



NIALS Newsletter

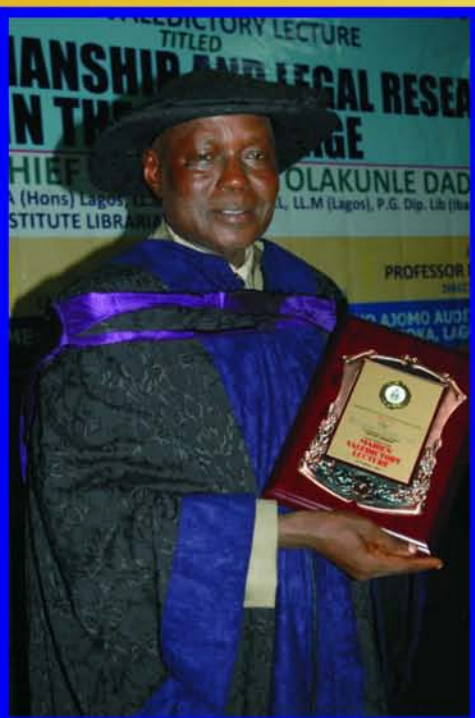
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The Asagba of Asaba Installs Prof. Azinge, SAN as Okailolo



Chief T. O. Dada Retires: Presents Valedictory Lecture

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VISION STATEMENT

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

MISSION STATEMENT

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

MOTTO

Knowledge that Makes the Difference

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OGBUESHI PROFESSOR EPIPHANY C. AZINGE, SAN CONFERRED WITH OKAILOLO CHIEFTAINCY TITLE



March 5th, 2011 witnessed the official conferment on the Director-General of the Institute, Professor Epiphany Azinge, SAN and his amiable wife, Dr (Mrs) Valerie Azinge of the Chieftaincy titles of Okailolo and Odoziaku of Asaba respectively. The Chieftaincy titles were conferred on the Azinge's by His Royal Majesty, Obi (Prof) Chike Edozien, CFR, The Asagba of Asaba.

News of the conferment of the Chieftaincy Title on the Director-General emerged September 18th, 2010 during the 2nd Iwaji Festival (New Yam Festival) organized by the Asagba of Asaba, His Royal Majesty, Obi (Prof) Chike Edozien, CFR. At the said festival, the Asagba of Asaba had announced that the Festival will hence forth feature conferment of chieftaincy titles on deserving sons and daughters of Asaba who had contributed significantly to the development of Asaba, their state, nation and indeed humanity. At the same event the Asagba of Asaba had gone ahead to announce the conferment of chieftaincy titles on eleven deserving sons of Asaba including Ogbueshi (Professor) Epiphany C. Azinge, SAN. The Asagba had acknowledged the importance of wives in the achievements of their husbands; consequently, any man bestowed with the chieftaincy title will automatically have his wife similarly conferred. It was for this reason that the

wife of the Director General, Dr (Mrs) Valerie Azinge also qualified for the honour of Odoziaku of Asaba.

Following this declaration by the Obi, The Asagba of Asaba, Professor Azinge, SAN was on October 5th, 2010 officially conveyed with a letter of Nomination/approval for the conferment of Asaba Traditional Chieftaincy Title (Olinzele Asaba) on his person. The letter gave Professor Azinge, SAN six months to take up the title by picking a date for the conferment

ceremony. The name of the title, which was to be made known to him after his acceptance, was to elevate him to the prestigious Council of the Olinzele Asaba.

Following this letter, Professor Azinge, SAN had in a letter to His Royal Majesty, The Asagba of Asaba, Obi (Prof) Chike Edozien CFR, expressed deep appreciation to His Royal Majesty for the honour done him and his wife for considering their humble selves fit for the Olinzele Chieftaincy Title. He, in the letter, extended his gratitude and appreciation to the Asagba-In-Council, Olinzele's and members of Ugbomanta quarter of Asaba who in many ways than one contributed to his nomination and endorsement. Bearing the challenges of his office as a public servant, Professor Azinge, SAN had proposed for the approval of the Asagba of Asaba, March 5th, 2011 for the conferment of the chieftaincy title; a date the Asagba consented to. It was after going through all these formalities, that the Asagba-In-Council announced the titles of Okailolo (The great Thinker) on Professor Epiphany Azinge, SAN and the Odoziaku title on his amiable wife, Dr (Mrs) Valerie Azinge Ph.D. Professor Azinge is the first recipient of the title.



From the residence of the Azinge's to the Palace of the Asagba, residents and passersby were awed as the Azinge's and their guests marched in impeccable white attires, not minding the scourging sun, to the Palace for the ceremony where on arrival, were received with traditional gun salutes.

At the Palace of The Asagba, festive was the mood as the conferment ceremony attracted who is who in Nigeria. Looking at the row call, one could have confused the traditional event for an academic function as Professors, Senior Advocates and Doctors adorned the recognition list. Politicians from all works of life were in attendance as well as government functionaries including two executive governors.

The official conferment ceremony started with the arrival of The Asagba of Asaba into the arena and his breaking of Kolanut and pouring of libation. Guests were formally welcomed by Chief J.O. Iloba, The Olikeze of Asaba (Secretary Asagba-In-Council). It was the Inihe of Asaba, Chief Ubaka Attoh, JP and The Ikemba of Asaba, Chief (Col.) J.O.G. Achuzia who took turns to explain the significance of the period of conferment and the essence of the Okailolo title.

The Okailolo title, it was explained was bestowed on a man of great wisdom around whom knowledge and development was to be attained. Though the title had been approved much earlier, the right person for it only emerged with the nomination of Professor Azinge, SAN. The title accordingly, carries with it great challenge.

In his citation, the greatness of Professor Epiphany Azinge, SAN was clearly exhibited. From his primary school days where he was discovered as having exceptionally intellectual capabilities and so a reference point for others, he grew distinguishing in all aspects of his life. His contribution to academics, legal himself in profession, Nigerian state and most importantly his Asaba community was overwhelming.

Despite his greatness, Professor Azinge, SAN remains

a humble, deeply religious and humanitarian person. His guiding spirit "Go ye forth into the world in peace, be of good courage, comfort and heal the sick, support and defend the afflicted, strengthen the faint hearted and render unto no evil for evil" has focused his life and actions. Consequently, in fulfillment of this humanitarian service, he founded Sojourners Medicare Foundation which provides free ambulance services to accident victims on our highways. For his love of God demonstrated, the Society of St. Vincent De Paul in 2009 awarded to him the **Light of the Poor** award while the Onitsha Diocese a year before awarded him a **Meritorious Award** for support of the Church.

In his public life, Professor Azinge, SAN has remained an example of conscientiousness, thoroughness, complete devotion to duty and above all, of the highest

standards of integrity. His mental power and fertility, the sheer quality of his personality and intellectual drive are rich attributes that impressed it on all those who come in contact with him. Little wonder then that when the Olinzeles met, the choice of the Okailolo was unanimously agreed for Professor Azinge, SAN.



In conferring the chieftaincy title, His Royal Majesty, Obi (Prof) Chike Edozien, CFR, Asagba of Asaba informed guests that for every successful man, there is a woman saying that the Asaba people cherish the supportive role of wives in their husband's achievements hence when a chieftaincy is conferred on a man, his wife automatically benefits from one too. In the case of Dr (Mrs) Azinge, His Royal Majesty noted that she eminently qualified on her own merit to be as honoured for her personal achievements in life as shown by her citation. For being the wife of Professor Azinge, SAN, made her conferment double assured. He urged the couple to continue to give support to the Asaba community and to their father land and to abide by the rules governing the conferment on them.



His Royal Majesty on this note went on to install Professor Epiphany Chigbogu Azinge, SAN with the title of Okailolo of Asaba (The Great Thinker of Asaba) and his wife Dr (Mrs) Valerie Azinge as the Odoziaku of Asaba. They were both decorated after which a oath of allegiance and presentation of paraphernalia of office was done by His Royal Majesty crowning the conferment ceremony.

Elated Okailolo of Asaba took rounds to greet the Asagba, the Obi and the Olinzeles in the traditional manner amongst jubilation from friends and family members. In his acceptance speech, the new addition to the Olinzele Council, the 30th member of the council, expressed gratitude to His Royal Majesty, Obi (Prof) Chike Edozien CFR and all the Olinzeles for his recognition and elevation alongside his wife to the new status in Asaba. He said it was a rare privilege for him to serve in the Asagba's cabinet as the Okailolo. He appreciated the enormous responsibility that the title bestowed on him and pledged to rise up to the challenges of the office. In doing so, Professor Azinge acknowledged that no single person can boast of monopoly of knowledge; not even the Okailolo. Consequently, the title and what it represents was held in trust for and on behalf of all Asaba citizens and his well wishers. He pledged to, in all humility, depend on the advice, wise counsel and informed comments of the people of Asaba.

In accepting his installation as Okailolo of Asaba, Professor Azinge, SAN promised to uphold the dignity of the office as well as abide by all the rules and regulations governing the office. He acknowledged



significantly that all honour, power and glory belong to the Almighty God and to Him shall be praise and adoration for ever and ever.

There was drumming, dancing, eating and drinking unlimited as traditional music was produced and rendered to the delight of guests from several dance groups in and around Asaba including a dance group for the Tiv people of Benue State. Masquerades of varying shapes and sizes also added colour to be beautiful and successful rites of the conferment.

Information available to NIALS Newsletter is to the effect that the event has lived in the lives of the Ugbomanta community where the Azinge's come from as well as the rest of Asaba community ever since it came on March 5th, 2011.

