



NIALS Newsletter

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PROFESSOR SUSANNE KARSTEDT, DELIVERS 2012 FOUNDERS DAY LECTURE



**NIALS VISIT NATIONAL
HUMAN RIGHTS
COMMISSION**

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VISION STATEMENT

To be 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.

MISSION STATEMENT

To be the nucleus and hub of research and advanced studies in law in Nigeria.

MOTTO

Knowledge that Makes the Difference

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NIALS CELEBRATES FOUNDERS DAY: HOSTS LECTURE ON JUSTICE, SECURITY AND WOMEN'S HEALTH



Professor Azinge, SAN declaring the lecture open.

The Nigerian Institute of Advanced Legal Studies was established as an apex institution for research and advanced studies in law and was established in March 1979. As a mark of honour and respect for the founding fathers of the Institute as well as appreciation of the remarkable imprints the Institute has made over the years, this date is annually remembered as the Founders Day. Lectures delivered by eminent personalities in the legal profession marks the day. This year's celebration lecture titled Justice, Security and Women's Health: A Global Perspective was delivered by Professor Susanne Karstedt, Director, Centre for Criminal Justice, University of Leeds, United Kingdom.

Welcoming guests to the lecture, which was well attended, Professor Epiphany Azinge, SAN, Director-General of the Institute noted that the occasion provided by the Founders' Day was a moment for sober reflection on the Institute's journey so far especially in meeting the wishes, mission and vision of the Founding Fathers of the Institute. To him, it was a period of total reflection and assessment of how far the Institute has been able to overcome its challenges towards fulfilling its mandate to the not only the legal profession but the entire people of Nigeria and beyond.

The lecture, coming from an eminent scholar of world standard in the class of Professor Susanne Karstedt, was likely going to remind one of the journey so far and most importantly, what still needs to be done. He hoped that the lecture will be well delivered and received and would chart a way forward for the Institute especially in the area of Justice, Security and Women's Health.

The Chairperson for the occasion, Hon. Justice R.N. Ofili Ajumogobia of the Federal High Court Abeokuta congratulated the Institute, its Director-General, Management and staff for seriously pursuing the mandate and vision of its founding fathers which has made it inarguably, the hub of legal research in the country. The Institute, she noted, has demonstrated convincingly that it is one of the most famous legal and academic institution in the sub-Saharan Africa that has shown considerable interest in advocating women's health. It was her desire and hope that the lecture, coming from such a distinguished scholar will provide answers especially on the suffering of women in war and turbulent times and the general health problems associated with women.

On his part, the Guest of Honour, Emeritus Professor of Law, Professor Adedokun Adeyemi, FNIALS appreciated the Institute and choice of the lecture as being timely. He said that as one who has done considerable work on the subject matter, he was convinced that the lecture will provide the needed input for all strata of government. He gave a brief analysis of the Nigerian perspective of the lecture and summed up that if there is no justice, no health will be attained and consequently no security. He said that the three areas were all encompassing and depended on each other as social security will naturally translate to health and economic gains which in itself is achievable only through good governance. He examined the effect of the Oil subsidy removal on cost of living of citizens and consequently the effect on health especially women's health. He concluded that health for any country must be health for children and women. To ensure women's health therefore, justice and security challenges must be properly addressed.

The Guest lecturer, Professor Susanne Karstedt succinctly delivered her lecture drawing comparable analysis of situations in Nigeria, Britain and the United States of America. In a well delivered lecture, Professor Karstedt examined the challenges encountered by women in getting relief from violent actions against them whether at home or with law enforcement agencies. She attributed poverty as largely contributing to the unwillingness of women to seek redress for domestic violence against them in Africa and advocated for good governance and empowerment of women in Africa as a well out.



Professor Karstedt also focused on the relationship between Justice, Security and Women's Health drawing perspectives from Nigeria and the United States of America and concluded that the three revolve around each other and must be address together. On domestic and sexual violence on women, she analyzed that it was a global issue but varied depending on the level of good governance and empowerment for women. Consequently, it was her considered opinion that good governance, rule of law, justice and security could impact positively or negatively on health of women.

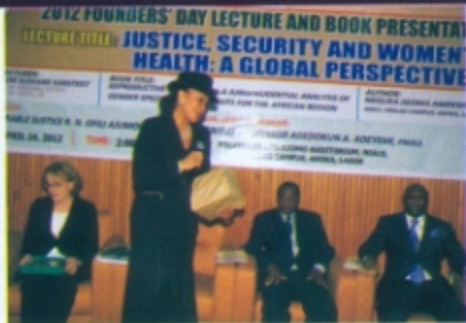
In her concluding remarks, the Chairperson for the lecture, Hon. Justice Ajumogobia noted the presence of high caliber persons at the lecture and the comprehensive mastery of the subject matter by the Guest Lecturer and concluded that the lecture was a huge success fulfilling completely its intent and purpose. She called on the Director-General, Professor Epiphany Azinge, SAN to make the lecture available to all stakeholders.

Highpoint of the Lecture was the Book presentation on Reproductive Health Law titled Reproductive Health Law: A Jurisprudential Analysis of Gender Specific Human Rights for the African Region written by a Senior Research Fellow of the Institute, Mrs. Nkolika Ijeoma Aniekwu, PhD to showcase the Institute's interest in and contribution to issues of reproductive health and human rights as they affect women.

Present at the lecture were eminent personalities including the Deputy Governor of Delta State, Professor Amos Utuama who was represented by Dr. Ego Chinwuba of the Faculty of Law, University of Lagos and many other academics and lawyers. Professor Karstedt was presented with a plaque to commemorate the lecture.



Some Faces at the 2012 Founders Day Lecture



PROFESSOR BALAKRISHNAN RAJAGOPAL PRESENTS NIALS 2012 NEW FRONTIERS LECTURE



Prof. Balakrishnan Rajagopal delivering his lecture

As part of its Lecture Series for 2012, the Nigerian Institute of Advanced Legal Studies on April 26th, 2012 in Abuja the Federal Capital Territory, held its 2012 New Frontiers Lecture. The Lecture titled International Law of the New Global South: Towards Emancipation or Hegemony was delivered by Professor Balakrishnan Rajagopal. Her Lordship, Honourable Justice Mary Odili, JSC, CON chaired the lecture while the Honourable Attorney General and Minister of Justice, Mr. Mohammed Bello Adoke, SAN, CFR was Special Guest of Honour.

Welcoming guests to the lecture, the Director-General of the Institute, Professor Epiphany Azinge, SAN appreciated the presence of the Chairperson, Hon. Justice Mary Odili, JSC, CON who despite her crowded schedules found time to chair the occasion. To him, the New Frontiers Lecture was another feat from the Nigerian Institute of Advanced Legal Studies in its quest to meeting the expectations of its founding fathers through ground breaking feats in all aspects of law. The topic of the lecture, he said, was topical as in all previous lectures and was intended to lead discussion on the issue of international law of the global south and to determine whether or not it was an emancipation or a hegemony.

The choice of guest lecturer according to the

Director-General was a difficult task but in Professor Balakrishnan Rajagopal, a perfect choice was made as he had done considerable work in the area and was inarguable a leading voice in the world today. He prayed that the audience will be thrilled by his presentation and rendition and that the submissions made will enrich knowledge and so fulfills the purpose for the lecture.

The Special Guest of Honour, Mr. Mohammed Bello Adoke, SAN, CFR who was ably represented by his Special Assistant, commended the Director-General and the Management of the Institute for its giant strides towards academic excellence. The activities of the Institute, he said, were beneficial to the Federal Ministry of Justice and in fact the Federal Government of Nigeria, the academia and legal families. He described the Institute as bringing about social change through the transformation of law. According to the Honourable Attorney General and Minister of Justice, the day's lecture would, as in previous ones, add value to legal discuss in the country.

According to the Chairperson for the lecture, Hon. Justice Mary Odili, JSC, CON, the Guest Lecturer with his reach resume will definitely address pertinent questions and proffer answers to the complex issues the lecture was expected to address. He called on participants to receive the lecture with intent of benefiting from it.

Delivering the lecture, Professor Rajagopal appreciated the opportunity presenting by the Institute for him to come to Nigeria for the lecture. He demonstrated deep knowledge of the subject matter presenting comparisons from Africa and the United States of America. Several issues were in the process thrown out which formed the basis for a thorough interaction session after the lecture. It was agreed that Professor Rajagopal was able to deliver on the assignment and had actually added value and opened new frontier on the subject matter. The lecture was well attended and received.



