



NIALS Newsletter

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**Chief Akinjide, SAN, Chief E. K. Clerk, Chief Ferdinand Agu
at NIALS Stake Holders Summit on Constitutionalism & Good Governance**

**Hon. Michael Kirby
Interacts With
Prof. Shamsudeen Amali
Vice Chancellor,
Nasarawa State
University, Keffi**



NIALS HOSTS STAKEHOLDERS SUMMIT ON ENTHRONEMENT OF ENDURING CONSTITUTIONALISM AND GOOD GOVERNANCE



Cross Section of High table

May 22nd, 2012 was yet another historic day for the Nigerian Institute of Advanced Legal Studies. It was a day at the prestigious Transcorp Hilton Abuja; Stake Holders were assembled for a Summit to discuss issues Towards the Enthronement of Enduring Constitutionalism and Good Governance in Nigeria. It was an assemblage of who is who in the legal profession in Nigeria.

Welcoming guests to the event, the Director-General, Professor Epiphany Azinge, SAN noted that the Summit was specifically called to interrogate fundamental issues of constitutionalism and good governance and this was in keeping with the Institute's statutory mandate and vision of its founding fathers in setting the tone, agenda and creating platforms for the ventilation of views towards public policy formulation, sensitization and informed commentary on issues of national interest. According to Professor Azinge, SAN, at this time when the President and Commander-In-Chief of the Federation, Dr. Goodluck Ebere Jonathan was striving to actualize his transformation agenda, the conclusions of the Summit will no doubt act as a catalyst in driving home the reforms. The conclusion, he assured, will be put together in form of a communiqué and will be widely circulated. He warmly welcomed all guests.

The Special Guest of Honour, Honourable Attorney General of the Federation and Minister of Justice, Mr.

Mohammed Bello Adoke, SAN, CFR commended the Institute for living up to its expectation with the organization of the Summit which he said was within its mandate of promoting healthy discourse of issues germane to the development of our legal system and the advancement of public policy. The Summit, he said, would provide a veritable platform for the articulation of ideas that will significantly support the transformation agenda of His Excellency, Dr. Goodluck Ebele Jonathan, GCFR. The Attorney-

General noted that the Nigerian Constitution was presently undergoing, through the orderly and civil actions of the Legislature and the Executive arms of government, a process of amendment to bring it in line with contemporary realities. He pointed some of the areas being considered for amendment to include the issue of immunity clause, modalities for state creation and boundary adjustments, and the provisions relating to the amendment itself. This process, he said, was very fundamental and deserving of all seriousness by all Stakeholders since the constitution embodies our shared values and common aspirations and should adequately benefit from a cross section of views and diversity of opinions to retain its credibility.

The Summit therefore would provide a timely and noble initiative capable of bringing diverse ideas and perspectives on issues that will ultimately enrich the evolution of our constitution and enhance good governance in Nigeria. Looking at the quality of the facilitators and participants at the Summit, Mr. Adoke,

SAN, CFR was convinced that the objectives of the Summit would be achieved. He urged for frank, objective and courageous contributions in order to fully utilize the opportunity created by the Forum. The outcomes of the Summit which he looked forward to, he said, could fulfill the dual purpose of not only enriching the debate relating to the emerging constitution but will also satisfy the culture of inclusiveness and participation in the analysis of



The Director-General, Prof. Epiphany Azinge, SAN
Declaring the summit opened



issues relating to good governance and constitution making in our country.

The Chairman of the occasion, Senator (Dr) Anyim Pius Anyim, GCON who was unavoidably absent had Chief Ferdinand Agu, SAN represent him. The Chairman traced various attempts made at either making or amending the Nigerian constitution noting that one factor that had continued to agitate Nigerians was the fact that constitution making in Nigeria was not all inclusive and so appreciated the efforts of the Institute to have provided a platform to aggregate views and ideas as the 1999 Constitution faces amendment by the National Assembly. He noted that the Nigerian Institute of Advanced Legal Studies has over the years build a proud reputation of excellence and quality academic work and has contributed to capacity building for the National Assembly. Its contributions over the years, he said, have contributed in shaping public policy of government and prayed that the Summit fill in this same expectation especially as it concerns the transformation agenda of Mr. President.

In his presentation, the Keynote Speaker, Chief Richard Akinjide, SAN, CON, FCIArB, (UK) FCE, traced the constitutional transformation of Nigeria since the colonial era to date. He noted however that the sad news from this entire journey with our constitution and history, the question still remain, where are we going and how are we going? He noted that even though Dr. Nnamdi Azikiwe, Sir Ahmadu Bello and Chief Obafemi Awolowo, all of blessed memory got political independence for Nigeria, economic independence eluded and has continued to elude the country. It is the lack of economic independence that is responsible for our woes now as a country. Chief Akinjide observed that though President Goodluck Jonathan. GCFR was a good president; he had a lot of load to carry hence the question where do we go from here. He regretted the wish of the majority to perpetually remain in power in a country of well over 500 communities. The good news, he said, was for Nigerians of all origin to be original in thought and action, to patronize our own and to showcase it.

Paper presenters and discussants at the one day Summit included Professor B.I.C. Ijomah, ANIAM, QAM, FIUS (Chicago), Professor Ignatius Akaayar Ayua, SAN, OFR, Mr. A.N. Mahmud, SAN, Professor Sam Oyovbaire and Chris Uche, SAN. Others included Professor Jerry Gana, CON, Professor Mike Ikhariale, Chief Mike Ozekhome, SAN, Chief Wole Ferdinand Orbih, SAN and Professor Dakas C.J. Dakas. The three session summit had for discussion topics on Good Governance and Security: Issues and

Challenges, Democracy and Constitutionalism: Imperatives of Visionary Leadership and Constitution and Tenure of the Executive: Matters Arising.



Some Dignitaries



NIALS COMMISERATES WITH THE UNIVERSITY OF LAGOS OVER THE DEATH OF ITS VICE CHANCELLOR, PROF. SOFOLUWE

It was a solemn moment, a period our eloquent Director-General, Professor Epiphany Azinge, SAN could hardly find his bearing having to choose his words. It was a moment he had to pay condolence for an amiable personality, a man who was his host, the late Professor Adetokunbo Babatunde Sofoluwe, Vice Chancellor of the University of Lagos, who had passed on in the early hours of Saturday, May 12th, 2012 at the Lagos University Teaching Hospital, Lagos.

In separate visits to the Acting Vice Chancellor of the University and the immediate family of the deceased, Professor Azinge, SAN in an emotion field voice, described the late Vice Chancellor as an astute scholar, a sound administrator and a great gentleman whose life and times will be richly remembered. He described the late Professor Sofoluwe as a courteous gentleman and jolly good fellow who was greatly loved by all. The University community, he said will greatly miss his direction while his friends and members of the family will miss a dear friend and father. The Institute, he said, will similar miss his wonderful understanding.

Professor Azinge, SAN who was accompanied to the visit by the Institute Secretary, Mr. James Bathnna, the Director of Research, Professor Bolaji Owasanoye and the Deputy Institute Secretary, Mrs. Jerry Imahiagbe, admonished the University community to accept the painful verdict of the Almighty God saying it was appointed un to man to once die and that late Professor Sofoluwe had only submitted himself to the Will of the Almighty God. He prayed for peaceful transition of his soul and to the family, the fortitude to bear the irreparable loss.

In a related development, the Director-General, Professor Epiphany Azinge, SAN has extended words of condolence to Federal Government and agencies that lost their members of staff in the ill fated DANA Air disaster which claimed several lives in Lagos, June 3rd, 2012. In separate condolence messages to the Executive Secretary, National Universities Commission, Group Managing Director, Nigerian National Petroleum Corporation (NNPC), The Governor of the Central Bank of Nigeria (CBN) as well as the Hon. Minister of State, Foreign Affairs, Professor (Mrs) Viola Onwuliri who lost her husband,

Professor Azinge joined other well meaning Nigerians in regretting the air disaster and encouraged them to accept the Will of the Almighty God who gives and takes as He likes and whom no one can question. He prayed for the repose of the souls of the departed as well as courage for the agencies and families left behind in bearing the irreparable losses which he said could hardly be quantified.



*Late Prof. Adetokunbo Babatunde Sofoluwe (1950 - 2012)
Vice Chancellor, University of Lagos*



FACES AT THE ROUNDTABLE ON CONVICTION TO COMPROMISE: Plea Bargaining Option

April 19, 2012



NIALS HOLDS GOVERNMENT LEGAL ADVISERS/LAW OFFICERS COURSE

The Government Legal Advisers/Law Officers course, one of the longest held courses at the Nigerian Institute of Advanced Legal Studies recently held at the Institute's University of Lagos campus from May 28 – 31, 2012. It held at the Professor Ignatius Ayua Lecture Theatre.

Mounted in response to the growing need for the training and re-training of government lawyers and law officers in government employment as well as private lawyers whose knowledge of the law appeared to be narrowed to the basic rudiments of the legal profession, the course has been running consistently for over fifteen years now.

Welcoming guests and participants at the opening ceremony of the course, Director-General of the Institute, Professor Epiphany Azinge, SAN assured them of their money's worth as the Institute has assembled as usual, the best possible faculty of resource persons to handle the course. The Institute, he said, was advancing and ready to take its rightful place as the best legal research institute in Nigeria and the sub-saharan Africa. The continued subscription of participants to the Institute's programmes, he said, has been a challenge for the Institute to rededicate its resources to the development of personnel in the public service and the

private sector to be the best that can possibly be thus reshaping public policy and focus. The training potentials available at the Institute he said were targeted to achieving the goals of the Transformation Agenda of the President and Commander-in-Chief, Dr. Goodluck Jonathan.

He urged participants to consolidate on the four-day training so as to impact positively on their schedules. The training at the Institute, he said was capable of sharpening their skills and knowledge and where possible their attitudes so as to enable them handle day-to-day challenges of being a government legal adviser or law officer. Thirty-five participants drawn from various organizations and establishments attended the programme.

Closing the four-day training workshop on behalf of the Director-General, the Institute Secretary, Mr. James Bathnna congratulated the participants for their patience and dedication throughout the course. He conveyed the Director-General's expectation that the participants will be good ambassadors of the Institute and positively impact their new skills in the discharge of their responsibilities. He presented certificates of participation to the thirty-five members of the course.