NIALS Newsletter editorial team joins management and staff of the Institute in congratulating the Okailolo of Asaba, Professor Epiphany C. Azinge, SAN and his amiable and charming wife, Valerie Janette Ogonna Azinge Ph.D as they accept their thoroughly well deserved traditional chieftaincy titles. We join family members, friends and well wishers in shouting "All hail the Okailolo and Odoziaku of Asaba".



NIALS HOLDS 26TH EDITION OF COURSE IN DRAFTING COMMERCIAL AGREEMENTS AND BANKING DOCUMENTATION 28TH - 31ST MARCH, 2011



In Continuation of its workshop series for year 2011, the Nigerian Institute of Advanced Legal Studies has successfully held the 26th edition of its annual programme on Drafting Commercial Agreements and Banking Documentation at its Lagos Office complex.

Declaring the workshop opened, the Director-General of the Institute, Professor Epiphany Azinge, SAN noted that the workshop on Drafting Commercial Agreements and Banking Documentations was not only a core area of the Institute's mandate but was the oldest of its programmes having been run for 26 years. According to the Director-General, over the years, the programme has undergone re-appraisals and reviews and was confident that the content and capacity of resource persons chosen for the programme was about the best that could be obtained any where in the world. He urged participants to take advantage of the facilities provided by the Institute's library to enhance their capacity noting that the Library was one of the best in the country.

The Institute, according to Professor Azinge, SAN has maintain excellent standards over the years in all its training programmes and assured participants of getting absolute value for their money and time at the Institute. He informed participants of the availability of a staff clinic and urged them to avail themselves of its services free of charge if they had any need to do so.

Also speaking, the keynote speaker, Mr Akpedeye Dafe, SAN represented by Professor L. Fagbohun noted that the course on Drafting commercial Agreement and Banking Documentations was a must course for all practitioners of law and urged that for

purpose of continued education, every lawyer be made to undertake the programme from time to time.

Areas covered in the two-week programme included Conceptual and Preliminary work in Drafting Commercial Documents, Legal Issues in Business Consolidations/Combinations, Shareholders Agreement, Commercial Letters of Credit, Securities and Investment Agreements and Protection of Foreign Investors. Others were Loan Agreements: Domestic and International, Debentures and Charges, Equipment Leasing/Hire Purchase agreements as well as PPP Contracts and Concessioning Agreements.

The two week programme also covered areas like Dispute Resolution Mechanisms, Software Agreements, Interpretation of Contracts, Employment/Service Contracts, Drafting Exercise, Tax Planning in Commercial Transactions, Intellectual Property Rights in electronic Commercials and Joint Venture and product Sharing Contracts. Several practical drafting exercises were also part of the training programme.

A total of 19 participants attended the programme drawn from Rivers State Microfinance Agency Portharcourt, Central Bank of Nigeria, Power Holding Company of Nigeria, Enugu State Judiciary, Intel Nigeria Limited, Nigerian Communications Commission (NCC), Oyo State House of Assembly as well as its Ondo State counterpart.

Declaring the training workshop closed, Professor Deji Adekunle who represented the Director-General congratulated the participants for acquiring the needed drafting skills and urged them to utilize the knowledge in their various places of work. He further advised them to be good ambassadors of the Institute in the way and manner they perform their responsibilities.

Reacting, the participants appreciated their stay at the Institute describing their experiences as worthy of the claim by the Institute of being an apex legal Institute in the land. They adjudged the entire training as being very high in content and rich in resource persons. They pledged to use the skills acquired to the advantage of their various organizations.

Participants were presented with certificates of Attendance as prove of the training and acquisition of the requisite drafting skills.



AFRICAN REGIONAL COURSE FOR PUBLIC PROSECUTORS

The Nigerian Institute of Advanced Legal Studies has concluded a training programme for Public prosecutors. The course which ran from March 11 - 13, 2011 attracted fourteen participants



drawn from the Federal Inland Revenue Service, Nigerian Copyrights Commission, Public Complaints Commission and States Ministries of Justice from Edo and Abia States. Declaring the training workshop opened, the Director-General of the Institute, Professor Epiphany Azinge, SAN welcomed participants and resource persons to the training workshop. He said that the workshop was one of the many training programmes the Institute has fashioned over the years to meet specific needs of participants. Having been held for several years now, the Director-General was optimistic that it will be of immense value to the participants and urged them to concentrate and go along with the resource persons who in his consideration were carefully selected to meet the expectations of participants. He assured the participants for optimum value for their money and time at the Institute. The Director-General further told participants of the availability of medical facilities at the Institute's clinic and urged them to avail themselves of the facility if need arises.

The workshop covered topics on Public Prosecution and the Nigerian Criminal Process, Computer Crimes: Detection and Prosecution, Examinations in Criminal Trials: Methods and Techniques, Sentencing in Criminal Cases, and the Role of the Judge, the Prosecutor and the Defense Counsel in Criminal Trials. Others were Mutual Assistance in the Prosecution of Cross-Border

Crimes, Appeals in Criminal Cases, Speedy Trials and Plea Bargaining in Criminal Cases and Admissibility of Evidence in Criminal Trials. To do justice to the above topics were an allay of carefully selected resource persons

in Hon. Justice Owoade, Justice of the Court of Appeal, Hon Justice Olubunmi Oyewole of the High Court of Lagos State, Mr J.B. Daudu, SAN, President of the Nigerian Bar Association and Professor Taiwo Osipitan, SAN of the Faculty of Law, University of Lagos. Others were Professors Bolaji Owasanoye, Deji Adekunle and Ayo Atsenuwa of the Nigerian Institute of Advanced Legal Studies as well as Mr Lanre Onadeko, Deputy Director, Nigerian Law School, Lagos. Also was Mr Peter Anyebe of the Nigerian Institute of Advanced Legal Studies.

In his closing remarks at the end of the workshop, Professor Azinge, SAN represented by Professor (Mrs) Animi Awah, congratulated the participants for successfully completing the programme. Professor Awah noted that their enthusiasm throughout the duration of the workshop was exemplary and urged them to make good use of the knowledge gained towards building capacity in their various organizations.

The participants on their part commended the Institute for doing great justice to the various topics selected and appreciated all the resource persons for the immense knowledge they passed onto them. They made case that the programme be extended in the coming year to a full week. Certificates of attendance were issued to participants at the end of the training programme.



NIALS MAKES HISTORY, HOLDS MAIDEN VALEDICTORY LECTURE



The Nigerian Institute of Advanced Legal Studies has made bold its desire to occupy its rightful place as an apex institution of higher learning in Nigeria by holding its maiden Valedictory Lecture. The Lecture by Mr. Theophilus Olakunle Dada, The Institute's Librarian was held on April 27, 2011 at its University of Lagos Complex Office.

The lecture which attracted many dignitaries had Mrs. O.O. Omolayole, a Law Librarian and former National Librarian as Chairperson. Professor Tokunbo Sofoluwe, Vice Chancellor, University of Lagos was the Special Guest of Honour while Professor Epiphany Azinge, SAN played host.

Declaring opened the lecture, Professor Azinge, SAN described the Guest Lecturer, Mr. Theophilus O. Dada as one of the best librarians to have served in the Institute. According to the Director-General, Mr. Dada was such an accomplished librarian that working with him has immensely eased his work of making the Institute Library one of the best in the country. He noted that having served the Institute from inception to date, the only honour to be done to Mr. Dada was to create an enabling environment for him to present a valedictory lecture as was the norm in all academic environments. The Institute, he said, has every right to celebrate Mr. Dada as he in the course of his stay in the Institute, touched the lives of virtually every body. He called on all those assembled to celebrate an icon per excellence, Mr. T.O. Dada.

The Chairman of occasion, Mrs. Omolayole not only commended Mr. Dada for a successful career but went on to appreciate that he sat and superintended on one of the best libraries in the country. She noted that the Institute's library may not possibly be the most extensive collection but was definitely the undisputed

legal collection of the last resort in the country. She made case that the Institute's library be made a compulsory legal depository for all law publications emanating from Nigeria saying the Institute has considerably assisted in bridging the yearning gap created by the absence of training facilities for law library personnel in Nigeria.

Presenting his paper, Mr. Dada appreciated the vision and wisdom of the Director-General, Professor Epiphany Azinge, SAN who out of his desire to move the Institute forward, announced to him by end of year 2010 that the Institute would welcome a valedictory lecture from him before his retirement from service. To him, it was a unique honour he never thought of. It was in appreciation of such honour that he decided to present his lecture on what has occupied his life and time at the University of Lagos Campus for the past 35 years of his life. His topic for the lecture titled "Law Librarianship and Legal Research in the Digital Age" he said, was interwoven and would be presented as a three-in-one topic. Mr. Dada appreciated the kindness of the Almighty God who has made it possible for him to work with all the five (5) Directors-General the Institute has produced so far. He appreciated support from management, his staff, family and friends for what is today a success story of his life.

His paper which was succinctly presented touched on challenges of a law library, lack of specialized personnel and what the future holds for the law librarian. Accordingly, he summed that the future for "law librarianship was highly challenging but exciting, and pregnant with seeds of great changes". Law Librarians, he said, must anticipate these changes and plan for them rather than fear them. Law Librarians, he said, must influence the direction of their course lest they overwhelm us and pass us by.

It will be recalled that recently Professor Bolaji Owasanoye presented the Institute's maiden Inaugural lecture at the same venue.