Faces at the 2012 New Frontiers Lecture



NIALS DISTINGUISHED STAFF FOR 2011

As part of measures to increase staff productivity, motivation and commitment to activities and work of the Institute, the Director-General, Professor Epiphany had in January 2010, initiated the award for Best Staff of the Month as a way of motivating staff creating competition and motivating staff for greater productivity.

The awards were continued in 2011 during which the following staff emerged the distinguished staff of the Institute for the months stated against them.

They included:

1. **Ms Charity Addingi,**
Managing Editor for May 2011
2. **Dr. (Mrs) Francisca Nlerum,**
Research Fellow II for June 2011
3. **Miss Ogechi Ezekwere,**
Admin. Officer I for July 2011
4. **Miss Fatima Bello,**
Research Fellow II for August 2011
5. **Mr. Adalikwu Godwin Atsu,**
Snr. Assistant Secretary for Sept. 2011
6. **Miss Nneka Nweze,**
Admin. Officer II for October 2011
7. **Dr. (Mrs) Chinyere Ani,**
Research Fellow II for Nov. 2011
8. **Mrs. Vivian Madu,**
Research Fellow for Dec. 2011.

Conferring the awards that carry with them a One hundred thousand Naira (N100,000.00) tag, the Director-General urged the recipients to justify Managements' confidence in choosing them for the award saying that for whom much was given, much was expected. The Directed-General urged them to consider themselves as role models, ambassadors and mirror through which the Institute could be assessed and tasked them to redouble their efforts in the years ahead.

To the rest of the staff, the Director-General noted that the award was opened for keen contest and that every staff had an opportunity of being picked provided he/she shows considerable consistency in the discharge of his or her work. He urged staff to be encouraged and motivated by the award as one of the

major concerns of the Institute in raising staff morale, increasing productivity and thus meeting the mandate of the Institute.

Speaking at the awards ceremony, the Institute Secretary, Mr. James Bathnna congratulated the awardees for their recognition and urged them to prove that the awards were justifiably made. He further encouraged other staff to be encouraged to aspire for the award in subsequent months. Mr. Bathnna praised the Director-General, Professor Epiphany Azinge, SAN for bringing a new lease of life in the Management of the Institute and urged for sustenance of the Best Staff of the Month award as well as other forms of welfare for staff.



*Ms Charity Addingi,
Managing Editor*



*Dr. (Mrs) Francisca Nlerum,
Research Fellow II*



*Miss Ogechi Ezekwere,
Admin. Officer I*



*Miss Fatima Bello,
Research Fellow II*



*Adalikwu Godwin A.
Snr. Assistant Secretary*



*Miss Nneka Nweze,
Admin. Officer II*



*Dr (Mrs) Chinyere Ani,
Research Fellow II*



*Mrs. Vivian Madu,
Research Fellow*



FACES AT THE STAKEHOLDERS' SUMMIT: Towards Enthronement of Enduring Constitutionalism & Good Governance



FACES AT THE STAKEHOLDERS' SUMMIT: Towards Enthronement of Enduring Constitutionalism & Good Governance



27th COURSE IN DRAFTING COMMERCIAL AGREEMENTS AND BANKING DOCUMENTATIONS ENDS

In continuation of the annual training programme series put together by the Institute, one of its longest held courses, The Course in Drafting Commercial Agreements and Banking Documentations, the 27th in the series, recently ended at the Institute in Lagos. Held from March 26th – 30th, 2012 at the Professor Ignatius Ayua Lecture Theatre, the programme attracted fifteen participants from all parts of the country.

Welcoming guests and participants to the training workshop, the Director-General of the Institute, Professor Epiphany Azinge, SAN spoke on the continued hosting of the programme. According to the Director-General, the course has over the years received widespread acceptability and popularity with the lawyers, members of the Bench and the Bar. It was the goodwill and testimony from those who have participated in the programme that has motivated the Institute into mounting the course these twenty years. Professor Azinge, SAN noted that the course has been an all time success.

In his keynote address, Mr. Sesan Sobowale, Company Secretary and Corporate Relations Director of Guinness Nigeria Plc noted that lawyers whether engaged as external or as in-house counsel, are primarily concerned with the management of risks in their organizations, be there legal or regulatory. The creation of legal departments in public or private legal firms today exists so as to meet the various legal objectives of clients. To meaningfully add value to these clients especially as they seek to realize their commercial objectives, legal departments must be conversant with business models, their markets, the risks and opportunities confronting them, goals, ambitions and aspirations. For legal departments to fit into this criterion, they need to gain knowledge and experience on how

individual businesses and organizations might be impacted positively. This will be attained through understanding the rudiments of good commercial drafting. According to Mr. Sobowale, good business insights and proper judgments are essential skills for today's lawyers who seek to be at the top of their game and become valued and trusted business advisers to their clients. Today's lawyer, he continued, cannot afford to remain a specialist in only the fine legal principles but should be interested in business, psychology and in some cases be a technocrat, an economists and must be interested in public affairs. To remain learned, today's lawyer must continue learning. Mr. Sobowale appreciated the Nigerian Institute of Advanced Legal Studies for taking the bull by the horns in providing the essential continued legal education for lawyers and noted particularly the success and importance of the advanced course in drafting commercial agreements and banking documentations.

The training workshop covered areas such as Debentures and Charges, Securities and Investment Agreements/Protection of Foreign Investments, Legal Issues in Business Consolidations/Combinations, Loan Agreements – Domestic and International, Software Agreements, Dispute Resolution Mechanism, Intellectual Property Regimes (IPRs) and Electronic Commerce, Tax Planning in Commercial Transactions, Joint Venture and Product Sharing Contracts, PPP Contracts and Concession amongst many others.

Participants at the closing ceremonies of the programme, appreciated the Institute for its pioneer role in continued legal education for lawyers and alluded to the rich content of the training they had received promising to bring the knowledge gained to the advantage of their organizations and clients.



NIALS ORGANIZES 11TH TRAINING WORKSHOP FOR PUBLIC PROSECUTORS

The 11th Training Workshop for Public Prosecutors, one of the Institute's annual training programmes, was successfully held at the Nigerian Institute of Advanced Legal Studies at its University of Lagos Campus office from April 16th – 18th, 2012.

Declaring the Workshop opened, the Director-General, Professor Epiphany Azinge, SAN ably represented by Professor Animi Awah, noted that the training programme in Public Prosecutors since introduction eleven years ago has recorded outstanding success in terms of course content, the quality of resource persons, presentation and actual subscription. Its outstanding record is also attested to by the evaluation assessment by course participants who have consistently attested to the high quality and beneficial impact of the training in terms of improved knowledge and skills.

According to Professor Awah, the course in Public Prosecutors was designed to sharpen the skills of law officers engaged in public prosecution to acquaint them with latest developments in the administration of criminal justice generally and in the art of prosecution in particular. She urged the participants to take advantage of their attendance at the training to also research from the Institute's Law Library adjudged as one of the best law libraries in the Sub-Saharan Africa. She advised them to leave the training better equipped as they came.

In his keynote address, Hon. Justice Owoade, Justice of the Court of Appeal, Owerri spoke on the theme, Public Prosecution and the Nigerian Criminal Process.

Other topics covered in the three day workshop included The Roles of the Judge, the Prosecutor and the Defense Counsel in Criminal Trials, Mutual Assistance in the Prosecution of Cross-Border Crimes, The Role of the Director of Public Prosecution in the Nigerian Criminal Process, Admissibility of Evidence in Criminal Trials, Computer Crimes and Detection and Prosecution. Others included Examinations in Criminal Trials: Methods and Technique, Speedy Trials and Plea Bargaining in Criminal Cases, Appeals in Criminal Cases, Alternative Dispute Resolution (ADR) in Criminal Justice and Sentencing in Criminal Cases.

During the evaluation session of the closing ceremonies, participants expressed appreciation to the Institute for the rich and high quality of the programme and noted particularly the high quality of the resource persons and called for the sustenance of the programme. They scored the programme very high and successful.

For the closing ceremonies, certificates of participation were issued to the participants who described the course as well organized and coordinated.



Participants at the Institute Training Course for Public Prosecutors





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

HON. (DR) AKINOLA AGUDA MEMORIAL LECTURE/SEMINAR
COMMUNIQUE ON TRANSNATIONAL LEGAL PRACTICE AND CROSS-BORDER CRIMINALITY
15TH and 16TH FEBRUARY, 2012.



Transnational organized crime is considered as one of the major threats to human security, impeding the social, economic, political and cultural development of societies worldwide. As the world develops on daily basis, it ironically causes a boost in transnational crimes.