LEGAL WRITING SKILLS WORKSHOP ENDS AT NIALS

May 21 – 23, 2012 was activity at the Nigerian Institute of Advanced Legal Studies as the Annual Legal Writing Skills workshop for lawyers held at the Ignatius Ayua lecture theatre, University of Lagos campus office of the Institute.

Declaring the workshop opened on behalf of the Director-General, Professor Epiphany Azinge, SAN was Professor Bolaji Owasanoye, Director of Research of the Institute. Professor Owasanoye after welcoming Resource persons and the participants to the workshop apologized for the inability of the Director-General of the Institute to personally declare the workshop opened owing to other exigencies of office. The training, he said, was a specialized one aimed at exposing lawyers to the rudiments of effective writing which he described as fundamental, essential and necessary for every lawyer worth his pedigree. The training and development of writing skills, he said, was one of the major concerns of the Institute in its training programmes. He urged the participants to take advantage of the excellent faculty assembled for the training exercise.

Thirty participants drawn from the Nigerian Universities, Federal and State Ministries of Justice, Lawyers in private

practice as well as corporate world, the Armed Forces and the Para Military attended the three day training.

The Course content included Introduction to Legal Writing skills, Logical Reasoning & Human Relations in Writing, Legal Writing Skills for Academics, Writing briefs and Pre-Action Notices/Demand Letters. Others areas covered included Writing Legal Opinion, the Command of Language & Advocacy, The Use of Language in drafting as well as Practical Legal Writing Skills:

Closing the training programme, the Institute Secretary, Mr. James Bathnna appreciated the participants for their attention throughout the programme. He urged them to make use of the skills acquired in furtherance of their individual practice and to be good ambassadors of the Institute in their respective offices. Certificates of attendance were issued to the participants. Responding, the participants appreciated the opportunity to have been part of the training and assured that they will bring the new skills acquired to the benefit of their various organizations. The commended the Institute for the good work it was doing and urged for the sustenance of the programme in subsequent years.



NIALS CANVASES DAY OF PEACEFUL CO-EXISTENCE

May 17th, 2012 will go down in history books as the day the Nigerian Institute of Advanced Legal Studies in its usual pioneering way and in keeping to its statutory mandate of initiating discuss on issues of national importance, initiated what could translate as a National Day of Peaceful Co-existence. It was a day, staff of the Institute assembled in Abuja, the Federal Capital discuss, articulate and condemn the present political and security challenges in the country which were taking religious dimensions.

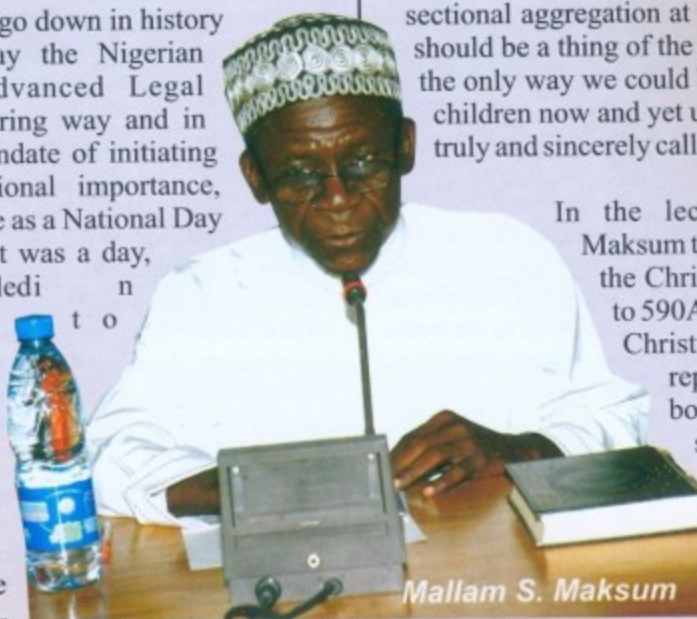
Delivering his address at the occasion, the Director-General of the Institute, Professor Epiphany Azinge, SAN told staff that time has come when citizens of the country should begin to reason together and live in harmony with one another since all religions admonished violence. The Institute in initiating the idea of a Day of National Peaceful Co-existence was mindful of the volatile nature of religious matters but appreciated staff of the Institute for internalizing the idea so effectively. As an apex legal think tank, the idea was original in concept hence history will adjudge us as been pioneers of the idea of peaceful co-existence between Christians and Muslims in this country. According to Professor Azinge, SAN, it was important that we as citizens should co-exist and tolerate each other stressing that education was good; it was the misapplication of the tenets of education that was harmful. He subsequently called on all staff to engage themselves as agents of change to propagate the message of change to their various families, communities and churches. It was his prediction that if staff of the Institute imbibes this change initiative and serious propagates it; the idea could grow and become of national relevance and so handy in solving the challenges of the moment. He prayed the Almighty God to intervene in the affairs of the country such that acts of terrorism, bloodletting, ethnicity and all forms of

sectional aggregation at the expense of national unity should be a thing of the past. This, he concluded, was the only way we could bequeath for the future of our children now and yet unborn, a country we all could truly and sincerely call our father land.

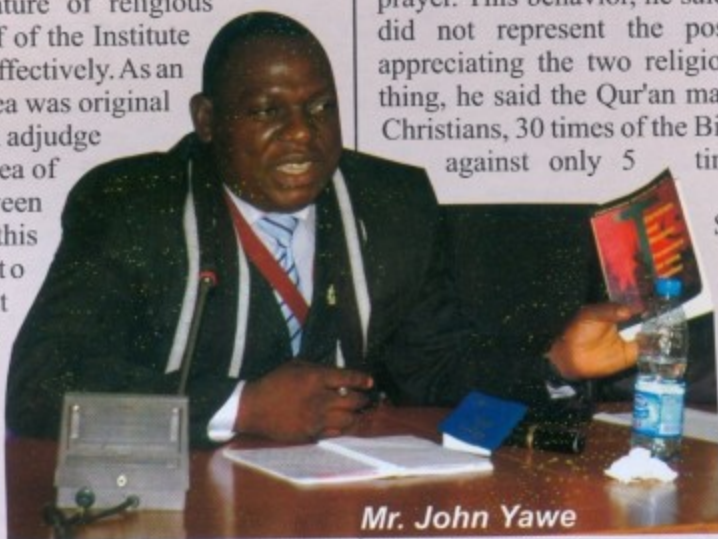
In the lecture presentation, Mallam Maksum traced the relationship between the Christians and Muslims well back to 590AD in Syria, Damascus where a Christian Monk by name Bahira was reported to have saved a young boy from death. That youth, he said, is believed to be the today's Prophet Mohammed of the Islamist world. He admonished that the actions of Muslims worldwide to have painted Islam as a devilish religion owing

principally to their aggression and violent actions against people of other religions. Supporting his claim, Mallam Maksum cited two examples where a Muslim manhandled an innocent Christian who unknowingly stepped with shoes on a piece of ground marked for prayer. This behavior, he said, was devilish, satanic and did not represent the position of the Qur'an. In appreciating the two religions as preaching the same thing, he said the Qur'an makes over 600 references to Christians, 30 times of the Bible and 25 times of Jesus as against only 5 times of Prophet Muhammad.

Speaking further, Mallam Maksum informed the audience that the idea of co-existence embarked upon by the Institute had backing from the Qur'an. Qur'an 5:82 captures that "Nearest in love to the Muslims are the Christians and in enmity are Jews and Mushriks (pagans)". Quoting Chapter 5:5 of the Holy Qur'an, he pointed out that inter-marriages between Christians and Muslims and allowing each to perform his/her religion and eating from one another are permissible in Islam. Mallam Maksum quoted a Hadith in which Prophet Muhammad is reported to have said that "None of you can be a true believer until he loves for his brother what he loves for himself". Fighting in Islam, he argued that Qur'an Chapter 2:190 states that it must be done in self



Mallam S. Maksum



Mr. John Yawe



defense only. He drew the attention of the audience to the Qur'an Chapter 60:8-9 in which Allah instructed the Muslims to "deal justly and kindly to those who do not fight them in the matter of their religion". Regarding freedom of worship, Mallam Maksum quoted the Qur'an chapter 2:256 where Allah says there should be no compulsion in religion and chapter 105 where the pagan Arabs were allowed to practice their religion while Prophet Muhammad practiced his. Mallam Maksum consequently queried the fighting spirit in some Muslims today and their insistence for only one religion.

Speaking on Peace and quoting from the Holy Bible, Mallam Maksum quoted the book of St. Luke 24:36 where Jesus saluted the disciples with the words "Peace Be Upon You". This same greeting is exhibited by the Muslims worldwide. He concluded that Islam is built around good deals and love as the Christians also believe and urged all Christians and Muslims to live in harmony, trusting one another and being one another's keeper.

Also speaking at the occasion, Mr. John Yawe acknowledged that in the beginning, God created man and enjoined him to be fruitful and to multiply. God's people were expected to live together in harmony and peace loving one another. Man, it is reported, was created in the image of God. Since God was and continued to be a God of peace, it holds that his people should live in peace. Mr. Yawe traced early peaceful co-existence between Christians and Muslims and wandered the present trend of violence and disharmony, fighting and killing on very flimsy reasons.

He concluded that Christians should in the face of aggression show love and allow God do vengeance on their behalf. He called on Christians to forgive one another and leave together peacefully appreciating that the judgment day was coming when all shall give account of their actions and deeds. To the Muslim faithful, Mr. Yawe enjoined them to appreciate the tenets of the Muslim faith and practice the peace that Allah enjoins.

Discussing the presentations, staff members noted that Christians were also very impatient with people of other religions especially the Muslims due largely to the fundamental divide between them on the position and place of Jesus Christ and Prophet Muhammad. In the spirit of reconciliation, staff agreed to be tolerating of each other's religious views, appreciating each other's short comings in life and above all exemplify the life and times of Jesus Christ and Prophet Muhammad. In this way, it was agreed; the challenges of insecurity in the country will be a thing of the past and Nigeria will find peace and growth.

In a rare show of love, staff members exchanged gift items, embraced each other and took photographs. They extended appreciation to the Director-General, Professor Epiphany Azinge, SAN for his visionary leadership which informed the idea of the peaceful co-existence initiative. They called on other agencies of government to also embrace the initiative to create the needed awareness such that Government's attention could be pulled into declaring a national day for reconciliation and peaceful co-existence.



