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MOTTO

Knowledge that makes the Difference.

OUR VISION

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

NIALS ENABLING ACT

Commencement Establishment of the Nigerian Institute of Advanced Legal Studies

(1) There is hereby established an institute to be known as the Nigerian Institute of Advanced Legal Studies (in this Act referred to as "the Institute") which shall have the functions assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name.

MEMBERSHIP OF THE COUNCIL, etc.

(1) There shall be established for the management of the affairs of the Institute a body to be known as the Nigerian Institute of Advanced Legal Studies Council (in this Act referred to as "the Council")

(2) The Council shall consist of the following members, that is

(a) A Chairman to be appointed by the President;

(b) A representative of the Federal Ministry of Justice;

(c) A representative of the Federal Ministry charged with responsibility for higher education;

(d) Six Deans or Heads of Faculties, or other formations



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

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

FUNCTIONS OF THE COUNCIL

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

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

NIALS ANTHEM

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



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4TH OCT. 2023

DG NIALS PROF. MT LADAN AS GUEST SPEAKER AT THE AHMADU BELLO UNIVERSITY ZARIA DIAMOND JUBILEE CELEBRATION













10TH OCT. 2023

THE FIRST JUSTICE SECTOR INSTITUTIONAL BRIEFING TO THE HAGF/ MoJ WITH THE PERMANENT SECRETARY/ SOLICITOR GENERAL OF THE FEDERATION

At the instance of the Hon. Attorney General of the Federation and Minister of Justice. Prince Lateef Fagbemi SAN, Director General, NIALS Prof M T Ladan was scheduled on Tuesday 10th October, 2023 for the First Justice Sector Institutional Briefing to the HAGF/ MoJ with the Permanent Secretary/ Solicitor General of the Federation Mrs. Beatrice Jeddy Agba in attendance. The Director General was accompanied by His Management Staff: Mr. Yawe Institute Bursar, Mr. Danjuma Tangni Director Council Affairs, Ms. Charity Director Press, Mr. Austin Odokuma Director of Finance And Mr. Eze Bursary Director Expenditure, Mrs Regina Macaulay Director Admin/ Marketing, Mr Lukmam Director Protocol, Prof. Ibe Director CIEC, and Deputy Head of Postgraduate School. Held at the Federal Ministry Justice Conference Room, Abuja.















BRIEF BY PROF. MUHAMMED TAWFIQ LADAN, DIRECTOR-GENERAL NIALS TO THE HON. ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE, PRINCE LATEEF O. FAGBEMI, SAN ON 10th OCTOBER, 2023

The Nigerian Institute of Advanced Legal Studies, established in March 1979, is Nigeria's apex legal and policy-oriented Research and Advanced Studies in Law as well as capacity building Institute for the Justice Sector. The Institute has always contributed to shape, influence and define government Legislative proposals, policy and reform activities towards promoting national development.

In a nutshell, it among other cardinal functions, serves to:

a) Conduct policy-oriented Research into any branch of the law with a view to ensuring the application of the results to enhance the administration of justice in Nigeria and Justice sector reform.

b) Collaborate with Nigerian Universities Law Faculties, Nigerian Law School, National Assembly and the Nigerian Law Reform Commission relating to Law reform, Legal education development in emerging fields of Law, Research for sustainable development and dissemination of such research findings for the Law on policy makers and implementers at all levels of governance.

c) Provide capacity building tools, training manuals, and policy bulletins for justice sector institutions and personnel; as well as information, supervision, guidance, and advise to post graduate students and other researchers in the field of Law and related subjects.

d) From time to time organize, host, arrange and conduct National/International Seminars, Symposia, Conferences, Workshops, Lectures on any branch of the Law or related subjects with a view to provide a platform for a more informed discussions, policy oriented findings and recommendations for government at all levels.

