

**THE ROLE OF LAW CLINICS IN THE FIGHT AGAINST STATELESSNESS BY
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR) IN
NIGERIA**

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Abstract

Statelessness has become a global phenomenon. Statelessness simply means that a person does not belong to any country in the world. It means that a person does not have a nationality or any means to prove his or her nationality. The United Nations High Commissioner for Refugees (UNHCR) has embarked on a fight against Statelessness. The UNHCR have estimated that 10 million people in the world are stateless, one million of which are located in West Africa, although no figure has been estimated yet in Nigeria. However, because of numerous factors, the UNHCR has brought the fight against statelessness to Nigeria. They have mapped out their strategies in a National Action Plan (NAP) in 2018, and among such strategies are awareness and sensitization. They are of the belief that Nigerians are not aware of the concept of Statelessness. To test their assertion, empirical research was conducted for this paper via a questionnaire. One of the major consequences of statelessness is that stateless persons are deprived from enjoying their basic fundamental human rights like the right to freedom of movement, civil and political rights and the right to access of certain services which include access to health care and access to justice. More so,

the Universal declaration of Human Rights states that everyone has a right to a nationality, which means the very notion of being stateless runs contrary to this universal basic right. This paper submits that derivation of fundamental rights especially access to justice is a social justice issue that could be handled through public interest lawyering. These two- Social Justice and Public Interest Lawyering- form part of the Clinical Legal Education (CLE) curriculum, therefore a nexus is immediately formed between CLE and the fight against statelessness. From the results of the research conducted in this paper, it is recommended that the service component of CLE, which is the Law Clinics, can assist the UNHCR in the fight against statelessness in Nigeria by actualising some of their strategies contained in the NAP which include but not limited to; sensitization and awareness. The UNHCR also raised a red flag on lack of data on this issue; again, this paper recommends that law clinicians can be their foot soldiers and aid in gathering the necessary data through client interviews and outreach activities. Lastly, the benefits of this partnership between the law clinics and UNHCR to the law clinicians was also outlined, as it will be of extreme benefit to them and it would lead to the achievement of the ultimate outcome and objective of CLE .

Keywords: Statelessness, Nationality, Identity, Access to Justice, Human Rights, Law Clinics, Social Justice, Public Interest.

1. Introduction

A “stateless person” is someone who is not considered as a national by any state under the operation of its law¹. Here, nationality refers to the legal bond between a person and a state². This bond can best be seen as a form of official membership or belonging which grants upon the national certain rights like Civil and Political Rights as well as duties or service to the State³. A person who is stateless lacks this membership and will be seen and treated as a foreigner by every country in the world. This phenomenon has also been described as “de jure statelessness”⁴. Statelessness can occur for several reasons, including discrimination against particular ethnic or religious groups, or on the basis of gender; the emergence of new States and transfers of territory between existing States; and gaps in nationality laws. Whatever the cause, statelessness has serious consequences for people in almost every country and in all regions of the world⁵.

This means that no person should be without a nationality. Nationality can be acquired through birth, residency, parentage and marriage and it can be proved by any means of identification e.g., international passport, certificate of naturalisation

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¹ Article 1 of the 1954 Convention relating to the Status of Stateless Persons

² International Observatory of Statelessness retrieved from <http://www.nationalityforall.org/whatis>, last visited, 6th May 2019

³ *ibid*

⁴ *ibid*

⁵ Ending Statelessness retrieved from <https://www.unhcr.org/stateless-people.html> last visited on 7th May, 2019

and nationality certificate etc.⁶. Today, millions of people around the world are denied a nationality. As a result, they often are not allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married⁷. Therefore, it means that stateless persons are denied certain basic rights and this makes them one of the most vulnerable and disadvantaged members of our society.

At least 10 million people around the world are stateless, according to estimates from the United Nations High Commissioner for Refugees (UNHCR)⁸. In West Africa, the figures published by UNHCR include 700,000 stateless persons in Côte d'Ivoire and unknown numbers for the rest of the region, with an estimate of around 1 million.⁹ Nigeria is one country in West Africa that has been identified by the UNHCR to have stateless persons¹⁰. During the course of this research, it was discovered that the data collection for the estimated number of stateless persons in Nigeria is still on going.

Generally, the UNHCR has identified certain causes of statelessness in West Africa. They reported that statelessness in West Africa is largely due to gaps in existing law provisions on citizenships and other factors such as limited access to documentation, including birth certificate, nomadism, migration and transfer of territory among

⁶ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

⁷ Ending Statelessness op. cit. p.2

⁸ Who Belongs? Statelessness and Nationality in West Africa retrieved from <https://www.migrationpolicy.org/article/who-belongs-statelessness-and-nationality-west-africa> last visited 1st July 2019

⁹ ibid

¹⁰ ibid

others,¹¹ which may be as a result of the refugee and internally displaced crises faced by the country.

These stateless persons are, as aforementioned, denied certain fundamental rights, but to be specific, in Nigeria, they are denied the right to vote, access to services, and rights to free movement, rights to documentation of any kind and the right to dignity.