The event attracted family members and friends of Mr. Dada, his professional colleagues, management and staff of the Institute as well as other well wishers. NIALS Newsletter on behalf of the Institute management wishes Mr. Theophilus O. Dada memorable moments in the Institute and a peaceful retirement life with his family and future endeavours.



NIALS COMMISERATES WITH THE CJN



Professor Azinge, SAN regretted that sadly Mrs Katsina Alu would not be there, as it should have been, besides her husband at the public presentation of the publication. He prayed the Almighty God to comfort the Chief Justice and the entire Alu family. The Institute, and indeed the whole country

News of the demise of the wife of the Chief Justice of Nigeria, Mrs Victoria Mimidoo Alu came to the Institute as to the whole world, a rude shock. Born 54 years ago, the late Mrs Katsina Alu passed on 7th of May 2011 and was laid to eternal rest on the 14th of May 2011 at her husband's residence in Ushongo, Benue State.

The Director-General of the Institute, Professor Epiphany Azinge, SAN leading other principal and management staff of the Institute, on May 16th 2011 paid a condolence visit to the bereaved Chief Justice of Nigeria, Hon Justice Iyorgyer Katsina-Alu, *CON, GCON, FNIALS*.

In his condolence message on behalf of the Governing Council, management and staff of the Institute, the Director-General regretted the untimely and sudden death of the CJN's wife. The Institute, according to the Director-General, was equally afflicted with the pains of the demise of Mrs. Alu having shared so many things in common with His Lordship, Justice Katsina-Alu. At a time the Institute was nearing completing a publication in honour of the Chief Justice,

will miss the charming smiles, courage and support of the late Mrs Victoria Mimidoo Alu, he concluded.

Responding, the Chief Justice in a very solemn voice retorted "who can question God?" and went on to say that his late wife was indeed very religious, loved God all her life and was very close to the Almighty God. He said God needed to be praised because it could have been the two of them suffering the same fate as they had, just before the incidence, sat together. He prayed that what has happened to him do not befall any member of the Institute's delegation.

Accompanying the Director-General were Professors Idornigie, Nnamdi Aduba, and Adebambo Adewopo. Others included the Ag. Bursar, Mr. Austine Odokuma, The DIS, Mr. Danjuman Tangni, Ms Charity Addingi, Managing Editor, the CIA, Mr. David Eze and Mr Itiza Ukpi. They all took turns to console His Lordship with a handshake. The Institute's letter of condolence is reproduced hereunder.



NIALS CONDOLES C.J.N

Nigerian Institute of Advanced Legal Studies

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Our Ref: Date: 16th May 2011

Your Ref:

The Honourable Chief Justice of Nigeria
Supreme Court Complex
Three Arms Zone
Abuja

My Lord Sir,

CONDOLENCE LETTER

With deep pain and regret, I write on behalf of myself and the entire family of Nigerian Institute of Advanced Legal Studies to convey our heartfelt sympathy and condolence and to commiserate with you on the painful and untimely demise of your very amiable wife, late Mrs. Victoria Mimidoo Katsina-Alu.

The tragic news of her demise came to all of us as a rude shock. We are particularly mindful of the fact that her painful exit no doubt will greatly upset you.

May we however urge you to take solace in the fact that your late spouse lived a well deserved life while on earth and that she has gone to rest with the Lord. It is our humble prayer that the Almighty God gives you the fortitude to bear her irreparable loss. May her gentle soul and the souls of all faithfully departed through the mercy of God rest in peace. Amen

Kindly accept the heartfelt assurances of our highest regards.

Professor Epiphany Azinge, SAN
Director-General

Retreat of Legal Process” and was delivered by Professor Yemi Osinbanjo, SAN.

Declaring opened the lecture, the Director-General of the Institute, Professor Epiphany Azinge, SAN commended all for being part of the historic moment in the life of the Institute. He appreciated the opportunity of having an erudite academic in the person of Professor Yemi Osinbajo as a guest Lecturer and His Excellency, Judge Bola Ajibola, SAN as Chairman of the event. Introducing the Chairman, Professor Azinge, SAN said it was indeed a privilege to drink from the fountain of Judge Bola Ajibola's wisdom and knowledge.

The Chairman, His Excellency, Judge Bola Ajibola, SAN in his opening remarks expressed joy and deemed it a big honour to be the Chairman of the event adding that at thirty-two, the Institute had come of age and was happy that it has decided to stand up in fulfillment of its mandate as envisaged by its founding fathers. The choice of Professor Yemi Osinbajo, SAN as guest lecturer, according to Judge Ajibola, SAN was great in view of his outstanding qualities and performances. He said he was in a position to comment on the guest lecturer because of their long standing relationship in the service of their father land.

The lecture extensively dwelt on civil and criminal justice, the challenges and inadequacies of constituting due process in Law towards speedy dispensation of trials in various Courts of Law.

NIALS CELEBRATES ITS FOUNDER'S DAY, HOLDS LECTURE ON “THE RETREAT OF LEGAL PROCESS”

March 17th, is a day the Nigerian Institute of Advanced Legal Studies will forever cherish. It is the day the Institute was established some thirty-two years ago. As a mark of honour for the founding fathers of the Institute, the day is set aside by management of the Institute on a yearly basis for hosting of lectures on critical issues in the legal profession. The 2011 Founders' Day Lecture centered on “The





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

LAGOS, NIGERIA

The Regulatory Framework on Sports and Entertainment in Nigeria

14th March, 2011

Roundtable

INTRODUCTION

Sports and entertainment are two areas that have generated revenue for Nigeria and represented Nigeria beyond the shores of Nigeria. Sports are an industry associated with the creation of tangible and intangible assets from political, social and economic activities. It is a human activity resting on fundamental, social, educational and cultural values. Besides its character as a bonding instrument in Nigeria with over 250 ethnic-nationalities by engendering integration, involvement in social life, tolerance, acceptance of differences and playing by the rule, it is a powerful tool for social and economic development. At private, individual and community recreation levels, sports enhance socialization and entertainment dismantling socio-cultural, economic and political barriers. Although the Sports Commission strives to achieve image projection, superlative performance in mega games, encouraging private sector participation and promoting mass participation in recreation and fitness activities, nevertheless, the enormous challenges facing it has not been adequately comprehended by government, observers and other sectors of the economy.

The sports and entertainment industry is a multi billion dollar business that showcases the work, services, talent, and creativity of a cross-section of national and international workforce. The modern entertainment industry is the convergence of the business of music, books, movies, television, radio, internet, video games, theatre, fashion, sports, art and merchandising. The last two decades have witnessed phenomenal growth of the entertainment enterprises in Nigeria. This is evident from the increasing prominence of Nigerian artiste in international music events as well as their projection by the international media. The film industry popularly known as Nollywood has permeated the entire sub-Saharan Africa and beyond, providing home entertainment to millions of people. Such growth translates to definite economic advantage for the nation in terms of revenue generation and employment potentials. Statistics from the National Film and Video Censors Board shows that between 1994 and 1997, over 700 video films were registered and censored by the Board. With an output of well over 4000 films per annum, the Nigerian movie industry generates over \$200 million in annual revenue and now ranks as one of the largest employers of labour in the country, about 200,000 according to UNESCO figure.

In spite of the elaborate provisions of the law, practical reality shows that it is still difficult for authors and right owners to gain full benefit of the copyright system. There is no doubt that piracy; counterfeiting and other intellectual property abuses remain one of the negative challenges to the development of the entertainment industry. Piracy which may be generally defined as the unauthorized commercial exploitation of copyright works thrives in an environment devoid of control and inadequate regulation and enforcement. The trend has become a source of concern to copyright holders, the creative community and government because of its negative impact on the economic and social

foundations of the society.

In furtherance of its resolve to bring contemporary problem to public discuss and arrive at practical recommendations that will move the nation forward, the Nigerian Institute of Advanced Legal Studies, held a one day Roundtable on The Regulatory Framework for Sports and Entertainment to articulate the problems and challenges facing sports and entertainment with a view of providing solutions.

Perspectives for the Roundtable include:

- * Restructuring the Regulatory Framework for Sports in Nigeria.
- * Government or Private Sector Control: the Socio-economic impact on sports.
- * Violence in Sports: Sorting out Criminal Liabilities.
- * Resolving Disputes over Financial Management of Professional Athletics.
- * Copyright and the Entertainment Industry.
- * Piracy, Nollywood and Challenges of the Movie Industry.

OBSERVATIONS

The Roundtable made the following observations-

Observations on Sports

1. The National Sports Policy approved by the Federal Executive Council on the 18th of November, 2009 is still in force. The policy creates roles for the three tiers of Government at Federal, State and Local Government levels.
2. The Nigerian Football Association (NFA) is the body charged with the responsibility of administering football in Nigeria. The enabling Act of the NFA is the NFA Act Chapter N110, Laws of the Federation of Nigeria, 2004. This Act was influenced by the defunct Decree No. 101 of 1992. Under Sec 19 of the NFA Act, the Honourable Minister of Sports has the authority to give directives of a general or specific nature to the NFA with regard to the exercise by the Board to comply with any directive given by the Minister. The Act under section 11 empowers the NFA to make regulations as it may deem necessary subject to the Minister's approval.
3. The Obasanjo Administration in 1999 created a Ministry of Sports and Social Development (FMSSD). However, in 2006, in the twilight of the Obasanjo Administration, the Federal Ministry of Sports and Social Development was scrapped pursuant to the "Federal Government Policy on Rationalization of Ministries/Agencies for effective administration and Management" and the present National Sport Commission was created by the Federal Executive Council by Administrative Fait.
4. The main legal frame work which presently regulates sports in Nigeria is the National Sports Federations Administrative



Guideline of March 2009 as well as General Rules and Regulations of the National Sports Commission of 2010. This is tailored towards the rules and regulations of the various international Sports Federation, through the Nigerian Olympic Committee (NOC) which is the body through which Nigeria relates with the International Olympic Committee (IOC), Common Wealth Games Federation and other major International Sporting Organizations.

