

## Article

# Protection of Linguistic Diversity & Access to Justice for All through Pro Bono: Case Study of Nigeria (International Federation of Women Lawyers & Nigerian Law School Law Clinics)

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## Abstract

Access to justice for the indigent in Nigeria has been a growing concern over the years and has drawn governmental and private efforts towards achieving this feat. Civil societies and law clinics have also taken advantage of this opportunity to centre their activities towards meeting these needs. Indeed, a lot has been done through the instrumentality of these groups amidst growing challenges one of which is the hindrance caused by the inability to adequately communicate in a language common to these service providers and the recipients of their services especially in a country with over 400 indigenous languages. This article therefore through empirical and doctrinal research, probes what these challenges are, in the six geopolitical regions in Nigeria, for the International Federation of Women Lawyers (FIDA) – a civil society - and the Law Clinics run by the Nigerian Law School. It explores the constitutional framework with respect to the recognition of the use of indigenous languages. It also identifies the pragmatic approach utilised by FIDA and the law clinics in addressing these challenges, and makes recommendations on how these language challenges can be surmounted to an extent to enhance access to justice. It affirms that harnessing the use of indigenous languages for enhanced life and livelihood is crucial to national development.

**Keywords:** Indigenous language, pro bono, civil society, law clinics, Nigeria.

## 1. Introduction

Harnessing the use of indigenous languages for enhanced life and livelihood is crucial to national development.<sup>1</sup> Since language is generally used as a means of communication with government agencies for socio-cultural, economic, and political impact<sup>2</sup>, it is directly and indirectly linked, to how people access justice. Indigenous languages spoken by a greater number of the population therefore

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<sup>1</sup>A Olaoye, 'The Role of Indigenous Language in National Development: A Case Study of Nigerian linguistic situation' (2013) *International journal of applied linguistics and English literature* 29. <https://www.researchgate.net/publication/271027512> *The Role of Indigenous Languages in National Development A Case Study of Nigerian Linguistic Situation* (accessed on 27/04/2022).

<sup>2</sup> Ibid.

play a crucial role in this regard. This is despite being plagued by a number of challenges that have hindered its development and threatened its survival.<sup>3</sup> Invariably, this threat is also a threat to access to justice. According to Olaoye, in Nigeria, many factors hinder the development of indigenous languages which directly or indirectly affect access to justice; some of which are lack of use and unfavourable language policies.<sup>4</sup> Further challenges also include 'lack of knowledge of the number of languages, haphazard research, inadequate funding of research, inadequate facilities' and a few others.<sup>5</sup> Where these challenges are not addressed, the implication is that access to justice for people generally, and the indigent in particular, through pro bono services may be affected by the inability of people to communicate through their respective indigenous languages, which to some, is the only means of communication used to access justice services. This is despite the main beneficiaries of the activities of law clinics and other non-governmental organizations in Nigeria being indigents, the majority of whom may be restricted to their respective indigenous languages as the principal means of communication.<sup>6</sup>

For the purpose of this paper, Onwubie's definition of language as a 'method of human communication, either spoken or written, consisting of the use of words in a structured and conventional way' is adopted.<sup>7</sup> Indigenous language therefore is a language that is 'native to a region and spoken by indigenous people... from a linguistically distinct community that has settled in the area for many generations.'<sup>8</sup> It is aboriginal to the people who speak them.<sup>9</sup> Consequently, any spoken language within a distinct community within Nigeria is an indigenous language.<sup>10</sup> This language must be native i.e. 'original to the people' often regarded as their mother tongue and picked up naturally.<sup>11</sup> In Nigeria, there are over 400 of such languages.<sup>12</sup> A great number of these indigenous languages have survived despite the threat posed by the advent of colonialism, which endangered their survival and development.<sup>13</sup>

UNESCO declared 2022-2030 as the 'Decade of Indigenous Languages' based on the issues identified as affecting indigenous languages globally in the course of 2021.<sup>14</sup> This declaration also acknowledges the relevance of indigenous languages to justice. Other areas recognised as equally important include

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<sup>3</sup> G Obinyan, 'The Development of Indigenous Nigerian Languages for Effective Communication and Professional Use: The Case of Esan Language' (2010) *Ekpoma Journal of Theatre and Media Arts* (3) (1-2) 16.

<sup>4</sup> Olaoye n 1 at 34.

