

Pursuit of Legal Education

(A Book of Readings by the Faculty of Law,
Lead City University, Ibadan)



ESSAYS MARKING **THE 20TH ANNIVERSARY** *of* **LEAD CITY UNIVERSITY, IBADAN**

Lead Editors

Kabiru Aderemi ADEYEMO
Simeon Olaosebikan ONI
Godwin Emmanuel OYEDOKUN

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Celebrating 20 Years of Academic Excellence

Dedication

This book is dedicated to God Almighty and the founding Father of Lead City University,
Ibadan.

Preface

For two decades, Lead City University, Ibadan, has stood as a beacon of legal scholarship and a crucible for the training of future legal luminaries. As we commemorate this significant milestone, we present "Pursuit of Legal Education: Essays," a collection of scholarly works that reflect the dynamic and evolving landscape of legal education in Nigeria. This volume serves not only as a testament to the university's commitment to academic excellence but also as a vital contribution to the ongoing discourse surrounding legal theory and practice.

The essays within this book traverse a broad spectrum of critical legal issues, reflecting the diverse expertise of our esteemed contributors. From the complex legal and institutional frameworks governing abortion in Nigeria to the pivotal role of legal education in national development, these writings grapple with pressing contemporary challenges. We explore the transformative impact of technology on legal research and education, examining the shift from traditional print resources to the digital realm and the integration of innovative technologies within Nigerian law faculties.

Furthermore, this collection delves into the practical dimensions of legal practice, addressing the crucial role of university law clinics in bridging the justice gap through pro bono services, and the implications of statute-barred actions. We consider the delicate balance between retributive and restorative justice, advocating for a more synergistic approach to Nigeria's justice system. The book also highlights the importance of women empowerment through workplace educational scholarships, and the critical analysis of medical law and consent in healthcare settings.

In essence, "Pursuit of Legal Education" is a reflection of the multifaceted nature of legal scholarship and its profound impact on society. It is our hope that this collection will serve as a valuable resource for students, academics, practitioners, and policymakers alike, fostering critical thought and stimulating further dialogue on the future of legal education in Nigeria. As we celebrate twenty years of dedicated service to legal education, we reaffirm our commitment to nurturing the next generation of legal professionals and contributing to the advancement of justice and the rule of law.

Prof. Kabiru Aderemi ADEYEMO

Associate Prof. Simeon Olaosebikan ONI

Prof. Godwin Emmanuel OYEDOKUN

Foreword

It is with immense pleasure and a profound sense of pride that I contribute this foreword to "Pursuit of Legal Education: Essays," a collection of scholarly works commemorating the 20th anniversary of Lead City University, Ibadan. This landmark publication stands as a testament to the university's unwavering commitment to fostering intellectual rigor and contributing to the advancement of legal scholarship in Nigeria.

The essays presented within this volume offer a diverse and insightful exploration of critical legal issues that are both timely and relevant to our nation's development. They reflect the breadth and depth of legal inquiry, ranging from the intricate legal and institutional frameworks surrounding sensitive topics such as abortion, to the fundamental role of legal education in driving national progress.

As we navigate the complexities of the 21st century, the legal profession is undergoing a significant transformation. This collection captures the essence of this evolution, addressing the pivotal shift from traditional print-based legal research to the digital age, and examining the innovative integration of technology within Nigerian law faculties. Furthermore, the essays underscore the importance of practical legal training, highlighting the invaluable contributions of university law clinics in providing pro bono services and bridging the justice gap.

The authors delve into critical aspects of legal practice, analysing the implications of statute-barred actions and advocating for a more balanced and effective approach to our justice system through the synergy of retributive and restorative principles. This volume also shines a light on the crucial role of legal knowledge in promoting social equity, particularly through the empowerment of women via workplace educational scholarships.

Moreover, the essays address the pressing need for clarity and understanding in specialized areas of law, such as medical law and consent in healthcare settings, demonstrating the practical application of legal principles to real-world scenarios.

"Pursuit of Legal Education: Essays" is a testament to the intellectual vitality of Lead City University, Ibadan, and its dedication to producing legal scholarship that informs, challenges, and inspires. This collection serves as a valuable resource for students, academics, and practitioners alike, offering critical insights into the evolving landscape of Nigerian law. I commend the contributors for their thoughtful and insightful work, and I congratulate Lead City University on this significant milestone. May this collection serve as a catalyst for continued excellence and innovation in legal education for many years to come.

Professor Jide Owoeye

*Pro-Chancellor and Chairman of the Governing Council
Lead City University, Ibadan, Nigeria*

Acknowledgement

The publication of "Pursuit of Legal Education: Essays," marking the 20th anniversary of Lead City University, Ibadan, is the culmination of the dedicated efforts and invaluable contributions of numerous individuals and institutions. We extend our deepest gratitude to all who have made this significant milestone possible.

First and foremost, we express our sincere appreciation to the esteemed authors who contributed their scholarly expertise and insightful perspectives to this collection. Their dedication to legal scholarship is evident in the depth and breadth of the essays presented, which collectively reflect the dynamic and evolving landscape of legal education in Nigeria.

We are particularly grateful to Mubarak Foluso ADESINA, Olanike Sekinat ADELAKUN, Precious Omowumi FASUYI and Kehinde Oluwatosin OYEDEPO, Oluyinka ADEDEJI, Simeon Olaosebikan ONI, Matilda CHUKWUEMEKA, Godwin Emmanuel OYEDOKUN, Kabiru Aderemi ADEYEMO, Abiade Olawanle ABIOLA, Noah Okikiayo, SULAIMON, Dolapo OLUTAYO, Oguchinalu Enyioma ENWERE, Juliet Orie Rex CHIKEZIE, Yewande FATOKI, Tobiloba AWOTOYE, Wasiu Adeyemo BABALOLA, Erebi NDONI, Ajibola Anthony AKANJI, Aderonke Esther ADEGBITE, Olu OJEDOKUN and Oluwadamilola Michelle OGUNTIMEHIN, Munta Ladipo ABIMBOLA, Adesoji Kolawole ADEBAYO, Oluwatofunmi ONABANJO, Erioluwa Emmanuella SOTUNSA, Adetola A.O. LAWORE-AKINYELE, Ademola TAIWO, Toluwalase AJIBADE, IniOluwa SOTUNSA Kolapo OMIDIRE, Olusegun O. ONAKOYA and Olumide BABALOLA for their invaluable contributions.

We acknowledge the unwavering support and vision of the leadership of Lead City University, Ibadan. Their commitment to academic excellence and the advancement of legal education has been instrumental in the realisation of this publication. We extend our gratitude to the faculty and staff of the Faculty of Law, whose tireless efforts in fostering a stimulating intellectual environment have nurtured the development of these scholarly works.

Our gratitude extends to the reviewers who provided critical feedback and insightful suggestions, ensuring the quality and rigor of the essays. Their expertise and dedication to upholding the highest standards of legal scholarship are deeply appreciated.

We also acknowledge the support of our publishing team, whose professionalism and expertise have been essential in bringing this project to fruition. Their attention to detail and commitment to excellence have ensured the timely and successful publication of this volume.

Finally, we express our heartfelt appreciation to all who have contributed to the success of Lead City University, Ibadan, over the past 20 years. Your dedication to legal education has laid the foundation for future generations of legal professionals and scholars.

This book is a testament to the collaborative spirit and unwavering commitment to excellence that defines Lead City University, Ibadan. We are confident that it will serve as a valuable resource for students, academics, practitioners, and policymakers alike, and we hope it will inspire further dialogue and innovation in legal education.

About the Editors

Profile of Professor Kabiru Aderemi ADEYEMO

Professor Kabiru Aderemi ADEYEMO stands as a distinguished academic leader, scholar, and administrator, making significant contributions to higher education, management, law, and public service in Nigeria and beyond. His career is characterized by exceptional dedication, visionary leadership, and a commitment to excellence.

Professor Adeyemo's academic journey is marked by an impressive breadth and depth of qualifications, reflecting his multidisciplinary expertise. He holds a National Certificate in Education (NCE), a B.Sc. in Accounting from Ife, an MBA in Management & Accounting (also from Ife), an MA in Peace & Conflict, an M.Sc. in Project Implementation and Development from the University of Ibadan, an LLB from Ife, an LLM from Ife, a Bachelor of Law (B.L.), a Ph.D. in Accounting, and a Ph.D. in Law from the University of Nigeria, Nsukka. This extensive academic foundation underscores his profound understanding of diverse fields.

Professor Adeyemo has dedicated his career to advancing education, consistently demonstrating a commitment to excellence in teaching, research, and administration. His academic experience spans several prestigious institutions, including Osun State College of Technology Esa-Oke, Ladoke Akintola University of Technology, Ogbomosho, and Ambrose Alli University, Ekpoma. He has also held visiting professorships at Babcock University, Ilisan-Remo, and the Federal University of Agriculture, Abeokuta, leaving a trail of academic excellence at every institution.

As the Vice-Chancellor of Lead City University (LCU), he has provided exemplary leadership, managing a diverse team of academic professionals and fostering a collaborative environment conducive to growth. Under his stewardship, supported by the university council, management, and staff, LCU has experienced remarkable expansion, with student enrolment increasing from 4,000 to approximately 20,000. He has also expanded the number of academic programs from 40 to about 120, significantly enhancing the university's national and international reputation. His leadership is characterized by his ability to inspire, make decisive decisions, and provide clear strategic direction.

Professor Adeyemo's scholarly contributions are extensive. He has served as an External Examiner at the undergraduate, postgraduate, and doctoral levels for numerous universities and tertiary institutions, both within and outside Nigeria. He is a prolific author, with numerous books and over 100 articles published in local and international journals. He has assessed approximately 20 candidates for professorship and supervised numerous postgraduate students.