5. The National Sports Commission is saddled with the responsibility of overseeing 34 Sports federations which includes: athletics, Badminton, Baseball/Softball, Basket Ball, Boxing, Chess, Cricket, Cycling, Football, Gymnastic, Golf, Handball, Hockey, Judo, Karate, Shooting, Squash Racket, Special Sports, Power Lifting, Athletics, Wheel Chair Table Tennis, Seating Volley Ball, Amputee Football, Wheel Chair Basket Ball and Para Swimming, Swimming, Deaf Athletics and Table Tennis, Taekwondo, Tennis, Traditional Sports (Abula, Ayo, Dambe, Kokowa, Langa), Volleyball, Weightlifting, Wrestling, Scrabble, Para Soccer, Darts, Fives, Rugby, Rowing, Yachting, Kung-fu and Kickboxing.

6. The oscillation of the administration of Sports between the Federal Ministry of Sports and the National Sports Commission was a major factor that militated against the desired growth and development of Sports in Nigeria.

7. The major problem we have in sports both in the past and presently is in the area of football which has been the head sport in Nigeria. There has been a conflict between the laws of the Federation and that of federation of International Football Association (FIFA). This body (FIFA) is an International Association based in Zurich with 208 member Associations across the globe.

8. There have been conflicts between the NFA and the National Sports Commission which is supposed to be a supervisory ministry of the NFA over their mode of operation and their general activities as the past leadership of the NFA had disregarded the authority and the supervisory function of the NSC. This conflict saw the leadership of the NFA change its name to Nigeria Football Federation without the Minister's approval on the grounds that there were adhering to the provision of FIFA Statutes.

9. Some current and future developments in the sports sector include:

- Establishment of twelve (12) Sports Development Centres for more accessibility.
- PPP arrangement for the concession of some Federations.
- Establishment of National Paralympics Committee (NPC).
- Restructuring of the NSC to be better positioned to cope with future challenges
- Ensuring that proper elections are held to replace Board of Federations/Associations whose tenure had expired.
- Encouraging the growth of sports clubs at all levels.

10. Sports laws have increasingly become international in nature, as it brings to bear the growing extent to which sports is regulated on a global level. The emergence of the different Sports Federation will clearly illustrate this, like the Federation International de Football Association (FIFA), the International Associations of Athletics Federation (IAAF).

11. Sports violence is a threat to the public interest but this is largely ignored as it does not have immediate and easily

recognizable impact and includes violence by participants and non participants i.e. spectators, coaches referees and officials.

12. Criminal Assault is the most likely offence in sports violence but it can also lead to civil and vicarious liability.

13. Stumbling blocks to successful sports violence prosecution include:

- Defences available in sports violence like: self defence, (section 286, Criminal Code); Accident (Section 24); provocation (section 284).
- A disincentive to investment in professional sports.
- Prosecution policy in terms of degree of public outrage, expense and witness cooperation may deter prosecution.
- Self regulatory apparatus may impose graver disciplinary action (suspension ranging from 1 2 yrs) as various incidents prosecuted in the US shows.

14. Commercialization of Sports has contributed to an increase in the number of conflicts in sports. The conflicts have ranged from disputes concerning the sale of television Rights, Club ownership, athletes' welfare, transfers e.t.c.

15. Disputes in sports can be broadly categorized as follows: disputes between members or between a member and the council of any Olympic family; doping disputes; eligibility disputes; transfer disputes; transfer fees; disputes between club and an individual player; disputes over wages and emoluments; disputes of sports associations; disputes between national sports Association and Member Clubs and between National Sporting Associations and individual players; interference by government; sponsorship; hosting rights; broadcasting rights; selection issues; disputes between athletes and sports federation; disputes between clubs; membership of regional or continental sporting bodies. These are amendable to Arbitration and Mediation

16. Within the Olympic family, we have umbrella organizations providing for resolution of disputes through ADR like:

a. International Olympic Committee Chapter 74 of the Charter deals with Arbitration disputes submitted exclusively to the CAS.

b. Code of Sports Related Arbitration- ICAS/CAS- the two bodies established to settle through arbitration-those connected with doping and disputes to which the federation, association or other sports body is a party in so far as the statutes or regulations of the sports bodies or a specific agreement so provide.

c. International Paralympic Committee Handball and Summer Sports.

d. International Olympic Sports Federation comprising:

- i. International Amateur Athletic Federation;
- ii. International Rowing Federation;
- iii. International Badminton Federation;
- iv. International Association Football Association
- v. Others- Baseball, basketball, boxing, canoe, cycling, equestrian, fencing, etc.

17. Arbitration and Mediation are perceived to have various advantages over litigation especially in relation to sports for the following reasons:

- a. Unitary system of dispute resolution uniform set of Arbitration/Mediation Rules as opposed to different court rules and conflicting decisions on the same issues;
- b. Expertise in the respective arrears of sports-knowledge of the subject matter and the process;
- c. Uniqueness of sanctions e.g. suspension from



participation, docking of points, promotion or relegation. These will be very unfamiliar in the courts.

Observations on Entertainment

1. In the late 70's Nigeria was known as the third largest music market the world over with an ever growing film culture. This is also true of the book publishing industry which is regarded as one of the most viable economic sector but the story is different today. Piracy has eaten deep into the foundation of our copyright system and impacting negatively on the growth of the legitimate entertainment industry. This trend has been aggravated by the emergence of new technologies.

2. Available figures on the creative industries in Nigeria show that over 75% of Nigerian population still have tape players, 40% music CD players, 70%-80% have cassette/CD players and music retail sales markets and outlets are spread across the country with local music penetrating over 80% of the population. In addition, there are over 15 major CD replicating plants and mastering facilities with cumulative local producing capacity for over 600 million pieces a year, translating to an average monthly turnover of \$5 million with local music contributing about 70% of this.

3. The annual sales potential of the audio visual works is estimated at \$180 million. Recent reports show that the market for the Nigerian movies is even higher outside than in the country. It has an estimated global software market of \$ 260 billion, Nigeria's share of the market is only \$15 billion. It is estimated that the total market potential of the film industry relative to the size of the economy is over N522 billion naira (\$2.2 billion).

4. Piracy has become not just an act of infringement of the rights guaranteed under copyright law but has grown into an industry, a systematically organized industry that erodes the viability of an emerging copyright system as well as the gains of copyright protection.

5. Some statistics show that there are differences in the impact of piracy between different regions of the world. Factors that account for these differences may include among others: availability of markets for pirated products, level of development; and strictness of IP law enforcement.

6. The problem of piracy is most endemic in some industries like music, film, software, gaming and luxury goods industries. The following statistics illustrate this:

- The International Federation of Phonographic Industry (IFPI) reported that the global pirated music market for the year 1999 was estimated to have totalled 1.9 billion units. In 2004, it recorded 1.5 billion units of pirated music worth US \$ 4.6 billion. i.e. use of blue tooth devices in mobile phones to transfer music files from phone to phone is an emerging piracy in the GSM platform.
- IFPI estimates that almost 20 billion songs were illegally down loaded in 2005 based on consumer research in 10 music markets including US, Germany, UK and Brazil.
- The Motion Picture Association (MPA) estimated that worldwide, video piracy cost the American motion picture companies US \$ 2.5 billion a year in lost revenues.
- The 2005 "Special 301" Piracy loss estimate for copyright industries put the estimated loss at US\$1.120 Billion. (Institute of Policy Innovation (IPI) reports no 189)

The Australian Federation against Copyright Theft (AFACT) reported that in 2005, 45 million illegal DVDs were in circulation

almost equal to 52 million legitimate copies in circulation. In the same year, there was an estimated 11 million illegal downloads of films.

- The pirating of VHS, VCD, DVD, or other optical discs formats represents the single biggest threat to the film industry worldwide. Besides their physical distribution, pirated films are also in P2P ("Peer to Peer") distribution networks.
- 7. In the case of the Nigerian film industry, with the rising profile of local films, there has been a concomitant demand beyond the domestic market. In 2006, it was reported that not less than 50 websites had been discovered by the Nigerian Cyber crime Working Group devoted to illegal distribution of Nigerian films. In a survey carried out by the Nigerian Copyright Commission and the Ford Foundation on the piracy situation in Nigeria, the statistics showed the piracy rate of 58%.
- 8. The types of piracy in the movie and music industry include:
 - Internal Piracy- Perpetrated by the authorized distributors in the industry.
 - External Piracy- Perpetrated by the unauthorized distributors.
 - Local Piracy- Perpetrated within Nigeria by both the authorized and the unauthorized distributors.
 - International Piracy- Perpetrated outside Nigeria.
- 9. The causes and motivation for piracy are myriad but the following appears to be the most significant:
 - The scarcity and high cost of genuine products; inadequate enforcement of intellectual property laws.
 - Inadequate public awareness.
 - Poor distribution network for entertainment products.
 - Slow judicial process.
 - Poor funding of regulatory agencies.
 - Lack of organised entertainment industries in the private sector.
 - Lack of will of the practitioners to fight piracy.
 - Lack of will on the part of government to fight piracy.
 - Emergence of advanced technology.
- 10. Another worrisome trend in the film piracy is the unauthorized rental of films by video rental outlets. This trend has been exacerbated by the seemingly prolific nature of the local film industry which has demonstrated a high turnover of home video production and a low level of cinema culture.
- 11. The chequered development of collective management, particularly in the music industry has resulted in loss of considerable revenue owing to refusal of users of works to pay royalties for use of music and sound recordings. The denial of royalties to artists is not only a form of economic sabotage, but also a tacit discrimination against artists, as well as unfair trade practice.
- 12. The absence of professional managers and advisors has often exposed performers to exploitation through unconscionable contractual arrangements entered into with producers or in some cases total absence of contract. These factors have affected the fortunes of performing artistes and by and large the orderly growth of the entertainment industry.