Public Interest Law and Social Justice are an avenue designed to improve access to justice for the most vulnerable and disadvantaged members of our society¹² and Social Justice, in particular, involves a consideration of both joint and individual rights and obligations. It ensures that people who need to claim infringement of their human rights but do not have the ability, capacity or position to do so, can have access to Justice¹³. These two mentioned form parts of the curriculum of the Clinical Legal Education (CLE) and Law Clinics in Nigeria.

Hence the question; Can Law clinics in Nigeria play a role to help the UNHRC to eradicate statelessness? Can the Law clinics in Nigeria become mechanisms to provide access to justice through Social Justice and Public Interest Law to those stateless

¹¹ Citizenship Rights in Africa Initiative retrieved from http://citizenshiprightsafrika.org/wp-content/uploads/2019/01/UNHCRNigeria_Communique-Statelessness_Dec2018.pdf last visited 7th May, 2019

¹² What is Public Interest Law? Retrieved from <https://law.unimelb.edu.au/students/jd/enrichment/pili/about/what-is-public-interest-law> last visited, 7th May 2019

¹³ What is Social Justice? https://probonocentre.org.au/wp-content/uploads/2015/09/Occ_1_What-is-Social-Justice_FINAL.pdf last visited 7th May, 2019

persons that are denied their fundamental human rights? These questions are what this paper seeks to address.

2. The Concept of Statelessness

As mentioned earlier, statelessness refers to the condition where an individual who is not considered as a national by any State under the operation of its law¹⁴. This definition has attained the status of customary international law, which means that it applies in all jurisdictions, regardless of whether or not a State is party to the 1954 Convention¹⁵. Those at risk of statelessness include; orphans and foundlings, children of immigrant parents (especially illegal immigrants), persons whose birth was not declared, nomadic groups, border populations, migrants etc.

The Universal Declaration of Human Rights states that¹⁶ “Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of their nationality, nor denied the right to change their nationality.”¹⁷ While human rights, including the rights to a nationality, are in principle universal and inherent, however, in practice a large range of fundamental human rights are denied to stateless people: they are often unable to obtain identity documents; they may be detained for reasons linked to their

¹⁴ Art 1 of the 1954 Convention on the Status of Statelessness.

¹⁵ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

¹⁶ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> [accessed 2 July 2019]

¹⁷ Article 15, *ibid*

statelessness; and often times they are denied access to education and health services or blocked from obtaining employment.

According to the UNHCR, the various means to prove nationality are: passport, nationality certificate, certificate of naturalisation, national identity card, voter's cards, certificate of indigeneity, and birth certificate¹⁸. Although, they argue that national identity card, voter's cards, certificate of indigeneity and birth certificates are questionable means to prove nationality mainly due to the means and sometimes unreliable nature of the means and methods of acquiring them¹⁹.

Under resolutions adopted by the United Nations General Assembly²⁰ UNHCR has been requested to lead global efforts to address statelessness, particularly by supporting identification of stateless populations and the protection of stateless persons, as well as promoting efforts to prevent and reduce statelessness.

2.1 Fight against Statelessness in West Africa

The States of West Africa have acknowledged the statistical numbers and the above-mentioned factors that lead to statelessness in the region. Therefore, they understand the importance of the fight against statelessness. Hence, it came as no surprise that in 2011, during a high-level conference in Geneva they made the largest number of

¹⁸ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

¹⁹ *ibid*

²⁰ Resolutions 3274 (XXIX) of 10 December 1974; 31/35 of 30 November 1976; 50/152 of February 1996; 61/137 of 25 January 2007.

pledges to improve their position on statelessness, compared to other regions in Africa and the rest of the world²¹.

In the spirit of the commitments made by the States in West Africa, UNHCR has doubled its effort to fight this phenomenon in this region. It has particularly focused on building the capacity both of governments and of organizations of civil society, by carrying out advocacy and trainings. UNHCR has also provided technical advice to authorities to address the situation of populations at risk of statelessness as well as stateless persons and find adequate solutions²². Several regional seminars were organized from 2011-2013 in order to sensitize states on the significance of the issue and to develop their capacity to address it. A major event, which took place in the Gambia in December 2013 gathered National Commissions on Human Rights, the Economic Community of West African States (ECOWAS) Court of Justice and the judicial and quasi-judicial institutions of the African Union. It resulted in the Banjul Appeal, which lays the foundations for partnership between those institutions and calls upon States and other stakeholders, including the UNHCR and ECOWAS, to take additional steps towards the eradication of statelessness in West Africa. In February 2015, government representatives in charge of nationality issues of the ECOWAS member states met in Abidjan for the regional ministerial conference on statelessness in West Africa jointly organised by UNHCR and ECOWAS. As result of the

²¹ Nationality and Statelessness in West Africa- Background note retrieved from <https://www.unhcr.org/591c20ac7.pdf> last visited, 1st July 2019

²² *ibid*

conference, the ministers of the ECOWAS member states adopted a declaration on the eradication of statelessness called The Abidjan Declaration²³.