His expertise as a facilitator and management consultant has benefited organizations such as the Nigeria Defence Academy, UNILAG Akoka, Cocoa Research Institute of Nigeria (CRIN), Federal College of Agriculture, Ibadan, Federal Polytechnic, Ilaro, Sumal Group

of Companies, Ibadan, and the Oyo State Local Government Service Commission. He has also participated in international workshops across various countries, including Ghana, Benin Republic, Cote d'Ivoire, Kigali, Dubai, the U.K., Qatar, and the USA. He participated at the Annual ACU Board Member conference, 13th-21st May, 2024. He was also invited as a Participant by U.S Consulate on 2 occasion to the 248th Anniversary of the Independence of the United States, which was held on Monday, July 1st, 2024, and another invitation as a participant by U.S Consulate at the Reception Celebrating Women in Business and Arts on Monday March 18, 2024.

Professor Adeyemo presented a paper at the 20th Annual World Bank Conference on Land and Poverty in 2019, receiving accolades for his outstanding presentation. His expertise extends to the legal realm, where he has presented papers at Nigerian Bar Association Conferences.

Professor Adeyemo's leadership extends to various administrative roles at LCU, including pioneer HOD of Management and Accounting, Sub-Dean of the Faculty of Social and Management Sciences, Director of Part-Time Programmes, Deputy Vice-Chancellor, Acting Vice-Chancellor, and now Vice-Chancellor. His ability to adapt to changing circumstances and evolving educational trends ensures that LCU remains relevant and competitive.

He is currently the Chairman of the Committee of Vice-Chancellors and Registrars of Private Universities in Nigeria, advocating for policies that enhance the quality of private education. He is also a Council Member and Trustee of the Association of Commonwealth Universities (ACU), representing Constituency III (East, Southern, and West Africa), highlighting his global engagement.

Professor Adeyemo is deeply involved in community service and professional organizations. He has held positions such as Assistant Governor of the Rotary Club of Ile-Ife & Ologuneru, Ibadan, Past President of the Rotary Club of Ibadan, and Past Vice President of the Wednesday Social Club of Nigeria. He is a member of NASFAT, Honorary Members 2-DIV Army Officers Mess Agodi Ibadan, Ibadan Recreation Club of 1902, RANAO Association, Ibadan, Lafia Business Club Ibadan, and a friend of Omo-Ajorosun, Ibadan.

He is a member of various professional bodies, including the Nigerian Bar Association, Society for Legal Scholars, Certified Fraud Examiners, Association of Forensic Researchers, Certified Institute of Public Administration (Ghana), Institute of Direct Marketing, Institute of Petroleum Marketing, Chartered Accountants of Nigeria, Chartered Institute of Taxation, and Chartered Institute of Personnel Management. He has also been appointed as the Chairman Board of Trustees of the African Chambers of Commerce LLC New Jersey, USA.

Professor Adeyemo is a sought-after commentator on radio and television and in newspapers, both nationally and globally. He is happily married with children.

In summary, Professor Kabiru Aderemi Adeyemo is a distinguished academic leader, scholar, and public servant whose contributions have significantly impacted higher education, law, and community development. His visionary leadership, scholarly achievements, and commitment to excellence make him a valuable asset to Nigeria and the global academic community.

Profile of Dr. Simeon Olaosebikan ONI

Dr. Simeon Olaosebikan Oni is a distinguished legal scholar, academic leader, and seasoned legal practitioner with a multifaceted career spanning education, law, and public service. His comprehensive expertise is underscored by a robust academic background and a commitment to both legal scholarship and practical application.

Dr. Oni's academic journey commenced with the acquisition of a National Certificate in Education (NCE) from the then Oyo State College of Education, Ilesa, in 1987, laying the foundation for his commitment to education. His pursuit of legal excellence led him to obtain a Bachelor of Laws (LL.B) from the then Ogun State University (now Olabisi Onabanjo University), Ago-Iwoye, Ogun State, in 1997. He was subsequently called to the Nigerian Bar in 1999, marking the commencement of his professional legal career.

Driven by a passion for advanced legal studies, Dr. Oni earned a Master of Laws (LL.M) from the University of Ibadan in 2011. He further solidified his academic credentials by attaining a Master of Philosophy (MPhil) in 2018 and a Doctor of Philosophy (Ph.D.) in 2020, both from Lead City University, Ibadan, solidifying his expertise and research capabilities.

Dr. Oni is an Associate Professor of Law at Lead City University, Ibadan, where he has demonstrated exceptional academic leadership. He served as the Sub-Dean of the Faculty of Law from 2014 to 2016, contributing significantly to the faculty's administrative and academic development. Currently, he holds the pivotal positions of Head of the Department of Public and International Law and Acting Dean of the Faculty of Law, demonstrating his capacity to lead and manage academic institutions.

His commitment to professional development is evident in his fellowships with the Institute of Chartered Mediators and Conciliators and the Institute of Personality Development and Customers Relations. Dr. Oni is a sought-after speaker at both national and international conferences, sharing his expertise and insights with a wider audience.

Dr. Oni's practical legal experience is extensive. He serves as the Head of the Legal Unit at Lead City University, providing critical legal counsel and representation to the institution. He is a member of the Lead City University Senate and serves as the Legal Adviser to the Governing Council, highlighting his integral role in the university's governance.

His scholarly contributions are further recognized by his roles as an Assessor at the prestigious International Court of Justice Competition in The Hague, Netherlands, and the 28th African Human Rights Moot Court Competition in Botswana. These appointments underscore his expertise in international law and human rights.

Dr. Oni is a prolific scholar, author, and researcher. He serves as a Reviewer for the International Journal of Research and Innovation in Social Science (IJRISS), contributing

to the advancement of academic research. He has authored numerous publications in national and international journals and has presented papers at various conferences.

His contributions have garnered significant recognition, as evidenced by over 20 national and international awards. He has also chaired the International Law Conference at Lead City University, Ibadan, and served as the Chairman of the Oyo State Environmental Protection Tribunal, showcasing his commitment to public service and legal advocacy.

Beyond his academic and legal achievements, Dr. Oni is a respected community leader and spiritual guide. He serves as the Senior Pastor of King's Touch Ministries, demonstrating his dedication to serving his community and providing spiritual leadership.

In summary, Dr. Simeon Olaosebikan Oni is a highly accomplished legal professional, academic leader, and community servant. His diverse expertise, coupled with his commitment to excellence and service, positions him as a significant figure in the Nigerian legal and academic landscape.

Profile of Professor Godwin Emmanuel OYEDOKUN

Professor Godwin Emmanuel OYEDOKUN is a distinguished scholar-practitioner with over two decades of experience in Forensic Accounting, Financial Development, Taxation, Public Policy and Law. He is a Professor of Accounting & Financial Development and an Adjunct Lecturer in the Faculty of Law at Lead City University, Ibadan, Nigeria, and a Visiting Professor at several other institutions.

Professor Oyedokun's extensive experience and expertise make him a valuable asset to the academic and professional communities. His contributions to the fields of forensic accounting, financial development, and public policy have had a significant impact on both the theoretical and practical aspects of these disciplines. Prof. Oyedokun was a faculty member for the supervision of Postgraduate Students at the University of South Africa (UNISA).

He is a faculty member at the Joseph Business School Chicago and Lagos and an international faculty member at the Mississippi State University's Continuing Education programmes in Lagos. He is also an External Examiner for the undergraduate accounting programmes of Abia State University, Uturu Nigeria, Atiba University, Oyo, Nigeria, and Dominican University, Ibadan, Nigeria.

Prof. Oyedokun is a sought-after intellectual, who has presented various technical/seminar papers at conferences/training/seminars, and he is an examiner to some professional bodies, both in Nigeria and abroad. He has presented over 260 professional conference/training papers, 29 conference papers, 29-chapter contributions, and 192 peer-reviewed academic articles (76 of which are in International Journals while 116 were published in National Journals). He has edited 15 book of readings and published 29 books to the glory of God. He has successfully supervised 129 BSc Projects, 7 PGD Projects, 52 MSc Dissertations, and 34 completed PhD Theses in management, accounting, finance, taxation, Project management, procurement management, insurance & risk management, and forensic accounting & audit in Nigeria and overseas.

Prof. Oyedokun was the Chief Executive at OGE Professional Services (A Firm of Chartered Accountants, Tax Practitioners and Forensic Auditors), he is an Erudite Contemporary Professor, a Consummate Educationist, and a Human Capital Development Expert who has taught at all levels of education. He has attended several local and international conferences in the last 20 years, including but not limited to the programmes at Lagos Business School, Lagos Nigeria, Joseph Business School, Chicago, USA., University, Dallas Texas, USA, Greenwich University, London, University of Bristol, England, University of Johannesburg South Africa, University of Kenya, Nairobi, among others.

He is currently a Governing Council member of the Chartered Institute of Taxation of Nigeria (CITN), Business Recovery and Insolvency Practitioners of Nigeria (BRIPAN), President of the Association of Forensic Accounting Researchers (AFAR), and Council

member/Director, Research & Development of Institute of Personality Development and Customer Relationship Management, Board Chairman of the Association of Certified Fraud Examiners (ACFE, Lagos Chapter), Chairman, Board of Diplomates of Forensic Accounting & Audit of the Chartered Institute of Forensic and Certified Fraud Investigators of Nigerian (CIFCFIN), Chairman, Board of Trustees of Institute of Hospitality Accountants & Revenue Managers. He is the Financial Secretary of the Association of Professional Bodies in Nigeria (APBN) and the Past Chairman, Ilupeju/Gbagada & District Society of the Institute of Chartered Accountants of Nigeria (ICAN) among others.

Professor Oyedokun attended Osun State College of Technology, Esa-Oke for his National Diploma (ND) in Financial Studies and Higher National Diploma (HND) in Accountancy, he proceeded to the Ekiti State University for his Bachelor of Science Education (B.Sc. Ed) in Accounting, while he also attended Olabisi Onabanjo University, Ago-Iwoye where bagged his Master of Business Administration (MBA Accounting & Finance option), Master of Science (M.Sc) in Business & Applied Economics (Finance option) and Doctor of Philosophy (Ph.D) in Finance. His quest for further knowledge saw him through his studies at Babcock University, Ilishan-Remo where bagged his Master of Science (M.Sc) in Accounting, and a Doctor of Philosophy (Ph.D) in Accounting. Professor Oyedokun holds a Bachelor of Science (B.Sc) in Finance, a Master of Science (M.Sc) in Economics, a Master of Laws (LLM) and a Doctor of Philosophy (Ph.D) in Forensic Accounting and Audit from Charisma University, TCI, West Indies. Professor Oyedokun is also an alumnus of Lead City University where he bagged his Bachelor of Laws (LLB), and Master of Laws (LLM) and he is currently studying for a Doctor of Philosophy (Ph.D) in Law at the same university.