<sup>5</sup> *Ibid* at 33.

<sup>6</sup> I Chiroma, A Alkali, R Badejogbin, L Odigie-Emmanuel and I Ononye, 'Strengthening Ethics in Clinical Legal Education: Analysis of Clients Expectation and Student's Professional Obligation in Nigeria' (2022) *International Journal of Law and Clinical Legal Education (IJOLACLE)* 3.

<sup>7</sup> C Onwubie, 'Indigenous Language and the Preservation of African Values: The Igbo Example' (2016) *Journal of Religion and Human Relations* 231.

<sup>8</sup> The STANDS4 Network 'Definitions' <https://www.definitions.net/definition/indigenous+language>

<sup>9</sup> V Oyemike, L Anyalebechi, & I Ariole, 'Promoting Indigenous Language in Nigeria: Issues and Challenges for the Library and Information Professionals' (2017) *Library Philosophy and Practice* (10) 6. [https://www.researchgate.net/publication/316186949\\_Promoting\\_Indigenous\\_Language\\_in\\_Nigeria\\_Issues\\_and\\_Challenges\\_for\\_the\\_Library\\_and\\_Information\\_Professionals](https://www.researchgate.net/publication/316186949_Promoting_Indigenous_Language_in_Nigeria_Issues_and_Challenges_for_the_Library_and_Information_Professionals)

<sup>10</sup> Onwubie n 7 at 232.

<sup>11</sup> *Ibid* at 232.

<sup>12</sup> F Ikoro, 'Development and Sustenance of Indigenous Languages in Nigeria: The Role of Ninlan and Its Library' (2016) *International Conference on Social and Education Sciences* available at <https://files.eric.ed.gov/fulltext/ED625832.pdf> (accessed on 13/02/2025).

<sup>13</sup> *Ibid* at 230.

<sup>14</sup> <https://en.unesco.org/news/upcoming-decade-indigenous-languages-2022-2032-focus-indigenous-language-users-human-rights> (2020) (accessed on 20/08/2025).

‘social cohesion and inclusion, cultural rights, health...’ and nature.<sup>15</sup> One way or the other, these latter issues are intricately tied to justice. This declaration is linked to other international instruments that one way or the other recognise and promote the rights of indigenous peoples. These instruments include UNESCO’s Convention against Discrimination in Education (1960), UN Declaration on the Rights of Indigenous Peoples of 2007, and UN System-wide Action Plan (SWAP) on the Rights of Indigenous Peoples of 2017, and a host of others.<sup>16</sup>

Creating an enabling environment for the use of indigenous languages in different private and public spheres was seen to contribute to the preservation of the human rights of the indigenous people.<sup>17</sup> This is especially so in the light of the threat of extinction of a good number of indigenous languages with recent data showing not less than 40% of the 7000 indigenous languages affected worldwide.<sup>18</sup>

The attention on indigenous languages is crucial because the right to preserve its use amongst its users is tied to ‘human dignity, peaceful co-existence ... and for the general wellbeing and sustainable development of society at large’<sup>19</sup> to mention but a few. Its effect cuts across diverse socio-economic and cultural, as well as political and environmental ‘domains, and historical contexts, regardless of affiliation or residence.’<sup>20</sup> It guarantees:

‘[a]ccess to ... justice, decent employment, ... participation in cultural life, and other rights ... self-determination and active engagement in public life without fear of discrimination, is a prerequisite for inclusiveness and equality as key conditions for the creation of open and participatory societies.’<sup>21</sup>

The declaration that produced the Global Action Plan recommends ten outputs to promote the functionality of indigenous languages globally using synthesis of different disciplines; in other words, an interdisciplinary approach. One of the approaches suggested is the ‘Access to justice and availability of public services guaranteed to indigenous language speakers and signers’.<sup>22</sup> This paper therefore, focuses on how indigenous languages have played out in accessing justice for the people of Nigeria through the instrumentality of the International Federation of Women Lawyers (FIDA), and law clinics of the Nigerian Law School. It commences by laying a background that connects the UNESCO declaration to the need on ground. It gives a brief methodology, and information on Nigeria, and identifies constitutional provisions on languages. It also provides information on the International Federation of Women Lawyers Nigeria and law clinics of the Nigerian Law School, their range of activities adopted to achieve their goals of making justice accessible to communities which otherwise would be deprived of them, and how the utilisation of indigenous languages enhances and hinders their services. It identifies the challenges faced by these groups with respect to the limitations of utilising the indigenous languages spoken by recipients of their services and makes recommendations on how these challenges can be addressed. This paper does not interrogate the theories applicable to

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid. See also United Nation’s International Convention on the Elimination of All Forms of Racial Discrimination (1965), International Covenant on Economic, Social and Cultural Rights (1966), International Covenant on Civil and Political Rights (1966),

<sup>17</sup> Ibid at 5 & 6.

