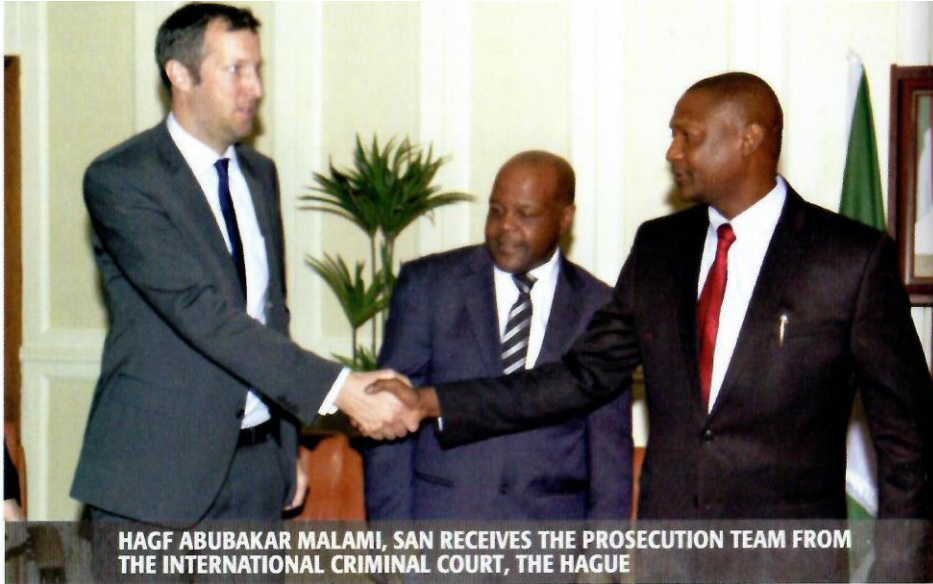


## Report from the Department of International & Comparative Law

The Department of International and Comparative Law is one of the core professional Departments within the Federal Ministry of Justice.



HAGF ABUBAKAR MALAMI, SAN RECEIVES THE PROSECUTION TEAM FROM THE INTERNATIONAL CRIMINAL COURT, THE HAGUE

The Department's core functions are as follows:

- Articulating opinions and advisory positions for the guidance of the Federal Government of Nigeria or any of its agencies as may be directed by the HAGF or the SGF/PS.
- Representing the Federal Government of Nigeria or any of its agencies at international meetings and conferences organized by international organizations and institutions of which Nigeria is a member;
- Negotiating international agreements, conventions and protocols on behalf of the Federal Government in matters involving the Federal Republic of Nigeria;
- Preparation of Instruments of Ratification of International agreements entered into by the Federal Government of Nigeria for execution by the President after approval by the Federal Executive Council;
- Vetting of draft International Agreements or Memoranda of Understanding to be entered into by Ministries, Departments and Agencies;
- Acting as a depository for all signed/ratified international instruments entered into by the MDAs pursuant to the provisions of the Treaty Making (Procedure)

Act, LFN 2004

- Acting as the Ministry's focal Department for engagement with international and regional organizations;  
Pursuing and undertaking research into issues of international law that are of relevance to Nigeria;
- Organizing, on behalf of the Ministry, hosting International Conferences, Meetings and Engagements and UN Special Rapporteurs.
- Liaising with external Counsels in matters in which Nigeria may be a party in international non-commercial proceedings.
- Undertaking any other matters as may be assigned by the HAGF or the SGF/PS.

In carrying out the foregoing assignments and in line with the mandate of the FMOJ, the Department carries out some of these assignments in collaboration with other MDAs.

The following are major international, regional and sub-regional organizations which the Department represents the Ministry in their activities:

- United Nations General Assembly and some of its Committees;
- United Nations Human Rights Council (UNHRC)
- United Nations Commission on International Trade Law (UNCITRAL);
- International Criminal Court (ICC);
- International Tribunal for the Law of the Sea (ITLOS)
- International Seabed Authority;
- Permanent Court of Arbitration (PCA);
- African-Asian Legal Consultative Organization (AALCO);
- African Union (AU);
- African Commission on Human and People's Rights (ACHPR)
- Economic Community of West African States (ECOWAS);
- The West Africa Monetary Zone (WAMZ);

- Inter-governmental Action Group Against Money Laundering in West Africa (GIABA);
- United Nations Conference on Trade and Development (UNCTAD);
- World Trade Organisation
- 1 Continental Free Trade Agreement (CFTA) negotiation

### **Overview of Activities**

Pursuant to its mandate, the Department has handled several matters related to the country's obligations pursuant to Treaties and general International Law, including the following:

- Successful hosting of the Prosecutor of the International Criminal Court (ICC) and her team from 23rd-25th of May, 2017;
- The Department processed 30 (thirty) instruments of ratification for Agreements concluded by various agencies of the Federal Government of Nigeria in the last four years in addition to processing several bilateral and multi-lateral Agreements;
- Preparation of the Federal Republic of Nigeria 6th Periodic Report for the period 2015-2016 to the African Commission on Human and Peoples' Rights;
- In collaboration with the Ministry of Foreign Affairs, is currently working on a comprehensive response to International Human Rights Issues involving the Nigerian Military, raised at the Session of the United Nations Human Rights Council in Geneva on July, 2015;
- Attended the 2nd Session of the Specialized Technical Committee on Justice and Legal Affairs (Government Legal Experts) held at the African Union Headquarters in Addis-Ababa, Ethiopia from November 2-14, 2015;
- Attended the Assembly of State Parties of the United Nations Convention Against Corruption (UNCAC) in St. Petersburg, Russia (November 2-9, 2015) where a Resolution on the retrieval of illicit assets from overseas jurisdictions sponsored by Nigeria and the United States was adopted;
- Attended the 7th Session of the Inter-Governmental Working Group on the Prevention of Corruption, Vienna, Austria;