In the declaration, they committed to identify and protect stateless persons as well to prevent and reduce statelessness. This declaration has been endorsed by all Heads of States in the ECOWAS region during the summit meeting held in Accra, Ghana, on May 19, 2015²⁴. In September 2015, during a consultative conference on nationality and statelessness in West Africa, the progress achieved since the adoption of the Abidjan Declaration was evaluated. The evaluation testified to development in the fight against statelessness in West Africa²⁵.

2.2 Fight against Statelessness in Nigeria

In Chapter three of the constitution of Nigeria, a person can become a citizen in Nigeria by birth, registration or naturalisation²⁶. This simply means that for a person to show a bond between himself and the state of Nigeria he/she must possess certificate of birth registration, indigene certificate or certificate of naturalisation or

²³ Regional Treaties, Agreements, Declarations and Related, Abidjan Declaration of Ministers of ECOWAS Member States on Eradication of Statelessness, 25 February 2015, available at: <https://www.refworld.org/docid/54f588df4.html> [accessed 1 July 2019]

²⁴ Nationality and Statelessness in West Africa- Background note op. cit. p.4

²⁵ *ibid*

²⁶ Section 26, 27 and 28 of Constitution of the Federal Republic of Nigeria, Cap c 23 Laws of the federation of Nigeria, 2004

registration. The data analysis section of this paper will examine if a particular target group have one of these documents

Nonetheless, as mentioned earlier, Nigeria- a West African State and a member of ECOWAS- does not have an estimated number of stateless persons, this means no one is sure how many stateless persons are in Nigeria, studies were still ongoing as at the time this paper was written. In the Communique of the UNHCR²⁷, it states that there is limited information on the situation of statelessness in Nigeria and that it is important to develop and establish a coordinated process to assess the scope, numbers and risk.²⁸ The communique also states that the lack of comprehensive data on the population also makes it difficult to fully assess and establish the extent of the risk in Nigeria and to engage in evidence-based advocacy.²⁹

In addition, the document also reinstated that the effects of statelessness is that stateless persons are deprived of a range of fundamental human rights, such as right to vote, right to access to services (such as justice), right to free movement, right to documentation, right to dignity etc.³⁰

In Nigeria, the UNHCR³¹ has identified the following as causes of statelessness in Nigeria;

²⁷ Ibelong Campaign to end Statelessness: Towards a National Plan of Action to Eradicate Statelessness in Nigeria: Communique 2018

²⁸ *ibid*

²⁹ *ibid*

³⁰ *ibid*

³¹ *ibid*

- a) Gaps in existing laws on nationality
- b) Limited access to documentation- including birth certificates
- c) Nomadism, migration and transfer of territory, among others

As part of their recommendations for a draft National Action Plan (NAP) to end statelessness in Nigeria, the UNHCR recommends, among others, five (5) key areas of action to be prioritised for Nigeria³²:

- a) Research, advocacy and sensitization (including sensitization and advocacy of top-level administrators and policy makers)
- b) Prevent childhood statelessness
- c) Prevent statelessness in transfer territory
- d) Address gender and other forms of discrimination in issues of citizenship documentation
- e) Ensure protection of stateless migrants/persons

2.3 Data Presentation and Analysis

Research was carried out for this paper using a questionnaire. Between June-July 2019, the questionnaire was printed and distributed among certain target groups; Working class, Students that are 18 years and above (young adults), Students that are below 18

³² *ibid*

years³³, and Street Children. Two hundred questionnaires were distributed and 66³⁴ were returned. The research was conducted in order to find out if Nigerians knew about the concept of statelessness and if they had any means to prove their nationality as Nigerians.

The questionnaire so far has been answered by the three target groups and the following are the results:

2.3.1 Data Presentation:

a) Age

VALUE	FREQUENCY	PERCENTAGE (of the total number of respondents)
Below 18	40	60.6%
Above 18	26	39.3%

b) Gender

VALUE	FREQUENCY	PERCENTAGE (of the total number of respondents)
Male	40	60.6%
Female	22	33.3%

³³ Ethical clearance was sort for this group from their guardian in the school because of their age <https://drive.google.com/file/d/18uX3fD12cowAlM9QrtWLxm6ldxzdzmsyc/view?usp=sharing>

³⁴ All returned and filled questionnaires available at <https://drive.google.com/drive/folders/1ix26lYvWI84Vpq973GHpc6NamTn-OZON?usp=sharing>

c) Occupation

VALUE	FREQUENCY	PERCENTAGE (of the total number of Respondents)
Working Class	14	21.2%
Students above 18 years	12	18.1%
Students below 18 years	20	30.3%
Street children	20	30.3

d) Ownership of means of Identification

VALUE	FREQUENCY	PERCENTAGE (of the total number of each target group)
International Passport	Working Class: 6	Working Class: 42.8%
	Students above 18 years: 2	Students above 18 years: 16.6%
	Students Below 18 years: 4	Students below 18 years: 20%
	Street Children: Nil	Street Children: 0
National I.D Card	Working Class: 7	Working Class: 50%
	students above 18 years: 2	Students above 18 years: 16.6%