Article 3(2) of the United Nations Convention on Transnational Organised Crimes (CTOC) refers to an offence as transnational in nature if such offence is committed in more than one State; committed in one state but conceived in another State, committed in one State but involves organized criminal group that engages in criminal activities in more than one State; or is committed in more than one state but has substantial effects on another State. Indeed, Piracy, Slavery, War crimes, Crimes against peace, Crimes against humanity, Genocide and Torture are some widely accepted examples of transnational crimes.

Sadly, Nigerian organized crime groups are recognized as one of the fastest growing enterprise crime networks in the World, creating an urgent need for an outcry for solutions. It was further apparent that Nigerian Legal Practitioners have not properly positioned themselves for transnational legal practice and have been too blinkered, in terms of international appointments. The average legal practitioner has neither studied the Civil Law System of any of our neighbouring countries and therefore cannot be at the forefront of rendering legal services within the Sub-regional Community.

Accordingly, the Nigerian Institute of Advanced Legal Studies, in partial fulfillment of her mandate held a two days Maiden Memorial Seminar/Lecture in honour of the first Director General of the Institute, Honourable (Dr) Akinola Aguda on the topic "Transnational Legal Practice and Cross-Border Criminality" with a view to curb the growing menace of transnational crimes. The outcomes of deliberations at the Lecture/Seminar are as follows:

OBSERVATIONS

1. Cross Border criminality has acquired transnational and international dimensions to the extent that no single nation can hope to be able to tackle their prevention and containment on her own. This has become apparent in the general field of transnationally/ internationally executed organized crime.

2. Specific examples of these crimes can be found in *narcotic drug trafficking, arms trafficking, trafficking in persons, smuggling of migrants, economic and financial crimes, like maritime fraud schemes, illegal capital transfer, false invoicing (including over invoicing), corruption, money laundering, smuggling of goods, theft of intellectual property, dumping of toxic wastes, terrorism.*
3. Notwithstanding the fact that most of these offences have been criminalized under Nigerian domestic legislations, quite a number of them are, in fact, also offences created under international legal instruments. i.e *narcotic drug trafficking, trafficking in persons, money laundering, terrorism and corruption.*
4. The complexity of transnational crimes pose international security challenges and have greatly tasked jurisprudence on many fronts, thus, making for the enactment of domestic and international instruments, all in a bid to curb crimes.
5. Conventions on corruption and organized crime are logical reactions to new global threats i.e., transnational crimes
6. Borders have opened, travel and trade barriers have fallen and information technology speeds around the world at the press of a button, making the range of transnational organized crime activities broadened and diversified.
7. There have been conventions against transnational crimes which amongst other things, prohibit participation in organized criminal group, criminalize money laundering and corruption and criminalize obstruction of justice.
8. The United Nations Convention against illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988 was the first International Convention which criminalizes money-laundering
9. Asset recovery is a major aspect on the Convention on corruption, thus, making provisions for developing countries to recover national assets.
10. Globalization and technology keep criminal groups ahead of state agencies charged with prevention and prosecution of crimes.
11. Nigerian organized crime groups are recognized

internationally as one of the fastest growing enterprise crime networks in the world.

12. The Attorney General's power over criminal prosecution is too broad. As a political appointee and also the Minister for Justice, there are concerns that this power may be used to hinder effective administration of justice in the country.
13. With the exception of the Economic and Financial Crime Commission (EFCC), the other agencies are not adequately funded.
14. Transnational legal practice has quite a number of dimensions; it can mean practicing law across one's own national jurisdictional boundaries; in another sense, it could mean engaging in legal practice before international courts/ tribunals and it can also mean setting up an international legal practice within one's own national jurisdictional boundaries.
15. Although legal education has been regulated by statutes, bar associations, rules and regulations, training had always been geared towards practice in particular jurisdictions.
16. With globalization and information technology, the world has become a global village where jurisdictional barriers to practice of law are either eliminated or reduced considerably.
17. Many old and younger generation legal practitioners are trained and can appear as barristers before the English Courts or called to one State Bar or the other in the United States of America. However, when it comes to our neighbouring countries, in which such legal services are, in fact, most required, Nigerian Legal Practitioners are in fact most wanting.
18. The average Nigerian Legal Practitioner has neither studied the Civil Law System of any of our neighbouring countries, nor does he or she study the French Language, with which legal practice can be done in those countries. Those who study law in Ghana do not deem it fit to study for, and be called to the Ghanaian Bar, where they do not even need any bilingualism
19. Very few Nigerian legal practitioners have consciously taken the trouble to register before international courts and tribunals to practice before them.
20. Given our definition of the practice of law and the role of lawyers in arbitration and transactions, a major challenge now faced by lawyers in transnational transactions is that of conflict of interest
21. The IBA has published Guidelines on Conflicts of Interest in International Arbitration dealing with

general standards regarding impartiality, independence and disclosure and practical application of the General Standards.

22. State Sovereignty, anchored on the sovereign equality of States, is a fundamental principle of International Law.

RECOMMENDATIONS

1. The EFCC and the NDLEA should apply scientific method of investigation of money laundering and terrorist financing, including controlled delivery, interception of communication records and documents required for effective investigation and prosecution of crimes.
2. The Jurisdiction of the International criminal Courts is such that it is restricted to crimes emanating from only armed conflicts; there is a need for the courts to widen its scope.
3. There should be full commitment of developed countries and further training technical assistance programmes for investigating and prosecuting agencies, Judiciary and Defence Lawyers, all in preparation to curb transnational crimes.
4. No one country can successfully combat crimes and so coordination, integration, shared experiences and continued improvement of detection techniques is needed to curb transnational crimes.
5. Nigeria cannot protect itself from organized crimes and trans-border criminality or formulate effective and robust anti-organized crime measures unless it has the necessary expertise to cope with the demands of creating the legal framework and law-backed strategies for dealing with trans-border criminality at the level of law making, law execution and adjudication.
6. There is an obvious duty on States to enforce International Criminal Laws on the reasoning that accountability for some serious crimes which threaten world order cannot depend on sovereignty of these States.
7. Human and material resources are to be made available to all enforcement agencies.
8. The Attorney General of the Federation ought to initiate and conclude negotiations and implementation of Mutual Legal Assistance treaties.
9. There is an obvious duty on States to enforce International Criminal Laws on the reasoning that accountability for some serious crimes which threaten the world order cannot depend on sovereignty of these States.



10. There is a need to ensure that where papers are transmitted internationally for the purpose of judicial proceedings, the transmittal must be effected in an expeditious manner to the bodies designated by the parties.
11. States are to take appropriate measures to ensure the presence of defendants at Criminal Proceedings.
12. Proceeds of crime intermingled with property acquired from legitimate sources, is to be confiscated up to the assessed value of the intermingled proceeds. Income or other benefits derived from proceeds of crime are also liable to seizure/confiscation.
13. Due to discrepancies in different legal systems and the non-cooperative attitude expressed by many nations, there is a strong argument to centralize powers to investigate, prosecute and punish transnational organized crimes in an International agency which complements the activities of National authorities and is activated when those agencies are unable, incapable or willing to intervene.
14. The International Criminal Courts should provide another forum for prosecution in addition to those established at national levels. This will make International Law enforcement more efficient.
15. Criminals can quickly communicate across international boundaries and so law enforcement agencies must improve their willingness and ability to share intelligence across jurisdictional boundaries.
16. To combat transnational crime, a new sort of mentality must be created—one that understands and is capable of putting up organized resistance. Above all, the international community needs to act more effectively than the criminal organizations that threaten us—Pino Arlacchi (Executive Director of the United Nations Office for Drug Control and Crime Prevention).
17. There is a need for uniform standards in local legislation and procedures on role of Courts and Lawyers in putting a stop to transnational crimes.
18. The time has arrived when the Nigerian training institutional authorities should ensure that all legal practitioners, and indeed, all university graduates, trained in Nigeria, learn to speak and write fluently in the French Language.
19. The Nigerian Bar Association should encourage its members, particularly the present young generation, to endeavour to study for the Bar examination of, at least, two of our neighbouring countries.
20. Nigerian Legal practitioners should, therefore, be in the forefront of rendering of legal services within the Sub-regional community, both in the civil and the criminal law areas, bearing in mind that free movement of persons, services and capital, not only involves free flow of capital and accompanying trade disputes, but also free movement of crimes and criminals
21. There is therefore the need for a conscious effort by Nigerian Legal Practitioners to seek to ascertain and comply with the registration requirements of the International courts and tribunals which include competence in international or criminal law procedure, relevant experience as judge, prosecutor, advocate and in addition to an excellent knowledge of and fluency in at least one of the working languages of the court.
22. Nigerian Legal Practitioners must become acquainted with crime and criminality with transnational, cross-border, and even, international dimensions, as well as the processes for their investigation and trial, including the appeal process.
23. When competition becomes much keener, Nigerian Legal Practitioners will have to look beyond the routine of domestic legal practice. They will have to look to transnational legal practice.
24. Nigerians have been too insular, in terms of international appointments, let alone transnational/international legal practice.
25. Lawyers must appreciate that there is a vast opportunity in such practice, bearing in mind that the situation is even more compelling with the sitting of the ECOWAS Community Court here in Nigeria, the recent establishment of the African Court on Human Rights Continent; and the establishment of the various international court (ICC), and tribunals.
26. In the case of arbitration, one way of attracting parties to Nigeria is the creation of an arbitration friendly environment- the laws must be consistent with Model Laws and the courts' decision must be seen to be in support of arbitration.

