

Nigerian Bar Association Journal for 2022

The Nigerian Bar Association recently published articles on Nigerian law. Interestingly, the first two articles are on Nigerian conflict of laws. This should probably not come as a surprise because the editor-in-chief, Professor Uche Chukwumaeze, specialises in Nigerian conflict of laws.

The articles and abstracts read as follows:

O Uka, "Internal Conflict of Laws in Nigeria: Making a Case for the Consolidation of Rules of Jurisdiction in Inter-State Disputes"

"Owing to the central place that jurisdiction occupies in the adjudication process in Nigeria, jurisdictional conflicts will continue to take up precious judicial time into the foreseeable future. A lesser-known facet of these conflicts is the one among the various High Courts in Nigeria in actions in personam. Until recently, Nigerian courts have had to resolve these conflicts and generally interpret internal conflict of laws questions without the benefit of the direction that legislation and high-quality academic works provide. This paper examined the position on the jurisdiction of courts in inter-State jurisdictional challenges in actions in personam. It analysed decisions which tackled territorial jurisdiction challenges in actions in personam with a view to highlighting their inherent errors. Ultimately, the paper proposed a hierarchical roadmap for Nigerian courts to adopt in determining the issue of jurisdiction in inter-State in personam disputes which if followed, would potentially go a long way towards resolving the protracted jurisdictional conflicts between Nigerian courts, reduce the largely unnecessary challenges to these courts' authority, significantly reduce the notorious delays in the determination of cases in Nigeria, and eliminate one of the biggest impediments to the smooth administration of the justice delivery system in Nigeria."

I Olawunmi, "Party Autonomy and Commercial Expectations: How are the Nigerian Courts faring on Choice of Law and Forum Clauses in Contracts beyond Borders?"

“Where a contract bears a transnational coloration, it is only instinctual to have the parties agree on specific arrangements to guide their commercial endeavour. It is a legal right for parties to a contract to freely negotiate the terms to govern their agreement. This underpins the principle of party autonomy that guides the law of contract globally. It is a common practice to have parties to an international commercial contract select the law to govern their agreement. Since conflict is inevitable in any human relationship, parties can also agree to the forum to resolve their disputes. Parties can choose arbitration or even litigate in a foreign court over a contractual dispute. This paper aims to x-ray party autonomy, law and forum clauses, their different effects and the judicial attitude of Nigerian courts to them, especially for contracts entered into and/or are to be performed in Nigeria. The author adopts the doctrinal methodology of research, with reliance placed on both primary and secondary sources. This paper recommends that the courts should not derogate from the doctrine of party autonomy in determining commercial disputes as practical as possible, as this would help investors achieve their contractual goals.”