	<p>students below 18 years: 3</p> <p>Street Children: Nil</p>	<p>Students below 18 years: 15%</p> <p>Street Children: 0</p>
Drivers License	<p>Working Class: 8</p> <p>Students above 18 Years: 1</p> <p>Students below 18 years: Nil</p> <p>Street children: Nil</p>	<p>Working Class: 57.1%</p> <p>Students above 18 years: 8.3%</p> <p>Students below 18 years: 0</p> <p>Street Children: 0</p>
Voters Card	<p>Working Class: 2</p> <p>Students above 18 years: 3</p> <p>Students below 18 years: Nil</p> <p>Streets children: Nil</p>	<p>Working Class: 14.2%</p> <p>Students above 18 years: 25%</p> <p>Students below 18 years: 0</p> <p>Street Children: 0</p>
Birth Certificate	<p>Working Class: 6</p> <p>Students above 18 years: 4</p> <p>Students below 18 years: 18</p>	<p>Working Class: 42%</p> <p>Students above 18 years: 33.3%</p> <p>Students below 18 years: 90%</p> <p>Street Children: 0</p>

	Street Children:	Nil
Nil	Street Children³⁵	100%

e) Do you have dependants?

VALUE	FREQUENCY	PERCENTAGE (of the total number of respondents)
Yes	Working Class:	8 16.6%
	Students above 18 years:	3 25%
No	55	83.3%

f) If your answer above is yes, what means of identification do your dependents have?

VALUE	FREQUENCY	PERCENTAGE (of the total number of Respondents)
International Passport	4	6%
National I.D Card	6	9%
Driver's License	1	1.5%
Voters Card	4	6%

³⁵ All the Street children that answered the questionnaire did not have any means of identification. Although, two of these children claimed that they have a means of identification, unfortunately their claim was not verified during the course of this research.

Birth Certificate	6	9%
Nil	1	1.5%

g) Do you know about the concept of statelessness?

VALUE	FREQUENCY	PERCENTAGE(of the total number of each target group)
Yes	Working Class: 7	Working Class: 50%
	Students above 18 years: 2	Students above 18 years: 16.6%
	Students below 18 years: 2	Students below 18 years: 10%
	Street Children: Nil	
No	Working Class: 7	Working Class: 50%
	Students above 18 years: 10	Students above 18 years: 83.3%
	Students below 18 years: 18	Students below 18 years: 90%
	Street Children: 20	Street Children: 100%

h) If answer in 10 is 'yes' how did you get to know about the concept of Statelessness?

VALUE	FREQUENCY	PERCENTAGE (of the total number of each target group)
I have an idea (from the word 'Statelessness')	Working Class: 6	Working Class: 42%
	Students above 18 years: 0	Students above 18 years: 0
	Students below 18 years: 3	Students below 18 years: 15%
	Street Children: 0	
Conference	Students above 18 years: 1	Student above 18 years : 7%
Media	working Class: 1	working class: 7%

2.3.2 Data Analysis:

a) **Working Class:** 50% of the people in this group know about the concept of statelessness and 50% do not know about the concept of statelessness or its consequence. Of this 50% that know what the concept means, 43% 'have an idea' (from the word 'Statelessness' they can deduce the meaning) what it means. 7 % of this group were sure about the meaning of statelessness, and they acquired this knowledge through the media. They had one or all of these documents: international passport, birth certificate, voter's card,

national identification card and driver's licence. 16.6% of this group have dependants, their wards or dependents also have some of these documents. However only 42% of members of this group had the required document of birth certificate to show a bond with the state according to its laws. Within the Nigerian context, this does not come as a surprise. The documents the working class group and their dependants have as a means of identification, they own because of socio-economic reasons. For instance, they have international passports because they need to travel, they have drivers licence because it is required by the law before you can drive on Nigerian roads, for birth certificates, most schools and work place ask for birth certificates before they give admission or job offers. This writer can confirm this, as the only reason why I went to process my indigene letter from my local government was because it was a requirement to write exams into higher institutions. Therefore, the reason for having these documents is not to reduce avoid being at risk of statelessness, it is for reasons, some of which have been mentioned above. The reason for this is simple, just like the UNHCR have reported above; there is lack of awareness and a gap in Nationality laws in Nigeria. If the law exists and emphasis on the issue of statelessness, it will definitely raise a level of awareness. The grund

norm of the country, the constitution³⁶ has been criticized for being at the forefront of creating such gaps in Nationality laws in Nigeria³⁷. Some of the areas criticised in the constitution include; Presumption of Nigerian citizenship for children of unknown parents found in Nigeria³⁸, Gender discrimination in the acquisition of citizenship by marriage³⁹, Naturalization criteria too rigid⁴⁰, the ease of having dual citizenship⁴¹ Renunciation of citizenship⁴² and loss and deprivation of nationality⁴³. All of the aforementioned exposes a gap in the nationality laws of the country and shows that laws lack safeguards against statelessness⁴⁴.