Signed
 Professor Epiphany Azinge *SAN*
Director General



Faces at the Seminar/Lecture on Cross Border Criminality





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

COMMUNIQUE ON LEGAL PRACTICE AND ENTREPRENEURSHIP



1st March 2012

INTRODUCTION

The legal profession faces the huge challenge of reinventing itself in response to a number of factors that are affecting the way we do business. The world has seen in the past four years a near global economic meltdown which has affected nearly all professions. Hitherto, wealthy nations have experienced shrinkages in their economies leading to sever cut backs in the demand for services including legal. Hitherto, unquestioned concepts especially the principles upon which capitalism is founded have come under serious scrutiny forcing nations to rethink their strategies for survival.

In 1995, Nigeria signed the treaty that gave it membership of the WTO. One of the obligations of membership of the organisation is for countries to increasingly remove the barriers to free movement of goods and services. Amongst these services are legal services. This singular act has transformed the way legal business is conducted. Fierce competition for the world legal market has meant that only the fit survive. Nigeria has not been immune from this threat. Even though the NBA has championed an awareness campaign on this subject, it is very evident that the Nigerian legal market is fair game to the rampaging invasion from foreign law firms. All these go to shrink an already difficult market.

In recognition of the central role entrepreneurship plays in legal practice and the apparent deficiency caused by the lack of entrepreneurial skills in the legal profession, the Nigerian Institute of Advanced Legal Studies on 1st March 2012 hosted a Roundtable on Legal Practice and Entrepreneurship under the auspices of the Abdullahi Ibrahim Centre for Litigation and Case Law.

Discussion centred round the: The Challenges of Running a Successful Law Partnership; The Anatomy of the Legal Profession: Investing the Proceeds of Legal Practice; Legal Practice as a Stepping Stone to Building a Business Empire; From Law Practice to the Board Room: A Paradigm Shift or

Natural Transition; Grooming Law Students for Entrepreneurship; The Lawyer as Chief Executive of Regulatory Business Concerns and Shaping the Mindset of Lawyers for Entrepreneurship.

THE ROUNDTABLE OBSERVED AS FOLLOWS:

1. Prior to the establishment of the Nigerian Law School in 1962, the training of Nigerian Lawyers was done mainly in the United Kingdom.
2. In England, the Legal profession is divided into two classes, Barristers and Solicitors. A person can only train and practice either as a Barrister or a Solicitor. There is a marked difference in the legal duties performed by each class. In Nigeria, however, the Legal profession is fused and aspirants to the Bar are trained as Barristers and Solicitors.
3. The history of legal practice in Nigeria has been intricately webbed with litigation practice. The early lawyers were deeply involved in the struggle for independence and used the law as viable tool to press their point.
4. Nigeria has remained trapped in its history. With the swelling numbers of lawyers and limited places at the top, it was only a question of time for diversification to be put in the front burner of our discourse
5. Between January 1963 when 8 students were admitted at the Nigerian Law School and 2012, the Nigerian Law School has graduated over 50, 000 lawyers.
6. On the average, the Nigerian Law School produces an average of 6, 000 lawyers every year. Despite the high number of law graduates both within and outside the country, the Nigerian Law School is unable to absorb all law graduates.
7. A student seeking admission into the Nigerian Law School must obtain a law degree of an approved University. In the case of Nigerian Universities, there are minimum standards now called Benchmark Minimum Academic Standards (BMAS) prescribed by the National Universities Commission (NUC). Under the BMAS, there are compulsory courses made up of core courses and compulsory non-law courses and optional or elective courses.



8. Unfortunately, Introduction to Entrepreneurial Skills and Introduction to Entrepreneurial Studies are part of the General Studies programme, they are not part of the compulsory non-law courses.
9. Rule 7 of the RPC provides for engagement in business. Thus unless permitted by the Bar Council established under the Legal Practitioners Act, a lawyer shall not practice as a legal practitioner at the same time as he practices any other profession.
10. There are legal impediments to the practice of a trade or business by legal practitioners but a legal practitioner can run a partnership for the purpose of legal practice.
11. At the Nigerian Law School and faculties of law, there is poor and inadequate training of entrepreneurial skills.
12. The Bar Finals is made of up of Property Law Practice, Corporate Law Practice, Criminal Litigation and Civil Litigation. This programme is weighted heavily in favour of training of Barristers than Solicitors. The Moot Trials, court and law office attachment are all geared essentially towards litigation and training of Barristers. It appears that legal training in Nigeria is just for Barristers.
13. In the last 10-15 years, there have been changes for law firms, with the phenomenon of globalization and convergence through the platform of IT and integrated markets, Governments imposed restrictions/trade barriers on exchange/movement of services and goods between countries have collapsed. This in turn has led to concentration in the last decade with the emergence of global mega firms such as Clifford Chance, Eversheds, Linklaters etc.
14. Globally, the concept of legal partnership is an accepted convention. The very first Nigerian Partnership was established in 1917
15. A law partnership faces a myriad of challenges: Ownership/partnership related challenges; Strategic Challenges; Human Resources Challenges; Challenges of continuity (succession plan); Challenges of marketing/rainmaking; Administrative/operational challenges and risk management challenges.
16. The concept of legal partnership and the responsibilities, rights and obligations are statutorily defined by CAMA, it however remains that the quintessential consensual nature of the relationship leaves many areas to the agreement of the parties. There is no contractual fundamental document regulating the relationship of the parties.
17. Unfortunately, particularly where the partnership anticipates the joining of external partners as opposed to "home grown" partners who grew under the said vision, there may be serious challenges as to culture and values
18. The succession plan of successful partnerships is not particularly appreciated for now in Nigeria in view of the traditionally personal/family nature of the practice.
19. Successful marketing is a very crucial component of a partnership, it is an indicator of the sustainability of the growth of the business as well as the long term viability of the partnership.
20. It is also the yardstick for the performance and appraisal of the partners, promotion, increase in responsibilities and privileges and basis for renegotiation of the terms of the partnership
21. Marketing is a very delicate and sensitive issue that has been the undoing of many partnerships. The major problem is the tension that is created where only when one partner is the rain maker and the others are not meeting up with targets.
22. Partnerships should have a clear structure of the partnership in terms of policies and procedures, internal processes, communication channels, document management, cost issues etc.
23. Structures help the management of a partnership and stabilize the work and the partnership itself. It also encourages the medium and long term success of the partnership and increases the accountability aspect of the relationship.
24. Employers take the short sighted position not to invest in employees development and mentoring but rather use employees as disposable assets which eventually affect the strength and stability of the firm and elevates the one man syndrome risk (why train my future competitor)
25. The business of legal practice must have a vision and mission, business development strategy; turning strategy into action; building the business empire; re-investing in Legal Practice and Corporate Social Responsibility
26. The entrepreneur lawyer is a concept that is acquiring ground and is the future of the legal profession. Nigeria is yet to have a structure for it as there are a number of lawyers who have made this



transition

27. An entrepreneur is one who initiates and assumes the financial risks of a new enterprise and who usually undertakes its management.
28. Inefficient justice system militates against economic growth. There is loss of confidence in the administration of justice which is unpredictable and corrupt.
29. Economic growth has a direct bearing on the success of law partnerships; partnerships thrive when there is economic growth.
30. Even though NBA has championed an awareness campaign on entrepreneurship, it is evident that the Nigerian legal market is fair game to the rampaging invasion from foreign law firms. This is as a result of lack of requisite entrepreneurship skills which makes it difficult to compete internationally.
31. The legal profession in Nigeria has not done well when compared with its counterparts, such as the accounting profession and their associations.
32. The expansion of the essence of the legal profession will not be captured if we do not expand the horizon of the profession.