He has more than 30 relevant professional qualifications to his credit. Professor Oyedokun is happily married with children.

Aderonke Esther ADEGBITE Ph.D

Dr. Aderonke E. ADEGBITE, is an Associate Professor of Law at Lead City University, Ibadan, she earned her LLB (Hons) from the Faculty of Law, OAU in 2007, and was called to the Nigerian bar in 2008. She is the current Head of Department, Private and Business Law, Lead City University, Ibadan. Her research interest covers Private Law, Children's Care, Minority's Rights, African Customary Law and Inclusive Development. She is also interested in Yoruba living philosophies, especially those that are based on traditional conceptions of the supreme divinity and deities.

Aderonke was a visiting fellow at the African Studies Centre Leiden, the Netherlands in 2019. She is a member of the African Studies Centre Leiden's Community and a United Nations Online Volunteer on issues about children and inclusive development. She is a Signatory to the Kigali Declaration on Climate Change 2023, A member of the African Network of Constitutional Lawyers, Member Law and Society Association, Member African Studies Association Women's Caucus, Member the Future Earth Community Network, Associate Member Institute of Charter Arbitration UK, Member Nigeria Bar Association, Member Nigerian Association of Law Teachers, A Research Fellow Ibadan School of Govt & Public Policy (ISGPP) Ibadan, Member Ibadan Bossom Sister's Club an Affiliate Club of the Central Council of Ibadan Indigenes, Member Young Scholars Initiative Institute of Economic Thinking, Member Christian Lawyers Fellowship of Nigeria, Member Obafemi Awolowo University of Ile-Ife Alumni Forum, Member Nigerian Bar Association Women Forum, Member NBA Women's Forum Research and Documentation Committee, Volunteer the United Nations Online Volunteering Services on Children and Inclusive Development and a member of the University of Ibadan Alumni Forum among others. She serves legal and advisory roles in private, corporate and religious organizations. As an Associate Professor of Law, she has taught courses as Jurisprudence, Labour Law, Family Law and Commercial Law at both undergraduate and post graduate levels. She mentors young persons. She has worked in collaboration with few children's rights NGO's. She is also the Founder and CEO of Finlay House of Inclusion and Finlay Consult Limited, which are institutions for legal counsel and research on issues that relate to vulnerable persons, including children, pregnant women, people leaving with impairments and elderly persons among many others. She has received few research grants and has participated in international, continental and domestic conferences/workshops. Presently, Aderonke is designing her research on an incursion into the children's care market in West Africa. Her research interest is triggered by convergences or conflicts in foreign and indigenous jurisprudence. Although Aderonke acknowledges the structural distinctions between African "indigenous and universal systems, she often posits that, these philosophies have similar goals, on development and human rights. She has participated in international, continental and domestic conferences/workshops. She has also published papers and chapters on children's care, Ifa, minority rights, inclusive development, international rules and indigenous laws, among others. Presently, Aderonke is pursuing her post-doctoral research on Indigenous Governance Structures and Inclusive Development in Africa.

Profile of Dr. Olanike Sekinat ADELAKUN

Dr. Olanike Sekinat ADELAKUN is an Associate Professor of Law and a highly accomplished academic lawyer with over 15 years of experience in legal practice, teaching, and research. Currently an Associate Professor at the Faculty of Law, Lead City University, she is a results-oriented expert in conflict studies, gender studies, bioethics, and gender-based violence prevention and support. Her comprehensive skill set encompasses curriculum development, clinical legal education, grant writing, and project management.

Dr. Adelakun holds a Doctor of Laws (LLD) from the University of South Africa, where her thesis focused on the human rights of parties to surrogacy in India, Nigeria, and South Africa. Her academic qualifications also include a Diploma in Bioethics from the University of Ibadan, a Postgraduate Diploma in Education (PDE) in University Education from the Federal College of Education, and a Master of Library and Information Studies (MLIS) from the University of Ibadan. She earned her Master of Laws (LLM) from the University of Ibadan and her Bachelor of Laws (LLB) from Olabisi Onabanjo University, and she is a Barrister and Solicitor of the Supreme Court of Nigeria.

Her teaching and research interests span a wide range of legal areas, including family law, contract law, research methodology, reproductive health and technologies, women and children's rights, and clinical legal education. She has designed and taught numerous undergraduate and postgraduate courses, supervised research projects, and developed course materials.

Dr. Adelakun's extensive academic experience includes serving as an Instructor at the American University of Nigeria, where she designed curricula for gender-based violence in emergencies and coordinated clinical activities. She has also served as a Visiting Doctoral Researcher at New York University Law School and a Research Fellow at the Atiku Institute, focusing on baseline assessments and grant proposal development.

Her professional experience extends beyond academia. She is a Partner at AND Attorneys and has served as a Partner at Mondial Solicitors, providing legal advisory and representation. She also holds the position of Legal Representative at Africa in Science (AiS). Her early career includes working as Counsel at Kunle Sobalaju & Co.

Dr. Adelakun is a prolific writer with numerous publications, including edited books, book chapters, and journal articles. Her research addresses critical issues such as reproductive health, gender mainstreaming, and the rights of internally displaced persons.

Her expertise is further evidenced by her extensive consulting experience with organizations such as the United Nations Population Fund (UNFPA), UN Women, and the Independent Corrupt Practices Commission (ICPC), where she has developed training materials and policies on gender-based violence and related issues.

Dr. Adelakun is actively involved in public service and pro bono activities, volunteering with the International Federation of Women Lawyers and the Nigerian Bar Association

Women Forum. She has also served as Assistant Director (Legal Services) at Inspiring Generation and Human Support Foundation Africa (IGHUSUF AFRICA).

Her scholarly activities include serving as a reviewer for several academic journals and participating in numerous conferences and workshops. She is a licensed teacher and librarian, demonstrating her commitment to education and knowledge dissemination.

Dr. Olanike Sekinat Adedokun is a dedicated and accomplished legal professional, making significant contributions to legal education, research, and advocacy.

Notes on Contributors

Abiade Olawanle ABIOLA, PhD is a human rights activist, lawyer, and law teacher with an active interest in women's human rights, children's rights, and alternative dispute resolution. She is a member of several professional associations and fellowships in Nigeria, such as the Institute of Chartered Accountants of Nigeria (ICAN), the Institute of Chartered Secretaries and Administrators (ICSA), the Chartered Institute of Arbitrators, Nigerian Association of Law Teachers (NALT), and the Nigerian Bar Association (NBA). She is also a Fellow of the Institute of Policy Management Development (IPMD), a member of the Federacion Internacional De Abogadas (FIDA) known as the International Federation of Women Lawyers, where she held an executive position, a member of the Africa Bar Association, the Vice-Coordinator of African Women Lawyers Association, Nigeria, Oyo State Branch. She is also the National Youth Coordinator for Seminary St. Anne's School Old Girls Association (SSASOGA). She is a prolific writer and author. *Abuse is not Justified: Reality of Change and Surrogacy Practice: An Alternative Path to Motherhood* are two of her notable publications. She teaches law at the Faculty of Law, Lead City University, Ibadan, Oyo State, Nigeria. abiade.abiola43@gmail.com; ask4abby@yahoo.com; +234 807 763 5212.

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About Faculty of Law, Lead City University

Faculty of Law, Lead City University, Ibadan: A Legacy of Excellence and Innovation

The Faculty of Law at Lead City University, Ibadan, stands as a testament to the institution's commitment to providing a robust and transformative legal education. Since its inception, the faculty has distinguished itself as a dynamic center for legal scholarship and practice, nurturing future legal luminaries who are prepared to contribute significantly to the Nigerian and global legal landscape. This profile, prepared for the 20th Anniversary Book of Readings, highlights the faculty's journey, academic rigor, research strengths, and unique contributions to legal education in Nigeria.

Faculty Overview

As a flagship faculty of Lead City University, the Faculty of Law is dedicated to fostering a comprehensive understanding of legal principles and practices. It provides a rigorous academic environment that blends theoretical knowledge with practical skills, ensuring that graduates are well-equipped to excel in diverse legal careers.

Academic Programs:

The faculty offers a range of meticulously designed academic programs, catering to various levels of legal education:

1. Bachelor of Laws (LL.B): A comprehensive five-year undergraduate program that provides a strong foundation in core legal subjects, encompassing constitutional law, contract law, criminal law, and jurisprudence. This program emphasizes critical thinking, legal research, and advocacy skills, preparing students for the challenges of the legal profession.
2. Postgraduate Diploma in Law (PGD Law): A specialized program designed for professionals seeking to enhance their legal knowledge and skills in specific areas of law. This program offers focused training in emerging and specialized legal fields.
3. Master of Laws (LL.M): An advanced postgraduate program that allows students to delve deeper into specialized areas of law through rigorous research and coursework. This program fosters academic excellence and prepares students for careers in academia, legal practice, and policy development.
4. Doctor of Philosophy in Laws (Ph.D.): A research-intensive program that enables scholars to contribute original knowledge to the field of law. This program cultivates advanced research skills and prepares graduates for leadership roles in legal academia and research institutions.

Comprehensive Research Areas:

The faculty is committed to advancing legal scholarship through focused research in a wide range of areas, reflecting the multifaceted nature of the legal profession:

1. Constitutional Law: Exploring the intricacies of the Nigerian constitution, comparative constitutional law, and the impact of constitutional principles on governance and society.

