

**INTERNATIONAL JOURNAL
OF
COMPARATIVE LAW AND LEGAL
PHILOSOPHY**

Volume 5 (3) September 2023

**INTERNATIONAL JOURNAL
OF
COMPARATIVE LAW AND LEGAL
PHILOSOPHY**

Volume 5 (3) September 2023



A PUBLICATION OF THE
INTERNATIONAL CENTRE FOR LAW
AND DEMOCRACY STUDIES,
IN CONJUNCTION WITH THE FACULTY OF LAW,
NNAMDI AZIKIWE UNIVERSITY, AWKA, NIGERIA

Citation: (2023) 5 (3) IJOCLLEP

© International Centre for Law and Democracy Studies (ICLDS)

Published, September 2023

All rights reserved. No part of this journal should be reproduced, stored in a retrieval system or transmitted in any form or by any means in whole or in part without the prior written permission of the copyright owner.

ISSN: 2644-7068

Printed and Published by:

Amaka Dreams Ltd.

106 Arthur Eze Avenue,

Awka, Anambra State.

Tel: +2348037449926

E-mail: ezeonyiamaka@yahoo.com

TABLE OF CONTENTS

<i>Corporate Responsibility and Accountability of Multinational Corporations for Human Rights Violations: The Need for International Binding Instrument</i> Ikenga K.E. ORAEBUNAM & Okwuchukwu G. ADAH	1
<i>Agitations for Self-Determination: Balancing the Competing Principles of Human Rights and Sovereignty in International Law</i> Uwadineke C. KALU, Ngozi C. UZOKA, Odinakachukwu E. OKEKE & Maduka A. EWUZIE	8
<i>The Crime of Genocide and its Catastrophic Consequences in International Law</i> Richard Suofade OGBE	15
<i>Transitioning from Boko Haram Insurgency: The Imperative Need for Transitional Justice in Nigeria</i> Deborah D. ADEYEMO	21
<i>Strengthening the Patent System in Nigeria</i> Paul O. EBIALA	29
<i>Child Adoption in Nigeria: A Legal Appraisal</i> Beatrice Nkechi OKPALAOBI	37
<i>Proliferation of Legal Instruments Regulating Organ Trafficking in Nigeria: Any Effect? Lessons from India and South Africa</i> Ikenga K. E. ORAEBUNAM & Eyiuche Stella IFEDIORA	45
<i>Distinguishing between Restriction and Transfer of Shares and Pre-Emptive Rights of Shareholders: To What Extent are they Allowed under Companies and Allied Matters Act (CAMA) 2020?</i> Ajibolu AFOLABI	54
<i>International Human Rights Law and Police Brutality: A Comparative Study of United States and Nigeria</i> Emmanuel OKWUOKEI	55
<i>The Removal of Executive Officeholders and Quest for Sustainable Democracy in Nigeria</i> Obumneke O. OSAKWE, E.O.C. OBIDIMMA & Odinakachukwu E. OKEKE	64
<i>A Critique of The Requirements of Admissibility of Expert Witness in Nigeria</i> Abiodun ODUSOTE	72
<i>Mutual Respect and Peaceful Co-Existence Under Islamic International Law in Relation to Individuals of Different Religious Background</i> Owoade A. ABDULATEEF, Abdulazeez Hamza OKENE & Rukayyah Olaide ABDULAZIZ	80
<i>Applicability of the Doctrine of Separation of Powers in Nigeria and the Legal Challenges that Hinder its Effective Implementation</i> Oscar Chikodi NKWOCHA & Kenneth Chinemelu NWOGU	86

<i>A Comparative Analysis of the Impeachment Procedure under American and Nigerian Constitutions: The Need for A Constitutional Reform</i> Vanen Lawrence AN TOM	93
<i>The Evil of Modern Warfare: Russia Invasion of Ukraine</i> Bassey OKIM	100
<i>Acceptability of an Adoption Order in a Visa Application for Reunion</i> Tubonemi ILAMINA-EREMIE	105
<i>Exploring the Legal Opportunities and Challenges of the International Trade Between Africa and Europe</i> Eric Chigozie IBE	111
<i>Applicability of Healthcare Provider's Rights in Nigeria: The National Health Act 2014 in Focus</i> Henry Chukwudi OKEKE	119
<i>Distinguishing the Arbitrability of Tax Disputes from Contractual Disputes Arising from Tax-Related Obligations under Nigerian Law</i> Stanley U. NWEKE-EZE	125
<i>Examination of the Legal Framework on Tax Avoidance and Evasion under the Personal Income Tax Act in Nigeria</i> David A. AGBU & James Ogwu ONOJA	130
<i>Membership of Companies in Nigeria: An Appraisal of the Provisions of the Companies and Allied Matters Act (CAMA) 2020</i> Solomon Chituru EB E KU & Chizaram Joy OBANU	138
<i>Protection of Breeders' Rights under the Plant Variety Protection Act of Nigeria</i> Temitope Abigail OLORUNNIPA, Bankole SODIPO & Deborah IKONNE	144

EDITORIAL TEAM

EDITOR-IN-CHIEF:

Ikenga K. E. ORAEBUNAM, PhD (Law), PhD (Phil of Law), PhD (Rel. & Soc.), PhD (Edu. Mgt., in view), MEd, MA (Phil), MA (Rel.), LL.M, BPhil, BA, BTh, LLB, BL, Professor of Law and Applied Jurisprudence and Formerly Head, Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University

MANAGING EDITOR:

Queen C. UMEOBICA, PhD, LL.M, LLB, BL, Senior Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University

EDITOR:

Matthew I. ANUSHIEM, PhD, LL.M, LLB, BL, Senior Lecturer, Department of International Law and Jurisprudence, Faculty of Law, Nnamdi Azikiwe University

BOARD OF EDITORS:

Peter Obi OKONKWO, PhD, LL.M, LLB, BL, Professor of Law, Faculty of Law, Chukwuemeka Odumegwu Ojukwu University

Paul OGUGUA, PhD (Phil.), MA, LLB, BL, Professor of Philosophy, Faculty of Arts, Nnamdi Azikiwe University

Henry ALISIGWE, PhD, LL.M, LLB, BL, Professor and Dean, Faculty of Law, University of The Gambia

Evode KAYITANA, LLB, LL.M, LL.D, Associate Professor of Law, School of Law, University of Rwanda

Habiba MUSA, LLB, LL.M, PhD, BL, Senior Lecturer, Faculty of Law, Nasarawa State University

M. K. AMID, LLB, LL.M, Senior Lecturer, School of Law, Mettu University, Ethiopia

Henry C. OKEKE, PhD, LL.M, BPhil, BTh, LLB, BL, Lecturer, Faculty of Law, Nnamdi Azikiwe University

EDITORIAL SECRETARY:

Emmanuel OKEKE, LLB, LL.M, PhD, BL, Lecturer, Faculty of Law, Nnamdi Azikiwe University

EDITORIAL CONSULTANTS:

M. T. LADAN, Professor of Law, Nigerian Institute of Advanced Legal Studies

Julie DICKSON, Professor of Legal Philosophy, Oxford University

Edward Kofi QUASHIGAH, Professor of Law, University of Ghana

Ogugua V. C. IKPEZE, Professor of Law, Nnamdi Azikiwe University

J.N. EZEILO, Professor of Law, University of Nigeria

A. O. POPOOLA, Professor of Law, Obafemi Awolowo University

Mashood BADERIN, Professor of Law, SOAS, University of London

Akin IBIDAPO-OBE, Professor of Law, University of Lagos

Felicia A. ANYOGU, Professor of Law, Nnamdi Azikiwe University

A. W. OGUTTU, Professor of Law, University of South Africa

Isa Hayatu CIROMA, SAN, Professor of Law, Nigerian Law School

S. OKOGBULE, Professor of Law, Rivers State University

Israel N. E. WORUGJI, Professor of Law, Rivers State University

Uwadineke KALU, Professor of Law, Nnamdi Azikiwe University

R. S. SHATSARI, Professor of Law, Bayero University

JOURNAL POLICY

International Journal of Comparative Law and Legal Philosophy (IJOCLLEP) is a peer blind reviewed periodical that provides a dynamic platform for dissemination of ideas on comparative law and philosophy of law. As it is hard, in our contemporary globalized world, to confine developments in law to one jurisdiction and isolate them from another, the Journal /is a podium for reports on developments in the field of comparative law from all parts of the world. As also a philosophy of law forum, *IJOCLLEP* provides an opportunity for spread of the results of analysis of transnational legal history and theory, private international law/conflict of laws, and the study of legal systems, cultures, and traditions. The Journal reports debates on and critique of fundamental concepts and principles of law employing pragmatic approach, as it were, to developmental problems. *IJOCLLEP* seeks for papers based on doctrinal or empirical or mixed research methodologies. The Journal is abstracted and indexed with Nigerian Journals Online and Google Scholar. Well researched and original papers on fundamental, topical and relevant subject matters, and case/book reviews are therefore welcome. *IJOCLLEP* appears three times a year in January, May and September, which articles are promptly captured in Google scholar. Submission of manuscripts can be made all through the year.

Guidelines to Contributors

1. Language

The language of the manuscript must be English (British standards).

2. Originality

Articles must be original and must not have been submitted for consideration and publication elsewhere.

3. Length of paper

The length of the paper should not exceed 7000 words including tables, figures, references and appendices (if any). Articles should be typed in 1.5 line spacing (footnotes and references should appear in single line spacing) on one side of A4 paper only with wide margins. Authors are urged to write as concisely as possible, but not at the expense of clarity.

4. Title Page

The title page should include: (i) The name(s) of the author(s), (ii) A concise and informative title, (iii) The affiliation(s) and address (es) of the author(s), (iv) The e-mail address, and telephone numbers of the corresponding author.

5. Abstract

Please provide an abstract of 150 to 200 words which must include the objectives of the study, methodology, findings/results, method of data collection and summary of recommendations. The abstract should not contain any undefined abbreviations or unspecified references.

6. Keywords

Please provide 4 to 6 keywords which can be used for indexing purposes.

7. Subdivision of the article

Divide your article into clearly defined and numbered sections. Subsections should be numbered 1, 2. (then 1.1, 1.1.1, 1.1.2), 1.2, etc). The abstract is not included in section numbering.

8. References and Documentation

Author(s) should adhere strictly to Nigerian Association of Law Teachers Uniform Citation and Documentation Standards accessible at naltng.org.

9. Names of authors cited in the footnotes should start with initials and end with the surname.

10. Online sources should indicate the site and date of visit.

11. All manuscripts shall be subjected to plagiarism test.

Submission of Manuscripts

Interested contributors are to submit their manuscripts/papers to ijocllepjournal.edu.org@gmail.com and copy to the Editor-in-Chief at ik.oraegbunam@unizik.edu.ng and ikengaken@gmail.com