AT THE END OF DELIBERATIONS THE ROUNDTABLE RECOMMENDED AS FOLLOWS:

1. The Nigerian Universities Commission should include entrepreneurial skills as part of the compulsory non-law courses for Law students. The curriculum should be restructured to include more practical courses such as managerial and administrative skills, deployment of technologies. Skills of leadership and management should be imbibed.
2. First and foremost, it is interesting to ascertain whether the graduates of the Nigerian Law School are fully equipped to practice as Barristers and Solicitors. Secondly, we believe that the time has come for us in Nigeria to revisit the curriculum for the training of lawyers so that there is an option for those who do not intend to be called to the Nigerian Bar. Thirdly does legal training or any formal training equip the graduates to be entrepreneurs?
3. The Nigerian Universities Commission should also review the curriculum of legal education to prepare aspiring lawyers for entrepreneurship or other

enterprises.

4. The curriculum for corporate law practice should be developed and expanded to include modern trends in corporate law practice especially optional law courses including entrepreneurial skills.
5. Training Institutions like the Nigerian Institute of Advanced Legal Studies and the Industrial Training Fund should introduce courses aimed at the acquisition of entrepreneurial skills.
6. The Chamber of Commerce should also take interest in the grooming of law students to be entrepreneurs.
7. The Small and Medium Enterprises Development Agency of Nigeria can design a programme geared towards grooming lawyers for entrepreneurial skills.
8. With the number of lawyers produced by the Nigerian Law School yearly especially with the opening of the Bayelsa and Adamawa Campus, and those graduating from the Universities without being absorbed by the Nigerian Law School, there is thus the need to revisit the curriculum of Universities especially that of the Faculties of Law
9. While it is conceded that the Nigerian Bar Association will not sit over the collapse of legal practice in Nigeria, the Bar Council should be a bit more flexible in developing the Rules of Professional Conduct for Legal Practitioners.
10. Technology is a basis for growth and is pivotal to managing a medium-sized law firm. Therefore law firms should invest in technology.
11. More attention should be paid to the partnership deed, there is a need to go back to the drawing board and feed the defect/gap, engage in consultations and/or come up with a working document that would eventually be finalized and regulate the relationship. It is important to get a formal commitment from partners in the partnership business by way of the signing of the partnership contract.
12. A partnership must run in the same direction, the vision must be the same and shared or agreed to voluntarily, the mission or objective also albeit the personal motive or approach may be different as amongst the partners but not the overall objectives and methods: In other words there must be some personal alignment of personal and shared objectives
13. Lawyers are usually known to be good at the productive level but not good at strategic levels in terms



of management of the business of the partnership: a successful partnership requires however for the partners to think strategic

14. Partners have to identify new markets for their practice and then determine their short term, mid term and long term goals, the methods/approaches they choose to use to achieve these helps the partnership with respect to its vision/mission as to where the partnership wants to be in the next 10 years
15. Partnerships must strive to identify the marketing strengths of each partner or develop/support some of them to enable the partner function appropriately (articles, speech writing, networking, socialite, lectures, and sponsorship into board of companies).
16. Systemic branding by the partnership even though in Nigeria there are still certain restrictions relating to the conservative nature of the profession. The partnership must strive to brand its partners and its associates individually so that their individual brand would also reflect on the firm (publication, presentations, website presence)
17. Partnerships should develop access and membership of international networks for some of the partners
18. Structures should be put in place to retain and diffuse the knowledge and mentor some associates under such partners to stand in the gap or take over
19. A partnership that intends to be successful on the long term has to rethink the relationship with its fee earning and non-fee earning staff and particularly how to retain them, this is attributable to the fact that lawyers are leaving in droves because of such issues such as work/life balance, poor remuneration in a very challenging Nigerian economy
20. There is a brutal competition for legal talent and skilled young lawyers. It is crucial for the firm to acquire the right set or mix of skills in its associates
21. In Europe, there is a departure from the traditional restriction on law partnership to the creation of Alternative Business Structure combining variety of professionals (marketers, management, financial expert, corporate highly trained in house counsel) for services in the banking, insurance and financial services.
22. The structures process of selection of talents and resources that would add value to the firm, must be objective and standardized and not based on personal relationship between a partner and an employee

23. Successful strategies of retention of good hands must be hinged on offering staff incentives beyond their remuneration that would cause them to stay and grow within the firm by aligning their personal growth with the firms growth

- Offer them a more compelling professional case to stay-not just money
 - Give them study leave and invest in their career path
 - Offer them social services
 - Develop a good mentoring system, both professional and personal
 - Give formal commendations from time to time
 - Develop and document formal career management plans and set out clear requirements and expectations for advancement to partnership
24. There should be strong communication amongst partners and maximum transparency both within and without the partnership for it to succeed.
 25. Proceeds of legal practice should be used to establish legal bookshops and online libraries; Human Capacity Development; ICT Software & Applications for Lawyers; Research/Career Development Centers and Publications of Law Reports (NWLR)
 26. The lawyer as entrepreneur has two choices; he should either look within the profession to broaden his horizon or look outwards.
 27. It is absolutely essential to develop skills that appeal to prospective customers, a lawyer must understand the concept of client care, marketing, the power of persuasion, negotiating skills, being savvy (well dressed and well spoken) etc.
 28. It is essential that law students should be mentored at the universities. Younger lawyers should be encouraged to venture into new areas of law that have not been explored.
 29. Nigerian legal practice should be expanded to include foreign participation.
 30. A stronger partnership between the Nigerian Institute of Advanced Legal Studies and the Nigerian Bar Association is required for strengthening the legal profession.

Signed

*Prof Epiphany Azinge SAN
Director General*



SOME FACES AT THE ROUNDTABLE ON LEGAL PRACTICE AND ENTREPRENEURSHIP



Staff Birthdays

March

S/N	Full Names	Designation	Remarks
1.	Jerry- Imahiagbe S.N	Deputy Institute Secretary	Marh 13
2.	Asagh Janet Mwuese	Research Fellow 11	March 5
3.	Garuba Mary Onyoche	Prin. Asst Secretary	March 15
4.	Idenyi Abraham	Prin. Personal Secretary 11	March 11
5.	Ibhagbosoria Fidelis	Admin Officer 1	March 14
6.	Faronbi Olufunsho Olatunji	Chief Data Proc. Assistant	March 23
7.	Ogbe Sunday	Chief Driver	March 15
8.	Nwaigwe Stanley Chidiebere	Asst. Executive Officer	March 3
9.	Sholaja Salau Majekodumi	Office Asst. 11	March 31
10.	Caleb Jacob Gazawa	Admin Officer 11	March 5

April

S/N	Full Names	Designation	Remarks
1.	Bathnna James Gekeme	Institute Secretary	April 27
2.	Owoeye Jide Edward	Prin. Librarian	April 18
3.	Yawe John	O/C Internal Audit	April 9
4.	Goniri Bulama Hajara	Prin. Asst. Secretary	April 2
5.	Mohammed Sudi Maksum	Chief Accountant	April 20
6.	Iyahan Alemye Ajeichi	Asst. Secretary	April 27
7.	Adeola Adeniyi Adeyinka	Senior Data Proc. Officer 1	April 6
8.	Abdullahi Habiba Trisha	Admin Officer 1	April 6
9.	Agbaragba T. Abraham	Higher Executive Officer	April 8
10.	Okoduwa Christopher A.	Chief Driver	April 23
11.	Afolabi Olufemi Clement	Chief Artisan	April 15
12.	Uta Daniel Aja	Prin. Superintendent of Press	April 7
13.	Ahmed Sanusi	Senior Printing Assistant	April 3
14.	Aladeh Samuel	Gardner 111	April 3



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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES ROUNDTABLE ON FOOD AND DRUG LAW

8TH MARCH, 2012

COMMUNIQUE



The Food and drug industry is a multi- billion dollar industry which makes food and drug administration one of the most vital sectors of the social system of most countries. The sector accounts for a significant share of the gross national product of many countries. This cannot be divorced from the fact that the combined socio-economic importance of food and drug as the essential and the most indispensable commodities of human consumption accounts for over 25% of consumer spending. The food and drug industry is a globalised one and the cause of millions of shipments from many facilities across the world. Growth of the food and drug industry has been attributed to globalization in various segments of economy including production, trade, technology and regulation.

The sheer size of the industry and transactions that take place within it force global regulatory standards for making the products available worldwide necessary. As large as the sector is, it is not without its challenges, which touch on social, economic and health sphere of human endeavors, and occur on both the supply and consumption side of the chain. The problem is more glaring and destructive in developing countries such as Nigeria. They include the production and sale of fake and counterfeit drugs, tampering with sealed drugs, unwholesome food production, unlicensed and unqualified sale of drugs, sale of vaccines in the open market, lack of proper storage and transportation facilities for food and drugs, unavailability of drugs in the pharmacies of hospitals and illicit drug sale. The menace caused by drug related problems are compounded by poverty, ignorance, lack of options and access to genuine drugs, availability of fake or counterfeited drugs among others. This has led to deaths, injuries, incapacity, psychological trauma and more for consumers.