Staff in a Unification photograph with the Director General (Middled)



DR (MRS) NKOLIKA ANIEKWU PhD RECEIVES BEST DOCTORAL THESIS AWARD FOR 2009



Dr. (Mrs) Nkolika Ijeoma Aniekwu, Ph.D

The Federal University of Agriculture, Makurdi, Benue State May 22nd – 24th, 2012 played host to the National Universities

Commission for the 2009 Award Ceremonies for the Best overall Doctoral Thesis from the Nigerian Universities Scheme of the Commission. The occasion had as one of the awardees, our very own, Dr. (Mrs) Nkolika Ijeoma Aniekwu, Ph.D, an Associate Professor of Law who is currently on Sabbatical appointment to the Institute. She was a proud recipient for the best Ph.D Thesis in the discipline of Law. Her thesis titled “Domesticating Cairo and Beijing: Prospects and Opportunities for Legal Obligations to Reproductive Rights in Nigeria” was adjudged the overall best Thesis for 2009. She had graduated from the University of Lagos.

Dr. Aniekwu, an accomplished scholar, was in a citation from the School of Postgraduate Studies of the University of Lagos credited as showing in her Thesis “an appreciable mastery of the area of study and a clear exposition of the concept of human rights in Nigeria”.

In her previous works, Dr Aniekwu, who has served as resource person to a number of affiliated institutions in Africa,

Europe and the United Kingdom is rated and acclaimed to have contributed to feminist legal theory, cultural relativity, health and human rights in international and regional events especially in the interdisciplinary issues of gender specific human rights and international humanitarian law within the Sub-Saharan Africa. Her book, *Legal Methodology and Research in Nigeria* (2001) was described by Professor Sussanne Karstedt of the School of Law, University of Leeds, UK as “a classic text in empirical and legal research methods”. Her recent book *Reproductive Health Law: A Jurisprudential Analysis of Gender Specific Human Rights for the African Region* (2011) has not only received national and international recognition but was described by Jane Krishnadas Ph.D of the School of Law Keele University, Staffordshire, UK as “one of the best books on the subject to have come out of the African Sub-Region”. The book is a recommended text at the Postgraduate Programme of the Reproductive Health Law at the Faculty of Law, University of the Free State, Bloemfontein, South Africa.

The Institute is proud to be associated with this astute scholar and here congratulate her and wish her more laurels in her academic career.



Dr. Mrs. Nkolika 8th standing from left-right in a group photograph with some recipients and officials of N.U.C. May 22, 2012 in Makurdi



INTERNATIONAL CONFERENCE ON OIL AND GAS CONTRACTS AND DISPUTE RESOLUTION



Cross Section of High table

The Nigerian Institute of Advance legal Studies held its Maiden International Conference on Oil and Gas Contracts and Dispute Resolution at The Hotel Benizia, No. 1 Kingsley Emu Street, from the 2nd – 4th May 2012 at Asaba, in Delta State. The programme was not only timely and well conceived; its opening ceremony was also well attended by many. Some of the dignitaries that attended included His Excellency the Deputy Governor of Delta State, Prof. Amos Agbe Utuama (SAN) who was the Special Guest of Honour at the occasion. Others include the several Commissioners, Directors and Principal Officers of various ministries in the state.

The keynote address was delivered by Mr. Odein Ajumogobia (SAN), former Minister of Foreign Affairs. In his address, he pointed out that petroleum is the catalyst for development, and petroleum industry powers the global economy and is the bedrock of modern life. He observed that oil and gas companies rank among the largest corporations in the world, and that it is widely accepted that global demand for energy will continue to rise and hydrocarbons will dominate the global energy mix for the foreseeable future.

He stated that the growing debate about growing demand, rising energy costs and their impact on global economies, a new hydrocarbon law is bound to throw up new issues and challenges that legal practitioners must focus on in



documenting the complex legal arrangements between contracting parties in the petroleum sector. He also said that the petroleum value chain is long and governed by a robust legal framework, and contracts are its essential framework which binds parties across the extensive and interconnected value- chain. Contract is the vehicle for realization of expectations of the participants in the oil and gas industry.

Oil and gas contracts are governed by complex combination of both statutory and contractual intricate arrangements between host governments, petroleum companies, indigenous players and other stakeholders. There is a need to better understand the basic contractual framework that underpins the relationship of parties to the multifarious agreements in the oil and gas sector i.e. JVs, PSCs, SCs, crude handling agreements, gas sale and purchase agreements, etc.

The rights and obligations of Nigeria and private investors/ other participants in the oil and gas sector is generally governed by two separate but related regimes, i.e.



Prof. Azinge, SAN declaring the conference opened

concessions and strict contractual arrangements with distinction being the point of transfer of title either at well head or export point as the case may be. One of the critical purposes of oil and gas contracts is the allocation of risk associated with development of oil and gas assets.

Apportionment of risk and commercial terms are just two of the complex threshold issues that oil and gas contracts must address. There are often serious consequences for a party entering into contracts that do not adequately reflect identified interests, this is even more so for long term investments.

One of the Resource Person, Professor Yinka Omoregbe was of the view that many inadequacies exist within the Nigerian legal framework for petroleum. In addition, the absence of a clearly formulated energy policy, with the acquisition of manpower and technology as a major aim, has been detrimental to the long-term interests of the country. It has





Prof. Lanre Fagbohun

been shown that it is possible for developing nations to achieve a transfer of technology, and also that a lack of these skills makes it impossible to effect any significant changes.

Professor Lanre Fagbohun while in his presentation on the environmental impact of oil spill had this to say: oil spill negatively impacts on people's lives and natural resources ramifications of oil spill can be severe and long-term. Niger Delta is also the largest wetland and maintains third largest drainage in Africa, and its Ecological Zones are critical. Niger Delta contains one of the highest concentration of biodiversity on the planet. Overacting goal of an oil spill strategy is restoration of impacted ecosystem to a healthy and productive status, which maintains a full complement of biodiversity and sustains appropriate human uses. Development of strategy must be aligned with the reality that ecosystem knows no political boundaries (interconnected



Mr. Tersoo Shankyaula

system) Strategy should be ecosystem-wide in scope (comprehensive); Strategy must be based upon a clear synthesis of a functioning and productive ecosystem; Strategy should provide a framework to address injured natural resources and lost ecological services; Funds for restoration should not be divided up among small isolated projects that would not, even when aggregated, address the scale of the problem; Monitoring and assessment should also

be simultaneous.

Professor Bolaji Owasanoye did a presentation on Strategies for Negotiating Oil and Gas Contracts where he said negotiation can be used to create value. He also said all negotiations have interest, priorities and strategies, and negotiations have preparation, opening, bargaining and closing phases; that cultural values and norms are important to negotiation. He also stated the four key tools of negotiation are preparation, effective communication, reframing and reaching agreement.

Dr. Dayo Ayoade's presentation was on Pre- contractual Agreements in Upstream Oil and Gas Sector, Dr. Akpo Mudiaga Odje dealt with Dispute Avoidance and ADR Clauses in Oil and Gas Contracts, Professor Paul Idornigie dealt with Arbitration in Oil and Gas Contracts under the



ICSID, Mr. Paul Usoro (SAN) presented on International Development in Oil and Gas Contracts, Mr. Dafe Akpedeye (SAN) talked on Introduction to Negotiation and Negotiating Oil and Gas Dispute, while Dr. Chinyere Ani dealt with Mediating Oil and Gas Disputes.

The conference was attended by enthusiastic participants who were active and made useful contributions.



Miss Fatima Bello



HONOURABLE JUSTICE (DR) TIMOTHY AKINOLA AGUDA, OFR, LL.M, PhD

HONOURED BY THE INSTITUTE



Late Dr. Aguda being unveiled

It was a memorable day for the Nigerian Institute of Advanced Legal Studies and the family of the late Hon. Justice (Dr) Timothy Akinola Aguda, OFR, LL.M, PhD, NNMA, founding Director-General of the Institute as honour and adoration was returned to whom it was due. It was a day the Professor Epiphany Azinge, SAN led administration of the Institute unveiled the founding father of the Institute at its auditorium in Lagos in a colourful ceremony June 25th, 2012. The Institute's management and staff as well as the widow and family members of the late legal icon were in attendance.

Declaring the reasons behind the unveiling of the founding father of the Institute, the Director-General noted that very often those to whom honour was due were never remembered once they transit to the great beyond. The Institute, he said, was grateful to the vision and resilience of the late cerebral Jurist and lawyer especially his contributions to legal scholarship, practice and adjudication. As Chief Justice of Botswana, Swaziland and Lesotho, he had left behind strong footprints for the sustenance of the legal practice in these countries. Back to his fatherland, Late Justice Aguda had served as the Chief Judge of Ondo State before assuming leadership at the Nigerian Institute of Advanced Legal Studies as Founding Director-General. Professor Azinge, SAN attested that, the success and prime position the Institute enjoys today was traceable to the quality leadership and direction the late Justice Aguda left at the Institute during his tenure as Director-General.

It was in an effort to immortalize the learned Jurist and his legacies that the Institute's management

approached the family for understanding and assistance with some of the legacies associated with his life and times for the unveiling ceremony. The family, Professor Azinge, SAN appreciated, not only agreed to partner the Institute on this but went ahead to donate to the Institute the academic regalia the late Jurist wore on the occasion of his award of the LL.D degree. Accompanied this were his cap, suit, reading glasses, fountain pen and some of his writings. The unveiling ceremony therefore presented all these as legacies of the late legal giant. According to the Director-General, these were to serve as encouragement to the younger generations and those to come as they will now have the opportunity of not only reading about the Late Justice Aguda but will have the opportunity to sight some of the things he was legally attached with. The Director-General announced that these will be carefully preserved and mounted at the Institute's School of Postgraduate Studies named after him at the permanent site of the Institute in Abuja when completed.

Expressing her excitement, the wife of the late legal icon, Mrs Aguda thanked the Director-General and the Nigerian Institute of Advanced Legal Studies for the open show of love to her late husband. She said, it was a great honour for her and the family and they will forever cherish it. She acknowledged the great roles her late husband played for which the Institute was honouring him and urged all men of good heart to show love and appreciation to whom such is due saying that whatever a man sows that he will reap. She prayed for the success of the Director-General, Professor Epiphany Azinge, SAN for the honour to her husband and for the several projects that he was leading the Institute through saying at the niche of time, Professor Epiphany Azinge, SAN will again be elevated to higher responsibilities in life in the service of his fatherland, Nigeria.