13. The absence of strong industry guilds which could provide platform for collective bargaining and setting of minimum engagement terms has created a scenario where the fortunes of performers are left to be determined solely by producers who are naturally the strongest parties in the bargain.

14. The absence of clear channels of distribution has pushed the consuming public to fall back on cheap pirated products which are easily available. The pirates have established strong distribution networks which ensure that their illegal wares permeate the market and render the marketing of genuine products unprofitable.

15. Lack of power (PHCN) denies the movie producers the required ability to carry on production and reproduction of movies. They are left with no option than to provide their own generators. This unnecessarily inflates the cost of production and makes their movies less competitive in terms of quality worldwide.

16. The poor security situation in Nigeria has affected the movie industry negatively. People are robbed indiscriminately. Artists are being kidnapped and ransom demanded. This has denied the movie industry of a conducive atmosphere to make movies and has led to some local producers relocate to foreign countries and foreign producers shun using locations in Nigeria for their movies.

17. Other infrastructural facilities like good roads, water, health facilities etc are still in short supply. Good roads will open up more locations for making movies and reduce the over usage of present locations. Effective water system will improve hygiene while on set and a good health system will ensure proper handling of accident cases during production.

18. In a bid to address some of the challenges of the industry, there has been at various times some legal, regulatory and policy interventions both at the national and international levels. Such initiatives include:

- * The Anti Piracy Measures: Copyright (Security Devices) Regulations 1999.
- * The Copyright (Optical Disc Plants) Regulation 2006.
- * Copyright (Video Rental) Regulations 1999.
- * Copyright Notification Scheme 2005.

19. The present Copyright Act does not appear to cater for the emerging challenges and trends which affect the protection and enforcement of copyright in the digital age. Advances in digital technology offer content owners new opportunities and models for distributing their works at the same time offer consumer's new means for access and exploitation of these works.

20. The proposed Copyright Amendment Bill makes provisions for the following:

- * Expressly prohibiting circumvention of technological devices and for remedial actions thereto.
- * Provision for remuneration for fixed performances thereby enhancing the protection of performers beyond the Act of 1988.
- * Evidential basis for the existence of the works and facilities and proof of ownership of works in providing for registration of copyright works.

21. At the international level, the legislative initiatives in

response of the international community to challenges posed by emerging technologies to copyright, and in particular the problems associated with the network-based delivery of copyright materials are the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performance and Phonogram Treaty (WPPT) Treaties.

RECOMMENDATIONS

At the end of the Roundtable, the following recommendations were made:

1. The National Sports Commission should be at the forefront of the drive for a regulatory framework for sports in Nigeria. Consequently, the legal framework for NSC must be put in place immediately. Since 2006/2007, it is unclear whether the NSC has a legal status. There is a bill before the National Assembly but its status is unclear. For a country where sports is given veneration, this is totally unacceptable. The draft bill on the National Sports Commission should be passed into law immediately.

2. In re-structuring the regulatory framework we have to consider the present national sports policy and its underlying principles; the growth in the popularity of Sports, the increasing internationalization of Sports and the unprecedented development of the economic dimension of Sports. We also need to consider that the essence of training athletes in any sporting event is eventually for participation in competitions locally and internationally.

3. Our sports must be able to assimilate the new commercial framework in which it must develop, without at the same time losing its identity which underpin the function it performs in the social, cultural, health and educational areas.

4. Our country must be alive to its responsibilities and obligations under International Treaties, and must take necessary step towards the domestication of all sports related International Treaties to which she is a party as we need to think internationally and act internationally in order to belong to community of Nations in Sports.

5. Finally we must realize that sport is a unifying factor in nation building, its role in strengthening the harmonious co-existence that exist in our nation cannot be over emphasized.

6. The National Sports Commission should be at the forefront of the drive for a regulatory framework for sports in Nigeria. Consequently, the legal framework for NSC must be put in place immediately. Since 2006/2007, it is unclear whether the NSC has a legal status. There is a bill before the National Assembly but its status is unclear. For a country where sports is worshipped, this is totally unacceptable.

7. It is important that the NSC creates a unit for Dispute Resolution in the Headquarters and the six Zonal Offices. Such units should have a panel of experts in arbitration, mediation, and those experienced in sports administration. The Commission should ensure that all contracts entered into with sports men and women have clauses on mediation/arbitration.

8. The Commission should direct the Nigerian Football Federation that all contracts entered into with footballers should have clauses on mediation/arbitration. This is the only way our athletes can take advantage of the international arbitral institutions like the Court of Arbitration for Sports (CAS).

a) The National Olympic Committee should expedite action on the establishment of the Domestic court of Arbitration in Nigeria. Such court should adopt CAS Procedural and Mediation Rules.

b) The National Sports Commission should ensure that all national sporting bodies provide for reference to arbitration and



8. The Commission should direct the Nigerian Football Federation that all contracts entered into with footballers should have clauses on mediation/arbitration. This is the only way our athletes can take advantage of the international arbitral institutions like the Court of Arbitration for Sports (CAS).

- a) The National Olympic Committee should expedite action on the establishment of the Domestic court of Arbitration in Nigeria. Such court should adopt CAS Procedural and Mediation Rules.
- b) The National Sports Commission should ensure that all national sporting bodies provide for reference to arbitration and mediation of all sports-related disputes.
- c) The National Sports Commission should ensure that the Nigeria Football Federation enters into contracts with footballers that have clauses on arbitration and mediation.
- d) The National Sports Commission should direct Club owners to ensure that all contracts with footballers have clauses on arbitration and mediation.
- e) Entry forms for participation in sporting activities should have a clause on arbitration or mediation.
- f) The Chartered Institute of Arbitrators, Nigerian Branch should provide expressly for arbitration of sports-related disputes and adopt the CAS Arbitration/Mediation Rules.
- g) As an alternative to the Domestic Court of Arbitration, a law should be passed establishing the Nigeria Sports Tribunal similar to the one in New Zealand.
- h) Independent arbitration service providers should consider establishing Sports Dispute Resolution Panel similar to the one in the UK.

9. Government should also do the following:
- * Ensure less Government interference in the election process of sports associations
 - * Compel the private sector by legislation to contribute a percentage of their profit to sports development
 - * Ensure the review of the tax rebate to make it more attractive to the private sector in order to encourage funding of sports activities.
 - * Ensure adequate planning and preparation for major sports events
 - * Improve the maintenance of existing sports facilities
 - * Establish a fund to take care of retired athletes and coaches
 - * Develop capacity building programmes for athletes and administrators
 - * Curb unethical and indiscipline behaviour in the sports sector
 - * Encourage professionalism

10. The private sector should do the following:
- * Partnership to improve funding for sports development
 - * Create employment for athletes and officials
 - * Invest more in infrastructure and production of sport goods
 - * Establishment of sports clubs and institutions
 - * Organize a lot of sports events (local & international)
 - * Establish events to recognize and appreciate distinguished sports personalities

Recommendations on Entertainment

1. As a developing economy with ambition to be within the league of the twenty world biggest economy by the year 2020, the copyright/entertainment industry is one sector of the Nigerian economy that has a platform that can enable the country to realize the vision. This may however turn out to be a mirage unless effective control and regulation of the industry is done to check piracy and other illegal infringement of copyright and create a conducive

environment for a robust development of the industry.

2. The continued non payment of royalties to rights owners in the music industry remains condemnable and should be denounced by all responsible corporate entities.

3. Nigeria should immediately set up a crime commission with well trained experts in cyber technology to fight piracy like NAFDAC, EFCC, etc in order to complement the efforts of the Nigerian Copyright Council.

4. For the entertainment industry in Nigeria to thrive to play the role expected of it, the law must provide sanctions that are directly proportional to the unlawful profit made by the infringers, or to the loss in tax revenue to government. The legislature should make laws that will provide more stringent punishment for pirates. A situation where the present Copyright Act provides in section 18 that convicted pirates shall be liable to a fine of an amount not exceeding N 1000.00 for every copy dealt with in contravention of the section or to a term of imprisonment not exceeding five years is ridiculous and unacceptable. Piracy should attract up to 20 years imprisonment without option of fine. Nigeria can also borrow from developed countries the trend of adopting sanctions beyond the primary intellectual property legislation to control certain abuses. A good example is the UK Proceeds of Crimes Act (POCA).

5. Serious emphasis should be placed on enforcement of rights. Advancement in technology has made the enforcement of rights more technical, and therefore underscores the need for serious action. Often, weak financial position of right owners constitutes a barrier to enforcement. In such a situation, the role of relevant public institutions like the Nigerian Copyright Commission, the National Broadcasting Commission, the Nigerian Police, the Nigerian Customs Service, and other regulatory agencies like the National Broadcasting Commission, the National Film and Video Censors Board becomes crucial.