ESSENTIAL INFORMATION

To sustain academic and research activities in the Institute, the following cardinal programmes in 2023 were undertaken:

- Continuing Legal Education (CLE) embodying virtual and in- person numbering Fourteen (14)
- Post-Graduate School Programmes undertaken in conjunction with Obafemi Awolowo University, (OAU) Ile-Ife:



i. PGD in Legislative Drafting

ii. Masters in Legislative Drafting

iii. PhD in Legislative Drafting.

- Specialised training for federal and state MDAs, collaboration with development partners and public policy lectures numbering Seventeen (17).
- Publications of Research findings into Books, Journals, compendium and policy bulletins (15).

KEY ON-GOING RESEARCH PROJECTS IN SUPPORT OF THE OFFICE OF THE HAGF

1. updating treaties in force in Nigeria: -1991 to 2023 with 2 programmes: -
   a) A-13-chapter book project with annexes of all the multilateral treaties ratified by Nigeria / yet to be domesticated and domesticated (by Nov. 30, 2023).
   b) A-one-day hybrid seminar on treaty law and Nigerian state practice: - 1961 to 2023 scheduled for mid-November 2023 (with the HAGF as the special guest of honour to deliver opening address and the PS / SGF to give a goodwill message).
2. updating the index to the LFN 2004 / federal statutes: - 2004 to 2023 and a compendium of all federal Acts 2004 to 2023 (officially gazetted by Dec. 2023)

CHALLENGES

In compliance with Federal Government directive to all MDAS to relocate to Abuja, seat of the Federal Capital Territory (FCT), in the mid-1990s, the Institute moved its corporate headquarters to the FCT in 1996 and has been temporally accommodated in the Supreme Court of Nigeria complex since then (now over 27 years and still counting). This has basically been on the magnanimous gesture of the Court authorities and the respective Chief Justices of Nigeria as Chairmen of the Institute's Governing Council. These are however with attendant inconveniences and cost to the host and the Institute.

Consequently, the imperative of developing the Institute permanent site becomes necessary, inevitable and obvious. Of the 10.3 hectares of land at the permanent site, only the perimeter fencing has been completed and the sub-structure work on the administrative block is ongoing.

As at July 2022, the variation cost to undertake the infrastructural development of the permanent site was evaluated in the sum of N20.08Billion with the administrative block being the epicenter which would have cost N2.7Bilion independently as at the aforementioned period.

The usual annual envelope budgeting is no longer realistic owing to the paltry amount usually



allocated to the Institute covering Capital and Recurrent Expenditures. Consequently, the need for special funding to meet the critical needs that have overwhelmed the Institute over the years cannot be overemphasized.

NEED FOR STAFF REPLACEMENT

Since 2020, the Institute has been struggling with the Office of the Head of the Civil Service of the Federation and other relevant establishments for the replacement of exited staff in critical areas of need. Hopefully, a tentative approval for waiver for Fifty (50) staff has been granted and is being pursued to logical conclusion before the year runs out.

CONCLUSION:

Institute passionately appeals to the Hon. Attorney-General of the Federation and Minister of Justice for the kind consideration of our modest submission, please Sir.



10TH OCT. 2023

NIALS TRAINING WORKSHOP ON ENVIRONMENTAL LAW AND SUSTAINABLE DEVELOPMENT LAW AND PRACTICE

The Institute was delighted to convene its workshop on Environmental Law and Sustainable Development Law and Practice (ESDLP) held in Abuja. The course was designed to provide participants with a comprehensive update on Environmental Law, Climate Change and Sustainable Development. It was also to expose participants to the current trends in Energy Justice and Energy Law in Nigeria with special focus on the Electricity Act of 2023, building smart cities, providing insights to how SDGs are mainstreamed into Legal and Institutional Reforms, while also exploring global best practices and procedures in Sustainable Development.