Professor Bolaji Owasanoye, Director of Research at the Institute who said the closing prayers acknowledged that time has come when men would return gratitude to those that deserve them and prayed for the preservation of the items unveiled in honour of late Hon. Justice (Dr) Timothy Akinola Aguda, OFR, NNMA, Jurist and a great legal mind in the name and glory of the Almighty God.



HON. JUSTICE (DR) TIMOTHY AKINOLA AGUDA, OFR, LL.M, PhD HONoured BY THE INSTITUTE IN PICTURE



NIALS CONGRATULATES THE FOLLOWING STAFF FAMILIES FOR THEIR NEWLY BORN BABIES

MRS NWANKWO
PEACE GAVE BIRTH
TO A BOUNCING
BABY GIRL
ON
TUESDAY,
MAY 15, 2012.
BABY AND MOTHER
DOING VERY WELL



MRS
OLATUNBOSUN
AMOS SAFELY
DELIVERED A
BOUNCING BABY
BOY
ON SATURDAY,
JUNE 9, 2012.



MR & MRS
ABRAHAM IDENYI
HAD A BABY GIRL
ON
JUNE 12, 2012.
NIALS FAMILY
WISHES THE BABY
LONG LIVE
&
PROSPERITY

MRS ITODO
ENEH REGINA
DELIVERED A
BABY BOY
ON
SUNDAY,
JUNE 24,
2012.

God Blessed
Mr & Mrs
Kabiru with
a bouncing
Baby Boy
on
Monday,
June 25,
2012.



MR & MRS
JOHN OJO
BLESSED
WITH A NEW
BABY BOY
ON
Wednesday,
June 30,
2012



MRS HOSEA JUMMAI
DELIVERED A BABY
GIRL ON MONDAY,
JULY 2, 2012.



Some Faces at the Roundtable on Power Infrastructure, Investment and Transformation Agenda

3rd April, 2012



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



instance, reported that in Tanzania, 70percent of all mineral exports earning(\$49 million) in 1992 came from small scale mining.

42. It is reported that the International Labour Organisation on a global scale estimates that 13 million people are engaged directly in small scale mining activities throughout the world mainly in developing countries, and livelihoods of a further 80-100 million people are affected by it.
43. It is obvious that mineral is useful economically only if sufficiently concentrated in the environment in which they are found.
44. In the years since 1999, Nigeria has rolled out significant incentives for existing and prospective investors in the mining sector. Fiscal adjustments include cutting down on capital gains and companies profits taxes, increase in capital allowances, along with a three year tax holiday for new mining ventures. Additional tax exemptions were introduced to bolster and encourage further exploration and prospecting in solid minerals.
45. To reinforce the importance of mining as a poverty alleviation strategy, the sustainable Management of mineral Resources Project was initiated with World Bank assistance in 2004 to provide long term, low interest loans to the sector. Through extensive disbursement of easy credit repayable over 35year periods, Nigeria hopes to cut down on poverty in mining communities and achieve a diversified economy.
46. Tin mining is sector that has massive potential for expansion, in such a scheme of things.
47. That the challenges facing the Nigerian's mining aspirations include increasing productivity in artisan and small scale mining operations through socially and environmentally sound process; diversifying the economy by empowering and consolidating scatters mining communities; Developing public mining institutions that work efficiently in a transparent and modernised atmosphere, restructured to handle administrative loopholes and promote institutional capacity building through international best practices; facilitating better private and public sector cooperation to strengthen the mining infrastructure; developing geological mapping and mineral assessment database and information systems specifically designed to promote investment and exports; Devising effective monitoring and assessment systems that can track multiple programmes simultaneously and spell out necessary interventions, policy redirections and corrective measures in a comprehensive and timely manner.
48. The steel sector in particular remains comatose and also the combination of mismanagement, corruption, poor infrastructure, inconsistent government policies and lack of adequate human capacity has stifled meaningful growth in this sector.
49. Solid mineral deposits of economic significance that include gold, iron, ore, cassiterite, columbite, wolframite, pyrochlore, monazite, marble, coal, limestone, clays, barites, lead-zinc, etc, occur in different geologic segments of Nigeria and indeed, each of the 36 federating States and the FCT has a fair share of the solid mineral inventory of the nation as shown in the map below.
50. Data received by those who drafted the blue print from the National Bureau of Statistics (NBS) were not properly disaggregated (e.g. Base metals lumped together as a single group) thereby limiting their usefulness for analytical purposes
51. Data on volume of production and exports received from the central Bank of Nigeria (CBN) were found to be logically inconsistent.
52. The data on minerals and Metals production for the years 2000, 2004,2005,2006,and 2007 seemed to have been repeated erroneously therefore

rendering the entire data set inaccurate and the data obtained was also incomplete as the CBN has data for only five out of 29 commodities.

53. Estimates of local demand were unavailable in the reports obtained from both the CBN and NBS therefore the group decided to rely on data obtained from the Mines Inspectorate Department of the Ministry of Mines and Steel and on ferrous Metals which is the ideal primary data source for both the CBN and the NBS. Data obtained from these sources were incomplete and the group noted that the data gathering capabilities of both entities was very limited.
54. There is no available data on local steel demand because the Steel and Non-Ferrous Metals Development Department is yet to set up a statistics unit.
55. In 1971 the government policy on minerals and metals was drastically reviewed. The Nigerian government decided to act as catalyst in the mining sector through the establishment of mining corporations which would use public funds for mining.
56. The new policy of government also resulted in the acquisition of 60% shares in the major expatriate tin mining companies on the plateau, causing large scale withdrawal of foreign investment in the industry and a downturn in production. With the exit of multinational companies and their expatriate professional, the bulk of mining operations by the private sector rested on the shoulders of small scale indigenous miners.
57. Recent developments in the industry have been shaped by the Federal Government's desire to refocus on the minerals and metal sectors as part of its strategy to diversify the Nigerian economy away from dependency on oil resources.
58. The reforms initiated in the mining sector included Institutional and Legislative reforms at the core of which, is the repeal of the Mineral and Mining Act 1999, and the enactment of the Minerals and Mining Act 2007. The new legislative frame work is based on international best practices and modelled after a number of successful mining jurisdictions. The important features of this frame work are; The enactment of transparent laws, regulations and guidelines for the regulation of the industry; the creation of a favourable fiscal regime will be beneficial to the holders of the mineral titles, the government and the communities living on the land where minerals are exploited; the setting up of institutional framework for the generation, storage and dissemination of geological and mining information; the provision of transparency and access by the public to mining sector information; the provision of clear safeguards for health, safety and intergenerational equity with respect to the environment; and the provision of rules for succession and transferability of mining titles.
59. Due to the high risk nature of exploratory activity and its associated costs, raising finance for mineral resource development remains fundamental problem limiting growth in the industry.
60. In Nigeria, years of underinvestment in capacity building has led to a dearth of quality personnel across all segments of the industry from regulation administration, research, training to commercial operations.
61. Almost all major raw materials required for the production of steel are available locally, and the revival of the steel sector will have a multiplier effect on the exploration and exploitation of iron ore, coal, limestone, etc.
62. A vibrant primary steel industry increases upstream activity by encouraging increased exploration and mining of mineral raw materials like iron ore, coal, limestone and manganese to mention a few; while simultaneously boosting downstream activity such as processing of metals, and creating a linkage effect

through the utilization of steel products in the oil and gas, power, transport and manufacturing sectors of the economy.

63. Since the introduction of the structural adjustment programme (SAP) in mid 1986, the Federal Government through the National Planning Commission has built into its Rolling Plans Trade and payment Liberalization measures aimed at achieving SAP objectives.
64. Deregulation of the mining sector under the Nigerian Investment promotion council Decree 1995 allows 100% foreign ownership of mining operations and other related enterprises.
65. Ownership has been defined as the absolute right in land, or put differently the totality or the bundle of rights of a person over and above every other person or thing.
66. The constitution of the Federal Republic of Nigeria (CFRN) 199 as amended confers exclusive power on the Nigerian state to own, control and regulate the exploitation activities of minerals, mineral oils, and its by products.
67. 35% of the nation's meat supply comes alone from sheep and goats not to mention supplies from cattle, swine and poultry.
68. Failures to meet demand for the animal protein have resulted in continual importation of animal products with or without official permission.
69. FAO and British Medical Association recommended a minimum of about 56g & 68g respectively of protein intake per person per day to be consistent with good living.
70. Most Nigerians consume less than 10g of protein per person per day out of which only about 3.2g is animal protein compared to the recommended daily intake of 28g.
71. Export of industrial raw materials of animal source naturally translates into huge foreign exchange earnings for the exporting countries.
72. The term animal husbandry refers to the breeding feeding and management of domesticated animals or livestock for the domesticated animals or livestock for the production of fibre, food, work and pleasure.
73. Developing countries have 70% of the population, but produce only 40% of the food supply.
74. In 1952, the General Assembly asserted that developing countries had the right to determine freely the use of their natural resources and that they should use such resources to realize their economic development plans in accordance with their particular national interests.
75. The term "natural resources" is not limited to oil and gas alone. Therefore, the call for resource control in Nigeria does not only have to do with oil and gas.
76. According to the United Nations Convention on the Law of the Sea (UNCLOS) 1988 the universal and global nature of natural resources finds support in the sea bed authority. It is to the effect that the sea bed area and its resources should be developed to the benefit of all mankind.
77. Though the sea bed authority is applicable only to natural resources found under the sea, the same principle is by analogy applicable to those natural resources found on land. That is, the resources on land should be developed to the benefit of all mankind.
78. The General Assembly of the United Nations in 1952 asserted that developing countries had the right to determine freely the use of their natural resources and such resources should be used to realize their economic development plans in accordance with their particular interests.
79. Resource control has not just generated a lot of controversy in Nigeria, it has

also generated controversy in other countries of the world, whether developed or underdeveloped. For instance, according to Alastair R. Lucas, legal development has refocused the debate concerning the state taking of allocated natural resources right that raged in Canada during the early part of the decade.