2. International Law: Investigating the legal frameworks governing international relations, including public international law, international trade law, and international human rights law.
3. Human Rights Law: Analysing the legal mechanisms for protecting and promoting human rights, both within Nigeria and on the international stage, with a focus on contemporary human rights issues.
4. Criminal Law and Criminology: Examining the principles of criminal law, criminal procedure, and the socio-legal aspects of crime and punishment.
5. Commercial Law: Focusing on legal issues related to business transactions, including contract law, company law, intellectual property law, and banking and finance law.
6. Property Law: Addressing legal principles governing ownership, transfer, and use of real and personal property.
7. Family Law: Investigating legal issues related to marriage, divorce, child custody, and inheritance.
8. Environmental Law: Analysing legal frameworks for environmental protection and sustainable development.
9. Labour Law: Examining legal issues related to employment relationships, trade unions, and industrial relations.
10. Administrative Law: Focusing on the legal principles governing the powers and functions of administrative agencies and public authorities.
11. Information Technology Law (ICT Law): Addressing the legal challenges posed by emerging technologies, including data protection, cybersecurity, and e-commerce.
12. Alternative Dispute Resolution: Investigating the use of mediation, arbitration, and other alternative methods for resolving legal disputes.
13. Jurisprudence and Legal Theory: Exploring the philosophical foundations of law and the nature of legal reasoning.
14. Energy Law: Examining the legal framework that regulates the energy sector.
15. Tax Law: Analysing the legal rules that govern taxation.
16. Insurance Law: Focusing on the legal principles and regulations governing insurance contracts, claims, and industry practices.
17. Banking Law: Addressing the legal framework regulating financial institutions, banking operations, and financial transactions.
18. Conflict of Laws (Private International Law): Examining the legal principles governing cross-border legal disputes and the recognition of foreign judgments.
19. Medical Law: Analysing the legal and ethical issues related to healthcare, medical practice, and patient rights.
20. Medicine and Law (Forensic Medicine): Focusing on the interface between medical science and legal principles, including forensic investigations and expert testimony.
21. Contract Law: Examining the formation, interpretation, and enforcement of contracts in various contexts.
22. Law of Commercial Transactions: Analysing the legal aspects of commercial dealings, including sales, negotiable instruments, and secured transactions.

Faculty Members

The faculty comprises a team of distinguished academics who are dedicated to excellence in teaching and research:

1. Professors: Esteemed scholars with extensive experience in legal research and teaching, contributing significantly to the development of legal thought and practice.
2. Senior Lecturers: Experienced academics with a proven track record of scholarly publications and effective teaching methodologies.
3. Lecturers: Talented and passionate educators who bring innovative teaching approaches and specialized knowledge to the classroom.

Facilities

The faculty is equipped with state-of-the-art facilities to support effective learning and research:

1. Law Library: A comprehensive library housing a vast collection of legal texts, journals, law reports, and electronic resources, providing students and faculty with access to essential legal information.
2. Moot Court: A purpose-built courtroom designed for mock trials, advocacy training, and legal simulations, enhancing students' practical legal skills.
3. ICT Facilities: Modern computer labs and classrooms equipped with high-speed internet access, digital databases, and multimedia resources, facilitating interactive learning and research.

Unique Contributions to Legal Education

Lead City University's Faculty of Law has distinguished itself through its proactive engagement with legal reform and development in Nigeria. In 2007, a mere two years after its establishment, the faculty received commendation from the Federal Government for its significant contributions to legal education. Notably, it was the only faculty of law in Nigeria to submit a comprehensive proposal to the Legal Education Review Committee convened by the Federal Government. This bold initiative, which demonstrated the faculty's commitment to shaping the future of legal education, was highly appreciated by Prince Adetokunbo Kayode, SAN, the then Attorney General and Minister of Justice of Nigeria. The university management was subsequently invited to the Federal Ministry of Justice to present and defend their proposal during the public discussion of the Federal Government's White Paper on the review.

This proactive approach to legal reform underscores the faculty's commitment to not only educating future lawyers but also contributing to the advancement of the legal profession in Nigeria. The Faculty of Law at Lead City University, Ibadan, continues to be a beacon of excellence, innovation, and leadership in legal education.

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Consumer Protection Laws in Nigeria: Challenges and the Way Forward

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Abstract

Counterfeit, subpar, and detrimental products and services inundate the Nigerian market, including pirated intellectual property goods. These spurious offerings pose significant risks to human well-being, prompting the establishment of laws to safeguard consumer rights and ensure public safety. This paper provides a comprehensive appraisal of consumer protection laws in Nigeria, focusing on the existing legal framework, key challenges, and possible reforms. It begins by examining the major legislative provisions governing consumer rights, including the Federal Competition and Consumer Protection Act 2018, and other relevant regulations. The study highlights persistent issues such as weak enforcement mechanisms, inadequate consumer awareness, and the prevalence of counterfeit and substandard goods. The paper also explores the impact of emerging digital marketplaces and e-commerce on consumer protection. To address these challenges, the study recommends stronger regulatory oversight, improved judicial processes for dispute resolution, enhanced public awareness campaigns, and the adoption of global best practices. Ultimately, the paper underscores the need for a more robust and responsive legal framework to safeguard consumer rights in Nigeria's evolving economic landscape.

Keywords: Consumer, Consumer right, Consumer protection

Introduction

In Nigeria, consumers have often been exposed to fake, substandard, and harmful products, as well as counterfeit versions of original items and significant health risks in the marketplace. Some producers have flooded the markets with goods and services that pose dangers to human health and well-being. However, significant effort has been invested by researchers and lawmakers to ensure that consumers are protected, including those who consume intellectual property products. Judicial and quasi-judicial institutions have been established and legally empowered to help consumers seek redress when harmed by such dangerous products and services.

Despite these efforts, the average consumer remains largely unaware of the legal protections available to them. The continued prevalence of fake and substandard products, along with poor services, has created challenges not only for consumers but also for manufacturers and the government. Consumers are deprived of value for their money, while producers of genuine goods are undermined, and counterfeit manufacturers profit unjustly from imitating authentic products. Furthermore, the government's reputation suffers on the international stage, as it may be perceived as complicit in allowing the circulation of fake goods. Although Nigeria has adequate legislation that, if properly enforced, could significantly reduce the spread of fake and substandard products, the challenges remain substantial.

Who is a Consumer?

The term 'consumer' has been opined to be associated with the phrase 'citizen.'¹

A consumer is generally defined as any person who purchases, uses, or consumes goods or services for personal, family, or household purposes, and not for resale or manufacturing purposes. A consumer is someone who enters into a transaction or contract with a seller, manufacturer, or service provider with the expectation of receiving a product or service that meets a certain standard of quality and safety.

A consumer is defined as someone who acquires goods or services for direct use or ownership rather than for resale or use in production and manufacturing.²

The Fair-Trading Act, UK³ provides that a consumer means any person who is either:

a. A person to whom goods are or are sought to be supplied (whether by way of sale or otherwise) in the course of business carried on by the person supplying or seeking to supply them, and who does not receive or seek to receive the goods or services in the course of a business carried on by him.

However, the Federal Competition and Consumer Protection Act being the extant law on consumer protection in Nigeria, defines consumer an individual who buys or intends to buy products for personal use and not for resale nor as a tool to produce or manufacture further goods or commodities for trade; likewise rendering services.⁴

¹ Igweike, K. I. (2001). *Consumer Protection in a Depressed Economy*, 12th Inaugural Lecture, University of Jos, Jos, Nigeria, at 1.

² The Free Dictionary, <http://www.thefreedictionary.com/consumer>, accessed , 25th September, 2024.

³ Section 137(2) of the Fair Trading Act, UK

⁴ Section 167(1) The Federal Competition and Consumer Protection Act, 2018

Consumer Protection according to Ndubuisi, *et al*⁵ is all about “The provision of appropriate and effective mechanisms to protect the pecuniary, health, environmental, safety and security interest of all legal persons against misleading, fraudulent and harmful business practices including manufacturing, trading, packaging, advertising, distribution, and selling of goods and services to the ultimate consumer”. The issue of Consumer Protection became relevant in view of the reliance on the rule of “caveat emptor”; Let the buyer beware is no longer an adequate prospective measure because the principle is based on the premise or assumption that the buyer knows what he wants, has knowledge necessary to choose wisely and has adequate contact with the sellers. These complaints by consumers over a period of time gave rise to mass movement of people (consumers) referred to as “consumerism” a situation that forced marketing practitioners in most advanced countries of the world such as Europe and America to adopt better ways to deliver goods and services without abusing the funds, mental and human rights of consumers. These mass movements comprised of those formed directly by consumers groups or representative groups as well as the government.⁶

Consumer protection refers to laws and government regulations aimed at safeguarding the rights of consumers. A common example is product regulation, where laws are established to prevent businesses from engaging in fraud or unfair practices that give them an undue advantage over competitors. These regulations also provide additional protection for vulnerable members of society. Consumer protection laws require businesses or manufacturers to disclose essential product information, especially in areas where public health or safety is concerned, such as food products.

Consumer protection is closely tied to the concept of consumer rights and the development of consumer organizations, which assist individuals in making informed choices in the marketplace and handling consumer complaints. In addition to consumer organizations, government agencies and self-regulating business groups also play a key role in promoting consumer protection.⁷

Consumer protection primarily addresses claims of violations of consumer rights in the marketplace.⁸ These rights refer to the basic entitlements consumers are guaranteed when

⁵ Ndubisi, E., Anyawu, A., Nwankwo, C. A. 'Protecting the Nigerian Consumer: An Expository Examination of the Role of Consumer Protection Council', Arabian Journal of Business and Management Review, 2016.

⁶ Ibid

⁷ Felicia, M., *Law of Consumer Protection*, Ibadan, Spectrum Books, 2005

⁸ Nkamnebe, A.D, Idoko, E., Kalu, S.E, 'Consumer Protection in Market Transactions in Nigeria', Journal of Innovative Marketing, Vol.5, No.4, 2009.

purchasing goods and services. Such entitlements include the right to standard weights and measures, receiving appropriate and sufficient quantities of products and services, access to accurate consumer information, competitive choices, redress for grievances, and protection of the environment.