The course was structured into three days, where participants interrogate the following topics, namely: "The Impact of Environmental Laws and Policies in Achieving Sustainable Development in Nigeria"; "Current Trends in Energy Justice and Energy Law in Nigeria: Sustainability and Just Transitions"; "Contemporary Issues in Environmental Impact Assessment in the Oil and Gas Industry, Circular Economy and Environmental Waste Management in Nigeria: An appraisal of the current regulatory framework, pertinent concerns, and prospects"; "Investigating and Prosecuting Environmental Crimes in Nigeria: Principles and Best Practices"; "The Role of the Expert Witnesses in Environmental Litigation in Nigeria:; and "Effective Strategies for speedy and effective disposal of Environmental Cases in Nigeria". Furthermore, participants was engage in practical sessions where they were be able to apply the skills garnered from the presentations to life scenarios. The objective was to equip the participant with the requisite skills useful to ensuring the effective delivery of his/ her duties. Tuesday 10th to Thursday 12th October, 2023.















17TH OCT. 2023

MACARTHUR FOUNDATION GRANT NIALS STATIONARIES

The Director General, Nigerian Institute of Advanced Legal Studies Prof. Muhammed Tawfiq Ladan recieved 3 Million Naira Worth of Stationaries from the MacArthur Foundation Grant. The DG approved the Stationaries to be shared between Lagos and Abuja Management Staff and Key Programmes Based Directorates / Units.







17TH OCT. 2023

DG NIALS AT THE NJI EDUCATION COMMITTEE OF THE BOARD OF GOVERNORS



Director General, NIALS Prof Ladan with the Administrator of the NJI, Hon. Justice Salisu Garba and the outgoing Chairman of the National Judicial Institute's Chairman of Education Committee of the Board of Governors (Hon. Supreme Court Justice Musa Dattijjo Muhammad, flanked by the incoming Chairman, Hon. Justice Kudirat Kekere Ekun, JSC, middle) on the right are: Hon. President of the National Industrial Court of Nigeria, Hon. Justice BB kanyip, and the Chief Judge of Katsina State, Hon. Justice Musa Danladi on the left is the NJI's Ag. Secretary, Abdul Azeez Olumo. Held at the Supreme Court of Nigeria Abuja on Tuesday 17th October, 2023.



19TH OCT. 2023

NIALS ELECTRIC CABLE REPAIRS MONITORING TEAM VISITED THE UNILAG POWER STATION

The NIALS Electric Cable repairs monitoring team visited the Unilag Power Station this morning to liaise with Engr Ajayi, the Head Electricity Distribution Unit Unilag on the restoration of the power supply to NIALS Lagos Office.



The high quality item bought to be installed in the "Electric Feeder Pillar" and armoured cables that need replacement. You are highly commended and appreciated for this " important expenditure" in NIALS Lagos office.









19TH
OCT.
2023



















20TH OCT. 2023



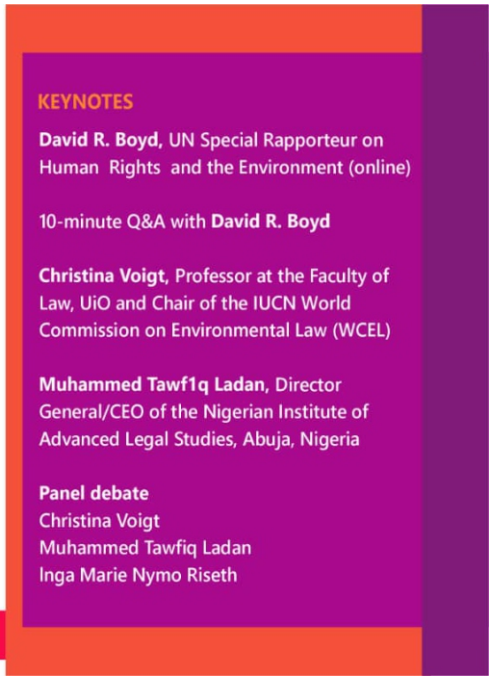
Chief Olu Akinkugbe 2023 Award for Business Law in Africa Fellowship (OABLAF) at the Centre for Comparartive Law in Africa (CCLA), University of Cape Town. Senior Research Fellow Mrs. Lillian Uche in South Africa. October 20th, 2023.

