

UNIVERSITY OF NIGERIA, NSUKKA
SCHOOL OF POSTGRADUATE STUDIES

LLM AND PhD PROGRAMMES

FACULTY OF LAW

2017

**UNIVERSITY OF NIGERIA, NSUKKA
FACULTY OF LAW**

DEPARTMENT OF CUSTOMARY AND INDIGENOUS LAW

POSTGRADUATE PROGRAMMES (LLM AND PhD)

1.1 PHILOSOPHY, OBJECTIVES AND SCOPE

As Africa explores the path towards decolonisation of her laws, questions have naturally arisen as to the contours of that decolonisation, particularly the contents of the decolonised laws and the character of the associated institutions. The Department of Customary and Indigenous Law is uniquely positioned to promote academic research and training in customary law and indigenous institutions, towards the resolution of these and allied issues. The department provides advanced training not only on specific doctrinal subjects within the field of customary and indigenous law, but also on the structural and institutional foundations thereof in current conception and prospective imagination. The department's programmes seek to integrate an international as well as comparative aspect to the study of customary law and institutions. Far too often, the connection between the customary laws and institutions of African countries has been lost, as each has been studied in isolation as if the contingent circumstances of the colonial delimitation of international boundaries necessarily determine the compass and delimit the boundaries of customary laws and indigenous institutions. Equally troubling is the reality that the connections between the customary and indigenous laws of African countries on the one hand, and those of other non-African systems, including the international law system, on the other hand, are hardly ever studied locally. The department's programmes address these shortcomings by incorporating as essential, international and comparative elements. Overall, the department's programmes of postgraduate training are designed to afford students a vista of customary and indigenous law as a living, dynamic genre on which the future organic evolution of law in Africa and beyond is heavily dependent, with significant ramifications for adjudication and social policy, broadly conceived. The department's postgraduate programmes cover the following areas: Customary Law and the Human Rights Regime, Comparative Customary Law, The History of Customary Law, The Institutions and Infrastructure of Customary law, Indigenous Peoples in National and International Law.

1.2 EMPLOYMENT OPPORTUNITIES

The need for persons trained in customary and indigenous systems is acute. Skilled personnel in this are lacking in many law faculties and other institutions for the training of legal officers and administrators. The department's products should be able to fill the void here whether as lecturers in law, legal officers in law revision commissions or otherwise.

The customary law system is vast, especially in view of the nation-wide Customary Courts of Appeal and their subordinate courts. The graduates of the programme should be able to find employment not only as judges within the court systems, but also as employees in the administrative arms thereof and related regulatory agencies. On the international plane, the programme's graduates should find employment in intergovernmental as well as non-governmental organisations which cater to the interests of indigenous peoples, cultural issues and allied concerns such as UNESCO and Oxfam.

1.3. ADMISSION REQUIREMENTS

(a) Master of Laws (LLM) in Customary and Indigenous Law

The following shall qualify for admission into the Master of Laws (LLM) Programme in Customary and Indigenous Law: graduates of the University of Nigeria or of other recognised universities who have obtained a Bachelor's Degree in Laws (LLB) with at least a second class honours (lower division) with CGPA of not less than 3.0 on a 5-point scale.

(b) Doctor of Philosophy (PhD) in Customary and Indigenous Law

The following shall qualify for admission into the Doctor of Philosophy (PhD) Programme in Customary and Indigenous Law: graduates of the University of Nigeria or of other recognized universities with a good Master's Degree in Laws (LLM), with a minimum CGPA of 3.5 on a 5-point scale or 3.0 on a 4-point scale or 60% or a B grade and Project score not lower than 60% (B).

1.4 DURATION OF PROGRAMMES

(a) Master of Laws (LLM) in Customary and Indigenous Law

- (i) **Full-time:** A minimum of three (3) semesters and a maximum of six (6) semesters.
- (ii) **Part-time:** A minimum of five (5) semesters and a maximum of eight (8) semesters.

(b) Doctor of Philosophy (PhD) in Customary and Indigenous Law

- (i) **Full-time:** A minimum of six (6) semesters and a maximum of ten (10) semesters.
- (ii) **Part-time:** A minimum of eight (8) semesters and a maximum of twelve (12) semesters.