Also in the United States, Jan G. Labitos and Donald N. made it known that ownership of resources follows ownership of land, that is, the owner of the land also owns the minerals that can be found therein. Separate legal interests may however be created in different land values, for example, one owner can own surface rights while another holds some or all mineral rights. The government does not claim ownership of natural resources except to those found on government's land. An exception to this however is the ownership of water where the resources are declared to be public property.

In the United Kingdom, Brian Youngman said that mineral working is governed by mainly three principles of common law. First, un-worked minerals lying in their natural position and conditions are a subject of private ownership. Second, in general, the ownership of such minerals lies prima facie with the surface owner, third, the owner of such minerals is entitled to exploit them to the best of his advantage subject to constraints imposed by law. In Norway, the position was described by Ola Mestad. He said that historically the use of rivers and waterfalls for electricity productions has been the most important area of state interference. The right to use water resources was vested in the land owner, however today, the legal and commercial interest relate mainly to the extent of the state's power to regulate and acquire national benefits from oil and resources under the Norwegian sector of the continental shelf.

80. The economy of Nigeria today is over 90% dependent on the crude oil sales which are explored from the Niger-Delta region of Nigeria.
81. Ownership of mineral resources varies from country to country, it all depends on a country's legislation and in some cases, accepted practice.
82. In socialist countries, it is usual for ownership of minerals to be vested in the state. For example, the Soviet Constitution provides that the land, its minerals, waters, forest, mills, factories, mines are state property.
83. In developing countries, there is a general reluctance to place mineral oil resources at the disposal of individuals. The Libyan Petroleum Law is even more categorical, it provides that all petroleum in its natural state in strata are property of the state and no person may explore or mine without a permit or concession. So also the Zambian Mines and Minerals Act no. 32 of 1976 and the Mines and Mineral Act of Botswana which vest the ownership of minerals in the state.
84. Surface rights in land such as cash crops, fishponds and so on and the ownership of land enclosing and offering support to mineral oils in Nigeria have been subject to local land tenures which varied from one part of the country to another until the advent of the Land Use Act in 1978.
85. One of the earliest "expropriatory" laws is the Minerals Act of 1946 which consolidated laws relating to mines and minerals. The Act also vested the control of all minerals in the state. Notwithstanding the provisions of this Act, the Supreme Court upheld the rights of inhabitants of tidal waters in *Adams Adeshina v. Lamidi Lemonu* (1965) 1 ANLR where the court said that it did not think that the right of public fishing was affected by the ordinance. This decision was reaffirmed in *Elf (Nigeria) Limited v. Silo* (1994) 4 NWLR (pt. 350) 258.
86. The Petroleum Act of 1969 also vested the ownership of and all onshore and offshore revenue from petroleum resources derivable there from in the federal government.
87. The 1999 Constitution in Section 162(2) also vests the ownership of all petroleum extracted from the Niger-Delta as well as proceeds from the same



FACES AT THE ONE-DAY ROUNDTABLE ON NATURAL RESOURCES & ECONOMIC GROWTH

May 31, 2012



SOME FACES AT THE BREAKFAST SUMMIT

12 June



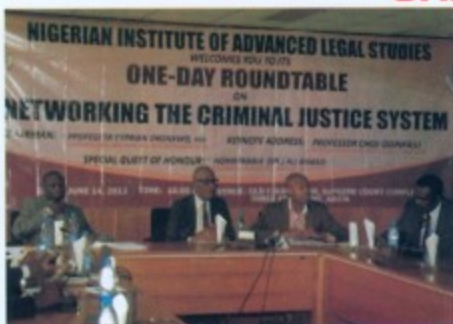
FOR JUSTICES OF THE SUPREME COURT

2012



FACES AT THE ROUNDTABLE ON NETWORKING THE CRIMINAL JUSTICE SYSTEM

June 14, 2012



subject on the federal government.

88. The Petroleum Act defines continental shelf to mean the sea bed and subsoil of those submarine areas adjacent to the coast of Nigeria, the surface of which lies at a depth no greater than two hundred metres below the surface of the sea, excluding so much of those areas as lies below the territorial waters of Nigeria.
89. As observed by R.R. Churchill and A.V. Lowe, the continental shelf is not regarded as part of the territory of the coastal state. Rights to all the natural resources of the bed do however attach to the coastal state.
90. Flowing from the repealed section 140(6) of the 1963 constitution, the continental shelf can be physically and/or geographically identified with the Region or state where same is located for the purpose of the proviso to section 162(2) thereof, thus the continental shelf as vested in the federal military government by Decree 9 of 1971 did not physically refashion its nature, original character and location, it is only the exercise of ownership and control of the minerals in the continental shelf that was removed from the regions or states by the federal military government.
91. The 1999 constitution adopted not less than 13% derivation under the proviso to section 162(2). It was in line with this that the Attorney General federation instituted a suit against all the 36 states of the federation for the court to make a declaration of the sea ward boundary of a littoral state within the country for the purpose of calculating the amount of revenue accruing to the Federation Account directly from any natural resources derived from that state pursuant to the proviso to section 162(2) of the 1999 constitution. This action has nothing to do with the call for resource control by the people of Niger Delta.
92. Sections 134 of the 1960 Constitution and 140 of the 1963 Constitution which provided for 50% mineral derivation in respect of royalties to the states/regions were annulled by the military government under General Yakubu Gowon (Rtd). This has resulted to the under development of the Niger delta.
93. The territorial waters, contiguous zone, exclusive economic zone and continental shelf of Nigeria are clearly excluded from the calculation of the 13% derivation. However Ogundare JSC observed that it is the absence in the 1999 Constitution of a provision similar to sub section (6) of section 134 of the 1960 constitution that has given rise to the dispute resulting in the case.
94. Notwithstanding, the Supreme Court still upheld the extension of the judgment to include 299 metres depth isobaths in *A.G. Adamawa v. A.G. Federation*.
95. There is urgent need for diversification as a recent report carried out by BP indicated that it would take 29 years to exhaust the proven Nigeria's reserves.
96. The Land Use Act vests ownership of minerals or natural resources on the federal government even though the land is possessively with the occupier. This is against the principle of *Quicquid Plantatur Solo Solo Cedit*.
97. Since when the NDDC Act 2000 was passed into law, only 10% instead of 15% to the commission.
98. Since 29th of May 1999 when the Constitution came into effect, the National Assembly has been unable to enact a new revenue formula as prescribed under section 162(2) of the 1999 constitution.
99. The Department of Petroleum Resources recently admitted that till date government still has no standard equipment of monitoring and measuring the amount of crude oil produced in Nigeria and as a result 7 billion US dollars lost every year to oil thieves.

100. In almost a century of the application of patent law in Nigeria, one single patent of Nigerian origin on record has come out of her huge and almost inexhaustible wells of natural resources.
101. The subject of patenting of natural resources is not only critical to development but also has become a contemporary subject of global, legal, socio-cultural and ethical dimension.
102. The necessity to protect and enhance the protection and conservation of the resources is borne out of the widespread concern that granting patents for life forms and genetic materials may encourage multinational companies to exploit the natural resources of a country without the authority and acknowledgement of or reward to that country.
103. 1946 Draft Declaration on the Rights and Duties of States defines sovereignty as the capacity of a state to provide for its well being and development, free from the domination of other states, provided it does not impair or violate their legitimate rights.
104. According to Hugo Grotius, fish, birds and wild animals are subject to private ownership for if anyone seizes them and maintains uninterrupted and perpetual possession of them they can become object of private ownership.
105. There is a need for International Law on fisheries because globally since 1974, the proportion of underexploited and moderately exploited stocks has fallen from 40 percent in 1974 to 23 percent in 2005. Similarly, over exploited and depleted stocks increased from 10 percent in 1974 to around 25 percent in the early 1990s where it has stabilized until the present date. The proportion of fully exploited stocks declined from slightly over 50% in 1974 to around 45% in the early 1990s, but later increased to 52% in 2005. In Nigeria, the state of marine fishery resources reflects the global trend.
106. An International Law on Fisheries is necessary because of the need to avoid tension and conflicts between coastal states threatening global peace and security, that is, Cod wars between the UK and Iceland Fisheries Jurisdiction.
107. Overfishing is the primary reason for the strong desire by the international community to fashion an acceptable international community to fashion an acceptable international regime on conservation and management of fisheries resources in international waters.
108. Over fishing is caused by increase in population, poverty and coastal settlement and so on.
109. The source of International Fisheries Law consist of the traditional sources of international law entrenched in Article 38 (1)(a-c) of the Statute of the International Court of Justice.
110. The UN Convention on the Law of the Sea 1982 does not provide states with alternative actions when co-operation fails.
111. The objective of the 1993 Agreement to Promote Compliance with International Conservation and Management Measure by Fishing Vessels on the High Seas (Compliance Agreement) is to stop the reflagging of fishing vessels by those who have the intention of evading international conservation measures.
112. The FAO code has ten objectives among which three have great influence on the development of national and international laws on fisheries. These are: establishing principles and criteria for the elaboration and implementation of national policies on conservation and management of fishery resources; serving as a reference instrument for the establishment, and implementation of legal and institutional frameworks on responsible fisheries; providing guidance for formulation



and implementation of all forms of international fisheries agreement.

13. Climate change threatens to destroy many fish stocks populations either directly or through rendering ineffective harvest-based conservation management measures adopted in the LOSC, the FSA and the Code.

14. In Nigeria, fish contribute 28% of the animal protein intake of the population. The industrial fishing sector has a workforce of 80,000. Nigeria exported about 7,000 tonnes of shrimps worth US \$53 million in 2004 and the emerging live-fish export trade was valued at US\$300,000, which makes fisheries the second highest foreign exchange earner for Nigeria after petroleum.

15. Nigeria has ratified the LOSC, the FSA and has accepted the FAO Code. Nigeria is not a party to the Compliance Agreement and the 2009 Agreement.

16. The Exclusive Economic Zone Act Cap E17 LFN 2004 and the Territorial Waters Act Cap T5 LFN 2004 are clear evidence of Nigeria's compliance with delineation of the seas under the LOSC.

17. A critical analysis of the Sea Fisheries Act and its related regulation reveals that conservation and management measures such as registration and licensing of motor fishing boat, single purpose licence, and restriction on the size of vessels among others are far integrating core elements of precautionary and ecosystem approaches that underpin contemporary strategy of conservation and management of natural resources.

18. Presently, overfishing is the primary factor responsible for the deplorable state of marine fishery resources globally and in Nigeria.