Felicia Monye⁹ provided a comprehensive overview of consumer protection law. She highlighted the necessity of raising consumer awareness through extensive educational campaigns to effectively safeguard consumer rights. Her work outlines the existing framework that governs product standardization, advertising, liability for defective products, and the enforcement of consumer rights through contract and tort law. Monye also emphasized the need for multiple avenues of redress for victims of consumer offenses in Nigeria. Additionally, she called for the implementation of a strict liability regime to tackle issues related to contractual and tort claims, thereby enhancing the enforcement of consumer protection in Nigeria. However, her works do not present a cohesive legal framework for consumer protection in the country.

Kanyip¹⁰ similarly reflects on the vulnerability of consumers to exploitation by producers and service providers, attributing this to the unequal bargaining power prevalent in the marketplace. He argues that manufacturers and service providers hold an advantage due to their superior knowledge of production processes and their stronger financial positions compared to consumers. Kanyip notes that many consumers are often illiterate or unaware of the intricacies of production processes. He further contends that a defective product can result in significant financial losses for consumers, who may lack the means to recover their investments. Although he extensively addresses issues impacting consumers in the marketplace, he provides limited discussion on the necessity of foolproof production processes in Nigeria to determine the most acceptable legal standards for consumers based on judicial opinions.

Apori and Ibanga,¹¹ in their analysis of the role of regulatory agencies in the telecommunications sector, argue that consumer protection in this industry is an evolving process that must balance the interests of both service providers and consumers. However, they do not specifically address the protection of Nigerian consumers against defective

⁹ F. Monye, 'Liability for Defective Products' [1990 – 1998] (6) Nigerian Juridical Review, Faculty of Law, University of Nigeria, Enugu Campus; 137 – 157.

¹⁰ B. B. Kanyip, 'Consumer Protection in Nigeria: Law theory and policy (Abuja: Rekon Books Ltd., 2005) 26

¹¹ K. A. Apori & M. Ibanga, 'Regulatory Agencies in the Telecommunications Sector & the Protection of the Nigerian Consumer' [2006] (7– 10) Calabar Law Journal; 161.

products. Meanwhile, Duru and Igwe¹² provide a detailed overview of the historical context of consumer protection for defective products worldwide. Their work highlights the necessity for a framework that prioritizes strict liability over fault-based liability.

In modern times, countries have enacted laws to safeguard the rights of consumers as they purchase and utilize goods and services. This approach is referred to as Consumer Protection. Its primary goals are to prevent consumer abuses, minimize harm resulting from product use, and offer consumers avenues for seeking redress in cases of harm.¹³

However, Nigerian consumers face a myriad of challenges that hinder their ability to assert their rights and access quality goods and services. One significant challenge is the prevalence of defective products in the market. Many consumers often purchase items that do not meet quality standards, resulting in financial losses and safety risks. The lack of effective regulatory oversight and enforcement mechanisms means that manufacturers and service providers can often evade accountability for the defects in their products, leaving consumers vulnerable.

Another challenge is the insufficient consumer education and awareness regarding rights and available remedies. Many consumers lack knowledge about their rights under consumer protection laws, which hampers their ability to make informed choices and seek redress when wronged. This gap in awareness is exacerbated by high levels of illiteracy in certain segments of the population, which further limits consumers' ability to engage with the market effectively.

In this regard, Umenyi¹⁴ posits that imperfections in the market not only lead to misleading information through deceptive advertisements, but also encourages proliferation of fake and sub-standard goods.

Additionally, the issue of unequal bargaining power between consumers and service providers is a significant concern. In many instances, consumers are at a disadvantage due to the superior knowledge and financial strength of manufacturers and service providers. This imbalance often results in consumers being forced to accept unfavorable terms and conditions, as they may have limited options or alternatives in the marketplace.

¹² S. A. Duru & O. W. Igwe, 'The Law of Negligence and liability for Defective Product' [2007] (11) Calabar Law. Journal;154 - 177.

¹³ Kooffreh , Melody Bassey Irem Aboh Pascal Bekongfe The Challenges Of Nigerian Consumers And Remedies To Consumers Problems In Nigeria, International Journal of Academic Multidisciplinary Research (IJAMR),2021.

¹⁴ Umenyi, I. (2007), Federal Government Advises States on Consumer Protection.

Moreover, the limited access to legal remedies presents another barrier for Nigerian consumers. While laws may exist to protect consumer rights, the mechanisms for enforcing these rights are often inadequate. Consumers may find it difficult to navigate the legal system, and the cost of litigation can be prohibitive. Consequently, many consumers may choose to forgo legal action altogether, perpetuating a cycle of exploitation and abuse.

Lastly, the impact of economic factors cannot be overlooked. High levels of inflation and economic instability affect consumers' purchasing power and ability to access quality products. As consumers struggle to afford basic necessities, they may be compelled to make compromises regarding the quality of goods and services they purchase, often at the expense of their health and safety. These challenges collectively underscore the need for comprehensive reforms to strengthen consumer protection in Nigeria.

Remedies for the Consumer

Consumers have several remedies available to them when they encounter issues related to defective products or unfair practices.¹⁵ These remedies can vary depending on the jurisdiction and the specific circumstances of the case, but they generally include the following:

1. **Refunds:** Consumers are often entitled to a full or partial refund when they purchase a defective product. This remedy allows consumers to recover the amount they paid for the item, thus alleviating financial loss.
2. **Exchanges:** In cases where a product is defective, consumers may seek to exchange it for a new, non-defective item. This remedy provides consumers with a direct replacement for the faulty product, ensuring they receive a functioning alternative.
3. **Repair:** If a product can be fixed, consumers may request that the manufacturer or seller repair the defective item at no cost. This remedy is common for items under warranty and ensures that the consumer retains the use of the product.
4. **Compensation for Damages:** In situations where a defective product causes injury or damage to property, consumers may pursue compensation for their losses. This remedy can cover medical expenses, property repairs, and other related costs resulting from the defect.

¹⁵ Ndubisi, E., Anyawu, A., Nwankwo, C. A., 'Protecting the Nigerian Consumer: An Expository Examination of the Role of Consumer Protection Council', *Arabian Journal of Business and Management Review*, 2016.

5. Legal Action: Consumers have the option to file a lawsuit against the manufacturer or seller for breach of contract, negligence, or other legal violations. This remedy can be pursued when other avenues have been exhausted or when the damages are substantial.

In *Soremi v. Nigerian Bottling Co. Ltd.*¹⁶ the court held that:

"Non-pecuniary loss is a very different field. Little can be stated with certainty as to the amount of damages for physical injury. Indeed, full compensation cannot be given in the sense that no amount can fully compensate for serious physical injury. Beyond this, no yardstick exists for measuring in money the compensation to be accorded a given amount of physical pain or mental suffering because, as far as money goes, the loss is imponderable and any amount awarded must be in the nature of conventional sum. The difficulty then is in deciding what proportions the conventional sum should take for there is no reason, in logic or economics, why for a specified period of suffering the award should be \$10, rather than \$1,000 or indeed any other figure. Here a solution can only be found by taking as the test what our particular society would deem to be fair sum, such as would, in the words of Lord Devlin in *West v. Shepherd* allow the wrong doer to hold up his head among his neighbours and say with their approval that he has done the fair thing.

The fact of the case was to the effect that the plaintiff saw the presence of a screwed up piece of paper in a bottle of spirit. However, the bottle was not opened but the plaintiff claimed that the sight of the piece of paper made him nauseated as he had taken a bottle of drink from the same batch a short while before the incident. Applying the above principle, the court considered that plaintiff's claimed for the sum of ten thousand naira (#10,000.00) was manifestly excessive. He was awarded the sum of five hundred naira (#500.00) only. A review of personal injury cases in Nigeria shows that the Nigerian Courts are rather conservative in the award of general damages. In *Solu v. Total (Nig) Ltd.*,¹⁷ the plaintiffs claimed the sum of six million naira for serious personal injuries sustained by them as a result of the explosion of a defective gas cylinder supplied by the defendants. The court reiterated the basic that the award of general damages is at the discretion of the court but emphasized that the court must act judiciously based upon the principle that damages are awarded to compensate the injured person and not to punish the wrong doer. The claims of the plaintiffs were rejected as being speculative and shrouded in sentimentalism which a court of law frowns upon. The court awarded the sum of forty-five thousand naira (#45,000.00) as damages for personal injuries suffered by the plaintiffs. The same pattern

¹⁶ (1977)12 CCHCJ 273

¹⁷ (Unreported) Lagos State High Court, suit No. ID/619/85;1988

of conservative damages is also noticeable in other personal injury cases. Examples are *Osemobor v. Niger Biscuit Co. Ltd.*¹⁸

Here the sum of six hundred and fifty nine naira and ninety eight kobo (#659.98) was awarded for a decayed tooth which caused nausea and vomiting; the sum of thirty thousand naira(#30,000.00) was awarded for serious personal injuries and permanent disfigurement in *Nigerian Bottling Co. (Nig) Ltd.v. Ngonad*;¹⁹ *Technoplastic (Nig) Ltd. v. Salejatu*,²⁰ the sum of ten thousand eight hundred naira(#10,800.00) was awarded the plaintiff for the loss of three fingers; while twenty thousand naira (#20,000.00) was awarded for compound fracture of fibula and tibia in *Nigerian Airways Ltd v. Solomon Olu Abe*.²¹ However, an appreciable sum was awarded in *Dumuje v. Nigeria Breweries Plc & Anor*.²² In this case, the plaintiff bought a bottle of malt from the defendant. While drinking it, he felt a hard material in his esophagus. He made attempts to throw up and eventually expelled a decayed cockroach. The plaintiff maintained that he experienced sicknesses arising from that occasion to include muscle vibration, insomnia, abdominal pains and had to seek medical relief in the hospital. He was awarded Two Million Four Hundred Thousand Naira (#2,400,000.00) as damages. In contract-based actions with particular reference to breach of contract of sale of goods, the remedies of the consumer are based on the provisions of the Sale of Goods Laws. These are:

- i. Rejection of goods and action for damages
- ii. Specific Performance
- iii. Action for refund of price

6. Consumer Complaints: Consumers can file complaints with relevant regulatory bodies or consumer protection agencies. These organizations can investigate the issues and take action against businesses that engage in unfair practices or fail to honor consumer rights.