25TH OCT. 2023

DG NIALS AS THE KEYNOTE SPEAKER OF THE NORWEGIAN CENTER FOR HUMAN RIGHTS CONFERENCE 2023

Director General NIALS Prof Muhammed Tawfiq Ladan Arrived OSLO, NORWAY at 12 noon Nigeria time as Keynote Speaker Opening Session of the International Conference Organized by the Norwegian Centre for Human Rights, Faculty of Law. University of Norway OSLO. 26-27 October 2023.







26TH OCT. 2023

DG NIALS AS THE KEYNOTE SPEAKER OF THE NORWEGIAN CENTER FOR HUMAN RIGHTS CONFERENCE 2023

Day 1: Morning opening session at the faculty of law, University of Oslo Norway. International Conference on "Triple Planetary Crises of Climate Change, Pollution and Biodiversity Loss". Prof. Ladan with Prof. Christina Voigt, Chairperson of the World Conservation Union and the Director of the Norwegian Center for Human Rights, Oslo and Ms. Inga a Norwegian Climate Activist. Thursday 26th October 2023.











26TH OCT. 2023

KEYNOTE SPEECH ON TRIPLE PLANETARY CRISES AND INTERNATIONAL HUMAN RIGHTS LAW CONFERENCE ORGANIZED BY THE UNIVERSITY OF OSLO, NORWAY, CENTRE FOR HUMAN RIGHTS, 26 – 27 OCTOBER 2023

BY

PROF MUHAMMED TAWFIQ LADAN (PhD),

HUBERT HUMPHREY FELLOW, USA; MEMBER COLUMBIA UNIVERSITY SABIN CENTRE GLOBAL NETWORK OF RAPPORTEURS ON CLIMATE LITIGATION; IUCN ACADEMY OF ENVIRONMENTAL LAW; EX-MEMBER, SPECIALIST WORKING OF IUCN COMMISSION ON ENVIRONMENTAL LAW; MEMBER, WORLD JURIST ASSOCIATION, USA; DIRECTOR GENERAL, NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES, ABUJA / LAGOS, NIGERIA.

PROTOCOL

With profound gratitude to the Norwegian Centre for Human Rights, organizers of this great conference for inviting me to deliver this keynote speech. In my view, the theme and objectives set out for this conference are topical, relevant and forward-looking for three basic reasons: -

1st, the theme of this year's conference refers to the three main interconnected issues that humanity currently faces: - climate change, pollution and biodiversity loss. Each of these issues has its own causes and effects and each needs to be resolved if we are to have a viable future on this planet. The consequences of **climate change** today already manifest through increased intensity and severity of droughts, water scarcity, wildfires, rising sea levels, flooding, melting polar ice, catastrophic storms and declining biodiversity. **Pollution** (air, water and soil) is the largest cause of disease and premature death in the world, with **nine million** deaths each year globally since 2015. More than 90% of pollution-related deaths occur in developing economies of Africa, Asia-pacific and Latin America. **Biodiversity loss** impacts food supplies and access to clear water, without it we have no future on our planet. The reasons for biodiversity loss include everything from overfishing to habitat loss (e.g. deforestation to make way for development) to desertification due to climate change. So, biodiversity is the baseline for everything on the planet, as in the end we are all interconnected.

2nd, Across the planet earth, people are increasingly feeling the impacts of the Triple Planetary Crises of Climate Change, Pollution and Biodiversity Loss on their enjoyment of human rights guaranteed under international law. From the forced displacement to loss of human life and means of livelihood brought about by climate-related disasters, to threats to food security, public health, access to clean water and education, due to biodiversity loss (driven by unsustainable exploitation of natural resources and practices) and pollution (of air, water and soil).



This underscores the fact that a healthy Planet earth is necessary for the full enjoyment of human rights, including the rights to a dignified life, health, food, Sustainable development, housing, water and sanitation, access to Justice, information and participation. However, evidence abound that the Triple Planetary Crises undermine the enjoyment and protection of human rights, disproportionately affecting the most vulnerable people and local communities. They also act as threat multipliers, amplifying conflicts over Land and other natural resources, increasing food insecurity, structural inequalities and exacerbate poverty in developing economies.

