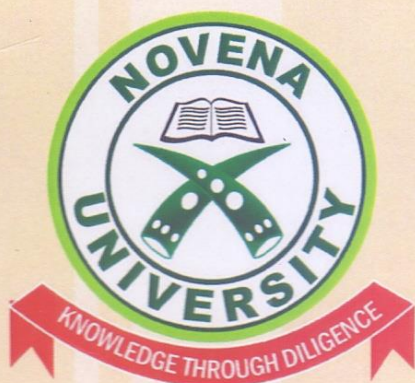




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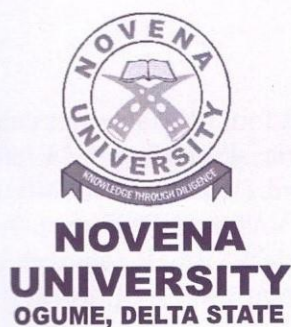
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The Novena University (NULJ) is a peer review international academic publication that publishes contributions dealing with national, regional and international law and policy with special focus in interdisciplinary legal scholarship of relevance to African dialectical discuss. As a policy NULJ intends to promote balanced scholarly research in all aspects of law and policy particularly emerging themes relevant to students, judges, legal practitioners, legislators, decision makers etc. the journal is published in January, April, July and October every year.

Articles submitted for publication should not have been previously published. (All articles should be 8,000 and 12,000 words including footnotes) while review of cases and books should not be more than 2,000 words. All submissions must be typed in times new roman, at 12 point while footnotes must be 10 point fonts size and 1.5 line spacing. All articles must be in conformity with the Oxford University standard for all authors who used the authorized (COSOLA) or the Chicago Manual or style of the ALWD Citation Manual. A professional system of Citation.

Submitted articles should have an abstract of not more than 200 words and should also include a short professional profile of the author (s) with individual contact details. Articles should be submitted by e-mail in MS word format to the editorial board or mailed to the Provost/Dean Novena University, College of Law, P.M.B. 2 Kwale, Ogume, Delta State Nigeria.

EDITORIAL

This is a special collection of articles on law and policy, it is the second volume of Novena University Law Journal (NULJ). It is a peer reviewed but un curated selection of papers aimed at inspiring our students, judges, practitioners law and policy makers on the contemporary art and science of law in society. This new edition of the journal explores articles and cases that provide timely and timeless insight into the essential culture and values of legal research and reasoning. The thirteen (13) articles in this volume draw on several aspects of legal jurisprudence and specialized frontiers of law: The questions raised by these papers are relevant and timely, but like the century old good principles of law, these articles and cases are also important and timeless. I hope these reflections will inspire you to read each paper and case for yourself and to imagine your own contribution to the law and policy Journal of Novena University Continuous Legal Education Series.

The Case Reporting and Article Selection Process

The principle and process description has become necessary because of the high number of articles and cases we have declined publication due to our external assessors' assessment. Quite a number of comments we have received concerning the above suggest obscurity of journal editing styles and adherence to the highest standards possible. Simply put, the official editorial policy guiding Novena University Law Journal (NULJ) – Case Reporting and Article Selection Process (CRASP) may be cumbersome at first blush, but it's an integral part of the quality assurance Novena University College of Law represent.

The purpose of the CRASP is to inspire coherence and clarity of legal reasoning amongst stake holders particularly, our referred scholarly contributors who must comply with the writing format and style approved for authors. As a University we appreciate the difficulties rigid adherence to set standards pose to our researchers. These challenges notwithstanding, our scholarly guide lines need not constrain innovation and imaginations of prospective scholars. CRASP is a qualitative and functional response to oral/written English, law and policy research curriculum deficiencies of our educational process over the years.

In adhering strictly to the Chicago Style Manual approved under our CRASP process in conducting legal research and writing, we found an impressive number of format styles used in several journals. A critical perusal through these other styles unfolds suitability to fields like: humanities, anthropology, architecture, arts, classics, design, drama, film, history, humanities, language, literature, and music. In the contrary, at Novena University Law College our prescribed legal writing style and format is part of our conventional professional teaching module. A prerequisite of our global IVY – link standard – driven inter disciplinary legal research which remains a charming curiosity to our international partners. The thirteen (13) articles in this second volume are presented as compelling unpublished articles providing a glimpse of our journal's potential high impact range.

NULJ is usually compiled after the call for papers. The Editors compile the whole entries for the Provost/ Dean and Editor – in – Chief who forwards the whole

articles with a 'blind brief' for the external reviewers (Ers). The ERs make a determination on whether the articles or cases are well researched and publishable. This is followed by the computer based plagiarism and academic cum legal ethics Committee review. It is after this meticulous CRASP process the final selection of articles for publication is made. Note however, regardless of our meticulous quality assurance process individual authors are responsible for the intellectual integrity of their papers.

This issue contains a broad spectrum of articles that deals with contemporary issues facing Africa and the developing countries all over the world. For example Professor Bibobra Bello Orubebe of Novena University College of Law examines the deep seated ideological and jurisprudential fault lines in UN Charter interventions debate that have turned Syria into a "siege warfare," in which civilians are systematically denied access to humanitarian aid, food and basic necessities like medical care, and are forced to choose between surrender and starvation. The Syrian forces and pro-government militia continue to conduct widespread attacks on civilians, systematically committing murder, torture, rape and enforced disappearance, and using children as armed actors. War crimes have also been committed by the other parties. "Among the violations are murder, summary executions, torture, hostage taking, rape and sexual violence, recruitment and using children in hostilities and other crimes. Non-state armed groups including terrorist groups' perpetrate massacres. He concludes that the failure of the United Nations and the international community at large has provided the space for the proliferation of actors in Syria. The Security Council cannot but bear responsibility for not addressing accountability and allowing the warring parties to violate international humanitarian law rules with total impunity. Even when the UN Charter contemplated 'intervention' . He contends that UN inaction is inexcusable and wonders if this will not eventually impact the relevance of the UN to Africa and the developing countries.