6. The judiciary should contribute in the fight against piracy by ensuring quick dispensation of justice in cases involving piracy. It is widely known that the delay of cases in court discourages a lot of copyrights owners from going to court, hence the constant resort to out of court settlement.

7. Entertainment industry practitioners must be knowledgeable in the provisions of the law regarding their rights and also keep abreast of modern trends regarding the doing of business in the industry.

8. The void created by the absence of credible distribution channels for genuine works has not only affected the fortunes of rights owners in the domestic market, but also internationally, where Nigerian works have become major entertainment products. There is need for the right owners to consider the option of assigning distribution rights for territories beyond Nigeria. This will ensure not only the repatriation of revenue earned for exploitation of works abroad, but also the possibility of monitoring and enforcement of rights in such territories.

9. The growth of the movie industry is directly tied to the economic growth of the nation. The government should work hard to provide adequate power for everyone in Nigeria. This will help Nollywood and the audio quality of our movies. It is also important for government to improve on the other infrastructure like water, good roads and health facilities. This will affect the movie industry positively.

Professor Epiphany Azinge, SAN
Director General
Lagos, Nigeria
14th March, 2011.





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

NIALS 2011 ROUNDTABLES AND PUBLIC MEETINGS



S/N	Title	Date	Venue	Time
1.	COLLOQUIUM ON TAXATION: THE TAXPAYERS MONEY	January 19th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
2.	POLICY DIALOGUE ON TRANSPORTATION AND INSURANCE POLICY IN NIGERIA	January 31st 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
3.	ROUNDTABLE ON THE STOCK EXCHANGE IN NIGERIA	February 8th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
4.	STAKE HOLDERS FORUM ON THE COST OF DEMOCRACY IN NIGERIA	February 16th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
5.	INTELLECTUAL SUMMIT ON ACADEMIC FREEDOM: REINVENTING THE WHEEL	February 22nd 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
6.	ROUNDTABLE ON REGULATORY FRAMEWORK FOR SPORTS AND ENTERTAINMENT	March 14th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
7.	ROUNDTABLE ON THE ADVERSARY SYSTEM: A FAILED PROCESS	March 22nd 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
8.	POLICY DIALOGUE ON CITIZENSHIP, INDIGENIZATION AND NATIONALITY	May 3rd 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
9.	ROUNDTABLE ON EMIGRATION: AN EMERGING SYNDROME	May 17th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
10.	COLLOQUIUM ON ISLAMIC BANKING: CHALLENGES AND PROSPECTS	June 6th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
11.	PUBLIC FORUM ON LAND OWNERSHIP AND PROPERTY RIGHTS: MATTERS ARISING	June 21st 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am
12.	ROUNDTABLE ON PRESS FREEDOM AND NATIONAL SECURITY	June 29th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	9:00am

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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES



NIALS 2011 PUBLIC LECTURES

S/N	Title	Date	Venue	Time
1.	FOUNDERS' DAY LECTURE	March 17th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
2.	NEW FRONTIERS LECTURE	April 14th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
3.	VALEDICTORY LECTURE	April 27th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
4.	TASLIM ELIAS MEMORIAL LECTURE	May 10th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
5.	DIASPORA SCHOLARS LECTURE	June 7th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
6.	S.M.A BELGORE CHAIR LECTURE	July 5th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
7.	STATE OF THE NATION	August 1st 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
8.	FELIX OKOYE MEMORIAL LECTURE	August 17th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
9.	CHIKE CHIGBUE MEMORIAL LECTURE	Sept. 7th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
10.	INAUGURAL LECTURE	October 20th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	4:00pm
11.	FELLOWS' LECTURE	Nov. 9th 2011	Abuja	11:00am
12.	CONVOCATION LECTURE	Dec. 6th 2011	Ayo Ajomo Auditorium, Unilag Campus, Lagos	11:00am

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INSTALLATION CEREMONY OF OKAILOLO & ODOZIAKU Prof. & Dr. (Mrs) Epiphany Azinge, SAN



ROUNDTABLE ON: The Adversary System: A Failed Process 22nd March, 2011



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ROUNDTABLE ON: The Regulatory Framework for Sports & Entertainment in Nigeria 14th March, 2011



FOUNDERS' DAY LECTURE

The Retreat of Legal Process

17th March, 2011



VALEDICTORY LECTURE

Law Librarianship and Legal Research in the Digital Age

27th April, 2011



STAFF BIRTHDAYS

MARCH

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

APRIL

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

MAY

<i>S/N</i>	<i>Full Names</i>	<i>Designation</i>	<i>Remarks</i>
1.	Prof. Bolaji Owasanoye O.	Director of Research	May 15
2.	David Oluwagbami	Senior Research Fellow	May 5
3.	Catherine E. Anthony	Principal Asst. Secretary	May 27
4.	Kajo Tyodzenda Jacob	Asst. Chief Personal Sec.	May 8
5.	Obot Ufon Uduese	Snr. Internal Auditor	May 11
6.	Felicia Mngusum Ahangba	Chief Data Processing Asst.	May 2
7.	Olukotun Ruth Aina	Library Officer	May 30
8.	Omonkhua Rose	Assistant Exec. Officer	May 14
9.	Nwosu Ednah Chimebere	Clerical Assistant III	May 29
10.	Sulaiman Saliu Oba	Library Assistant	May 9





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

ROUNDTABLE ON THE ADVERSARY SYSTEM: A Failed Process

22nd March, 2011

Roundtable

INTRODUCTION

The adversarial system of justice is the cornerstone of the Anglo-Saxon legal system. The system as adopted in Nigeria has several misgivings which have prompted questions as to how the system has fared and whether the system has failed or not. This is very vital at this point in Nigeria's history as the Roundtable discussed how the adversarial system has fared especially in view of the prevalence of corruption and criminality. Do we move towards a hybrid system that is a midway system between the adversarial method and the inquisitorial system? The Roundtable raised and addressed some fundamental defects in the adversarial system.

The Roundtable on **Adversary System: A Failed Process** was convened by the Nigerian Institute of Advanced Legal Studies, held on Tuesday, 22nd March 2011 at the Professor Ayo Ajomo Auditorium of the Institute at the University of Lagos Campus, Lagos.

In attendance were stakeholders and interested persons from a cross section of the society. Notably present were legal practitioners, the academia, the media and the general public.

Perspectives for the Roundtable included:

1. An Overview of the Adversarial Process
2. Advantages and Disadvantages of the Adversarial System in Civil Disputes
3. Popular Culture and the Adversarial Process
4. Adversarial versus Inquisitorial Legal Systems
5. Squaring Victims Rights and the Adversary System

OBSERVATIONS

The Roundtable observed as follows:

1. An adversarial system is where the role of the court is primarily that of an impartial referee between the prosecution and the defence
2. Under the adversarial system, two or more opposing parties gather evidence and present the evidence, and their arguments, to a judge or jury.
3. Judges decide, only when called upon by counsel rather than of their own motion, on admissibility of evidence; costs; and procedural matters
4. The adversarial system as practiced in Nigeria is an offshoot of the Common Law and by implication the inquisitorial system is of the Civil law
5. Inherent in the adversarial system is the accusatorial procedure which is a system of criminal justice in which conclusions as to liability are reached by the process of prosecution and defence
6. The accusatorial system is the cornerstone of the Anglo-Saxon system of justice where the accused is presumed innocent until proven guilty
7. It is the duty of a party to litigation to prove a fact or facts in issue
8. Generally, the burden of proof falls upon the party who substantially asserts the truth of a particular fact
9. The inquisitorial procedure on the other hand is a system of criminal justice in force in some European countries but not in England
10. The inquisitorial system applies to questions of (criminal) procedure as opposed to questions of substantive law; that is, it determines how criminal enquiries and trials are conducted
11. In the inquisitorial system, the judge is not a passive recipient of information. Rather, the judge is primarily responsible for supervising the gathering of the evidence necessary to resolve the case. He or she actively steers the search for evidence and questions the witnesses, including the respondent or defendant
12. The inquisitorial system was first developed by the Catholic Church during the medieval period. The ecclesiastical courts in thirteenth-century England adopted the method of adjudication
13. The inquisitorial system flourished in England into the sixteenth century, when it became infamous, England gradually moved toward an adversarial system
14. In the inquisitorial system the court or a part of the court is actively