3rd, addressing the effects of the triple planetary crises on human rights, requires both multi-dimensional and innovative solutions / strategies, especially human rights-based strategic litigation (using treaty/constitutional / legislative, Judicial approaches) and civic action (using advocacy, lobbying, empowerment, education, dissemination, Community engagement, participation of stakeholders, information sharing, reporting on climate change, monitoring compliance, evaluation of strategies and plans of action, etc). It requires us to identify key challenges facing litigants using these approaches.

Distinguished panelists, speakers and audience, on the focus and objectives of this conference, the starting point is the preamble of the 2015 Paris Agreement on Climate Change, which recognises the interplay between climate change and human rights law, indicating that parties 'should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights'. This recognition of interplay emphasises the relevance of human rights obligations to climate change law and policy and the need to systematically interpret states' obligations and corporate responsibilities in this connection, both at the national and international levels.

Climate litigation is one strategy that has slowly developed over the last thirty years by asking the courts to protect the climate against further harm as a legal duty for collective survival. Since climate litigation arises in a diverse range of circumstances and is motivated by a wide range of objectives, three main legal grounds underpinning the existence of such an obligation of states, as identified in most of the cases reported in the world's most established climate litigation databases: - curated by the Sabin Centre for Climate Change Law at Columbia Law School and the Grantham Research Institute on Climate Change, UK were: -

- the international legal regime on climate change (UNFCC, the Kyoto Protocol and the Paris Agreement);
- several principles of international environmental law (such as prevention and no harm, precautionary, sustainable development, inter and intra-generational equity and environmental impact assessment);
- and human rights law, particularly the rights to a clean and healthy environment Hence, the trend of human rights based climate litigation reveal the following: -
    i. Claims brought by citizens and or NGOs before domestic courts against their own States for



their failure to take adequate measures to address climate change, either regarding their general climate policies or concerning decisions relative to a specific project;

ii. Climate cases concerning citizens or NGOs suing corporations; lawsuits filed by cities and States, asking that carbon corporations be ordered to pay for the damages caused by climate change and the costs of adapting to future impacts of global warming;

iii. Recently, there have also been increasing instances of petitions to UN human rights treaty bodies and three requests for advisory opinions from the following international courts and tribunals, which focused on clarifications of State obligations in the context of climate change: - the international Court of Justice (ICJ), the International Tribunal for the Law of the Sea (ITLOS) and the Inter-American Court of Human Rights (IActHR). Indeed, human rights considerations are central to these advisory opinions, as climate change threatens the enjoyment of rights such as the rights to life, private and family, to self-determination, and to a healthy environment;

iv. Emerging Just transitions litigations cases that rely on human rights to challenge initiatives (Projects or laws) adopted for energy transitions, ended up invoking the right to a healthy environment as instrumental in the energy transition. Plaintiffs also invoked other human rights threatened by energy transition measures, including the right to life, dignity, food and housing, as well as rights to participate, information and access to Justice;

v. The International recognition of the right to a healthy environment, by the non-binding October 2021 and July 2022 UN Human Rights Council Resolution and the UN General Assembly Resolution respectively, might provide even more solid legal grounds for applicants to hold state and corporate actors accountable to tackle the climate emergency. Prior to these resolutions, the right to a healthy environment is explicitly included in the regional human rights treaties of Africa, Arab League and Latin America, but less explicit in Europe. It is equally found in environmental treaties binding more than 120 States. It enjoys constitutional protection in more than 100 States and is incorporated into the environmental legislation of more than 100 states. In total, 155 states have already established legal recognition of the right to a healthy and sustainable environment.

vi. Evidence abound in a trend of cases on the role played by the right to a healthy environment in climate litigation, and will continue to be a catalyst for climate action where:-