1.5 COURSE REQUIREMENTS FOR GRADUATION

A student must have fulfilled, in addition to other University requirements, the following conditions to be awarded:

(a) Master of Laws (LLM) Degree in Customary and Indigenous Law

To be awarded the Master of Laws (LLM) degree in Customary and Indigenous Law, a student must have registered and passed a minimum of 33 credit units of both compulsory and elective courses as follows:

Compulsory courses	-	6 units
Elective courses	-	18 units
Seminar	-	3 units
Project	-	<u>6 units</u>
		33 units

(b) Doctor of Philosophy in Law (PhD)

To be awarded the Doctor of Philosophy in Law (PhD) degree in Customary and Indigenous Law, a student must have registered and passed a minimum of 36 credit units of both compulsory and elective courses as follows:

Course Work (Both Compulsory and Elective)	-	15 units
Compulsory Paper Presentations	-	6 units
PhD Thesis Seminar	-	3 units
Thesis	-	<u>12 units</u>
		36 units

2. CURRICULUM SPECIFICATION TABLE

2.1 Master of Laws (LLM) in Customary and Indigenous Law

FIRST SEMESTER

1 Compulsory course	-	3 units
2 Courses from Core Area	-	6 units
1 Elective course from Alternate Area	-	<u>3 units</u>
		12 units

SECOND SEMESTER

1 Compulsory course	-	3 units
2 Courses from Core Area	-	6 units
1 Elective course from Alternate Area	-	<u>3 units</u>
		12 units

THIRD SEMESTER

Seminar	-	3 units
Project	-	<u>6 units</u>
		9 units

2.2 Doctor of Philosophy (PhD) in Customary and Indigenous Law**(i) First Year****FIRST SEMESTER**

1 Compulsory course	-	3 units
2 Courses (1 from Core Area, 1 from Alternate Area)	-	<u>6 units</u>
		9 units

SECOND SEMESTER

2 Courses (1 from Core Area, 1 from Alternate Area)	-	6 units
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(ii) Second Year**FIRST SEMESTER**

Research Proposal	-	3 units
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SECOND SEMESTER

Book and/or Journal Article Review	-	3 units
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(iii) Third Year**FIRST SEMESTER**

PhD Seminar	-	3 units
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SECOND SEMESTER

PhD Thesis Defence	-	12 units
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3. STRESS AREAS/AREAS OF SPECIALISATION

- 0** Fundamentals (Research Methodology, Legal Research Writing, Research Proposal, Synopsis/Grant Writing)
- 1** Customary Jurisprudence
- 2** Customary Property Law
- 3** Indigenous Peoples in International Law

8 Seminar

9 Thesis

4. COURSES FOR MASTER OF LAWS (LLM) IN CUSTOMARY AND INDIGENOUS LAW

FIRST SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
1	PGC 601	ICT and Research Methodology	3 Units
THREE ELECTIVES COURSES (TWO FROM STUDENT'S CORE AREA, ONE FROM NON-CORE AREA)			
2	CIL 611	Customary Law Theory I	3 Units
3	CIL 613	Customary Legal Systems and Pluralism I	3 Units
4	CIL 615	Igbo Customary Jurisprudence I	3 Units
5	CIL 617	Law of Customary Arbitration I	3 Units
6	CIL 621	Institutions of Customary Law I	3 Units
7	CIL 623	Law of Succession and Administration of Estates I	3 Units
8	CIL 631	Comparative Customary Jurisprudence I	3 Units
9	CIL 633	Customary Law and Human Rights I	3 Units
10	CIL 635	Comparative Chieftaincy Laws in Nigeria I	3 Units
TOTAL (4 courses)			12 Units

SECOND SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSES			
1	LAW 602	Legal Research Writing	3 Units
THREE ELECTIVES COURSES (TWO FROM STUDENT'S CORE AREA, ONE FROM NON-CORE AREA)			
2	CIL 612	Customary Law Theory II	3 Units
3	CIL 614	Customary Legal Systems and Pluralism II	3 Units
4	CIL 616	Igbo Customary Jurisprudence II	3 Units
5	CIL 618	Law of Customary Arbitration II	3 Units
6	CIL 622	Institutions of Customary Law II	3 Units
7	CIL 624	Law of Succession and Administration of Estates II	3 Units
8	CIL 632	Comparative Customary Jurisprudence II	3 Units
9	CIL 634	Customary Law and Human Rights II	3 Units
10	CIL 636	Comparative Chieftaincy Laws in Nigeria II	3 Units
TOTAL (4 courses)			12 Units

THIRD SEMESTER			
1	CIL 681	Seminar in Customary and Indigenous Law	3 Units
2	CIL 691	Project	6 Units
TOTAL (Seminar and Project)			9 Units