15. involved in investigating the facts of the case
16. The inquisitorial system is now more widely used than the adversarial system. Some countries, such as Italy, use a blend of adversarial and inquisitorial elements in their court system
17. The distinction between an adversarial and inquisitorial system is theoretically unrelated to the distinction between civil and common law systems. Many jurisdictions adopt a blend of both. E.g Pre-Trial proceedings under Lagos State High Court Rules
18. Countries using common law, including the United States, may use an inquisitorial system for summary hearings in the case of misdemeanours such as minor traffic violations
19. In some jurisdictions, particularly in juvenile proceedings the trial judge may participate in the fact-finding inquiry by questioning witnesses even in adversarial proceedings
20. In France, generally the office of the examining or investigating judge (*juge d'instruction*) conducts preliminary investigation or hearings into all or certain crimes
21. As members of the judiciary, the investigating judges are independent and outside the province of the executive branch, and in many jurisdictions separate from the Office of Public Prosecutions which is supervised by the Minister of Justice
22. There are variations in existing inquisitorial systems
23. In France, prosecutors under Ministry of Justice working with police and examining judges are used only for severe crimes, e.g., murder and rape, as well as for moderate crimes, such as embezzlement, misuse of public funds, and corruption, when the case has a certain complexity
24. In Italy, prosecutors as part of the judiciary, wield coercive interrogatory powers and control investigations by the police. They must file an indictment with the trial court if there is sufficient evidence and are not at liberty to discontinue an investigation
25. The goal of both the adversarial system and the inquisitorial system is to find the truth
26. The adversarial system encourages competition and individual rights whereas the inquisitorial system places the rights of the accused secondary to the search for truth
27. The most striking differences between the two systems can be found in criminal trials
28. Privilege against self-incrimination, presumption of innocence and the burden of proof is reflected in most inquisitorial systems as a criminal defendant does not have to answer questions about the crime itself but may be required to answer all other questions at trial
29. These other questions concern the defendant's history and would be considered irrelevant and inadmissible in an adversarial system
30. Cross examination or law on perjury does not play any role in the inquisitorial system as the defendant's statement is usually procured unsworn
31. In an adversarial system, the defendant is not required to testify and is not entitled to a complete examination of the government's case
32. Since a case will not be instituted against a defendant unless there is evidence indicating guilt, the presumption of innocence so fundamental in the adversarial system - is of little significance in the inquisitorial system
33. There are also variations in existing adversarial systems
34. In the United Kingdom, the court is permitted to make inferences on the accused failure to face cross-examination or to answer a particular question
35. In the United States, Fifth Amendment has been interpreted to prohibit a jury from drawing a negative inference based on the defendant's invocation of his right not to testify, and the jury must be so instructed if the defendant requests
36. In many inquisitorial systems the concept of mandatory prosecution generally reduces the level of political interference in prosecutions



POLICY DIALOGUE ON: Citizenship, Indigenisation & Nationality

30th May, 2011



ROUNDTABLE ON An Emerging Syndrome

17th May, 2011



D. G. NIALS Lead Management to pay Condolence Visit to Hon. Justice A. I. Katsina-Alu, (CJN) 16th May, 2011



HEALTH IS WEALTH

The slogan health is wealth was re-enacted on 24th and 25th of May 2011 with health talks on Introduction to the occupational health department, chronic non communicable diseases and high blood pressure by Dr Okwor Tochi Joy to members of Abuja NIALS office.

The program began promptly at 10.30am in the old Court room with the entrance of the Director General, Prof. Epiphany Azinge, SAN, Prof. Idonigie and Prof. Aduba. The Deputy Institute Secretary Mr. Tagni, warmly welcomed all members of staff, he introduced our amiable Doctor, Doc Okwor and stressed the importance of sound health in a work place.

The Doctor appreciated the efforts of the Director General in the introduction of the clinic. She explained how many corporate organizations worldwide have introduced such departments to monitor the health of their workers and promote good health and wellbeing at work.

The goals of the Department are:

- 1 Promoting good health in work place.
- 2 Assisting in the prevention of ill health at work.
- 3 Maintenance of good health in work place.
- 4 Ensuring the effective management of occupational health and wellbeing.

The clients of the health department are all members of staff, visiting academia and resource persons and post graduate students. The functions of the department are basically in assessing fitness of staff, supporting staff health wise, to advise the management and staff in terms of occupational health, assisting in prevention of illness and management of ailment. Furthermore to provide primary care and emergency treatment for all staff.

She highlighted the importance of being fit. This can be done before employment and also periodically to ascertain the soundness of one's health. The management of chronic diseases such as hypertension, diabetes and cancer.

Chronic non communicable diseases is a major part of health overlooked. Examples are heart diseases, stroke, cancer, asthma to mention a few. Statistics show that more people are dying from such diseases at younger ages and this occurs more in the sub-Saharan Africa. This can be attributed basically to our lifestyle, consumption of large quantity of sugar, salt and oil, smoking, age, physical inactivity and our diet. Our background i.e. genetics, air pollution, smoking, unhealthy diet, physical inactivity leads to hypertension and obesity. This can be linked to absenteeism being absent from work due to ill health and presenteeism which is working below normal standard. This has great effect on productivity and the economy. A form was given out to all members of staff confidentiality of the details was promised.

The Doctor encouraged all members of staff to take the

lecture seriously. She also promised to look into all hospitals used by staff for the national health insurance scheme in order to know what facilities they have and to recommend what hospitals to attend.

Prof. Azinge reiterated the importance of sound health

which is also a form of welfare for staff.

On the second day, the doctor spoke on the devastating effect of the blood pressure, its prevention, treatment and management. Majority of staff are between the ages of 30 and 59 and this happens to be the age where high blood pressure is rampant.

High blood pressure can be prevented basically by healthy lifestyle, low salt and sugar intake, abstinence from alcohol and cigarette and lots of exercises.

In terms of treatment, people need to take more than one type of medication to control their blood pressure. Proper management is required else the patient can develop complications as heart disease, stroke, eye diseases, and kidney disease etc.

The importance of our body mass index was also emphasized; this helps one to know if one is under weight, normal, over weight or obese. This can be calculated by using one's height and weight.

The following indices are used:

- 1) 18.5-underweight
- 2) 18.5-24.9-normal weight
- 3) 25-29.9-Overweight
- 4) 30 and above above-obesity

There was a question and answer session. A member of staff asked about what the ideal weight of a man ought to be? Another asked about pregnancy induced hypertension. In her response she talked about the BMI and its importance. Pregnancy induced hypertension most often develops into hypertension. The bottom line of all is exercise, good diet and moderation in all factors mentioned. Above all, it's good to know that high blood pressure can be prevented, treated and managed but can't be cured.

The Abuja staff had a wonderful time and look forward to more eye opening health talks.



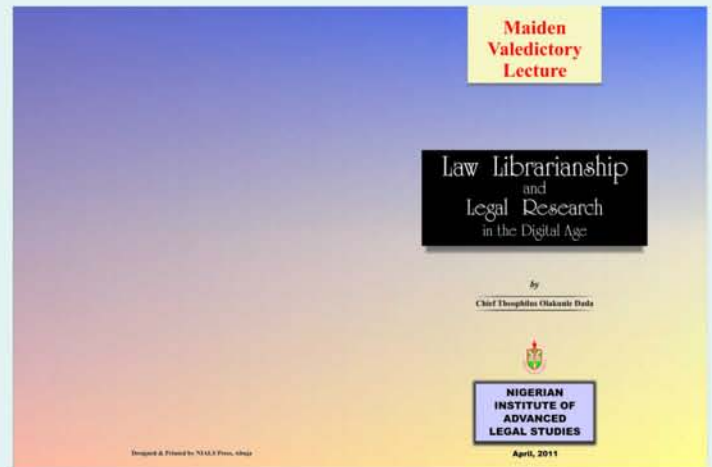
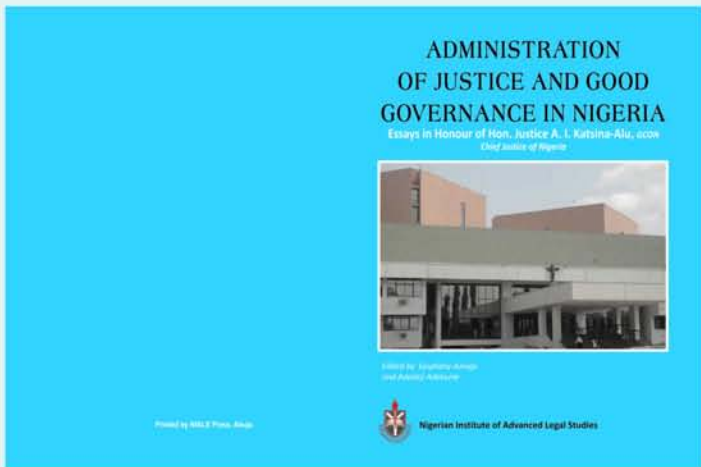
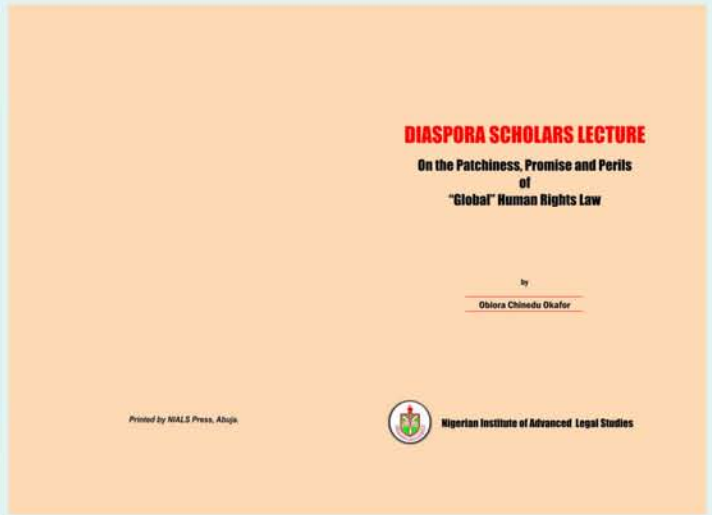
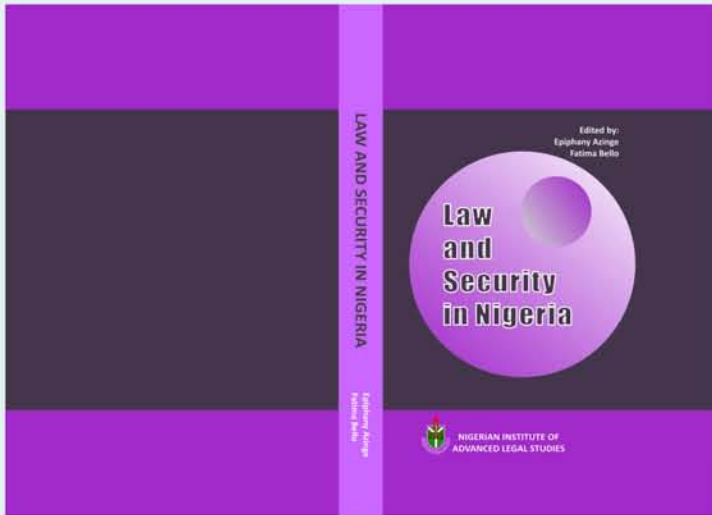
Dr. Okwor



