General, Nigerian Institute of Advanced Legal Studies, Professor Muhammed Tawfiq Ladan, PhD in his welcome emphasized that the week long

events will unfold or the turn developments will take.

The President of International Law Association, Professor Damilola Oluwuyi SAN, in his welcome address said *International law has become increasingly important in light of the complex challenges facing our current world, ranging from climate change, wars, and crises in Ukraine and Palestine, to water, energy, and*

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food poverty in many parts of Africa, and the complex challenge of maximizing the full value intellectual property and modern technologies in manner that respects and fulfills international law standards.

Goodwill messages were also delivered by Ambassador Musa Sani, Nigeria's Permanent Representative to Economic Community of West African States (ECOWAS), and the Vice Chair, United Nations Convention on the Elimination of All Forms of Discrimination Against Women (UN-

CEDAW) Committee, Ms Esther Msheila who joined virtually.

The training course which was organized by the Nigerian Institute of Advanced Legal Studies in collaboration with the Nigerian Branch of the International Law Association had about sixty (60) participants (in persons and virtual).



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

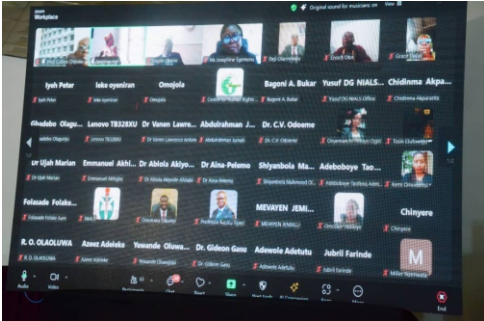
Nigerian Institute of Advanced Legal Studies (NIALS) in collaboration with Bauchi State University, Gadau, Almuhibbah Open University, Abuja and University of Ilorin with support from the Center for Law and Religion Studies, Brigham Young University Utah, United States of America held a Two-Day Fully 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.



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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 Canter 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.

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SPEECH BY THE CHANCELLOR, AL-MUHIBBAH OPEN UNIVERSITY, ABUJA; HER EXCELLENCY, HAJIYAAISHA 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.

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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 6th most populous country in the world).¹

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).²

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.³

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.⁴

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

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

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

³ Institute for Health Metrics and Evaluation (IHME) 2020 report.

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

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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.⁵

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.

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

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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.

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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 Roupheal 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.

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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.

STRATEGIC ENGAGEMENTS WITH THE DEANS OF LAW IN NIGERIAN UNIVERSITIES, THE NIGERIAN LAW SCHOOL, THE NIGERIAN LAW REFORM COMMISSION AND THE JUDICIARY, 2019-2024.

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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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.