7. Class Action Lawsuits: In cases where multiple consumers are affected by a similar issue, they may join together in a class action lawsuit. This collective legal action can provide a more efficient way to seek redress and can strengthen the case against larger corporations.

¹⁸ (1973) 7 CCHCJ 71

¹⁹ (1985) 1 NWLR pt. 4 p. 739

²⁰ (1986) 2 NWLR 771

²¹ (1988) NWLR (Pt.90) 524.

²² Suit No.CA/EK/71/2014 on 14th July, 2015

8. Mediation and Arbitration: Some consumers may opt for alternative dispute resolution methods, such as mediation or arbitration, to resolve disputes without going to court. These processes can be less formal, quicker, and often less expensive than traditional litigation. Commenting on the vulnerability of Nigerian consumers, Aniagolu, JSC, in *Nigeria Bottling Co. Ltd. v. Ngonad*²³ articulated:

"nothing appears to be more elementary in this country where it is often the unhappy lot of the consumers to be inflected with shoddy and unmerchantable goods by some pretentious manufacturers, entrepreneurs, shady middlemen and unprincipled retailers whose avowed interest seems only and always, to be to maximize their profits leaving honesty a discounted and shattered commodity."

Overall, these remedies aim to protect consumers' rights, promote accountability among manufacturers and service providers, and ensure that consumers can seek redress for grievances effectively.

Legal Framework for Consumer Protection in Nigeria

In Nigeria, although the first consumer protection legislation was the Sale of Goods Act, 1893,²⁴ a Statute of General Application enacted by the British Colonial Government, the primary legislation concerning consumer protection until recently was the Consumer Protection Council (CPC) Act.²⁵ This Act established the Consumer Protection Council as a regulatory body responsible for enforcing consumer rights and related matters.

In this context, consumers are clearly granted certain rights, including the right to satisfaction of basic needs, the right to safe products and services, access to information, the right to choose, seek redress, representation, and a healthy environment. If a consumer is dissatisfied or feels deceived, they are entitled to seek redress through the regulatory body.

Uche²⁶ is of the opinion that lack of avenue for checking manufacturer or advertisement claims on goods; as well as accepting to pay price for packaged goods without assurance of quality, and in some cases, quantity, are also challenges to consumers that²⁷ led to the establishment of Laws of Consumer Protection.

²³ Supra

²⁴ English Sale of Goods Act 1893.

²⁵ Cap. C25 Laws of the Federation of Nigeria, 2004.

²⁶ Uche, U.U. (1990), Consumer Protection and the Law in Nigeria,

²⁷ European Journal of Business and Management www.iiste.org ISSN 2222-1905 (Paper) ISSN 2222-2839 (Online) Vol 4, No.10, 2012 74

While these and earlier legislative efforts have somewhat outlined the framework of consumer protection law in Nigeria, it remains a developing field.²⁸ A review of Section 12 of the CPC Act reveals significant provisions for sanctions against advertisers and other parties who violate consumer protection laws.

However, the Act faced significant criticisms, including the subsumption of consumer rights within the functions of the Consumer Protection Council, resulting in a lack of clear definition of consumer rights. Other issues raised were the absence of a well-defined and adequate redress mechanism, the general weakness of the enabling law, insufficient enforcement provisions and machinery, an ineffective institutional framework for defending consumer rights, inadequate funding, overlapping roles and functions of various agencies, and the failure of these agencies to keep pace with emerging technologies and global policies, particularly in international law.

Another piece of legislation that has proven to be highly useful and important is the National Agency for Food and Drug Administration and Control Act.²⁹ Initially enacted as the National Agency for Food and Drug Administration and Control Decree No. 15 of 1993, it was later amended by Decree No. 19 of 1999. Sections 5 and 30 of the Act authorize NAFDAC to issue regulations and guidelines governing the registration of food and drugs.

Equally notable are the National Insurance Commission Act,³⁰ which established the National Insurance Commission; the Pharmacist Council of Nigeria Act,³¹ which established the Pharmacist Council; the Weight and Measures Act, where a breach of Section 49 results in a fine of N500.00 or one year imprisonment for individuals, and N5,000.00 for corporate bodies; the Utilities and Charges Commission Act, which established the Utilities and Charges Commission; the Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act;³² the Price Control Act;³³ the Criminal Code Act; the Penal Code Act, applicable in the Northern states; and the Sale of Goods Laws of various states.

More recently, in response to perceived gaps in the existing laws, the Federal Government of Nigeria, through its legislative arm, made a significant advancement by passing the

²⁸ Apori, K.A., 'Cutting a Swath around the Nigerian Consumer: The Nigerian Consumer Protection Decree', EDSU Law Journal, Vol.3, 1993.

²⁹ Cap. N1 Laws of the Federation of Nigeria, 2004

³⁰ National Insurance Commission Act, 2007

³¹ Pharmacist Council of Nigeria Act, 1992

³² Counterfeit and Fake Drugs and Unwholesome Processed Foods (Miscellaneous Provisions) Act, 2015.

³³ Price Control Act, 1977.

Federal Competition and Consumer Protection Act of 2019. The Act repeals the Consumer Protection Council Act of 2004 (the “Consumer Act”) to create a hybrid system which houses both competition control and consumer welfare under one roof.

The Act seeks to promote a competitive market and safeguard consumer rights in Nigeria. Before its enactment, there was no comprehensive legislation regulating competition in the country. Instead, competition-related provisions were scattered across various laws, such as the Investment and Securities Act, the Nigerian Communications Act (2003), and the Electric Power Sector Reform Act (2005), among others. This new Act, however, applies to all businesses in Nigeria and supersedes all previous competition laws.

The introduction of this unified set of competition regulations was a long-awaited change, designed to minimize market distortions across all sectors and ensure that fair competition rules are upheld. The Act also repealed the Consumer Protection Act, dissolving the Consumer Protection Council and replacing it with the Federal Competition and Consumer Protection Commission.

It equally repealed Sections 118 -128 of the Investment and Securities Act, Cap. I24 Laws of the Federation of Nigeria, 2004.³⁴ The Act promises to introduce ground breaking changes into the Nigerian Regulatory regime going by its obvious features.

The Act prohibits and invalidates restrictive agreements between business entities. The definition of restrictive arrangements that may prevent, limit, or distort trade is broad, encompassing the prohibition of minimum resale prices, even for patented goods; direct or indirect price fixing; collusive tendering; withholding goods and services from a dealer; and exclusionary contractual provisions, among others. However, the commission may approve some of these prohibited arrangements if it is satisfied that they are fair and do not hinder competition.

As Kanyip³⁵ observes, these laws offer protection to Nigerian consumers by establishing standards and criteria for consumer protection, the violation of which can result in criminal or administrative penalties.

In terms of its functions and powers, a comparison between the FCCPA and the repealed CPC Act reveals several important changes to Nigeria’s legal framework for competition and consumer protection. The new law extensively addresses the prevention of monopolies

³⁴ Section 165 FCCPA, 2019

³⁵ Kanyip, B.B; ‘Historical Analysis of Consumer Protection in Nigeria’, Abuja, Nigerian Institute of Advanced Legal Studies: Occasional Paper Series, 1977.

and anti-competitive practices, clearly outlining consumer rights and available avenues for redress when these rights are violated.³⁶ While the CPC Act included provisions to protect consumers from exploitation by business owners and harmful practices of manufacturers, its primary focus was on eliminating hazardous products from the market. In contrast, the FCCPA seeks to enhance efficiency in Nigeria's emerging economy by removing barriers and operational obstacles such as the abuse of dominant market power, as well as addressing unethical marketing, trading, and harmful business practices by manufacturers, wholesalers, and retailers.

The establishment of the Commission and the Tribunal has created a much-needed regulatory and legal framework for competition and consumer protection in Nigeria. The powers and functions of the Commission under the FCCPA are significantly broader than those of the Consumer Protection Council under the former CPC Act.

Unlike the CPC Act, which required the Consumer Protection Council to apply to the courts to prevent the circulation of hazardous goods and services,³⁷ the FCCPA empowers the Commission to independently halt the distribution of goods and services that pose a public or imminent hazard. The Commission operates independently of the court system, free from court discretion and procedural requirements.

It is also empowered to establish rules and regulations concerning market competition and consumer protection. The Commission can prohibit agreements or arrangements that violate the Act and declare business practices as abuses of dominant market power after conducting the necessary investigations.³⁸ The Act targets businesses that hold a dominant position in the market and seeks to prevent the abuse of this dominance. Monopolies, by their nature, can distort competition by engaging in unfair practices such as predatory pricing, refusal to deal, or exclusive supply agreements. The FCCPA empowers the Commission to investigate and take action against entities that abuse their market dominance, ensuring a level playing field for all market participants.

The FCCPA prohibits any agreements or arrangements between businesses that prevent, restrict, or distort competition. This includes price-fixing, collusive tendering, and market-sharing agreements. The Act considers such practices harmful as they undermine the principles of free competition, restrict consumer choices, and lead to inflated prices for goods and services. The Act also provides comprehensive guidelines for addressing the

³⁶ Section 114 FCCPA 2019.

³⁷ Section 18(1)(b) FCCPA 2019.

³⁸ Section 18(3) FCCPA 2019

abuse of a dominant market position by an entity or association of entities, restrictive agreements, and the existence of monopolies, ensuring the Commission can effectively exercise its powers.

To regulate and promote competition, the Act grants the President the authority to issue an order in the Federal Gazette, mandating that the prices of specified goods or services be controlled in line with the Act's provisions.³⁹ The Act gives the President of Nigeria the authority to issue orders that regulate the prices of certain goods or services in cases where competition is limited or non-existent. This provision allows for the imposition of price controls to prevent businesses from exploiting consumers in markets where they hold significant power or face little competition. In cases where competition is limited in a particular market, the President, based on a report submitted by the Commission, may declare that certain goods and services must be offered to consumers at a regulated price.

