

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

BY

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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 has embarked on a fight against Statelessness. They have estimated that 10 million people in the world are stateless, one million of which are 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 theory; a 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; right to freedom of movement, Civil and political rights and right to access of certain services which includes 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 clinician 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

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1.0 Introduction

A “stateless person” is someone who is not considered as a national by any state under the operation of its law². Here, nationality refers to the legal bond between a person and a state³. 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 State⁴. 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”⁵. 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 world⁶

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 and Nationality Certificate etc.⁷. Today, millions of people around the world are denied a nationality. As a result, they often aren’t allowed to go to school, see a doctor, get a job, open a bank account, buy a house or even get married⁸. 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.

² Article 1 of the 1954 Convention relating to the Status of Stateless Persons

³ International Observatory of Statelessness retrieved from <http://www.nationalityforall.org/whatis>, last visited, 6th May 2019

⁴ ibid

⁵ ibid

⁶ Ending Statelessness retrieved from <https://www.unhcr.org/stateless-people.html> last visited on 7th May, 2019

⁷ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

⁸ Ending Statelessness op. cit. p.2

At least 10 million people around the world are stateless, according to estimates from the United Nations High Commissioner for Refugees (UNHCR)⁹. In West Africa, the figures published by UNHCR include 700,000 stateless persons in Côte d'Ivoire, a single person recorded in Liberia, and unknown numbers for the rest of the region, with an estimate of around 1 million.¹⁰ Nigeria is one country in West Africa that has been identified by the UNHCR to have stateless persons¹¹. Research has shown that the estimated number of stateless persons in Nigeria is still an ongoing study.

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 others¹² 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 right to vote, access to service, and right to free movement, right to documentation and 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 society¹³ and Social Justice, in particular, involves a consideration of both joint and individual rights and obligations, it ensures that people who need to claim human rights but do not have the ability, capacity

⁹ 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

¹⁰ ibid

¹¹ ibid

¹² 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

¹³ 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

or position to do so, can have access to Justice¹⁴. These two mentioned form part 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 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? These questions are what this paper seeks to address.

2.0 The Concept of Statelessness

As mentioned earlier Statelessness refers to the condition of an individual who is not considered as a national by any State under the operation of its law¹⁵. 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 Convention¹⁶. Those at risk of Statelessness include; Orphans and Foundlings, Children of Immigrant Parents, Persons whose Birth Was Not Declared, Nomadic Groups, Border Populations, Migrants etc.

Statelessness stems from issues related to nationality. Its main causes are gaps in nationality laws, arbitrary deprivation of nationality, processes relating to State succession and restrictive administrative practices, for example in relation to issuance of documents which prove nationality.

The Universal Declaration of Human Rights states that¹⁷ ““Everyone has the right to a nationality” and “No one shall be arbitrarily deprived of their nationality, nor denied the

¹⁴ 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

¹⁵ Art 1 of the 1954 Convention on the Status of Statelessness.

¹⁶ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

¹⁷ 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]

right to change their nationality.”¹⁸ 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 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 Certificate¹⁹. Although, they argue that National Identity Card, Voters Card, Certificate of Indigeneity and Birth Certificate are questionable means to prove nationality mainly due to the means and sometimes unreliable nature of the means and methods of acquiring them²⁰.

Under resolutions adopted by the United Nations General Assembly²¹ 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.

2.0.1 Fight against Statelessness in West Africa

According to UNHCR estimates, statelessness affects up to 10 million people worldwide, about 1 million of which are in West Africa. There are many factors contributing to the risk of statelessness in the region, which suggest that the population at risk is very large. They include; gaps in existing law provisions on citizenships, limited access to

¹⁸ Article 15, *ibid*

¹⁹ A paper presented by UNHCR at Statelessness Training on the 22-23rd May, 2019, Abuja

²⁰ *ibid*

²¹ Resolutions 3274 (XXIX) of 10 December 1974; 31/35 of 30 November 1976; 50/152 of February 1996; 61/137 of 25 January 2007.

documentation including birth certificate, nomadism, migration and transfer of territory etc.²²

The States of West Africa have acknowledged the importance of the fight against statelessness. In 2011 during the high-level conference in Geneva they made the largest number of pledges to improve their position on statelessness, compared to other regions in Africa and the rest of the world²³.

In an effort to reduce the phenomenon, UNHCR has particularly focused on building the capacity both of governments and of organizations of civil society, carrying out advocacy and training efforts. 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 solutions²⁴. 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 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 conference, the ministers of the ECOWAS member states adopted a

²² 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

²³ Nationality and Statelessness in West Africa- Background note retrieved from <https://www.unhcr.org/591c20ac7.pdf> last visited, 1st July 2019

²⁴ *ibid*

declaration on the eradication of statelessness, the so-called Abidjan Declaration²⁵. 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, 2015²⁶. 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, testifying to development in the fight against statelessness in West Africa²⁷.