Recommendations

1. The National policy on solid minerals should be reformed to achieve a substantial increase in GDP contribution by the minerals sector, generate quality geosciences data, formalise Artisanal and small scale Mining (ASM) operators, Achieve poverty reduction through ASM operations, generate employment opportunities, create wealth through value addition, increase capacity of mineral based industries, attract private investment capital, facilitate capacity building opportunities in the solid mineral sector.

2. That lime stone should be used to generate revenue both locally and internationally by providing feed stock to the various industries.

3. Government should therefore consolidate the economic reforms that have opened up the economic space for the private sector to take an active and leading role as the engine of growth; while the government provides the enabling environment.

4. Government should make Artisanal and small scale Mining (ASM) sustainable to benefit from it and formalise it in order to control or minimise destructive effect.

5. Government should to adopt international best practices that have been developed, adopted and implemented in other mining jurisdictions.

6. It can be achieved through formal recognition of Artisanal and small scale Mining (ASM) in the mining policy.

7. Nigeria should enact the appropriate legislation that takes cognisance of the peculiarities of the Artisanal and small scale Mining (ASM) especially the simplification of the licensing regime.

8. Provision of appropriate support services in form of technical- know-how and acquisition of appropriate technology.

9. Nigeria should provide base line studies, provision of lapidary/laboratory services, designations of special Artisanal and small scale Mining (ASM) sites.

10. Nigeria should organise the mining cooperative and the establishment of buying centres in areas where Artisanal and small scale Mining (ASM) is prevalent.

11. The investment climate should be appraised and constantly re-appraised to ensure that factors that militate against the attraction of investment to the mining sector are addressed so as to make Nigeria a favourable mining destination.

12. Having floundered for over two decades in her quest to develop the steel industry, vision 2020 provides Nigeria a viable platform to finally reverse the fortunes of this industry and launch the country on a path towards industrialization. The goal for 2020 is to successfully emulate countries like China, India, South Korea, whose transformation from third world countries developed nations was due in no small measure, to their success in developing viable and functional steel and iron industries.

13. The recommended strategy is anchored on significant amplification of Nigeria's steel production capacity and volume of steel production between 2010 and 2020. The target is to grow per capita steel consumption from about 9kg to 100kg by 2020; and attain local production capacity of 12.2 million tonnes per annum by 2020.

14. Reviving the steel sector by developing deep linkages with all other sector is critical for the minerals and metals sector to achieve the desired level of impact on the domestic economy.

15. To achieve this, it is important that current efforts reviving the sector are focused on the completion, commissioning and commencement of operations at both the Ajaokuta Steel Company Ltd (ASCL) and the Nigerian Iron Ore Mining Company (NIOMCO) by 2011. The recommended strategy is to achieve the commencement of operations of these plants at their initial installed capacity through government financing in the short term, before the recommencement of privatization. Upon achieving this mile stone, the privatization process can then commence with the aim of attracting further investment for capacity expansion at ASCL (2nd & 3rd Phases – 5.2 million tonnes) and the development of new iron ore mines.

16. Expansion will also have to be encouraged at the Delta steel company (2nd Phase-2million tonnes) and additional capacity of 5million tonnes will be required from a new plant (potentially to take off by 2019) to achieve the desired local production target of 12.2million tonnes.

17. Additional steel production capacity must be designed to arrive at an optimal mix of primary steel products 50% longs (rods & bars, structural steel, flat strips, small size u-shapes and small tubes-rounds and squares); and 50% flats (sheets and plates) be designed to utilize COREX technology which is reliable and makes use of locally available non-cooking gas.

18. Solutions should be obtained from the original builder of Ajaokuta steel Company Ltd (ASCL) and Nigerian Iron Ore Mining Company (NIOMCO) for technical problems.

19. A revised approach to raw material sourcing is also required given the stiff competition for limestone and coal provided by the cement industry and the drive for coal fired power plants.

20. An intensive manpower development programme is recommended to guarantee supply of quality personnel, while providing a low labour cost advantage to emerging sector.

21. To ensure the successful implementation of the strategic plan for the sector as outlined in this working group recommends that a special implementation



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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

ROUNDTABLE ON NETWORKING THE CRIMINAL JUSTICE SYSTEM



14TH June, 2012

COMMUNIQUE

The administration of Criminal justice system in Nigeria has become a subject where almost everyone, including criminal justice agencies has expressed diverse view. Nigeria is in the middle of constant frightening psychosis of violence and insecurity and for the first time in the collective consciousness of the country, indiscriminate violence with multiple casualty count is now a routine of every day existence. The patterns of violence reflect a spectrum that includes domestic violence on a pandemic scale and the existence of local militias and criminal gangs pursuing different forms of commercial or political objectives under cover of high level patronage, among others.

When we talk about networking the Nigerian criminal justice administration, we are referring to the embodiment of a network of laws and institutions that works in a process that is supposed to be coordinated to ensure the effective administration of criminal justice in any society. It is the framework that encapsulates the various facets of criminal justice upon which appropriate laws both federal and state are formulated. There is no doubt that the criminal justice sector in Nigeria is going through a lot of transformation, the Nigerian people and the international community have realized the importance of networking the criminal justice sector institutions to meet the challenges of the 21st century and momentous legal reforms are therefore taking place. In the light of the foregoing, the Nigerian Institute of Advanced Legal Studies, on the 14th day of June 2012 organised a one day roundtable on the theme **NETWORKING THE CRIMINAL JUSTICE SYSTEM**. The roundtable attracted experts, stake holders in the criminal justice sector as well as the academia to lead discussion on the theme. A number of observations and recommendations were consequently made at the roundtable.

OBSERVATIONS MADE AT THE ROUNDTABLE

The following observations were made at the roundtable:

1. Nigeria is in the middle of a frightening psychosis of violence and insecurity, evident from the indiscriminate violence with multiple casualty count which is now a routine of every day existence.
2. These indiscriminate violence includes domestic violence on a pandemic scale, extra-judicial execution by law enforcement officers, indiscriminate mass killings of innocent civilians caused by improvised explosive devices (IEDs) and

unlawful use of projectiles and other sophisticated firearms; the existence of local militias and criminal gangs pursuing different forms of commercial or political objectives under cover of high level patronage, among others. There are no credible epidemiological or casualty figures from these patterns of violence

3. The protection of the human person and our communities is the first and most important obligation of the State; a legal obligation well-grounded in international law and in the Nigerian constitution.
4. Various International instruments recognise equality of persons before the law and equal protection and the criminal law and justice administration is one mechanism through which the State guarantees the equal enjoyment of these rights by all and creates the exceptions to enable it deal with those that threaten the generalised enjoyment of these rights.
5. The incapacity of the State to tackle crime and ensure public safety and security is evident in gross under-imprisonment in the country. With a population estimated to be about 170 million, Nigeria has a prison population of just about 50,000 of whom nearly 80% are pre-trial detainees.
6. Nigeria's prison to population ratio, even recognizing that the majority prison population comprises overwhelming pre-trial detainees, is 30 per 100,000 of the general population. This may be contrasted with 756 per 100,000 in the United States; 335 per 100,000 persons in South Africa and 153 per 100,000 persons in the United Kingdom.
7. These enterprises can be maintained by private networks or exist as part of the power structure of the State. The most egregious crimes of the state network, including war crimes, crimes against humanity and genocide, are now punished under the Statute of the International Criminal Court (Rome Statute) of 1999, which endows the International Criminal Court with jurisdiction over these crimes
8. The recognition of these criminal organisations and the need to dismantle them is portrayed by the



codification of laws such as the US Racketeer Influence and Corrupt Organisations (RICO) Act, the piece of U.S. federal legislation for targeting and dismantling network criminal enterprise.

9. Terrorism in many ways is the mother of all network crimes combining quite often elements of different crime networks, including money laundering and transnational financial services infractions, trafficking in arms and sometimes trafficking in persons
10. Nigeria's criminal justice system is a network of various agencies, institutions and capabilities. More importantly, it is a joint enterprise between the various branches of government: the laws that define an action as a crime are created by the legislature, the roles of policing and prosecution belong to the executive; while trials are conducted by the judiciary.
11. Nigeria has at least thirty-seven criminal justice systems, 36 of them belonging to each state and one federal criminal justice system. Although designed to work in unison for optimal outcomes, the various elements seem, in reality poised against one another in a relationship that assures non-performance and inaction
12. There are at least five dimensions to this failure of synergies among the entities in the criminal justice system in Nigeria. These include: (a) the legal foundations of this network are quite geriatric and antediluvian; (b) the allocation of responsibilities among the institutions of law enforcement in the country is very confused, confusing and lacking in co-ordination; (c) there are crippling asymmetries in the distribution of procedural and substantive competences among the courts which allow for arbitrariness and non-performance in the processing of criminal cases; (d) absence of essential agency autonomy and independence and lastly (e) absence of autonomous state level agency.
13. The criminal justice capabilities of the modern state have been transformed by developments in the institutional and technological capabilities available notionally to it but unfortunately, in Nigeria, none of these potentials have been tapped nor appropriated as any effort to use them for the criminal justice system faces considerable obstacles including debilitating inter-agency rivalries, a culture of pervasive corruption and accompanying impunity.
14. The country lacks any criminal justice information or intelligence system worth its name; the forensic capabilities of law enforcement are next to non-existent; community relations with law enforcement are at an all-time low and figures for crime clear-up rates are difficult to find. The Criminal Justice system clearly does not work.
15. Due to the fact that the criminal justice system does not work, the first and underlying issue that confronts the reform of both the police and criminal justice in Nigeria is what kind of police or criminal justice system do we want or deserve and what doctrine should underpin it?
16. Due to the crisis of our ineffective criminal justice system police officers often set themselves up as vigilantes, abusing suspects and summarily executing them, rather than ensuring that every suspect is treated properly in accordance with the law and evidence. One widely cited explanation within and outside the NPF for these extra-judicial executions is the fact that lawyers and judges will often set criminals free on a technicality
17. The Criminal justice system embodies a network of laws and institutions that function in a coordinated manner for the effective administration of criminal justice in any society and it is driven solely by the State's obligation to prevent crime.
18. The obligation to prevent crime is in tandem with the State's responsibility to ensure that criminal activities are reduced to the barest minimum, as stipulated in Chapter II of the 1999 Constitution as well as section 6, of the EFCC Act.
19. The Nigerian Criminal justice system rests on two cardinal pillars: the detection of crime and the punishment of crime.
20. Crime detection comprises of the discovery that crime has been committed, identification of a suspect and the collection of sufficient evidence to indict.
21. Traditionally, crime detection in Nigeria is the function of the Nigerian Police. Certain crimes are not often discovered unless the police take active steps to unravel them and in seeking to detect them, certain advanced strategies and techniques such as use of electronic surveillance and forensic investigation are employed. The absence of these methods at the disposal of the police is a prime challenge to crime detection and ultimately hampers the smooth operation of Nigeria's criminal justice system.
22. Due to the special nature of certain crimes, other agencies such as the Department of State Security, the



National Intelligence Agency, have evolved to complement the police in the detection of crime.

