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FOREWORD

The Esut public Law Journal, volume 4 of 2023 is a response to the contemporary challenges facing our emerging jurisprudence and administration of justice, the destabilizing security challenges that hinder sustainable societal development, including academic excellence. Contributors have brilliantly discussed these challenges under various aspects of law and proffered solutions that will be useful to the society. Contributors have also generated fresh ideas that will further enrich the knowledge of judges, legal practitioners, academics, law students, technocrats and indeed the general public. The edition of the journal has offered rich insight into areas that need both judicial and legislative interventions. I commend the journal as a worthy addition to our libraries.

Professor Frank I. Asogwah

Editor-in-Chief.

ESUT Public Law Journal.

FROM THE EDITOR'S DESK

Considering contemporary challenges facing the legal system in the administration of justice and the polity at large, the ESUT Public Law Journal volume 4 of 2023 has emerged with well researched areas of law to enrich the knowledge of its readers once more and to contribute to sustainable societal development. It examined the application, prospects and challenges of virtual court proceedings with particular focus on electoral process and other emerging jurisprudence in Nigeria.

Inside the journal is a highlight on the potency of “proper sentence” in rape cases as a means of engendering adequate closure for victims. It exposed several judicial abuses of justice in rape cases and the need for a review towards achieving adequate closure for victims, functional justice and global sanity. The journal on the other hand, discussed presumption of innocence as it extends to suspects under investigation. It therefore suggested that section 36(5) of the Constitution of the Federal Republic of Nigeria 1999 should therefore be either amended or interpreted to accommodate suspects as persons accused of criminal offence, rather than as those already charged for same.

An exaggerated concentration on the oil industry, often presents oil perhaps as the only lucrative source of national wealth thereby diverting national attention from masses of unharnessed fortunes elsewhere especially the Gulf of Guinea. The Gulf of Guinea is an important maritime route for commercial shipping from Europe and America to West, Central and Southern Africa. There is need for responsible participation in business within the area and for government to create an enabling environment for commercialisation within the Gulf of Guinea. In another vein, it discussed the socio-legal implications of piracy in Nigeria and the Gulf of Guinea.

The operational attitudes of international Oil companies (IOCs) in the petroleum industry in Nigeria, have been observed to be hazardous to human life and detrimental to environmental sustainability. As a matter of urgency, practical steps should be taken in implementing the UNEP Report on Ogoni land, ending gas flaring, compliance with NOSARA directives and regulations by the oil majors. It has been observed that in spite of several reforms, the oil industry is still bedevilled by threshold hitches. Thus, reforms are heavily characterized by recycling, imposition, importation and retention of unworkable colonial day laws and copied foreign legislations without targeting the real and existing problems, so that previous errors are repeated and recycled and new problems are created.

Deep down the pages of the journal is a clarion call to protect the environment amidst the necessary and irresistible quest for economic development, technological and scientific advancements. This, as a matter of fact is a natural and fundamental duty of man in order to enhance sustainability. It therefore, urged corporations to strike a balance between their actions and their consequences on the environment. Thus, it advocates for a strong legal regime for corporate social responsibility adopting ethical values for sustainable development.

In the realm of constitutional law, this edition of the journal examined various divergent views of the concept of the grundnorm in juxtaposition with Kelsen's original theory of the concept. It observed that the concept has been predominantly misconceived by many writers but mostly Nigeria authors unlike authorities from outside the shores of Nigeria. One wonders whether Nigerians had, consciously or unconsciously embarked on a re-formulation of

Kelsen’s theory or otherwise adopted a peculiarly Nigerian concept of the grundnorm. Other details are contained inside the journal. Furthermore, the journal analysed the new Copyright Act 2022 with respect to the specific provisions relating to access of literary works for the blind, visually impaired to check whether it aligns with the provisions of the Marrakesh Treaty. However, it appreciated notable amendments incorporated in The Copyright Act, 2022.

Nonetheless, this edition of the journal has seriously questioned the capacity of the Nigerian patent system to enhance local economic development through the recognition of “indigenous and “traditional knowledge” systems since they contribute tremendously to economic development of communities. The journal encouraged such recognition and enjoined Nigeria to join other African English speaking nations under the regional framework of ARIPO to share in the benefits of an institutional safeguard and protection for indigenous and traditional knowledge.

Maria Chigozie Onuegbulam, PhD

Editor,

ESUT Public Law Journal

TABLE OF CONTENTS

Virtual Proceedings, Fair Hearing & Electoral Process: The Emerging Jurisprudence.

*M. T. Adekilekun; A. O Ugowe; L. A. Abdulrauf;
& I. A. Abikan*

1

Proper Sentence in Rape Cases as a Means of Engendering Adequate Closure for Victims.

*M. Chigozie Onuegbulam, Ph.D; Maria Omozele
Edeko & Frank .I. Asogwah, Ph.D*

34

An Appraisal of the Regional Efforts of the Gulf of Guinea Commission in Curbing Maritime crimes and Insecurity.

Ani, Chijioke Collins

89

Environmental Sustainability in the Nigeria's Oil and Gas Industry as a Mirage.

Christian C. Obeagu, Ph.D

118

Appraisal of the Copy and Paste Syndrome in the Nigerian Oil and Gas Industry.

Onyemere John-Kennedy C. PhD, LL.M, LL.B

141

Presumption of Innocence and Burden of Proof as Critical Elements of the Adversarial System of Criminal Justice in Nigeria.

D. O. Okanyi

171

The Grundnorm and the Constitution: is there a Nigerian Concept of the Grundnorm?

Kingsley C. Ezeugwu, LL.M., BL

200

The Nigerian Copyright Act 2022: Expanding the Scope of Access to Literary Works

<i>Nneka Chioma Ezedum</i>	225
The Legal Regime for Environmental Protection and Corporate Social Responsibility in Nigeria: What Nexus <i>H. C. Agbowo-Egbo</i>	246
The Socio-Legal Implication of Piracy in Nigeria and the Gulf of Guinea <i>Chimezule, Obinuchi & Kinikanwo Handsome O.</i>	302
Indigenous Knowledge Systems in Traditional Textile Techniques and Intellectual Property: Perspectives from Nigeria <i>Caroline Joelle Nwabueze, PhD.,</i>	336