Additionally, the authority to prohibit or approve mergers has been transferred to the Commission, replacing the role previously held by the Securities and Exchange Commission.⁴⁰

The Commission's focus when evaluating mergers or proposed mergers is on the competition and anti-trust implications, demonstrating further efforts to foster a more competitive market environment in Nigeria. Any merger that may substantially lessen competition or create a monopoly is subject to scrutiny by the Federal Competition and Consumer Protection Commission (FCCPC). The Commission now has the power to approve or prohibit mergers, focusing on their potential anti-competitive effects. This provision ensures that mergers do not harm competition or consumer welfare by leading to excessive market concentration.

The FCCPA goes beyond competition regulation to include detailed provisions aimed at protecting the rights and welfare of consumers. It addresses issues such as misleading advertising, unfair contract terms, product safety, and quality standards. Consumers are empowered to seek redress in cases where their rights have been infringed, and businesses are obligated to ensure that their products and services meet the stipulated standards.

The FCCPA establishes the Competition Tribunal, a specialized body that handles disputes related to competition and consumer protection. The Tribunal has the authority to adjudicate cases involving anti-competitive behavior, merger control, and violations of consumer

³⁹ Section 88 FCCPA 2019.

⁴⁰Section 17(k); 92 FCCPA 2019.

rights. It also serves as an appellate body for decisions made by the FCCPC, ensuring that businesses and consumers have a legal avenue for resolving disputes under the Act.⁴¹

The Federal Competition and Consumer Protection Act 2019 aims to establish, promote, and regulate a fair and competitive marketplace in the Nigerian economy while safeguarding consumer interests and welfare by ensuring that goods and services meet high standards. The Act grants the Commission ample authority to regulate and oversee the Nigerian market to eliminate hazardous goods and services, prevent anti-competitive agreements, and curb misleading and unfair business practices. However, these objectives can only be realized through a proper understanding and enforcement of the Act's provisions. The Federal Competition and Consumer Protection Act 2019 is a timely and much-needed piece of legislation, designed to foster competition by dismantling monopolies and market dominance, thus creating opportunities for small and medium-sized businesses while protecting consumers and their rights.

The Role of the Competition Tribunal under the FCCPA

The Competition Tribunal, established under the Federal Competition and Consumer Protection Act 2019 (FCCPA), plays a pivotal role in the enforcement of competition laws and consumer protection in Nigeria. Its primary function is to adjudicate disputes arising from competition and consumer protection matters, providing a specialized forum where issues relating to anti-competitive practices, mergers, monopolies, and unfair trade practices are resolved. Unlike traditional courts, the Tribunal focuses solely on matters within the scope of the FCCPA, making it a more efficient and focused mechanism for resolving disputes in this area.

One of the significant advantages of the Tribunal is its independence from the regular court system. The FCCPA empowers the Tribunal to operate autonomously, without being bound by the procedural constraints of regular courts. This independence ensures that competition and consumer protection cases are handled swiftly, preventing unnecessary delays that could harm consumers or the economy. The specialized nature of the Tribunal also ensures that judges and decision-makers have the requisite expertise in competition law, which may not always be the case in general courts. This specialized knowledge helps ensure that cases are decided based on a deeper understanding of the complex issues involved in competition and market regulation.

⁴¹ Section 39 FCCPA 2019

In addition to resolving disputes, the Tribunal also has the authority to review decisions made by the Federal Competition and Consumer Protection Commission (FCCPC). If a party disagrees with a decision made by the FCCPC, such as in cases of merger approval or sanctions for anti-competitive behavior, they can appeal to the Tribunal. This review process is crucial in maintaining checks and balances within the system, ensuring that the Commission's powers are exercised fairly and in accordance with the law.

Furthermore, the establishment of the Tribunal enhances Nigeria's regulatory framework for competition, making the enforcement of the FCCPA more effective. By creating a dedicated body to handle competition-related matters, the FCCPA ensures that businesses and consumers have a clear avenue for redress in case of violations. This also strengthens confidence in the regulatory environment, promoting fairness in the market and encouraging businesses to comply with competition and consumer protection laws.

In conclusion, the Competition Tribunal is a vital component of the FCCPA, providing a specialized and efficient platform for resolving disputes and ensuring that competition and consumer protection laws are properly enforced. Its independent structure, expert knowledge, and role in reviewing FCCPC decisions make it an essential institution for promoting a fair and competitive market in Nigeria.

Challenges Facing Consumer Protection in Nigeria

Consumer protection in Nigeria faces numerous challenges that hinder its effectiveness in safeguarding the rights and interests of consumers. Understanding these challenges is essential for enhancing consumer welfare and ensuring a fair marketplace. Below is an extensive discussion of the key challenges:

1. Inadequate Enforcement Mechanisms

One of the most significant challenges to consumer protection in Nigeria is the lack of robust enforcement mechanisms. While laws such as the Federal Competition and Consumer Protection Act (FCCPA) have been established, their effectiveness is often undermined by: Limited Resources: Regulatory agencies, such as the Federal Competition and Consumer Protection Commission (FCCPC), frequently operate with insufficient funding and personnel. This limits their capacity to conduct thorough investigations, monitor compliance, and take enforcement actions against violators.⁴²

⁴² Nnadi, I, 'Consumer Rights And Protection Under The Law: How Adequate?' Journal of

Lack of Coordination: The consumer protection landscape in Nigeria involves multiple agencies with overlapping jurisdictions. This lack of coordination can lead to inefficiencies and gaps in enforcement, making it difficult for consumers to seek redress.

Weak Penalties: The penalties for violations of consumer rights are often not severe enough to deter offenders. Without substantial consequences, businesses may prioritize profit over compliance, undermining consumer protection efforts.

2. Low Consumer Awareness

Low levels of consumer awareness pose another significant challenge to effective consumer protection in Nigeria. Many consumers are unaware of their rights, which affects their ability to assert those rights when violated. Factors contributing to this lack of awareness include:

Education and Information Deficits: There is a general lack of public education campaigns aimed at informing consumers about their rights and the available mechanisms for redress. This is particularly pronounced in rural areas where access to information is limited.

Complexity of Legal Provisions: The legal framework surrounding consumer protection can be complex and difficult for the average consumer to understand. This complexity can discourage consumers from seeking help or reporting violations.

Cultural Factors: In many cases, cultural attitudes may lead consumers to believe that asserting their rights is futile or may result in social stigmatization. This discourages individuals from taking action against unfair practices.

3. Jurisdictional and Procedural Complexities

Jurisdictional and procedural complexities can significantly impede consumer protection efforts. Consumers often face challenges related to:

Multiple Regulatory Bodies: The presence of various regulatory bodies with overlapping mandates can create confusion regarding where to file complaints. This can lead to delays and frustration for consumers seeking redress.

Procedural Barriers: The processes for lodging complaints and seeking redress can be cumbersome and time-consuming. Many consumers may not have the knowledge or resources to navigate these procedures effectively.

Inefficiency in Judicial Processes: The judiciary in Nigeria is often plagued by delays, leading to lengthy legal battles that discourage consumers from pursuing claims. This inefficiency undermines the consumer protection framework.

4. Corruption and Regulatory Capture

Corruption and regulatory capture pose significant threats to effective consumer protection in Nigeria. These issues manifest in various ways, including:

Bribery and Corruption: Instances of bribery among regulatory officials can compromise enforcement efforts. Businesses may engage in corrupt practices to evade penalties or regulations, undermining the principles of consumer protection.

Regulatory Capture: When regulatory agencies become influenced or controlled by the industries they are meant to regulate, it leads to policies that favor businesses over consumer welfare. This can result in weak enforcement of consumer protection laws and a lack of accountability.

Political Influence: Political factors can also impede consumer protection efforts. Political patronage may result in appointments of individuals to regulatory positions who lack the necessary expertise or commitment to consumer welfare.

5. Emerging Challenges (e.g., E-commerce and Digital Transactions)

The rapid growth of e-commerce and digital transactions presents new challenges for consumer protection in Nigeria:

Lack of Regulation for Online Transactions: While traditional consumer protection laws may apply, the unique nature of online transactions requires specific regulations to address issues such as data protection, digital fraud, and the right to return goods.

Cybersecurity Concerns: As more consumers engage in online shopping, the risk of cyber fraud and data breaches increases. Consumers may not be aware of the security measures necessary to protect their information, making them vulnerable to exploitation.

Cross-Border Issues: E-commerce often involves cross-border transactions, which can complicate jurisdictional issues when consumers seek redress. Different countries may have varying consumer protection laws, creating challenges for enforcement.

Consumer Trust: The growth of e-commerce depends heavily on consumer trust. Any negative experiences can lead to reluctance among consumers to engage in online transactions, hampering the sector's growth.

Addressing the challenges facing consumer protection in Nigeria requires a multifaceted approach involving regulatory reform, increased consumer education, enhanced enforcement mechanisms, and the establishment of a more effective institutional framework. Strengthening consumer rights in Nigeria not only promotes fair competition and business practices but also fosters consumer confidence, which is essential for economic growth and development. By tackling these challenges, Nigeria can move towards a more equitable and consumer-friendly marketplace.

A review of several Nigerian cases reveals that the courts have not significantly upheld the consumer protections intended by the legislature through these statutes. The legal position remains ambiguous, especially in negligence cases. This lack of clarity is evident in the absence of a landmark case on consumer protection and negligence. Nonetheless, the following cases are instructive and will be analyzed to enhance understanding of the topic.

In *Nigeria Bottling Company v Olarewaju*,⁴³ the Plaintiff / Respondent purchased two bottles of coca cola and after taking some contents of the first drink, he noticed visible particles in it and saw similar particles in the unopened drink. He fell ill and consulted a doctor. In an action for damages against the manufacturer of coca cola, he was awarded damages in the trial court. But on appeal by the Defendant / Appellant company, the judgment of the trial court was overturned on the ground that the plaintiff could not establish a link between the coca cola he drank and his ailment.