- b) **Students that are 18 and above (young adults):** 83% know about the concept of statelessness and 16% do not know about the concept. Of the 83% however only 7% could specify what the concept is and how they knew about it, which was through a conference. They have one

³⁶ The Constitution of the Federal Republic of Nigeria Cap. C.23, Laws of the Federation of Nigeria 2004

³⁷ The Normative Framework on Nationality in Nigeria UNHCR

https://drive.google.com/file/d/1_ro6-kTzGO_TlSm69hog-gN1OICgnOeYG/view?usp=sharing

³⁸ Section 25 (1) Constitution of the Federal Republic of Nigeria Cap. C.23, Laws of the Federation of Nigeria 2004

³⁹ Section 26, *ibid*

⁴⁰ Section 27 (2), *ibid*

⁴¹ Section 28, *ibid*

⁴² Section 29, *ibid*

⁴³ Section 40, *ibid*

⁴⁴ For further reading on the sections of the constitution criticized by UNHCR, please use the link in foot note 36

or all of the following documents; international passport, birth certificate, national identification card and driver's licence, and voter's card. 25% of the respondents in this group have dependents that have most of these documents. Only 33% had the required document of birth certificate to show a bond to the state according to its laws. The most striking thing about this group is that majority of the persons in this group know about the concept, from the name of course, but only a few of them had in-depth knowledge of the concept. It is one thing to have an idea or decipher the meaning of a concept from its name and to actually understand the concept and how it applies, and in the instance of statelessness, the risk that such a concept pose. As for the documents they possess the same explanation given above for working adults applies here i.e. socio-economic reasons prompted them to possess such documents not the issue of statelessness or the risk of being stateless.

- c) **Students that are less than 18 years (Children):** 90% of this group do not know about the concept of statelessness and 10% know what the concept means. 15% state that they 'have an idea' (from the word 'Statelessness' they can deduce the meaning) they have one or all of the following documents: international passport, birth certificate and

national identification card. An impressive 90% have the required document of birth certificate to show a bond to the state according to its laws. This might be that the National Population Commission, the agency that has the mandate to register births has put in more effort to register births across the country for a number of reasons. Just like the two groups discussed above, some members of this group are torn between 'have an idea' and 'know about' the concept of statelessness and of course it is no surprise for their age group that majority of them do not know about the concept. Again, considering their age it is presumed that they have parents/guardians, therefore the reason outlined for the working class and young adults in regards to possession of these documents applies here the reason being that this group could easily be their dependents.

- d) **Street Kids**⁴⁵: All the children respondents (note, this group had the questionnaire administered orally because they are unable to read and/or write) identified that they did not have an idea about the concept of statelessness. They were between the ages of 12-14 and those that seemed much younger had no idea of their age. When I

⁴⁵ They are children that have been sent into towns by their parents to learn Islamic Education from an Islamic Scholar but usually end up begging on the streets. In Nigeria, they are popularly called *Almajiri*. This is prevalent mostly in the northern part of the Country.

asked them if they had any document to show that they are nationals of Nigeria, two of them claimed they did and it is with the scholar they were learning under, however they did not know the nomenclature or title of the document. However, it is safe to say that they do not have any required document to show their bond with Nigeria.

The above data presentation and analysis of this research hints at the following:

- i. It seems like majority of the respondents are not aware of the concept of Statelessness. Looking at all the three target groups individually, half, more than half or all the respondents in each target group seem to lack knowledge about the concept.
- ii. From their seemingly lack of knowledge, it appears that the adults and their dependants (for those that have dependants) own certain means of identification not to prevent statelessness but for other reasons (requirements of socio-economic activities e.g. drivers licence is compulsory to drive a car and international passports are required for traveling outside the country). More so, a lot of them do not possess the document that will show a bond with the state according to the Law.

- iii. It appears that there is an entire group of members of the society growing up without any means of identification or documentation that run the risk of being Stateless (the Street Children).

The above analysis of this section of the paper indicates that more research needs to be conducted in this area. The results of this research **maybe** generalised to the entire population because the persons selected for this research were random. Most importantly, the research carried out, although on a small demography of the society, has laid a foundation for the recommendations of this paper.

3. Law Clinics in Nigerian Universities

The summary of a report of the Council of Legal Education Committee on the Review of Legal Education in Nigeria submitted on 29th July 2004 was to the effect that law faculties and the Nigerian Law School should “as a matter of urgency” introduce Clinical Legal Education and that “the faculties are required to provide appropriate facilities, such as clinical consultation rooms” and that “for purposes of achieving interactive teaching, proper training will have to be given to lecturers at the various law faculties and the Nigerian Law School....”⁴⁶

⁴⁶ The Development Of Clinical Legal Education Retrieved from <http://www.nulai.org/index.php/blog/83-cle> last visited 26th June 2018