23. Like the Police, these agencies that exist to complement the police face monumental challenges in the discharge of their functions including the lack of funds, absence of reliable data to work with, poor training and absence of technical know-how, corruption, with the challenge of funding subsuming all other challenges.
24. The dearth arising from lack of proper funding can be gleaned from the financial implication of 14 million pounds (N3.6 billion) for the United Kingdom in prosecuting Ibori's case juxtaposed with the entire budget of N10.9 billion for the EFCC for the 2012 fiscal year.
25. Law Enforcement agencies such as EFCC, ICPC get majority of the information which they act upon from anonymous petitions from the public. This method of acquiring information has been challenged by lawyers but the Court of Appeal in *Ezeunwo Nyesom Wike v. Federal Republic of Nigeria* (unreported) Appeal No. CA/A/85/2009 has decided that these agencies are entitled to act on anonymous tips.
26. Forensic and ballistic technology has grown elsewhere in the world, except in Africa and by extension, Nigeria. There is only one forensic laboratory in Nigeria, located in Lagos and ran by the Nigerian Police but it is in a dilapidated state and its accuracy in analysis cannot be relied on. Our Police also lack the ability to carry out sound ballistic analysis.
27. Nigeria faces a unique challenge in the area of detecting crimes due to the absence of reliable central biometric data of Nigerians or a criminal tracking system.
28. The Police to civil person's ratio of 1 police to 1,400 persons render the police almost incapable of effectively discharging its functions with regards to the detection of crime because the police human resource is overstretched.
29. The challenges with proper identification under Nigeria's criminal justice system arises because there is reliance only on identification parades and the memory of the witnesses which suffers with effluxion of time, as opposed to other scientific methods such as DNA testing or finger print identification.
30. Criminal trials sometimes terminate due to mere procedural technicalities which affect the deciding of these cases on the merit, this does not

help in the development of our criminal Justice system as it must be noted that not every procedural step should be regarded as a mere technicality

31. In a bid to make evidence more accessible and in line with modern trends, a new Evidence Act has now been made and signed into law. The Law is important because it recognises electronic evidence which was hitherto alien to our laws.
32. Pre-emptive justice is a notion which gives the State the power to imprison persons who have not yet committed any crime, shifting investigation from "who actually committed a crime?" to "who will commit a crime?"
33. The discuss on this notion has risen the world over because it has become clear that the threat of imprisonment does not deter suicide and terrorists and the nature of the anticipated offence is so heinous that its prevention would be more beneficial.
34. Extra-judicial killings are not synonymous with pre-emptive justice as the later is a specific product to address a specific crime.
35. Countries such as the United Kingdom, United States and France apply some form of pre-emptive criminal justice. In the UK, there exists the Prevention of Terrorism Act (PTA) 1974 (to check IRA terrorism), Terrorism Act 2000, Anti-Terrorism Crime and Security Act 2001(enacted in the wake of terrorism world-wide.). The United States has also changed its approach to that of preventive measures following the September 11, 2011 terrorist attack through pre-emptive wars and pre-emptive prosecution of suspects living within its territory. For France, the use of an aggressive pre-emptive prosecutorial system has been adopted, through the use of specialised prosecutors, investigating judges and the lowering of the standard of proof to a "balance of probability", a standard lower than that required in criminal cases.
36. The prosecution for possession of firearms in Nigeria is in the realm of pre-emptive justice.
37. The procedure for pre-emptive criminal justice system if adopted is characterised by trials without juries; trials conducted behind closed doors; withholding of evidence from the defence in the interest of national security; there is no presumption of innocence; all fundamental safeguards to a fair hearing are abridged.
38. Pre-emptive justice system on the other hand is disadvantageous in the sense that (a) it violates the



presumption of innocence; (b) it allows for conviction and imprisonment based on evidence that falls below the standard of "beyond reasonable doubts" (c) balance of probability now determines guilt; (d) it dispenses with basic and constitutional safeguards to fair hearing; (e) evidence obtained under duress or even torture is admissible.

39. Nigerian Terrorism Act, enacted in 2011 is merely reactive and not proactive, and is not comparable to other Acts to grapple with Terrorism in US, UK or France. Nigeria might have to consider the inclusion of pre-emptive justice, even if in a limited form as a means of tackling the terrorism and suicide bombers.
40. Information Technology in the administration of Justice is relevant in the areas of investigating crimes and identifying offenders, analyses of evidence, arraignment and taking of evidence electronically and the prediction of judgements. In Lagos State for example, a Central Criminal Tracking System has been introduced to provide a data bank for all persons that have passed through the criminal justice system.
41. The Information technology (IT) revolution comes with its pros and cons. While it has set the stage for revolutionising and expanding the frontiers of the administration of justice, it has also brought about the creation of new criminalities with equal technological impact and precision.
42. The challenges for law enforcement and administration of justice in Nigeria is three fold; There is an inadequacy of laws, there is an inability to take advantage of Information Technology and an absence of the infrastructural backbone to do so and there is an absence of collaboration of investigators and prosecutors across national borders.
43. In developed countries, criminal justice system is assisted and supported by extant laws and ensures that prosecutors do not have to struggle to prove crimes.
44. Poor laws on the use of IT in investigating crimes and criminals in Nigeria has led to a weak position for the prosecutors
45. Our laws and policy lags behind technology and social changes that are currently occurring and do not react early to developments in technology. For example in Nigeria, SIM registration policy is coming years after GSM has become crucial tool in Kidnapping.

46. The operational challenges in relation to IT in the criminal justice system relate to availability of experts in IT and law to help unravel complex technical and legal issues.
47. Nigeria has moved close to the global best practice with the passage of the new Evidence Act, as it partly resolves the dilemma on reliability/admissibility of computer records and forensically analysed and located data.
48. The admissibility of electronic evidence used to be a controversial issue due to the unclear rules on reliability/admissibility of computer records and forensically analysed and located data until the Supreme Court's decision in Fani Kayode v. EFCC where the Supreme court aligned itself with the position of the Court of Appeal and the new Evidence Act and dismissed the appeal.
49. With the new Evidence Act, electronic storage devices are now covered in the definition of document. By this development, a digital copy can be original for the best evidence rule and no longer vulnerable to hearsay rule.
50. The Evidence Act is a bridge for interface between ICT and the Criminal Justice Administration but it is yet to be tested to determine its scope and its interpretation by the court.
51. Delay in the quick dispensation of criminal justice, arguably remains the most perturbing aspect of criminal justice administration. The trend of delay in the system runs through pre-trial, trial and post-trial stages of the criminal justice system.
52. While the Criminal Justice System disapproves unnecessary delays, it condones delays which are necessary and desirable.
53. There are technologies in place, known as the Court Automation System which aid in the quick and transparent dispensation of justice which is now used in most developed and developing countries.
54. The Court Automation system consists of different modules and sub-modules intended for the automation of all the activities and business processes assumed by the judiciary such as case management, task management, document flow management, human resource management, financial management, statistics and other supplementary procedures.
55. The main goals of the system are; Providing state-wide case management to all courts; Simplifying the entire court processes and personnel



- duties; Provision of an interconnected network between courts and judicial structures; Simplifying the transportation of court information between different court instances and locations; Increasing work efficiency; Promoting decision making based on easily assessable precedent cases; Increasing public trust and transparency in court procedures.
56. The System is a flexible application which can be accessed through internet or local network. The system architecture guarantees the security and confidentiality of all the data stored in the system database.
 57. Court Automation System is beneficial to justice administration because it improves work efficiency through proper task management and notification systems as well as makes decision making process more effective.
 58. The transitioning from labour intensive hands-on processes to more efficient-automated recording and stenographic devices always presents a challenge for developing countries.
 59. There is a growing body of knowledge related to developing and installing automated courtroom recording system. In Nigeria, the Hon. Justice M.L. Uwais (the then Chief Justice of Nigeria) in collaboration with UNODC(United Nations Office for Drug and Crime) supported pilot projects in three states to improve performance regarding access to justice, timeliness and quality of the trial process, public confidence in the courts, efficiency and effectiveness in handling complaints against judges and court staff as well as coordination across the criminal justice system institutions which includes the judiciary, prison service and the bar.
 60. There are challenges in the transitioning to an automated court system which include the high upfront costs involved; Insistence by judges of having written documents, even in courts where e-recording systems have been installed; the loss of jobs that results from the court automation transitioning.
 61. Despite the challenges enumerated above, the transitioning to this high technological system will no doubt; Save time, Ensure transparency and accuracy in the records of the courts, Improve court room processes, Improve the appeal process, Increase trust in the judiciary and the judicial process
 62. The transitioning to an automated court system requires the employment of change management system that is properly monitored and evaluated throughout the transition process to ensure that there is no derailment.
 63. In most cases, managing a transition of this magnitude requires a reorientation of the mind-set of all those involved in the judicial system and the fostering of strong political relationships with partner institutions to boost local adhesion.
 64. Over one-third of Nigeria's 2012 budget is devoted to security.

RECOMMENDATIONS

The roundtable also made the following recommendations:

1. An effective criminal justice administration system in Nigeria must adopt a network approach in mobilizing political, technical, administration, informational, civic and diplomatic assets in renewing the capabilities of the Nigerian criminal justice system
2. In furtherance of one of its statutory functions "to conduct research into any branch of law or related subjects" with a view to applying the results "in the interest of Nigeria", the Institute should seriously consider reviewing all existing reports of panels established by the federal government in the field of criminal justice and updating the most relevant recommendations as well as and working with relevant institutions and partners to trigger a process for phased implementation of these recommendations
3. Partnership between all the institutions in the criminal justice chain and the potential benefits of a sensible role allocation among them with some semblance of symmetry to it should be encouraged and explored.
4. The 21 year old Administration of Justice Commission Act which creates a commission for the federation and committees for states to enable frank conversations and action in the interest of justice should be updated and employed for the process of ensuring proper partnership
5. To administer justice in respect of these crimes, actors need to be equipped with appropriate skills and have expertise to investigate, prosecute and adjudicate on them. NIALS should work with other training institutions, including the universities, law school, police colleges, National Judicial Institute in designing curriculum and teaching practical courses that provide this missing link.