Similarly, in *Nathaniel Ebelamu v Guinness Nigeria Ltd.*,⁴⁴ the Plaintiff had an anniversary celebration and invited his guests for a party in his house. Some of his invitees who drank the Harp brand of beer produced by the Defendant developed stomach pains and were subsequently diagnosed of food poisoning. Laboratory analysis of the contents of the Harp bottle showed that the beer was poisonous. The court held that no nexus had been created between the drinks consumed by the plaintiffs and the unopened one that was used for the

⁴³ (2007) ALL F.W.L.R (Pt. 364) 360

⁴⁴ (1980) I.P.L.R. 538

Laboratory test. It was further held that a manufacturer owed no duty to ensure that his product was perfect, beyond taking reasonable care to ensure that no injury was done to the consumer.

In the same vein, in *Boardman v Guinness Nigeria Ltd*,⁴⁵ the Plaintiff drank an unwholesome liquid content of Harp brand of beer in a dimly lit room. It was found to contain a considerable amount of sediments. In an action for negligence against the Defendant for the manufacture of adulterated beer, the Defendant gave evidence showing a detailed account of its manufacturing process showing that its drink was produced under the strictest scientific brewing and quality control process, such that the presence of any contaminant would be ruled out. On the basis of this evidence, the court discountenanced the laboratory report which revealed that the beer contained certain bacteria and held that the plaintiff had failed to show that the defendant was guilty of negligence.

With all due respect, this decisions has thrown a clog in the wheel of consumer protection in Nigeria.

A better view would have been to examine what happened in this particular case, because no matter how foolproof a system might have been, human frailty and mechanical fault may interfere in the process of manufacturing and that can never be ruled out. Moreover, in such cases the principle of strict liability and *res ipsa loquitur* ought to have been the guiding principle.

Still in line with this reasoning, in *Nigerian Bottling Company Ltd v Okwejinor*,⁴⁶ the Plaintiff / Respondent drank a bottle of fanta and thereafter found sediments in the bottle. The Court of Appeal held that the admission by the Plaintiff / Respondent that he took breakfast of bread and tea in the morning was fatal to his case and this decision was upheld by the Supreme Court thereby compounding the plight of consumers.

Also in the much earlier case of *Osemobor v. Niger Biscuits Co. Ltd and Nassar & Sons*,⁴⁷ a manufacturer was held liable for injuries resulting from the presence of a decayed tooth in the biscuit bought by the plaintiff in a supermarket. In arriving at the decision, Kassin J, stated that a consumer of a biscuit would reasonably not be expected to carry out an examination of the product before consuming it. In the course of its judgment, the court stated further that:

⁴⁵ (1980) N.C.L.R. 109

⁴⁶ (2008) N.I.P.J.D. 51.

⁴⁷ (1973) N.C.L.R. 382

A manufacturer of products which he sells in such a form as to show that he intends them to reach the ultimate consumer in the form in which they left him with no reasonable possibility of intermediate examination, and with the knowledge that the absence of reasonable care in the preparation or putting up of the product will result in an injury to the consumer's life or property owes a duty to the consumer to take that reasonable care.

More recently, in *Emmanuel Fijabi Adebo & Fijabi Adebo Holding Limited v NBC Plc and NAFDAC*,⁴⁸ a Lagos High Court sitting in the Igbosere area of Lagos ordered the National Agency for Food and Drug Administration and control (NAFDAC) to compel the Nigeria Bottling Company (NBC) Plc to put a written warning on Fanta and Sprite bottle stating that both soft drinks are poisonous when consumed along with Vitamin C. The court also held that NAFDAC failed Nigerians by declaring as fit for human consumption, products discovered by tests in the United Kingdom as turning poisonous when mixed with Ascorbic Acid, popularly known as Vitamin C.

Recommendations for Improving Consumer Protection

Improving consumer protection in Nigeria is essential for fostering a fair marketplace, promoting consumer confidence, and ensuring economic growth. To achieve this, a comprehensive approach is necessary, incorporating various strategies aimed at addressing existing challenges. Below are detailed recommendations for enhancing consumer protection:

1. Strengthening Enforcement and Regulatory Oversight

Effective enforcement and regulatory oversight are critical for ensuring compliance with consumer protection laws. To strengthen these mechanisms, the following measures can be implemented:

Increase Funding and Resources: Regulatory bodies like the Federal Competition and Consumer Protection Commission (FCCPC) should receive adequate funding to enable them to carry out their mandates effectively. This includes hiring more personnel, providing training, and equipping staff with the necessary tools to monitor compliance and enforce laws.

⁴⁸ Unreported Suit No.LD/13/2008, <https://www.lexology.com/library/detail.aspx?g=22171143-1f49-49fe-8a07-71a3753ba080>, accessed, 25th September, 2024.

Enhance Interagency Coordination: Establishing better coordination among regulatory agencies can help streamline consumer protection efforts. A unified framework for collaboration can eliminate overlapping jurisdictions and facilitate more efficient complaint handling and enforcement actions.

Develop Clear Enforcement Protocols: Regulatory bodies should create clear protocols for investigation and enforcement actions. This includes defining procedures for complaint resolution, investigation timelines, and penalty assessments, ensuring consistency and transparency in enforcement.⁴⁹

Utilize Technology for Monitoring: Leveraging technology can improve monitoring and enforcement capabilities. For instance, establishing online platforms for consumer complaints and using data analytics to track trends in consumer violations can enhance proactive enforcement efforts.

2. Enhancing Consumer Awareness and Education

Raising consumer awareness and education is vital for empowering individuals to understand and assert their rights. Effective consumer education initiatives can include:

Public Awareness Campaigns: Government agencies and NGOs should launch nationwide campaigns to educate consumers about their rights and available avenues for redress. These campaigns can utilize various media channels, including social media, radio, and television, to reach a broader audience.

Incorporating Consumer Education in Schools: Integrating consumer education into school curricula can help instill knowledge of consumer rights from a young age. Teaching students about financial literacy, consumer rights, and responsible purchasing can prepare them to navigate the marketplace effectively.

Workshops and Training Programs: Organizing workshops and seminars for consumers can provide them with practical knowledge on recognizing their rights and reporting violations. Partnerships with community organizations can enhance outreach efforts, especially in rural areas.

⁴⁹ Okiche, E.I., 'The Bar and the Bench as Agents of Consumer Advocacy in Nigeria' Nigerian Juridical Review, Vol. 9, 2002.

Utilizing Digital Platforms: Developing user-friendly online resources and mobile applications that provide information on consumer rights, complaint procedures, and tips for safe shopping can empower consumers in the digital age.

3. Legislative Reforms

To strengthen the legal framework for consumer protection, the following legislative reforms should be considered:

Review and Update Existing Laws: A comprehensive review of existing consumer protection laws is essential to identify gaps and outdated provisions. This process can lead to the amendment of existing laws or the introduction of new legislation that addresses contemporary consumer issues.

Establish Specialized Consumer Courts: Creating specialized courts for consumer protection cases can expedite dispute resolution and ensure that cases are handled by judges with expertise in consumer law. This can enhance the efficiency of the judicial process and improve outcomes for consumers.⁵⁰

Ensure Alignment with International Standards: Nigerian consumer protection laws should be aligned with international best practices and standards, such as those set by the United Nations Guidelines for Consumer Protection. This alignment can help ensure that Nigerian consumers benefit from global consumer protection advancements.

Incorporate E-commerce Regulations: As e-commerce continues to grow, it is crucial to develop specific regulations that address the unique challenges posed by online transactions. This includes provisions for data protection, refunds, and dispute resolution in digital contexts.

4. Encouraging Private Sector Compliance and Corporate Accountability

The private sector plays a crucial role in consumer protection, and enhancing corporate accountability is vital for fostering responsible business practices. Recommendations include:

Implementing Corporate Social Responsibility (CSR) Initiatives: Businesses should be encouraged to adopt CSR practices that prioritize consumer rights and welfare. This includes transparent communication about product safety, pricing, and terms of service, as well as initiatives that support community welfare.

⁵⁰ Okiche, E.I., *Loc cit*

Promoting Industry Self-Regulation: Encouraging industry associations to establish self-regulatory frameworks can enhance compliance with consumer protection standards. Such frameworks can provide guidelines for ethical business practices and create mechanisms for addressing consumer complaints.

Recognizing Ethical Businesses: Establishing awards or certifications for businesses that demonstrate exemplary consumer protection practices can incentivize companies to prioritize consumer rights. Public recognition can enhance brand reputation and consumer trust.

Encouraging Reporting Mechanisms: Creating anonymous reporting channels for consumers to report unfair practices can enhance corporate accountability. Businesses should be held responsible for addressing consumer complaints promptly and transparently.

Improving consumer protection in Nigeria requires a multifaceted approach that encompasses strengthening enforcement mechanisms, enhancing consumer awareness, enacting legislative reforms, and promoting private sector accountability. By implementing these recommendations, Nigeria can create a more equitable marketplace that safeguards consumer rights, builds trust among consumers, and fosters a culture of compliance and responsibility within the business community. A robust consumer protection framework is not only beneficial for individual consumers but also essential for the overall economic development and stability of the nation.

Conclusion

Consumer protection in Nigeria has evolved significantly over the years, marked by the establishment of regulatory frameworks and agencies designed to safeguard the interests of consumers. Key points from this discussion include the critical roles played by the Federal Competition and Consumer Protection Commission (FCCPC) and the various legislations aimed at promoting fair trading practices. These measures have contributed to enhancing consumer awareness and rights, enabling consumers to make informed decisions in the marketplace. However, despite these advancements, challenges persist, such as enforcement issues, limited resources, and public awareness gaps that hinder the effective implementation of consumer protection laws.

Looking to the future, there is potential for further improvement in consumer protection in Nigeria. A comprehensive approach that involves collaboration between government agencies, non-governmental organizations, and the private sector can foster a more robust consumer protection environment. Increasing public awareness campaigns and educational

programs will empower consumers, making them more assertive in asserting their rights. Moreover, the integration of technology can streamline complaint mechanisms and enhance the transparency of consumer protection processes. Overall, with continued commitment and proactive measures, Nigeria can strengthen its consumer protection framework, fostering an environment where consumers feel safe and valued in their purchasing decisions.