This led to the Nigerian draft Legal Aid Bill which had provisions for supporting Legal Clinics in the universities⁴⁷. Consequently, in 2011, the Legal Aid Act by its Section 17 recognizes law clinics as legal aid providers⁴⁸. Also, the National Universities Commission's⁴⁹ draft benchmarks and minimum academic standards in the law programme released in August 2004 has identified cognitive and skills competencies as a learning outcome and also introduced "a community-based course: community legal assistance to the poor, minority and the under privileged" in the 4th year class. The Benchmark was reviewed in 2010/2011 and Clinical Legal Education CLE Curriculum was made compulsory, and it was required for all new faculties of Law to have law clinic⁵⁰

Another notable development is the establishment of the Network of University Legal Aid Institutions (NULAI), which has been able to develop and institutionalized Clinical Legal Education through the undertaking of expository and intellectual seminars and workshops which yielded tremendous results⁵¹. From 2005-2014, NULAI Nigeria has seen to the establishment of 17 Law Clinics in Nigerian

⁴⁷ *ibid*

⁴⁸ Section 17, Legal Aid Act, Cap L9, Laws of the Federation of Nigeria, 2004

⁴⁹ The National Universities Commission (NUC) is a parastatal under the Federal Ministry of Education (FME), The main functions of the Commission are; Granting approval for all academic programmes run in Nigerian universities; Granting approval for the establishment of all higher educational institutions offering degree programmes in Nigerian universities; Ensure quality assurance of all academic programmes offered in Nigerian universities; and Channel for all external support to the Nigerian universities. Retrieved from <https://nuc.edu.ng/about-us/> last visited 29th June 2018

⁵⁰ The Development Of Clinical Legal Education Retrieved from <http://www.nulai.org/index.php/blog/83-cle> last visited 26th June 2018

⁵¹ *ibid*

Universities and the Nigerian Law School. These law clinics are spread over the six geo-political zones of the country⁵².

According to Network of Universities Legal Aid Institutions (NULAI)⁵³, as at 2019, there were 38 Law Clinics⁵⁴ in Faculties of Law across the six geo-geopolitical zones in Nigeria⁵⁵ that have registered with the organisation. Keep in mind that there are fifty-five (55) Faculties of Law in Nigeria⁵⁶.

The above has given a rather a brief assessment of how CLE and its service component- Law Clinics-were established in Nigeria.

⁵² *ibid*

⁵³ Network of University Legal Aid Institutions (NULAI) Nigeria was established in 2003 as a non-governmental, non-profit and non-political organization committed to promoting Clinical Legal Education, legal education reform, legal aid and access to justice in Nigeria and the development of future public interest lawyers. Clinical Legal Education (CLE) is the use of any kind of experiential, practical or active training for legal professionals to impact such skills as the ability to solve legal problems.

⁵⁴AAU Law Clinic, ABSU Law Clinic, ABU Law Clinic, AKUNGBA Law Clinic, American University of Nigeria Law Clinic, Bauchi State University Law Clinic, BAZE Law Clinic, BU Law Clinic, Caliphate Law Clinic, DSU Law Clinic, ESUT Law Clinic, EBSU Law Clinic, Elizade University, Law Clinic, , ESU Law Clinic, IMSU Law Clinic, KSU Law Clinic, LASU Law Clinic, Legal Aid Clinic, Niger Delta University Law Clinic, Nnamdi Azikwe University Law Clinic, NUN Law Clinic, NSUK Law Clinic, Osun State University Law Clinic, OOU Law Clinic, POLAC Law Clinic, Renaissance University Law Clinic, TSU Law Clinic, UNN Legal Aid Clinic, UNIMAID Law Clinic, UNIUYO Law Clinic, UNIABUJA Law Clinic, UNIBEN Law Clinic, UNICAL Law Clinic, UNILAG Law Clinic, UNIPORT Law Clinic, UNIJOS Law Clinic, Women's Law Clinic, YSU Law Clinic. <https://www.nulai.org/index.php/partners/clinical-law-programs> last visited 1st July, 2019

⁵⁵ Law Clinics in Nigeria, retrieved from <https://www.nulai.org/index.php/partners/clinical-law-programs> last visited, 7th May, 2019

⁵⁶List of Accredited/Approved Faculties of Law in Nigeria <https://www.myschoolgist.com/ng/approved-faculties-of-law/> last visited 1st July, 2019

4. Nexus between Law Clinics and the fight against Statelessness by UNHCR

Recall the definition of statelessness and how its consequences could lead to discrimination and lack of enjoyment of full-blown human rights violation and overall lack of access to justice. This obvious human right issue and lack of access to justice could lead to the conclusion that statelessness could be fought through social justice and public interest law which are embedded in the CLE programme⁵⁷.