- Attended the 10th Meeting of the Inter-Governmental Working Group on Asset Recovery, Vienna, Austria 25-26 August, 2016;
- Participated at the Meetings of the United Nations Sixth (Legal) Committee in New York, USA (October-November 10, 2015 and 2016).
- Successful negotiations of international legal documents which has laid the foundation for the commencement of the construction of the Lagos - Abidjan Multinational Highway and the establishment of the Abidjan - Lagos Corridor Management Authority among the following ECOWAS Countries:
  - Nigeria - Ghana and
  - Benin - Cote D'voire
  - Togo
- Attended the 35th Session of the United Nations Human Rights Council which held in Palais des Nations, Geneva Switzerland from 6-23 June, 2017. The Country Statement was delivered;
- Participated at the Third Session of the Preparatory Committee On Marine Biodiversity of Areas Beyond National Jurisdiction which held from 27 March - 7 April, 2017 At The United Nations Headquarters New York. The purpose of this meeting is to develop the scope for a new International Legally Binding Instrument (ILBI) on the subject;
- Proposed attendance of the Meetings of the United Nations 3rd and 6th Committees in New York, USA (October- November 2017);
- Participated at the meeting for the negotiation of the African Union Charter on Maritime Security, Safety and Development from 6-7 July, 2017. Deliberations have set the roadmap for the development of a 'blue economy' in Africa;
- Participated at the 23rd Session of the International Seabed Authority, Kingston, Jamaica from 7 - 18 August 2017;

### **Other Activities**

Nigeria has been under watch/examination by the International Criminal Court (ICC) for more than five years concerning the violence that erupted as a result of the 2011 general elections in the Northern parts of Nigeria and the incidences at the North

Eastern parts of the Country.

In 2016, the Prosecuting Team from the ICC visited the country to conduct preliminary investigation on the allegations earlier made in 2011. The Department on behalf of the Federal Government cooperated with the Team by hosting stakeholders' meeting where relevant documents were submitted to the Court to demonstrate Nigeria's commitment in ensuring that perpetrators of these heinous crimes are prosecuted. At the meeting, the Prosecutor of the ICC applauded Nigeria's willingness to prosecute those suspected of having committed crimes under the Rome Statute of the Court; Nigeria joined the Open Government Partnership (OGP) in July 2016. The OGP is a global community of like-minded States working together to strengthen transparency, accountability and good governance. This action has been applauded as being in the right direction towards this administration's fight against corruption;

The successful hosting of the Promotion Mission by two Commissioners of the African Commission on Human and Peoples' Rights (ACHPR) to Nigeria from 21st-30th November, 2016;

The approval of the HAGF of the new Model Investment Promotion and Protection Agreement. This model was used during negotiations with the Government of Morocco in 2016. It has been acknowledged by United Nations Conference on Trade and Development in its 2017 WORLD INVESTMENT REPORT as an IPPA with reform oriented provisions. The model was premised on this administration's policy thrust

in the area of sustainable development;

Successful hosting of the Chief Prosecutor to the International Criminal Court (ICC) from 3 -5 February, 2017;

Hosting of the 2nd Cycle United Nations Convention Against Corruption Peer Review Meeting, Abuja. From 10-12 May, 2017. Nigeria was peer reviewed by Cote D'Ivoire and Myanmar on Chapter II (Preventive Measures) and Chapter V (Asset Recovery).

Hosting of the International Conference on Combating Illicit Financial Flows (IFFs) and Asset Recovery from 5 -7 June, 2017. It was hosted in collaboration with the Presidential Advisory Committee Against Corruption (PACAC) and Ministry of Foreign Affairs. It was applauded as the first of its kind in Africa. It brought together relevant stakeholders in the fight against IFFs. The Abuja Declaration was adopted at the end of the event.

## Challenges

*Low Funding:* The department's activities, by virtue of their international character, require adequate funding to actualize, which is currently lacking. The Department, at current levels of funding is only able to achieve an approximately 100/o rate of attendance of its international functions.

*Training:* There is no standing training arrangement with academic institutions in the area of international law for the benefit of officers.

*Lack of a proper Depository:* Lack of funding for a properly-secured depository to hold copies of Nigeria's international obligations in line with the Ministry's statutory obligation as the depository of all such instruments. The non-hosting of regular international conferences/seminars impacts critically on the Department's ability to build capacity.

*Inadequate Internet bandwidth for the Department's operations:* By virtue of its activities, the Department requires constant access to the Internet. Officers are often forced to resort to personal efforts due to the erratic nature of internet services in the Ministry, with attendant delays and missing of deadlines.

The Department is equally under increasing pressure to justify its international activities in light of dwindling national revenues and the erroneous but generally negative perception of foreign engagements by Government officials as 'wasteful' and 'non-priorities'.