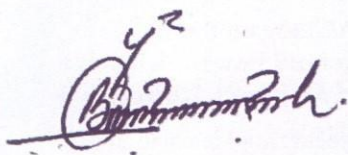
On their part Olokooba S.M and Awodun Muritala of the University of Ilorin and Kwara State University isolated the scope and content of the administrative cum legal implications of mishandling or divulging of taxpayers confidential information by tax authorities to a non-authorised third party. Associate Professor N.A.O Ijaiya of the University of Ilorin unraveled the compellability and admissibility of a child's evidence under Nigerian Statutory evidence law and practice with recommendations. As expected, Associate Professor Hakeem Ijaiya skillfully identified the judicial techniques employed by courts in their interpretation of the Indian Constitution and suggested the need for more purposeful and proactive inclination like English Courts. Grace Emmanuel Kaka and Adamu I. Tanimu both of Bauchi State University retraced the Quest for rights, justice and equality among spouses under Islamic Family Law using Muslim Feminist Perspectives. Dr H. Bena Buku Principal Lecturer of the College of Education Warri addressed the conflict inherent in development and environmental protection using sustainable development as a recipe.

Together, Associate professor Bashir Adeniyi Omipidan of the University of Ilorin and Omidoyin Taiye Joshua of Ekiti State University Ado – Ekiti, carried out a detailed comparative socio- legal and ethical evaluation of the legal implications

of organ donation and transplantation in contemporary medical practice. S.M Abdulmalik of Lead City University Ibadan examined the nature of land holding under the English doctrine of Estate: Its relevancy and applicability to modern Nigerian land law with far reaching recommendations. Barakat A. Raji of the University of Ilorin and Professor Asgar Ali Ibn Mohamed of the International Islamic University Malaysia wrote on exploring the implementation of alternative dispute resolution (ADR) in the Nigerian Construction Industry. Associate Professor Muhtar Adeiza Etudaiye and Abdulazeez Hamza Okene both of University of Ilorin carried out a geo-legal survey of the laws on the subject of fire in Nigeria. On their part Murtala Ganiyu A. Murgan lecturer in the Department of Jurisprudence and International Law, Faculty of Law, University of Ilorin, Nigeria and Maizatun Mustpa Associate professor of Law, Ahmad Ibrahim Kulliyyah of Laws, International Islamic University, Malaysia expanded the need Towards Regulation of Aviation Emission In Nigeria: A Study on the Environmental Impact of Aviation Emissions and the Control Laws. Dr Philip Osarobo Odaise of Adekunle Ajasin University in his case review x-rayed the famous **IPCO Nigeria Limited V. Nigerian National Petroleum Corporation** decided by the [2017] United Kingdom Supreme Court 16. The 'Novelty' in the case of *Shande V. State* [2005] 12 NWLR (PT. 939) at 301. reviewed, and Mathias Zechariah, Jude Henry Okoro and Leah Mark Bulus lecturers of the University of Jos comparatively reviewed the defence of provocation in homicide cases in Nigeria, **The 'Novelty' in the Case of *Shande V State* [2005] 12 NWLR (PT. 939) 301.**

Finally, the issues cum questions raised by these papers particularly the recommendations are relevant and timely, but like every collection of knowledge in the science and art of law, they are also important and timeless. I hope these reflections will inspire you to read each article and case review for yourself and to imagine your own contribution to the next edition of *Novena University Law Journal (NULJ)*.

Thank you for your interest.



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GEO-LEGAL SURVEY OF THE LAWS ON THE SUBJECT OF FIRE IN NIGERIA

Muhtar Adeiza Etudaiye, Ph.D and Abdulazeez Hamza Okene **

Keywords: Fire, Workmen Compensation, Insurance and Climate change.

ABSTRACT

Fire incidents have recently become a phenomenon in Nigeria, with far reaching consequences on the economy; the environment; the employer; the employee and the victim. These consequences are usually fraught with legal duties, obligations and liabilities. The paper offers an overview of both the common law and statute law perspectives in relation to the civil and criminal responsibility for fire incidences.

Finally, the paper espoused the need for adherence to provisions of fire-related laws with a view to avert the multiple environmental problems such as climate change; global warming; desertification; greenhouse gas emissions; ozone layer depletion that confront the universe of which Nigeria is an integral part.

1.0 INTRODUCTION

Nigeria has experienced a plethora of fire outbreaks for all types of reasons. The more common of these reasons bother on negligence on the part of both the perpetrator and the victim who has failed to adhere to preventive methods of protection particularly, Human Safety, Environment Standards (HSES). The reasons for fire incidents in Nigeria are many and sometimes arson (please note that this term is used in the general English sense rather than in any legal sense). Quite a number of these fire incidents were popular such as Akute, Jesse, Onitsha and Lagos (to mention just a few). The thrust of this paper is to comprehensively evaluate and analyze the requisite laws relating to fire incidences both from the civil and criminal perspectives.

Whilst the issue of "Fire" incidents in other jurisdictions have become settled Law and an array of legislations and judicial precedents (both international and domestic) permeate the legal climate, this is not so in Nigeria. At best, there is a hazy reference to the International Labour Organization's Regulations about the accessibility of "exits" in corporate sites in general and on factory floors in particular during the incidence of fire which occurred at two Chinese-owned factories at Odogunyan, Ikorodu, Lagos State on

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