5. COURSES FOR PhD IN CUSTOMARY AND INDIGENOUS LAW

(i) First Year

FIRST SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
1	PGC 701	Research Methodology, Synopsis and Research Grant Writing	3 Units
TWO ELECTIVE COURSES (ONE FROM CORE AREA, ONE FROM NON-CORE AREA)			
2	CIL 711	Advanced Seminar in Customary Jurisprudence I	3 Units
3	CIL 721	Advanced Seminar in Customary Property Law I	3 Units
4	CIL 731	Advanced Seminar in Indigenous Peoples in International Law I	3 Units
TOTAL (3 courses)			9 Units

SECOND SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
TWO ELECTIVE COURSES (ONE FROM CORE AREA, ONE FROM NON-CORE AREA)			
1	CIL 712	Advanced Seminar in Customary Jurisprudence II	3 Units
2	CIL 722	Advanced Seminar in Customary Property Law II	3 Units
3	CIL 732	Advanced Seminar in Indigenous Peoples in International Law II	3 Units
TOTAL			6 Units

(ii) Second Year

FIRST SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
1	CIL 781	Research Proposal	3 Units
TOTAL			3 Units
SECOND SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
2	CIL 782	Books and/or Journal Article Review	3 Units
TOTAL			3 Units

(ii) Third Year

FIRST SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
3	CIL 783	PhD Thesis Seminar	3 Units
TOTAL			3 Units
SECOND SEMESTER			
S/N	COURSE CODE	COURSE TITLE	CREDIT UNITS
COMPULSORY COURSE			
4	CIL 790	PhD Thesis	12 Units
TOTAL			12 Units

6. DESCRIPTION OF COURSES FOR MASTER OF LAWS (LLM) PROGRAMME**PGC 601: ICT and Research Methodology (3 units)**

Methods of collecting data. Design of questionnaire. Survey planning and execution. Sampling and designs: simple, random, stratified, systematic, cluster and multi-stage sampling. Area sampling. Sample size determination. Analysis of response errors. Introductory techniques of data analysis: measures of central tendency and dispersion. Principles of effective communication and technical writing. Organisation and presentation of technical reports, feasibility studies, technical proposals and technical descriptions and instructions. Technical correspondence.

PGC 602: Legal Research Writing (3 units)

Legal Research and Academic Writing: forms and skills required. Components of Legal Research: Proposal, Abstract, Introduction/Background, Statement of Problem, Research Questions, Objectives, Methodology, Literature Review, Body of the Work, Summary of Findings, Recommendations, Conclusions. Research Structure or Organisation: chapters and sections and sub-sections; Work Plan; Referencing and Citation in Legal Research/Academic Writing; Online Resources for legal materials.

CIL 611: Customary Law Theory I (still being developed) (3 units)**CIL 612: Customary Law Theory II (still being developed) (3 units)****CIL 613: Customary Legal System and Pluralism I (3 units)**

Goal of African/Nigerian customary legal system; features; sources of customary legal system; pluralism in African customary law; pluralism in Nigeria customary law; pluralism in Igbo customary practices; criminal and civil jurisdictions; public and private law; and unwritten nature of laws.

CIL 614: Customary Legal Systems and Pluralism II (3 units)

Separation of powers versus fusion of powers – executive function, law-making function, and judicial function; practice and procedure of dispute settlement – ad hoc and institutionalized framework for dispute settlement; law of wars; dynamism of customary legal system and the effect of formal legal system.

CIL 615: Igbo Customary Jurisprudence I (3 units)

Nature and history of Igbo customary jurisprudence; public and private customary law; theories of relationship under customary law – honesty, courage, forthrightness, respect for elders, peaceful coexistence, sanctity of agreements, disclosure, and penalty for infraction/default; family institution; marriage institution – parental role, divorce and maintenance etc; religious institutions – animism, Christianity, atheism, polytheism and African Traditional Religion (ATR).

CIL 616: Igbo Customary Jurisprudence II (3 units)

Ownership under customary law; customary business law; dispute settlement; survivalism and entrepreneurialism; similarities and differences in customary law of various Igbo groups; Igbo customary law compared to non-Igbo customary law; Igbo and Jewish Ancestry.