FACES AT THE INSTALLATION OF THE OKAILOLO & ODOZIAKU TITLE



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NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

2011 TRAINING COURSES AND WORKSHOPS

S/N	COURSE TITLE	DATE	VENUE	FEE	COORDINATOR	CONTACT	TARGET PARTICIPANTS
1	Nuclear Law	Feb. 14 th - 16 th	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	Prof. Peter Akper, Kehinde Ikhimiukor & Chibuzo Arinze	08065509436 08056931749	Federal and State Ministries of Science and Technology, Federal and State Ministries of Environment, National Radiological Service, NNRA, NAEC, Manufacturing Companies and Waste Disposal Companies, Ministry of Mines, and Solid Minerals; Ministry of Power & Steel, NERC and Companies involved in Power Plant and Generation & all Lawyers.
2	25 th Course in Drafting Commercial Agreement and Banking Documentation	March 28 th - 1 st April	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Bolaji Owasanoye, Mrs. Helen C. Okoro and Goziem Ebo	08076017138 08035024679	Lawyers in Banks, Insurance Companies, Mortgage Institutions, Regulatory Agencies, Private Legal Practitioners; Legal Advisers; Bank Credit Officers, NCC and all Lawyers.
3	Training Course for Public Prosecutors	April 11 th -13 th	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Ayo Atsenuwa & Peter Anyebe	08023129907 07062174115	Law Officers of the Federal and State Ministries of Justice; Prosecuting Counsel in the NDLEA, Customs, Immigration Services; the Nigerian Army; Navy; Airforce; the Financial Crimes Commission (EFCC); NAPTIP; the Investments & Securities Tribunal & all Lawyers.
4	National Workshop on Technical Services in Law Libraries	April 25 th -29 th	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	T. O. Dada & U. Lamikanra	08035060902 08059831722	Law Librarians and all Lawyers.
5	Digital Forensic Advocacy	April 19 th -23 rd	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Michael Ikariale & T. Shankyula	08056931749 08065303766	Staff of Military, Para-Military, Financial Intelligence Unit, EFCC, ICPC, SSS, SID, Federal and State Ministry of Justice, Prosecutors and all Lawyers.
6	Legal Writing Skills for Lawyers	May 23 rd -25 th	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N50,000	Prof. Animi Awah & Dr. (Mrs.) F. Nlerum	08055112617 08052552408	Practicing Lawyers; Legal Officers in the public service (Ministries of Justice and Government Agencies); Law Teachers and Researchers; Lawyers in Banks and other Corporations & all Lawyers.
7	Government Legal Advisers/ Law Officers Course	May 30 th - June 2 nd	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N100,000	Ngozi Udombana & Lilian Ezeanyagu	08032367571 07039101945	Government Legal Advisers/Law Officers of Ministries, Extra-Ministerial Departments/Parastatals, Federal/State owned Companies, Nigerian Immigration Service & all Lawyers.
8	Training Course on Law and Security	July 4 th - 8 th	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Nnamdi Aduba, Kehinde Ikhimiukor & Mmakwe Ozoemenem	08035889242 08056931749	Army, Navy, Airforce, the Nigerian Police Force, EFCC, ICPC, SSS, Nigerian Civil Defence, CID, Financial Intelligence Unit, Security Outfit & all Lawyers.
9	Intensive Course in Legislative Drafting	July 11 th - 14 th	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Deji Adekunle & David Oluwagbami	08033947747	National and State Legislative Houses; Ministries of Justice; EFCC, ICPC, INEC, NJI, Judges, Court Officers, Academics, Private Legal Practitioners & all Lawyers.
10	WORKSHOP on Labour and Industrial Relations	July 25 th - 27 th	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N75,000	Benedict Agu & Fatima Bello	08030808593; 08035928091	Academics; Industrial Relations Practitioners; Labour Union Officers Human Resources Personnel in Ministries, Government Departments, Agencies, Parastatals, Companies and Banks, Judges and Staff of National Industrial Court and all Lawyers





NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES

2011 TRAINING COURSES AND WORKSHOPS

11	Intensive Course in Alternative Dispute Resolution	July 31st - 3rd August 2011	Ignatius Ayua Lecture Theatre NIALS, University of Lagos Campus	N75,000	Prof. Paul Idonigie, & Dr. (Mrs.) Chinyere Ani	08033114797; 08033114797 08033412508	Magistrate, Judges, Nigerian Police Force, Federal and State Ministries, Parastatals, Department and Agencies of Government & all Lawyers.
12	30 th Advanced Course in Practice and Procedure	July 25 th - 29 th 2011	Jadesola Akande Lecture Theatre NIALS, University of Lagos Campus	N100,000	Mrs. Ngozi Udombana & Kafayat Quadri	08032367571	Judges of Superior Courts; Private Legal Practitioners; State Counsel; Government Legal Advisers/Law Officers; Prosecuting and other Counsel in the Federal and State Ministries of Justice, Nigerian Prisons Service, Nigerian Customs Service, Nigerian Immigration Service, Extra Ministerial Departments and Parastatals & all Lawyers.
13	Intensive Course in Commercial Drafting and Banking Documentation	Sept. 5 th - 9 th 2011	Augustine Nnamani Lecture Theatre NIALS, University of Lagos Campus	N100,000	Prof. Bolaji Prof. Bolaji Owasanoye & Prof. Animi Awah	08035024679 08076017138 08055112617	Lawyers in Banks, Insurance Companies; Mortgage Institutions; Regulatory Agencies; Private Legal Practitioners (particularly those in Commercial Law Practice); Legal Advisers; Bank Credit Officers etc & all Lawyers.
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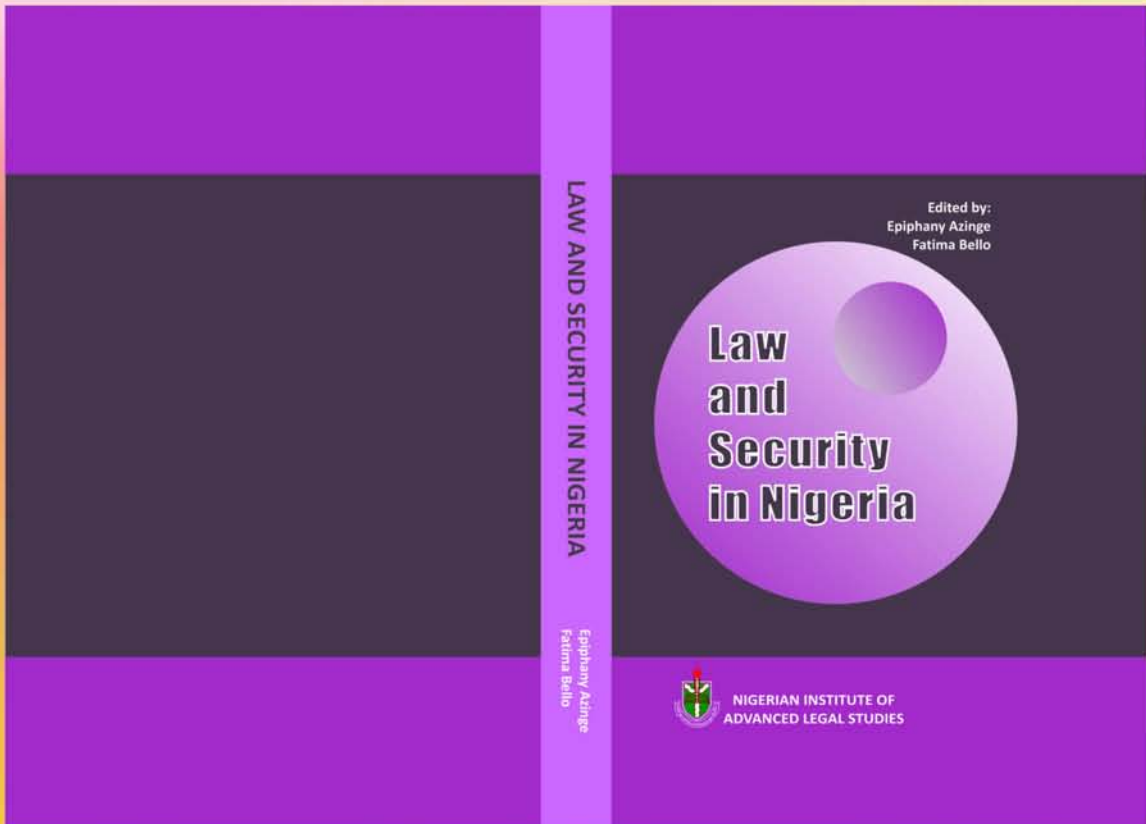


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