The legal regime responsible for tackling this menace in Nigeria has its own challenges to grapple with. These include lack of coordination among food and drug related regulatory bodies, multiplicity of regulators, multiple legislations and regulations, lack of coherence in action by regulatory agencies, lack of capacity to discharge mandate as well as lack of equipment to carry out functions.

It is for the reasons mentioned above, the need to develop Food and Drug Law jurisprudence in Nigeria as well as the compulsion to address the lack of coherence and coordination in the Nigerian Food and Drug Administration with the aim of mapping out strategy for a vibrant and more effective/ efficient regime that can reduce the menace caused by fake and counterfeit drugs and unwholesome food production, that the Nigerian Institute of Advanced legal Studies Held a Roundtable on Food and Drug Law on the 8th March 2012.

OBSERVATIONS

Some of the observations made at the roundtable include the following:

1 The menace of fake drugs has eroded the public's

confidence in the nation's health care delivery system.

2 Fake drugs have led to a proliferation of treatment failures, organ dysfunctions or damages, worsening of chronic disease conditions, and death of many Nigerians.

3 Out of the 130 existing pharmaceutical manufacturers with installed capacity to produce between 50% and 75% of the nation's drug needs, only 60 are in active manufacturing.

4 Capacity utilization in pharmaceutical manufacturing in Nigeria is below 30%

5 A huge percentage of the drugs consumed in Nigeria are imported.

6 The legal and regulatory framework of NAFDAC's work should not be punitive based

7 Media adverts concerning the dangers of the use of fake and counterfeit drugs are being preached to the converted as the majority of the counterfeit and fake drugs are being sold and used in the rural areas.

8 Drugs are still regarded as commercial merchandise hence the large number of unlicensed and unqualified sellers and peddlers.

sellers and peddlers in many cases are the first point of contact by consumers.

10 The consumer's inability to judge the quality of medicine they take becomes a huge public health challenge as such drugs can be ineffective and harmful.

11 Lack of knowledge of drug quality on the path of the consumer makes them vulnerable to the business interest of drug sellers.

12 Patronising peddlers and unlicensed sellers are done for several reasons including convenience, affordability ,dependability of supply as well as poverty

13 Lack of access to medicine in government clinics and pharmacies and where it is available, the prohibitive cost is also a factor that leads to patronising unqualified drug peddlers and unlicensed drug sellers.

14 The prohibition of drugs, especially psychoactive substances is premised on the vast number of negative consequences that are thought to arise from their usage as well as the adverse reaction that characterizes the use of some of them.

15 Drug prohibition is also due to the social problems associated with psychoactive drugs. Drugs such as cocaine, heroin, Indian hemp are usually used by persons responsible for some incidences like murder, assault, suicide, drowning, spousal abuse and rape; most of which are against the criminal laws of states, hence the treatment of persons who commit offences in a psychoactive induced state as criminals.

16 The economic dimension to drug prohibition with respect to drug importation is to protect and encourage indigenous drug manufacturing companies in Nigeria.

17 In a study conducted in 2001, the cause of the preponderance of counterfeit drugs in Nigeria included



ineffective enforcement of existing laws, non-professionals in drug business, loose control system, high cost of drugs, greed, ignorance and corruption.

18 Some of the awareness programmes lack impact and thrust and do not reflect or articulate the magnitude of the damage fake drugs can cause.

19 Fake drugs affect the entire community and not just a segment.

20 Some adverts give the wrong message as to the effect of certain drugs which in effect becomes misleading.

21 Law enforcement officers, especially those on the low income scale, are sometimes not convinced about the need to eradicate the menace of substandard drugs

22 The existence and effect of fake drugs may not be completely eradicated, but it can be minimized.

23 The percentage of imported drugs into Nigeria has reduced from the 90% range which it used to be around 2004

24 Herbal drugs consumption in itself is not a bad thing, but the problem lies with the lack of regulation of such drugs, that is not under the jurisdiction of NAFDAC as NAFDAC only regulate the product not the practice.

25 NAFDAC encourages the growth of drugs from alternative medicine. NAFDAC fully supports the National Institute of Pharmaceutical Research which is undergoing third stage test of a drug NIPRISAN, developed using herbs for the cure of Sickle Cell.

26 Illegal drug market structures have reared their heads in populated and busy areas such as Onitsha "Head Bridge", in Anambra State, Ariaria Market in Abia State. Before these drug markets can be closed down, an alternative option in all the locations such as the Mega Drug Distribution center in Onitsha, must be provided where only trained pharmacists are allowed to operate

27 One of the major challenges faced by all drug agencies worldwide is drug counterfeiting which is a multi-billion dollar business

28 In wealthy economies, counterfeit drug amount to 10% of their sales, whereas about 50 % of such sale occurs online.

29 The most widely counterfeited drugs are anti-malaria, anti-biotics and analgesics.

30 Drug counterfeiting increases loss of human lives and reduces confidence in the health sector

31 The importance of the sector is largely due to the combined socio-economic importance of food and drug as the essential and the most indispensable commodities of human consumption accounting for over 25% of consumer daily spending worldwide

32 The food and drug industry in Nigeria has grown from an unregulated to a regulated industry. There are regulations governing Food and Drug Administration in Nigeria

33 The legal regime governing the conduct of activities in the industry did not come to the fore until the recent national attention on the scourge of fake drugs and adulterated food substances which led to the emergence of a defined and more focused regulatory regime.

34 There is a considerable degree of consensus that regulation has become an indispensable instrument of public governance of a modern economy.

35 The primary theory for regulation of food and drugs is founded on public health with sustained attention now focused on the institution of regulatory models and 'character' of governance beyond the precincts of private law.

36 Regulatory imperatives, reforms and overlaps are main challenges to food and drug law in Nigeria

37 Food and drug law has gradually developed into a body of law with statutes and regulatory agencies, although it has not been fully developed in our jurisprudence.

38 The food and drug market has become completely riddled with fake, adulterated and counterfeit products that have undermined the state of public health and safety, requiring urgent and more effective regulatory intervention.

39 An important part of the development of the regulatory powers of NAFDAC is the exercise of power of the agency to order the withdrawal from circulation of a regulated product consequent upon suspension or cancellation of registration of the said product

40 The wide ranging powers, functions and activities of NAFDAC has enabled it to be proactive and to launch a holistic campaign against fake and adulterated regulated products thus bringing the entire food and drug market under tight regulatory oversight.

41 The Nigerian regulatory model through NAFDAC appears to have moved from a mere registration system to an effective regulatory system in addressing the menace of fake and counterfeit food and drugs.

42 There is a need to settle the imperative of the Food and drug law regime

43 There is a need to examine the adequacy or otherwise of the existing regulation to meet up with international standard of governance.

44 The Nigerian regime for food and drug law is lying in an awkward position and needs to be repositioned and made more responsive to the nagging problem of drug counterfeiting, faking and unwholesome processed foods..

45 Food and drug administration in Nigeria is multi-statutory regulated based.

46 The statutes were enacted to regulate the various aspects of the problems of drug counterfeiting, fake and unwholesome processed food.

47 The multiplicity of statutes has not proved to be more advantageous in tackling the problems.

48 There are lacunas in the existing statutes and some of such lacunas prevent drug law administration from compelling drug manufacturers and handlers to carry out some vital functions such as Drug Formulary under the NDFA which results in practitioners relying on British National Formulary (BNF) as opposed to Nigerian national Formulary (NNF).

49 Multiplicity of statutes has engendered uncoordinated enforcement in the regulation of food and drugs in Nigeria.

50 The National Drug Formulary and Essential Drugs List Act (NDFA), a vital statute in the Food and drug Administration in Nigeria is not administered by NAFDAC.

51 With the present state of Food and Drug Laws in Nigeria, the Federal Task Force on the Counterfeit and Fake Drugs Act (CFDA) and the Unwholesome Processed Food Act (UPFA) can enforce the law.

52 NAFDAC is operating in a challenging environment,



addressing a problem that has international dimensions with local regime.

53 No statute alludes to the need for international collaboration or grant seeking in our Nigerian Food and Drug legal regime.

54 Appropriate international instruments to help reduce drug counterfeiting or the dumping of counterfeit drugs and unwholesome processed food in Nigeria are yet to be explored.