Social Justice and Public Interest law primarily enables students to acquire, by way of experiential learning, the specialised technical knowledge and professional legal skills in social justice and public interest lawyering⁵⁸. Students are engaged in the supervised preparation and carriage of particular public interest cases or projects such as cases involving possible miscarriage of justice, human rights, and assisting persons seeking asylum protection⁵⁹. Their objective has been to teach students to employ legal knowledge, legal theory, and legal skills to meet individual and social needs. The end result is that it instils in students a professional obligation to perform public service; and to challenge tendencies in the students toward opportunism and social irresponsibility⁶⁰. In addition, they are aimed at educating the neglected members of

⁵⁷ They both have the same objectives and outcomes see Ojukwu E. et al Clinical Legal Education : Curriculum lessons and materials Network of University Legal Aid Institutions(NULAI Nigeria), Abuja, 2013

⁵⁸ Social Justice and Public Interest Law Clinics Hand book Retrieved from <https://www.newcastle.edu.au/course/LAWS6029> last visited 14th October, 2018

⁵⁹ *ibid*

⁶⁰ Ibijoke Patricia Byron The Relationship Between Social Justice and Clinical Legal Education: A Case Study of The Women's Law Clinic, Faculty of Law, University of Ibadan, Nigeria. Retrieved from <http://www.northumbriajournals.co.uk/index.php/ijcle/article/viewFile/22/27> last visited 14th October, 2018

a community while addressing their legal problems; it is used by clinical law teachers to teach students on how to educate clients on their rights⁶¹.

The service component of Clinical Legal Education, (law clinics) using Social Justice and Public Interest Law, requires the students to carry out the following law clinic activities like; interviewing, counselling, research, writing⁶², community based services and street law⁶³, and eventually to learn ethics and professional responsibility.⁶⁴. To emphasise and elaborate this point further, an example of a project carried out by students using social justice and public interest law will be given and discussed.

The CLE programme at the Faculty of Law of Baze University⁶⁵ requires students to take the following mandatory courses under its Clinical Legal Education programme: Ethics and Professional Responsibility; one of these three courses- Social Justice and Public Interest Law (I & II), Human Rights Law (I & II), Environmental Law (I & II); and Clinical and Moot Court Practice (I & II). There is a service component attached to the CLE program which is the Law Clinic of the Faculty. In the Law Clinic, students are engaged in a project called Reforming Pre-trial Detention in Kuje Prison Project

⁶¹ *ibid*

⁶² Stuart H. Smith Law Clinic and Center for Social Justice retrieved from <http://www.loyno.edu/community/stuart-h-smith-law-clinic-and-center-social-justice> last visited 1st July, 2019

⁶³ Social Justice Initiative-In-house pro-bono Projects 2018-2019 <https://www.law.columbia.edu/social-justice/students/pro-bono/in-house-pro-bono-projects> last visited

⁶⁴ Ojukwu E. et al Clinical Legal Education : Curriculum lessons and materials Network of University Legal Aid Institutions(NULAI Nigeria),Abuja, 2013

⁶⁵ Baze University is a private University located in Abuja, Nigeria. The writer of this paper is affiliated with this University. She is also a supervisor of the Law Clinic and has supervised students on the LCPK project.

(Reform Kuje). This project has similar outcomes with the project suggested in this paper. The project is funded by the United States Department for International Narcotics and Law Enforcement (INLC). Other partners of the project include; Partners Global, West Africa Nigeria and Network of University Law Institutions. The students, under this project, have interviewed and managed the cases over 60 pre-trial detainees at the Kuje Correctional Facility. In addition, on a general note under this project, 10,326 court dates for 836 detainees were inputted into a designated system after training with Nigeria Correctional Services staff and 475 pre-trial detainees in Kuje Correctional Centre were interviewed by students, over 200 detainees were granted access to Justice⁶⁶.

To analyse the effect of this type of project on students and to get the feedback of students in general, a questionnaire was given to the first 15 students that were engaged in this project. The result of the questionnaire⁶⁷ showed that indeed, projects like the Kuje Reform Project and others alike strengthens the skills of students and has quiet an impact on vulnerable people in the society seeing that it has created access to justice for them. This impact, on both students and stateless persons, is what this proposed project will hopefully achieve.

⁶⁶ Reforming pre-trial detention in Kuje prison, retrieved from <https://www.partnersglobal.org/resources/reforming-pre-trial-detention-in-kuje-prison/> last visited 4th December 2020

⁶⁷ The focus of this paper is not the LCPK thus data analysis and presentation was not done, however visit the following link to view filled questionnaires by the students, as the point made or emphasised is quite clear from viewing the filled questionnaires.
<https://drive.google.com/drive/folders/1LDzmsUtLnRXhaMT2w1SxXFzZ0M7Yy7Vv?usp=sharing>

Consequently, from the above, Social Justice and Public Interest lawyering is important not only because of its effect upon clients and community at large, but also because it takes students out of their comfort zone and puts them in a place where they are not familiar which inevitably, enables them to interact with indigenous people. It teaches them to face certain human rights issues and basically the realities of life; such as the consequence of Statelessness. This in turn will help achieve the general outcome and objectives of Clinical Legal Education- to develop the perception, the attitudes, the responsibility and the skills to become a lawyer after completion of the course from law schools⁶⁸.