CIL 617: Law of Customary Arbitration I (3 units)

Definition of custom and customary law; meaning of customary arbitration; origin, concept and philosophy of customary arbitration; distinction between customary arbitration in Southern Nigeria and Islamic customary arbitration (Tahkim); arbitrable matters under customary arbitration; customary arbitration distinguished from negotiation for settlement; customary arbitration distinguished from arbitration under the Act; validity of customary arbitration: ingredients of valid customary arbitration, relevance of ingredients of customary arbitration, judicial controversies over ingredients of customary arbitration; oath taking in customary arbitration; customary arbitral tribunal: who can be customary arbitrators, appointment, challenge, removal of customary arbitrators; remuneration of customary arbitrators.

CIL 618: Law of Customary Arbitration II (3 units)

Customary arbitral award: nature, form and content of award, bindingness of valid customary arbitration award; recognition and enforcement of customary arbitral award: proof of customary arbitral award, status of customary arbitral award, plea of estoppel, quantum of pleadings necessary to sustain res judicata; impeachment of customary arbitral award: remedies open to unsatisfied party to customary arbitration; comparative study of customary arbitration in West Africa in some selected jurisdictions: Ghana, Togo, Gambia, South Africa and Cameroon.

CIL 621: Institutions of Customary Law I (still being developed) (3 units)**CIL 622: Institutions of Customary Law II (still being developed) (3 units)****CIL 623: Law of Customary Succession and Administration of Estate I (3 units)**

The aim is to study the customary aspect of law of succession and administration of estate in Nigeria. Nigeria has a plural customary legal system crafted according to different major

tribes and native laws and customs. The course presents a balanced study of the major customary institutions in Nigeria. The first semester of the course considers these specific areas of study: general customary law of succession; pre-colonial ideas of property and inheritance; repugnancy and reasonableness test for native laws and Igbo customary law of succession and administration of estate.

CIL 624: Law of Customary Succession and Administration of Estate II (3 units)

Second semester studies the following: Yoruba customary law of succession and administration of estate; Moslem customary law of succession and administration of estate; Bini and Ijaw customary law of succession and administration of estate and the relationship between customary law of succession and administration of estate and the statutory law.

CIL 631: Comparative Customary Jurisprudence I (3 units)

Nature and the meaning of comparative customary law; pluralism of African customary law; customary law and English Law; comparison between theories in customary law and formal legal theories; impact of formal law on customary law; substantive and procedural customary law; comparative customary law on marriage, family hierarchy, community leadership, inheritance.

CIL 632: Comparative Customary Jurisprudence II (3 units)

Human rights under customary law and limitations; comparison between business management under customary law and corporate law; conflict of customary law with other laws; similarities and differences in dispute settlement under customary law and formal law; and the future status and direction of customary law vis a vis formal law.

CIL 633: Customary Law and Human Rights I (3 units)

Introduction to customary law; nature of customary law; scope of customary law; what are human rights; classification of human rights; civil and political rights (CIPO); economic, social and cultural rights (ECOSOC); customary application of fundamental human rights in Africa – Nigeria; right to life under customary law; right to property under customary law; scope of customary law in human rights; women human rights under customary law in Nigeria; application of Child's Rights Act 2003 under the Nigerian customary law; domestic

application of human rights norms; theory of natural human rights; African culture, rights and entitlement within a community; human rights, gender and family.

CIL 634: Customary Law and Human Rights II (3 units)

The United Nations human rights treaty system; right and access to healthcare under customary law in Nigeria; non-discrimination in international human rights law and its customary application in Africa; western thoughts on human rights versus African views; legal pluralism in Nigeria, religion, culture and human rights; customary law in a constitutional order: comparative perspective; African human rights and application of customary law; Universal Declaration of Human Rights and customary law; international human rights organization and customary law; human rights in Africa and customary law.

CIL 635: Comparative Chieftaincy Laws in Nigeria I (3 units)

Historical developments of chieftaincy Laws in Nigeria: before colonial rule, during colonial rule, under independence and first republican constitution, under military rule, under presidential system of government; roles of government on chieftaincy in Nigeria: executive, legislature and judiciary; composition and powers of council of chiefs in Nigeria: Eastern States of Nigeria, South-South States of Nigeria, Western States and Northern States; king making process under native law and custom: determination of the applicable law and custom, declaration of chieftaincy vacancy, recognition of ruling houses, role of the ruling house, role of king makers/selectors, attitude of the court towards consultation with Ifa Oracle, role of approving authority.

