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**QUESTION**

Discuss the secondary sources of law in Nigeria, justify your work.

**INTRODUCTION**

In general law, secondary sources are not binding but of mere persuasive authorities and it is so in the case of Nigeria too. Secondary sources of law in Nigeria include;

* International law
* Customary law
* Foreign materials
* Books
* Periodicals
* Newspapers, among others.

1. **International law**

Sources of law are regarded as primary sources only if they are laws in the constitution of a nation and binding upon citizens of that particular country. However, Nigeria as a member of different international organizations such as African Union (AU), United Nations (UN) among others are bound by the international conventions, treaties and resolutions of these organizations. Section 12(1) of the 1999 constitution of the Federal Republic of Nigeria as amended states that ‘no treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly’. Since these laws have not been incorporated into a domestic statute, they are regarded as secondary sources of law.

1. **Customary law**

Before the advent of colonial masters in Nigeria, communities had their customary law to enforce law and order in the society. Customary law are rules of conduct accepted by members of a community as binding among them. Nigerian customary law can be classified into ethnic customary law and Islamic law. Ethnic customary law is indigenous, unwritten and diverse from one ethnic group to another. Islamic law is largely written in the Qur’an and part of it is from the Sunnah (practice) of the Prophet Muhammad. Our focus is the ethnic customary law. It must be noted that before this law is applied by the court, it must have passed the three tests of validity is subject to three tests of validity. These tests states that customary law rule must not be;

* repugnant to natural justice, equity and good conscience
* contrary to public policy
* Incompatible directly or by implication to any law

1. **Books**

Books and treatises are generally of persuasive authority. A treatise is a written composition in which a subject is treated systematically or a formal opinion is offered on the scope. Some of the writings of early jurists like Bracton, Blackstone, Dicey and Coke among others may have more of authoritative imports in common law jurisdiction. However contemporary writers and their writings no doubt are of mere persuasive import. Thus books like Phipson Evidence, Okonkwo and Naish on Criminal Law, Kodilinye on Torts are helpful treaties but may be only cited as persuasive authorities. This is because they often contain the personal opinions of the author as opposed to the raw statement of the law.

**NB:** Newspapers and periodicals (particularly the law report column) may generally not be cited as authorities in the law court except where there is scanty or absence of binding authorities on the subject in which case they can be of some persuasive effect. Even where they are cited, the weight to be attached to them will depend on the legal substance of the writer or the person being interviewed.