5. Recommendations

Finally, based on the above analysis, this a paper recommends the following;

- a) **Partnership:** This paper recommends that UNHCR should partner with Law Clinics in Nigeria for the fight against Statelessness. This partnership is recommended for a number of reasons
 - i) The UNHCR has already mapped out some strategies like sensitization and awareness in their effort to combat statelessness in

⁶⁸ Jayadev Pati, Madhubrata Mohanty, Clinical Legal Education—A Bare Necessity in the Scientific Era, Retrieved from <https://journals.sagepub.com/doi/abs/10.1177/2322005815607143?journalCode=alea> last visited 1st July, 2019

Nigeria. These are activities that could easily be done through a project in Social Justice and Public Interest Lawyering via outreach programs and other activities alike. The students/clinicians will be involved in the proposed activities; they will be the 'foot soldiers' that will go to communities and market places to hand out fliers and do jingles, organise seminars in various schools and other organisations just to educate the Nigerian public on statelessness. Moreover, from the data analysis and presentation section of this paper, there is seemingly lack of knowledge on statelessness, thus, sensitisation and awareness is quite paramount in the fight against Statelessness in Nigeria.

- ii) Secondly, the UNHCR has identified that accurate data in Nigeria to know an estimated number of stateless persons, those who are at risk of being Stateless and other information alike is missing and getting such data is difficult. The clinicians through the out-reach programs mentioned, which could lead to in-house clients in the various law clinics, with proper documentation and necessary questions asked during client interviews, so much data could be retrieved for the benefit of the fight against statelessness. Besides, the little research conducted for the benefit of this paper shows it is indeed possible to

retrieve information for the proposed project from the public in Nigeria.

- iii) This partnership will not only benefit UNHCR's fight against statelessness. It will be of tremendous benefit to the students/clinicians. It is believed that embarking on this project, especially during outreach programs for awareness, sensitization and in-house advocacy students/clinicians will learn; client interview skills, communication skills, file management and advocacy skills just like they have in a similar project at Baze University. After collecting the data the clinicians will eventually be required to write reports to the UNHCR and other stakeholders especially the high level Government officials and policy makers the UNHCR mentioned in the NAP draft. This will improve their legal writing and research skills.
- iv) Another important advantage of the recommended partnership is that eventually, victims of statelessness in Nigeria or those that risk being stateless and consequently do not enjoy their fundamental rights will have access to justice. More so, sensitization and awareness programs will educate Nigerians on the serious and dangerous concept of statelessness which they need as indicated by the data presentation and analysis section of this paper. It would help

them protect themselves and those around them from the dangers the concept poses.

Therefore, this partnership will yield a win-win situation for all stakeholders involved.

- b) Another partnership recommended by this paper is between law clinics and Government-based agencies involved in issuing means of identification or nationality to Nigerians. They could open a one-stop outlet in the law clinics. Any client that comes for in-house advocacy on statelessness could be assessed by these agencies and may be processed for issuance of means of identification that will show a bond to the state according to the Law. An example of such agency is the National Population Commission. At this juncture; Clinics are advised to uphold the highest standard of ethics for in-house services. Ethical issues like Confidentiality and privacy for the client must be upheld at all times.

In the alternative, Law Clinics can also conduct outreach programs where they go to communities to enlighten them on the concept and also in collaboration with relevant agencies may decide to register persons in the community. This partnership would teach students/clinicians the various skills mentioned above and it will also assist the government in Nigeria combat statelessness. Hence, the proposed partnership with these government agencies may lead to clients having a nationality and getting a means of proving Nationality. This means could that the Law clinics and clinicians

would be able to create an avenue for stateless persons in Nigeria to first of all enjoy the right to a nationality as granted by the Universal Declaration of Human Rights which would eventually lead them to enjoy other fundamental rights and eventually have access to justice. An outcome of Social Justice and Public Interest Law is achieved!

- c) **More law clinics in Nigeria:** It has been mentioned in this paper that there are 38 law clinics in Nigeria out of the 55 Faculties of Law in the country. This paper is urging other faculties that are yet to start Clinical Legal Education to do so and establish law clinics in the faculties. The advantages are too numerous to count, however some have been mentioned in the discourse of this paper. The clinics can embark on projects similar to the project this paper recommends and many others that seek to address social menace like statelessness within the community. It should be compulsory for all faculties of Law to run a CLE curriculum which includes running law clinics. Here, implementation is key, we just need will power. To all the other law clinics in operation, this paper is encouraging them not to shy away from projects like the one proposed. It will aid in actualisation of CLE objectives and outcomes.

6. Conclusion

To answer the two questions poised in the beginning of this paper which are; can law clinics in Nigeria play a role to help UNHRC eradicate statelessness? Can the law clinics in Nigeria become mechanisms to provide access to justice through Social Justice and Public Interest Law to those stateless persons that are denied their fundamental human rights? The answer will definitely be in the affirmative for both questions flowing from the analysis and recommendations made beforehand.

Statelessness is a serious social issue in Nigeria and the service component of CLE, law clinics can make a tremendous contribution to fight this issue in Nigeria.