CIL 636: Comparative Chieftaincy Laws in Nigeria II (3 units)

King making process under statute: determination of applicable law, declaration of chieftaincy vacancy – occurrence by death of title holder, resignation of a recognised chief, removal/deposition of a recognised chief; recognition of ruling house, nomination of candidates, selection/appointment of a recognised chief, role of the legislature in the appointment of a chief, approving authority of the governor; resolution of chieftaincy disputes: nature and type of chieftaincy disputes, power of governor to declare a chieftaincy dispute; impact of chieftaincy declaration on native law and custom, power of governor to conduct an enquiry, the supervisory jurisdictions of the court – declaratory reliefs, injunctive reliefs and imposition of sanctions.

CIL 691: Project Report**(6 Units)**

The project title should be taken by the student and should be properly supervised by an approved supervisor in the area of research field. The supervisor should continually monitor the progress of the project work to ensure student's mastery of the work. The student will be made to present a seminar from his/her project, thereafter he or she should be ready for the final defence before the external examiner and other constituted members of the PG examination board.

7. DESCRIPTION OF COURSES FOR PhD PROGRAMME IN CUSTOMARY AND INDIGENOUS LAW

PGC 701: Research Methodology, Synopsis and Grant Writing**(3 Units)**

This course starts with teaching doctoral students how to write and present their theses in the approved style guide of the Faculty. It also identifies types and nature of grant and grant writing as well as meaning of grants application calls on the internet. The course determines appropriate strategy for grant application; Study of various grant application structures and contents and writing of concept notes, detailed project description, budgeting and budget defence. Study of sample grant writings in various forms and writing of mock research and other grants are part of this course. Students are also taught University of Nigeria synopsis structure and requirements, (Introduction, Methodology and Results); determining the content of each sub-unit of the synopsis; Steps in writing of synopsis from the Dissertation/Thesis document, structural and language issues. Common errors in synopsis writing and strategies for avoiding them are discussed. The roles of the student and the supervisor in the writing of synopsis are discussed as well as writing of mock synopsis.

Advanced Seminar Series:**CIL 711, CIL 721, CIL 731, (first semester)****CIL 712, CIL 722, CIL 733, (second semester) (3 units each)**

These are seminars to be presented by the student in the first year of the programme. For each semester of the year, the student is required to present two seminars, one seminar from his/her core area of specialisation and the other from any of the alternative areas of specialisation within the Department. These serve to ground the student in legal research writing. At the end of each seminar presentation, the student should be informed if he/she was successful, and a student should not proceed to the next stage of the programme until he/she has successfully presented the four seminars.

CIL 781: Research Proposal (3 units)

This presentation serves as the introduction of the student's research work. It must be in the student's area of specialisation. It is at the end of this presentation, that the student is expected to know if he or she will continue with the proposed research project.

CIL 783: Books Review/Journal Article Presentation (3 units)

The purpose of this presentation is to equip doctoral students with the necessary skills for writing publishable book reviews and journal articles in their areas of specialisation. To be successful, a student's presentation must be of high standard and adjudged suitable for publication in highly reputable journals by his/her Supervisor and majority of the members of the Departmental Postgraduate Committee.

CIL 782: PhD Seminar (3 units)

This is a seminar presentation at the end of research work before the final defence. This is the final presentation, reporting the results, findings, deductions, conclusion and recommendations from the student's work. If the student is successful he or she then submits his/her synopsis and prepares for his or her final thesis defence.

CIL 790: Thesis (12 units)

This is the report of the student's research and must be prepared in the prescribed specifications. The research should address contemporary legal issues/challenges of national and/or international importance and proffer workable solutions to such issues/challenges. The student shall undergo oral examination on his/her thesis before an examination panel comprising an External and Internal Examiners and other persons as prescribed by the University. No student should undergo oral examination unless such a student has successfully passed the prescribed courses, seminars and presentations.

**UNIVERSITY OF NIGERIA, NSUKKA
FACULTY OF LAW**

DEPARTMENT OF CUSTOMARY AND INDIGENOUS LAW

LIST OF APPROVED POSTGRADUATE SUPERVISORS

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|----|---|---|
| 1. | Professor Rev. Fr Edwin Obimma Ezike
BPhil (Hons) Rome
BD (First Class) Rome
LLB (Hons) (Nig.)
LLM (Nig.)
PhD (Nig.)
BL | Law of Contract
Law of Arbitration and ADR
Law of Customary Arbitration
Research Methodology |
| 2. | Dr Godwin Onuoha
LLB (Hons) (Ife)
LLM (Abia State University)
PhD (Nig.)
BL | Constitutional Law
Public International Law |