55 There is no reliable data on the mortality or morbidity arising from the consumption of adulterated food and counterfeit drugs in Nigeria.

56 Apart from drug counterfeiting, fake drugs and unwholesome processed food, another serious problem is tampering with original packages with drugs packed in large pack sizes.

57 NAFDAC is Nigeria's lead food safety Authority responsible for the regulation of the manufacture, importation, exportation, advertisement, distribution, sale and use of all processed packaged food, water and other beverages.

58 NAFDAC was established to control and regulate the manufacture, importation, exportation, distribution, advertisement, sale and use of food, drugs, cosmetics, medical devices and packaged water including all drinks.

59 NAFDAC's mandate is shared by other government Ministries, Departments and Agencies (MDAs) across the different tiers of government.

60 There is over-regulation of the industry due to overlap of functions.

61 There is lack of effective collaboration and co-ordination of the MDAs as well as a lack of system for collection and dissemination of information.

62 There is lack of effective regulation of street food vending.

63 There is a prevalence of inadequate funding of hospitals pharmacies and the "out of stock syndrome" in Nigeria.

64 There are inadequate storage facilities, transportation and distribution of Food and Drugs in Nigeria.

65 One of the major challenges being faced by regulatory agencies especially in developing countries is the counterfeiting of regulated drugs.

66 Counterfeiting has become a global problem that presents an enormous public health challenge

67 Counterfeiting, viewed from public health perspective is a major obstacle preventing access to safe, quality and efficacious medicines.

68 According to WHO, over 270 million people in Africa lack access to the most essential medicines.

69 Counterfeiting can apply to both branded and generic products, and may include products with the correct ingredients, without active ingredients or with fake packaging.

70 The Pharmaceutical Security Institute data shows that most counterfeiters target developing countries of Asia, Africa and Latin America

71 It is also estimated that drug counterfeiting is \$ 750 billion business annually, while the World Customs Services estimate it as a \$ 200 billion business annually.

72 In emerging economies, counterfeits are estimated at 10% whilst in some parts of the developing world, counterfeits

are put at about 30%.

73 According to a study conducted by NAFDAC in collaboration with WHO and Department for International Development (DFID) in 2006, pharmaceutical counterfeits in Nigeria stood at 16.7% as against 40% in 2001.

74 The WHO estimates that tens of thousands of people may be dying due to counterfeit of HIV/AIDS, diabetes and psychotropic medicines.

75 In an effort to reduce the negative public health impact, the burden on patients and to execute its mandate, NAFDAC has devised several strategies to improve access to safe and efficacious medicines.

RECOMMENDATIONS

The roundtable consequently came up with the following recommendations

1 There is a need to reintroduce health law into the curriculum of Nigerian Universities and other tertiary institutions

2 There is a need to have strong regulatory policy on herbal drugs

3 The government should adequately equip and also have training facilities for laboratory technicians in drug analysis.

4 NAFDAC should ensure the registration of all drug products either manufactured locally or imported.

5 The state task forces on counterfeit and fake drugs that are not in existence should be reconstituted and invigorated.

6 Pharmaceutical industries should have established drug surveillance units to monitor their products in the market to detect faking.

7 There should be stiffer penalties for those who contravene the prohibited drug laws.

8 The various agents of socialization should intensify the socialization process on societal reaction to deviance. The socialization should be extended to law and enforcement agents who consume drugs illicitly and aid and abet those who are involved in the act of production.

9 There is a need for grass root enlightenment on the dangers of fake drugs.

10 There is a need for sustained public enlightenment on the dangers of fake drugs.

11 There is the need for standard and regulation, to improve the quality of drugs circulating in the society.

12 There is a need to regulate and censor advertisements in order to check the types and quality of products which circulate in Nigeria.

13 Sensitising the members of the public to the danger of fake drugs to health should be emphasized by NAFDAC, as opposed to the punishment for drug consumption.

14 There is a need to adopt the encouragement of attitudinal change by Nigerians to be able to tackle the menace of fake drugs

15 All drug regulatory agencies should also get involved in dealing with the challenges posed by fake drugs.

16 NAFDAC should create special zones in counterfeit prone areas for proper and continuous surveillance to reduce to the barest minimum, if not eradicate the menace of the sale of counterfeit, adulterated, expired and improperly stored drugs.



17 Children should be encouraged to imbibe the culture of respect for the proper use of drugs as well as the right way to handle food from childhood

18 There should be collaboration with the appropriate international agencies for a more effective food and drug administration.

19 There should be an increase in capacity building and training of personnel involved in food and drug administration.

20 Compensation for victims of fake drugs by the sellers, should be encouraged

21 Cutting edge technology such as Truscan and use of infrared which gets the details of the drugs which can be used as evidence for prosecution should be encouraged and invested in.

22 The provisions of the Nigerian law must be distinguished from that of the US, particularly in the area of prevention based regulation

23 The regulatory regime proceeding upon specified regulatory policy or goal should define the regulatory practices and protocols that address the emergent nuances and mischief of the industry that the traditional legal regime or a mere regulatory coverage can no longer tackle.

24 The retention of NAFDAC among the remaining agencies at the ports of inspection will help in consolidating the gains of the current regulatory practice.

25 An effective regulatory regime beyond a mere legal regime or regulatory coverage is crucial to effective governance which constitutes the established and the primary legal regime for food and drug administration.

26 There should be an avenue by which foreign manufacturers of counterfeit drugs and unwholesome processed food who conspire with Nigerians will be made liable even where such foreigners do not come into the Nigerian territory.

27 Express provisions are needed in the FDA, NDFA and CFDA to vest the power of enforcement of Food and Drug laws on NAFDAC.

28 There is a need to domesticate appropriate international instruments with which to string the regime on Food and Drug Administration for better efficiency and effective tackling of the international dimension of drug counterfeiting and unwholesome processed food.

29 The Palermo Convention under which counterfeiting, manufacture and sale of unwholesome processed food should be domesticated and applied to individuals.

30 Bilateral treaties should be used to clearly and in detail define the rights and obligations of parties under each subject.

31 There should be a provision in the NDFA mandating the NAFDAC to annually publish NNF for guidance of medical practitioners, pharmacists and other users of the information specified in the Second Schedule to the Act.

32 The power of NAFDAC to appoint inspection officers and their powers under the FDA and the powers of its officers under the NAFDAC Act, being essentially the same should be streamlined to avoid the unnecessary repetition in our statutes.

33 The provision of the FDA, CFDA and the NAFDAC Act vesting jurisdiction to Federal High Court (FHC) should be amended to give concurrent jurisdiction as in other criminal matters granted to the Court under the Constitution of the Federal Republic of Nigeria 1999.

34 The provision of the NAFDAC ACT on the conduct of proceedings which makes the Criminal Procedure Code applicable, being in conflict with the provision of the FHC Act should be amended.

35 Upon the proper identification of foreign manufacturers as major actors in dumping counterfeit drugs and unwholesome processed food in Nigeria, the offence of conspiracy should be included in the statutes governing Food and Drug Administration.

36 The FDRA provides for the conduct of clinical trials in accordance with the provisions of regulation in force. In the absence of any, there is a need to make regulations for clinical trials.

37 There is a need for overhaul and consolidation of the legislations that make up the legal regime for Food and Drug administration in Nigeria to enable NAFDAC discharge its mandate effectively and efficiently.

38 Government subsidized drugs should be made available to the public and private health care delivery system.

39 There should be well developed distribution network of food and drugs in Nigeria.

40 There is a need to consolidate drug related laws in Nigeria.

41 There is a need to create a National Policy on E-Medicine and licensing online pharmacies.

42 There is a need for improved cooperation and collaboration of MDAs with roles in Food Safety or create a Food Safety Authority.

43 Enhanced regional co-operation, collaboration and information sharing on food and drug safety issues should be encouraged.

44 Patient protection and affordable care to provide for the protection of sick persons and to make sure consumers have access to accurate, science-based information about the products they need and rely on every day to improve their health and well-being.

45 There should be Increase in the nation's preparedness to address threats as a result of bioterrorism pandemic and emerging infectious diseases to ensure organisational excellence, transparency and accountability.

SIGNED

Professor Epiphany Azing, SAN
Director General



Faces at the Roundtable on Food & Drugs Law



ISSUE OF NIALS WELLNESS



Nigerian Institute of Advanced Legal Studies

Healthy NIALS.

In recent times, there has been a lot of emphasis on cholesterol. Many of us hear about cholesterol and wonder what it has to do with our health. In this edition of our newsletter, we will take a look at cholesterol and make some effort towards understanding its relevance. We will get to know about good and bad cholesterol and what to do to maintain a good cholesterol balance.