2.0.2 Fight against Statelessness in Nigeria

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 there in Nigeria, as studies are still ongoing as at the time this paper was written. In the Communique of the UNHCR²⁸, 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.²⁹ The communique also states that 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.³⁰

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

²⁵ 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]

²⁶ Nationality and Statelessness in West Africa- Background note op. cit. p.4

²⁷ ibid

²⁸ Ibelong Campaign to end Statelessness: Towards a National Plan of Action to Eradicate Statelessness in Nigeria: Communique 2018

²⁹ ibid

³⁰ ibid

to access to services (such as justice), right to free movement, right to documentation, right to dignity etc.³¹

In Nigeria, the UNHCR³² has identified the following as causes of Statelessness in Nigeria;

- a) Gaps in existing laws on Nationality
- b) Limited access to documentation- including birth certificate
- 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 end statelessness to be prioritised for Nigeria as follows³³:

- 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

2.0.3 Statistics

A research was carried out for this paper using a questionnaire³⁴. 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.

³¹ ibid

³² ibid

³³ ibid

³⁴ Sample of Questionnaire is attached to this paper as Appendix I

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

- a) Working Class: 50% of the people in this group had an idea what the concept of statelessness and 50% had no idea about the concept of statelessness or its consequence. They had one or all of these documents: International Passport, Birth Certificate, Voters Card, National Identification Card and Drivers Licence and their wards or dependents also have such documents.
- b) Students that are 18 and above (young adults): 92% had no idea about the concept of Statelessness and 9% had an idea about the concept. They have one or all of the following documents; International Passport, Birth Certificate, National Identification Card and Drivers Licence, Voters Card.
- c) Students that are less than 18 years (Children):85% of this group don't know about the concept of Statelessness and 15% had an idea of the concept. They have one or all of the following documents: International passport, Birth Certificate and National Identification Card
- d) Street Kids³⁵: All the kids that I asked (because they could neither read nor write. I had to orally administer the questionnaire to them) 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 asked them if they had any document to show that they are Nationals of Nigeria, two of them claimed that they do and it's with the

³⁵ 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.

scholar they are learning under, however they don't know the nomenclature or title of the document.

This research, although targeted at a small demography in the society just to test the waters, shows that majority of adults, young adults and children do not know what statelessness means. Although they have one or two means of proving their nationality, they do not know the implication of not having it.

3.0 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....”³⁶

This led to the Nigerian draft Legal Aid Bill which has provisions for supporting Legal Clinics in the universities³⁷. Consequently, in 2011, the Legal Aid Act by its Section 17 recognizes law clinics as legal aid providers³⁸. Also, the National Universities Commission's³⁹ 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

³⁶ The Development Of Clinical Legal Education Retrieved from <http://www.nulai.org/index.php/blog/83-cle> last visited 26th June 2018

³⁷ *ibid*

³⁸ Section 17, Legal Aid Act, Cap L9, Laws of the Federation of Nigeria, 2004

³⁹ 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

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 clinic⁴⁰

Also 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 results⁴¹. From 2005-2014, NULAI Nigeria has seen to the establishment of 17 Law Clinics in Nigerian Universities and the Nigerian Law School. These law clinics are spread over the six geo-political zones of the country⁴². According to Network of Universities Legal Aid Institutions (NULAI)⁴³, as at 2019, there were 38 Law Clinics⁴⁴ in Faculties of Law across the six geo-geopolitical zones in

⁴⁰ The Development Of Clinical Legal Education Retrieved from <http://www.nulai.org/index.php/blog/83-cle> last visited 26th June 2018

⁴¹ *ibid*

⁴² *ibid*

⁴³ 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.

⁴⁴AAU Law Clinic, Ambrose Alli University, Ekpoma, Edo State, ABSU Law Clinic, Abia State University, Umuahia, Abia State, ABU Law Clinic, Ahmadu Bello University, Zaria, Kaduna State, AKUNGBA Law Clinic, Adekunle Ajasin University, Akoko Akungba, Ondo State, American University of Nigeria Law Clinic, Adamawa State, Bauchi State University Law Clinic, Buachi State, BAZE Law Clinic, Baze University, Federal Capital Territory, BU, Law Clinic, Bayero University, Kano State., Caliphate Law Clinic, Usman Danfodio University, Sokoto State, DSU, Law Clinic, Delta State University, Delta State, ESUT Law Clinic, Enugu State University of science and Technology, Enugu State, EBSU Law Clinic, Ebonyi State University, Abakiliki, Ebonyi State, Elizade University, Law Clinic, Elizade University Ilara-Mokin, Akure, Ondo State., ESU Law Clinic, Ekiti State University, Ekiti State, IMSU Law Clinic, Imo state university, Owerri, Imo State, KSU Law Clinic, Kogi State University, Kogi State, LASU Law Clinic, Lagos State University, Lagos State, Legal Aid Clinic, University of Ilorin, Kwara State, Niger Delta,,, University Law Clinic, Bayelsa State, Nnamdi Azikwe University Law Clinic, Awka Anambra, NUN Law Clinic, Nile, University, Federal Capital Territory, NSUK Law Clinic, Nasarawa State University, Osun State University, Law Clinic, Osun State, OOU Law Clinic, Olabisi Onabanjo University, Ogun State, POLAC Law Clinic, Police Academy, Kano State, Renaissance University Law Clinic, Renaissance University, Ugbawka, Enugu State., TSU,, Law Clinic, Taraba State University, Taraba State,UNN Legal Aid Clinic, University of Nigeria Nsukka, EnuguCampus, Enugu State, UNIMAID Law Clinic, University of Maiduguri, Maiduguri, Borno State, UNIUYO Law Clinic, University of Uyo, Akwa Ibom State, UNIABUJA Law Clinic, University of Abuja, Gwagwalada, Federal Capital Territory,UNIBEN Law Clinic, University of Benin, Benin, Edo State UNICAL Law Clinic, University of Calabar, Rivers State,UNILAG Law Clinic, University of Lagos, Lagos State