6. Restoring effectiveness joined up capability and credibility to Nigeria's criminal justice system will require political leadership at the highest levels of the country.
7. Policing is such a difficult task that it should not be politicised; hence, the police should be removed from direct presidential control.
8. The creation of a central criminal tracking system, as it is being practiced in Lagos, should be adopted to ensure that a good data bank of all persons who have been involved in crimes in Nigeria can be collected over time.
9. The detection of crime should not be only the responsibility of the police; Witnesses or victims should be encouraged to report crimes. Community Policing, which simply means the reliance on the free flow of information from individuals living in communities to the police, should be emphasised and encouraged.
10. The Nigeria Criminal Justice system must create a regime for International Corporation and extradition in the various genres of crime to ensure effective prosecution of crimes.
11. Procedural laws in the Criminal Justice Administration must be dynamic and respond rapidly to changes in technology. The courts must also have capacity and infrastructure to keep database of cases, take electronic plea, accept digital evidence, maintain electronic records and give judgement on time. To this end, a total overhaul of our criminal justice system in its present form is necessary.
12. Rules of court should be amended where necessary to enable courts take advantage of IT in proceedings. For example in the process of record keeping and collation.
13. The provision of the backbone infrastructure in power and telecommunications to make the reality of ICT tech in law a reality is a must. The power sector reform must therefore be taken extremely seriously to provide the backbone for the sustenance of the cutting edge technology.
14. Pre-emptive justice is a child of necessity, not recommended for all the gamut of our criminal system but only for the **crimes related to suicide bombers and terrorists** which are very heinous crimes. However, pre-emptive justice as a means of tackling these heinous crimes should only be adopted if there is an assurance that it would not be used as a tool for political oppression. In the absence of such assurances, it is safer for Nigeria's criminal justice system not to adopt pre-emptive justice system.
15. The role of IT in the criminal justice system can be enhanced by developing equally sophisticated technology with a requisite understanding of what is going on and adopting appropriate legal regime developed within the context of best practices.
16. In addition to the plethora of substantive legal issues in building or re-building a healthy judicial system, the judiciary in developing countries must also improve technology infrastructure to effect improvements in courtroom recording processes.
17. The Court Automated Systems creates a number of opportunities for the improvement of the Nigerian Criminal Justice system. In other to tap into the benefits presented by an automated system, a change management strategy based on strong financial and political will must be adopted.
18. A uniform and effective automation of our courts will increase the cost effectiveness and efficiency of our courts as well as improve the quality of justice available to its citizens
19. Lessons in creating a conducive environment for change to an automated court system can be gotten from the USAID project in Kazakhstan. They include; reaching out to regional judges to increase compliance and goodwill for the project planning and implementation; using current or former judges to train other judges; identifying and developing partnerships with donors/implementers; developing a comprehensive plan that would provide compatible equipment throughout the judicial system.
20. The time has come for the issue of Extra-judicial killings by Law enforcement agents to be addressed and it is suggested that the Human Rights Commission should be at the fore in making sure this phenomenon is addressed.

SIGNED

Professor Epiphany Azinge, SAN
Director General
14th June, 2012



HON. MICHAEL KIRBY INTERACTS WITH NASARAWA STATE UNIVERSITY LAW FACULTY

June 13, 2012 was day staff and students of the Faculty of Law, Nasarawa State University, Keffi will hardly forget. It was a day they had an opportunity of a life time to listen and interact with one of the living legal icons, The Hon Michael Kirby, AC, CMG, Former Justice of The High Court of Australia and President of the International Commission of Jurists. The Hon. Kirby who was in Nigeria as Guest Speaker at the Breakfast Summit organized by the Nigerian Institute of Advanced Legal Studies for Justices of the Supreme Court of Nigeria, extended his visit to the University to interact with the students of the Law Faculty. He was led to the University by the Director-General and some management staff of the Institute.

Welcoming guests to the University, the Vice Chancellor, Professor Shamsudeen Amali was full of appreciation to the Director-General and Management of the Institute for the show of low they had shown the University in their personal and official capacities especially with capacity building for the Law Faculty. The visit of Hon. Kirby, a renowned icon and living legend of the legal profession the Vice Chancellor said will go a long way in impacting on the lives of the young students and the University for a very long time. Professor Shamsudeen acknowledged that the presence of such an eminent personality as Hon. Kirby in the young University was in itself an honour to the University. He further acknowledged the world wide acceptance of the contributions of Hon. Kirby to the development and practice of the legal profession and welcomed him to the Nasarawa State University, Keffi. The Vice Chancellor informed the Visitor that the University, though a State owned Institution, the University owing to its nearness to the Federal Capital Territory, Abuja, reflects federal character in its appointments and admission of students.

Responding, Hon. Michael Kirby acknowledged the warm reception accorded him since his arrival to the country, the second in the series, having visited some fifty years ago as a student, by the Management of the Nigerian Institute of Advanced Legal Studies. He acknowledged particularly the Honourary Membership of the Institute extended to him and the warm reception from the University saying that he was truly thrilled by the energetic dancers that welcomed him.

As a University person for several years, Hon. Kirby advised the University to be proactive in the updating of legal practice since ordinarily; Judges tend to be too conservative and needed the academia to reawaken them from time to time. The Law Faculty, he advised, should be in a position to fill in this gap by being the stimulus, critical but respectful in reforming the judicial processes through continued legal education. Hon. Kirby said he wanted to visit a Law Faculty to access the level of attainment and to see where he could be of assistance subsequently. His impression of the University since his entry and tour of the campus, proved that the students have a very high sense of decent code of dressing, an attribute he would take back to Australia.

Speaking, the Director-General, Professor Epiphany Azinge, SAN commended the Vice Chancellor and the Management of the University

for accepting to host them even at very short notice and acknowledge the exciting relationship between the University and the Institute and prayed for its sustenance. The Institute, he said, will continue to assist the University so as to ensure its success.

In the interaction session at the Faculty of Law, the Dean of the Faculty, Associate Professor Maxwell Gidado gave a brief history of the Faculty which he said was established in 2003 with an initial fifty (50) students. The Faculty had as date, four hundred students and has since graduated four sets who were all admitted in the Law School. He indicated the slow growth of the Faculty owing to challenges it is facing but assured that efforts were ongoing to ease these challenges some of which was the construction of a 500 capacity Law Library building. The Faculty was also expecting an accreditation team in the next few months during which the Faculty is expecting to receive full accreditation of its programmes and so qualified to admit students for postgraduate studies. He expressed the willingness of the Faculty to meet and cope with emerging challenges and called for support for the young department to achieve these goals.

Hon. Kirby will addressing the students touched on such areas as Human Rights, Rights of the Lawyer to sage-guard society as well as the right of lawyers to ask questions on issues of the law so as to proactively contribute to law making processes and interpretation. The world, he said was globally uniting and this called for interest of lawyers in international law and human Rights. Law, he said, should have universal application whether you are rich or poor and should always defend the rights of the down trodden in society. He promised to see which assistance he could render to the Faculty as he returns back to Australia. He expressed satisfaction with the standard and level of understanding of the students and commended the Dean and Staff of the Faculty as well as the Vice Chancellor for the standard exhibited in the University.

Questions and answers were entertained and the students generally expressed excitement as having to be lectured by such a high profile scholar and individually agreed that they were motivated by the presence of the legendry law icon. Students freely interacted with Hon. Kirby and took photographs with him for remembrance of the opportunity they had shared with him.



Prof. Shamsudeen Amali, V.C. Nasarawa State University, Keffi interacting with Hon. Michael Kirby, AC, CMG, Former Justice of The High Court of Australia and President of the International Commission of Jurists.



Hon. Michael Kirby's visit to Nasarawa State University, Keffi





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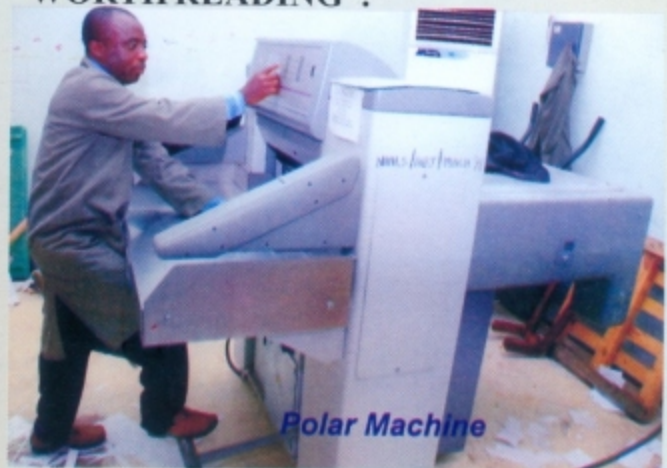


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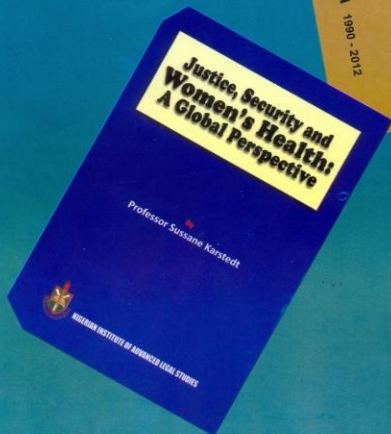
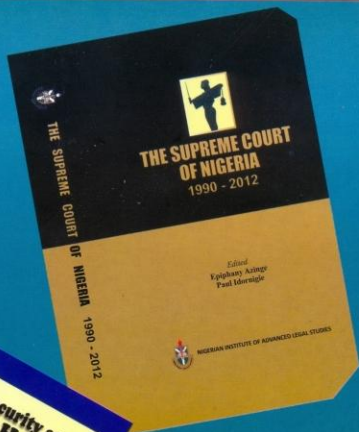
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