December 1st is World AIDS day. In this edition of our newsletter, we will also see how to key into the global mandate of ensuring the fight against HIV/AIDS is a successful one. I wish everyone a happy reading.

Dr Okwor Tochi Joy

Inside this issue:

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What is Cholesterol?

- Cholesterol is a waxy material which is mainly produced in the body by the liver. The liver makes cholesterol from fats found in food. Cholesterol is important in the body because it helps our body cells to carry out their important functions. Our bodies also use cholesterol to manufacture other chemicals which are also important for the body. Even though cholesterol is important, too much of it in the body can increase a person's chances of developing heart and blood vessel disease.

Continued on page 2.

CALORIE COUNTER (Some Common foods in Nigeria and their calorie content)

• APPLE (LARGE FRESH 3" DIAMETER)	= 117CAL
• BOABAB LEAVES (100 GRAM DRIED)	= 282CAL
• BITTER LEAVES (100 GRAM RAW)	= 52CAL
• CHICKEN PIE (1 PIE)	= 460CAL
• CORN MEAL (2/3 CUP COOKED)	= 80CAL
• CRAB MEAT (1/2 CUP FRESH)	= 54CAL
• CUCUMBER (12 SLICES)	= 10CAL

December 1st is World AIDS day. The World AIDS Campaign focuses on "Zero AIDS related deaths" and signifies a push towards greater access to treatment for all, a call for governments to act now. It is a call to honor promises like the Abuja declaration and for African governments to at least hit targets for domestic spending on health and HIV. (WHO)

attached to this newsletter is a banner showing this theme. We are all encouraged to forward the banner with any message of our choice to friends and acquaintances who we think this can make a difference.



ALL ABOUT CHOLESTEROL

There are two major types of cholesterol namely; Low Density Lipoprotein (LDL) Cholesterol and High Density Lipoprotein (HDL) Cholesterol.

The LDL Cholesterol moves cholesterol from the liver to the body cells. This is the cholesterol that is harmful. High levels of this LDL Cholesterol in the body increases the risk of developing coronary heart disease, stroke and other blood vessel diseases.

HDL Cholesterol on the other hand, returns the extra cholesterol that is not needed from the bloodstream back to the liver. From this function it can be seen that it is the good type of cholesterol as it removes harmful cholesterol from the bloodstream instead of depositing it in the blood vessels where it can cause blockage.

Another important fatty substance found in the blood are the Triglycerides. These fatty substances are found in foods such as dairy (i.e. Milk) products, meat and cooking oils. The body can also produce triglycerides from the body fat stores or from the liver. People who are more likely to have high triglyceride levels are people who are overweight, eat a lot of fatty and sugary foods, or drink a lot of alcohol.

What happens when cholesterol levels are high?

People with high Total Cholesterol level have a higher risk of coronary heart disease than those with lower levels. This risk is much higher when the level of LDL cholesterol is high and that of HDL cholesterol is low (i.e. When the bad is higher than the good).

People with high Triglyceride levels have a higher risk of developing coronary heart disease and stroke than those with lower levels.

The risk for developing coronary heart disease is even greater when a high cholesterol or triglyceride level occurs with other conditions such as: smoking, diabetes and high blood pressure.

What can be done to improve cholesterol and triglyceride levels?

In order to improve cholesterol and triglyceride levels, the following are important:

- Cut down on saturated fats. These are mainly from animal fats and are found in meat products, high fat dairy foods, crisps and other fried foods, biscuits and cakes. Saturated fats should be replaced with monounsaturated or polyunsaturated fats.
- Total amount of fat consumed should be reduced. This becomes very important in overweight people.
- Cut down on foods containing trans fats. These are found in processed foods.
- Eat oily fish at least once a week. Oily fish are rich in omega-3 oils and can help reduce triglyceride levels.
- Regular physical activity. This increases HDL cholesterol which is the good cholesterol.

There are two main types of cholesterol: LDL cholesterol is bad when the level is high, and HDL cholesterol which is good because it helps to protect the heart.



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Cholesterol-lowering medicine

The absolute benefit for screening for and treating abnormal cholesterol and triglyceride levels depends on the presence and number of other cardiovascular (i.e. Heart and blood vessel) risk factors. Your doctor will determine what your cardiovascular risk factors are and take a decision on whether you will benefit from a cholesterol lowering medicine. The main medicines used to reduce cholesterol levels are Statins. Statins can significantly reduce LDL cholesterol levels. Your doctor may prescribe statins if it is shown that you are at high risk of coronary heart disease, or if you already have CHD, or if you have diabetes or have kidney disease.

Benefits of regular physical activity.

- The heart works more efficiently
- Helps lower blood pressure
- Boosts level of HDL cholesterol
- Improve supply of oxygen to the muscles
- Makes the blood less likely to clot
- Reduces the amount of body fat and increases the amount of muscle

Anytime you see your doctor, it is important to find out as much as you can about your state of health and how to improve. Below are some questions you may wish to ask:

- What is my blood pressure?
- Do I need to check my cholesterol level?
- Am I overweight or obese?
- Am I at risk of coronary heart disease, and if so why?
- What sort of food should I eat?
- Can you advise on physical activity?
- How can I reduce my risk of coronary heart disease?
- Am I on the right treatment?
- How can I stop smoking?

(Adapted from *Women and Heart Disease; Beating Heart Disease Together*. British Heart Foundation).

IF YOU DO NOT WISH TO RECEIVE FURTHER NEWSLETTER, KINDLY SEND E-MAIL TO: akwortschi@yahoo.com

REFERENCES

1. NIGERIAN GUIDE BOOK ON ADEQUATE NUTRITION FOR ALL AGES. NATIONAL PRIMARY HEALTH CARE DEVELOPMENT AGENCY & WHO. APRIL 1999
2. STEPHEN J. MCPHEE, MAXINE A. PAPADAKIS. CURRENT MEDICAL DIAGNOSIS & TREATMENT 2011. FIFTIETH EDITION. THE MCGRAW-HILL COMPANIES.
3. WOMEN AND HEART DISEASE. BRITISH HEART FOUNDATION.
4. http://www.who.int/mediacentre/events/annual/world_aids_day/en/

Key points

- High blood cholesterol increases the risk of coronary heart disease.
- Blood cholesterol levels can be improved by: eating diets low in saturated fats, reducing total amount of fats in food, reducing consumption of trans fats, increase in physical activity.
- Aim for low LDL and HDL cholesterol levels.
- Statins are important medicines used in lowering LDL cholesterol. The doctor will determine if you will benefit from statins.





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The Nigerian Institute of Advanced Legal Studies hereby inform the General Public that with effect from January 2010, the

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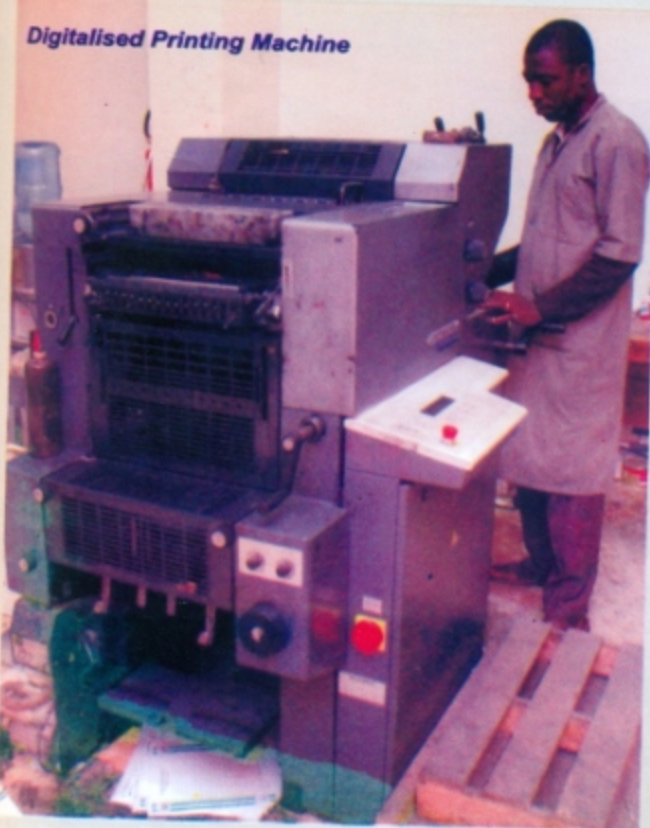
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The Principal Superintendent of Press, Mr. J. Idoko (Middle) supervising work in the Pre-Press



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Polar Machine