Nigeria⁴⁵ that have registered with the organisation. Keep in mind that there are fifty five (55) Faculties of Law in Nigeria⁴⁶.

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

4.0 Nexus between Law Clinics and the fight against Statelessness by UNHCR

Recall that it has been aforementioned that the consequences of statelessness are often discrimination and lack of enjoyment of full blown human rights and overall lack of access to justice which leads to the conclusion that the issue of statelessness is a Social justice and Public interest law and they both have the same objective and outcome⁴⁷.

The primary objective of this course is to enable a student to acquire, by way of experiential learning and otherwise, the specialised technical knowledge and professional legal skills in social justice lawyering and public interest lawyering⁴⁸. 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 protection⁴⁹. Its 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

UNIPOINT Law Clinic, University of Port-Harcourt, Rivers State, UNIJOS Law Clinic, University of Jos, Jos, Plateau state, Women's Law Clinic, University of Ibadan, Oyo State, YSU Law Clinic, Yobe State University, Damaturu, Yobe State <https://www.nulai.org/index.php/partners/clinical-law-programs> last visited 1st July, 2019

⁴⁵ Law Clinics in Nigeria, retrieved from <https://www.nulai.org/index.php/partners/clinical-law-programs> last visited, 7th May, 2019

⁴⁶ List of Accredited/Approved Faculties of Law in Nigeria <https://www.myschoolgist.com/ng/approved-faculties-of-law/> last visited 1st July, 2019

⁴⁷ Ojukwu E. et al Clinical Legal Education : Curriculum lessons and materials Network of University Legal Aid Institutions(NULAI Nigeria), Abuja, 2013

⁴⁸ Social Justice and Public Interest Law Clinics Hand book Retrieved from <https://www.newcastle.edu.au/course/LAWS6029> last visited 14th October, 2018

⁴⁹ *ibid*

irresponsibility⁵⁰ . In addition, Social Justice through access to justice is aimed at educating the neglected members of a community while addressing their legal problems; it is used by clinical law teachers to teach students on how to educate clients on their rights⁵¹ .

It is well known that Social Justice and Public interest Law have been embedded into the curriculum of Clinical Legal education. The service component of clinical legal education through Social Justice and Public interest Law requires the students to carry out the following activities; Interviewing, Counselling, Research, Writing⁵²,Community based services and Street law⁵³, and eventually learn Ethics and professional Responsibility⁵⁴

Consequently, from the above, that Social justice and Public interest 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 schools⁵⁵.

⁵⁰ 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

⁵¹ ibid

⁵² 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

⁵³ 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

⁵⁴ Ojukwu E. et al Clinical Legal Education : Curriculum lessons and materials Network of University Legal Aid Institutions(NULAI Nigeria),Abuja, 2013

⁵⁵ 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

5.0 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 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.
 - 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. 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 don't enjoy their fundamental rights will have access to justice. More so, sensitization and awareness programs will educate Nigerians on the serious and dangerous yet unknown by most (as proved by the research conducted for this paper) concept of Statelessness. 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. 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 that the Law clinics and clinicians have been 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 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 we have 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.

6.0 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.

APPENDIX I

QUESTIONNAIRE

1. AGE: _____

2. GENDER: MALE FEMALE

3. STATE: _____

4. NATIONALITY: _____

5. OCCUPATION: _____

6. SELECT THE MEANS OF IDENTIFICATION YOU HAVE:

INTERNATIONAL PASSPORT NATIONAL ID CARD DRIVERS LICENCE VOTERS CARD BIRTH CERTIFICATE NIL

7. MARITAL STATUS: SINGLE MARRIED DIVORCED WIDOWED

8. DO YOU HAVE ANY DEPENDANTS: YES NO

9. IF YOUR ANSWER IN 8 IS YES, WHAT MEANS OF IDENTIFICATION DO YOUR DEPENDENTS HAVE?: INTERNATIONAL PASSPORT NATIONAL ID CARD DRIVERS LICENCE VOTERS CARD BIRTH CERTIFICATE NIL

10. DO YOU KNOW ABOUT THE CONCEPT OF STATELESSNESS: YES NO

12. IF YOUR ANSWER IN 10 IS YES, HOW DID YOU GET TO KNOW ABOUT STATELESSNESS?

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11. WHAT DO YOU UNDERSTAND BY THE CONCEPT OF STATELESSNESS.....

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