- The court's decision relies on the right to a healthy environment even though not explicitly recognized by the domestic law, but explicitly guaranteed by a legally binding regional human rights treaty, like Article 24 of the African Charter on Human and People's Rights (eg, Jonah Gbemre v. Shell 2005 and the Centre for Oil Pollution Watch v. NNPC/Nigeria 2018/19);
- Where the court's decision relies on the right explicitly invoked by the applicants and recognized right in domestic law (eg, the Earth life Africa v. Minister of Environmental



Affairs, South Africa, 2016-2017, and Salamanca Mancera v. Presidencia de la Republica de Colombia, 2018);

- Where the court's decision does not rely on the right, despite it being recognized in domestic law and invoked by the applicants (eg, Notre Affaire a Tous v. France, 2021, Environment Jeunesse v. Canada, 2021, and Nature and Youth and Greenpeace Nordic v. Government of Norway, 2016);
- Where the court's decision relies on the right not explicitly recognized by domestic law (eg Ashgar Legari v. Pakistan, 2015, and Association for Protection of Democratic Rights v. South of West Bengal, 2021);
- Where the court's decision acknowledges the implicit existence of the right as invoked by the applicants but does not rely on it (eg, Juliana v. USA, 2016/Appeals 2020, Friends of the Irish Environment, 2017, and Pandey v. India 2017).
- Where the court's decision denies the existence of the right in national law, though invoked by the applicants in whole or in part (eg, Friends of the Irish Environment v. Ireland, 2020, and Neubauer v. Germany, 2021).

vii. Two key features of climate litigation in the Global South:- The use by litigants of existing constitutional environmental and climate legislative tools and human rights discourses to highlight the vulnerability of their populations to climate change and protect their valuable ecosystems, despite their capacity constraints to provide context to the approach to climate litigation. Hence such litigants do not necessarily focus on eliciting new regulatory targets on reducing carbon emissions from government, as litigants from the Global North do.

viii. Key procedural challenges or legal issues in climate litigation worth noting are:- the requirement of locus standing to sue, separation of powers doctrine; the extent of duty of care of the state and causation; exhaustion of local remedies before accessing some regional human rights courts like the African Court on Human Rights, unlike the sub-regional West African ECOWAS Community Court of Justice in Abuja, where such requirement is dispensed with; admissibility challenge of victimhood criterion (e.g. victim of a human rights violation as a group or community, except where one is acting in public interest litigation before the African Human Right System).

Hence, the dearth of climate cases before the African Human Rights System and the paucity of climate litigation in domestic courts of African. Though there is a potential for increased climate litigation against governments for climate action, while exploring the role of human rights law in the **Equitable** and **Just Transition** to Renewable Energy penetration in the Energy mix that includes fossil fuels and renewable energy, aimed to ending energy poverty and energy deficit in Africa. This



strategic solutions based approach underscores the need for accountability and transparency in pursuit of a Just and Equitable Energy Transition as well as the need for countries that have contributed the Most to climate change crisis taking lead in financing and implementing climate actions.

ix. Finally, moving forward, the following are worth noting in our strategic human rights approach for climate action: -

i. The urgency and scale of action required to address climate change, also creates an additional risk: - that responses to climate change could disregard human rights standards and infringe on the rights of local communities and vulnerable groups such as children, youth, women, indigenous people and displaced persons or forced migrants;

ii. The scientific community has stressed that climate action is more effective if it reinforces human rights, women's empowerment, public participation, and full respect for the rights and traditional knowledge of local communities and indigenous peoples.

iii. The human rights treaty bodies' growing body of work on climate change is a welcome development that deserves greater attention. Their recommendations have significant potential to support and strengthen climate advocacy, litigation, campaigns and education, and climate advocates should consider opportunities to engage with these bodies and influence their outputs.

iv. Despite their capacity constraints in many developing countries (out of over 100), National Human Rights Institutions have enormous potential to promote, protect and ensure fulfilment of human rights in the climate accountability context.

THANK YOU FOR LISTENING



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