<sup>18</sup> Ibid.

<sup>19</sup> ‘Global Action Plan of the International Decade of Indigenous Languages (IDIL2022-2032)’ Published in 2021 by the United Nations Educational, Scientific and Cultural Organization p5 <https://unesdoc.unesco.org/ark:/48223/pf0000379851> p 5.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid at 5.

<sup>22</sup> Ibid at 12

languages, but simply, examines the implications of indigenous languages in terms of access to justice based on the activities of these groups.

## 2. Methodology:

The study adopted doctrinal and empirical methods utilising primary, secondary and tertiary doctrinal sources as well as qualitative research method of interview. The study essentially examined how indigenous language barriers have posed a challenge to the activities of these groups to provide pro bono services. It also looked at the pragmatic ways adopted to address these challenges, and the areas that need attention in anticipation of the decade of indigenous languages declared by UNESCO. Six FIDA members interviewed comprise five current and the past Chair of a FIDA chapter in each of the six geopolitical zones in Nigeria, and a FIDA member who has been providing regular pro bono services in one of the FIDA chapters in North Central Nigeria. These locations are FIDA North West (Taraba State), FIDA North East (Kaduna State), FIDA North Central (Plateau State), FIDA South West (Oyo State), FIDA South East (Enugu State), and FIDA South South (Delta State). Six people were also interviewed for the law clinics. They are past or current Coordinators of law clinics in each of the campuses of the Nigerian Law School located in the six geopolitical zones of Nigeria,<sup>23</sup> namely North Central (Abuja, Headquarters), North East (Yola Campus), North West (Kano Campus), South West (Lagos Campus), South East (Enugu Campus), and South South (Yenagoa Campus). The choice of the locations is to give a broad spectrum of the situation in the country since the activities of the two groups studied span across all geopolitical zones of the country. The choice of these two groups studied is to have two broad categories of strictly law based *pro bono* outfits concerned with executing social good, the pursuit of justice, an avenue of public service with a measure of professionalism, with one of them connected to legal education.<sup>24</sup> It is pertinent to note that these are only two of the many private initiatives of *pro bono* activities in Nigeria that foster access to justice.<sup>25</sup> The interviews were semi structured with open-ended questions in conversational personal interview.<sup>26</sup> Triangulation of methods involving the doctrinal materials and text analysis of laws and data obtained was utilised in analysing the data and making findings.<sup>27</sup>

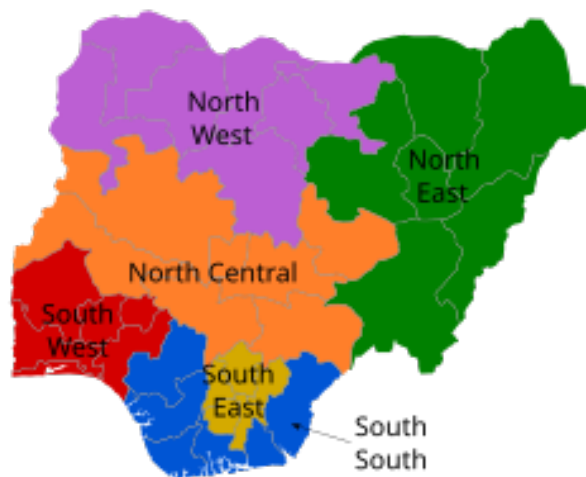
<sup>23</sup> Some of the law clinics however have been comatose in recent times due to a number of factors.

<sup>24</sup> Ibid, Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, 'Strengthening Ethics in Clinical Legal Education' n 6 at 8. See also Jajadev Pati, 'Clinical Legal Education, Ethics of the Profession' <https://www.lawyersclubindia.com/articles/clinicallegal-education-and-ethics-of-profession-238.asp>.

<sup>25</sup> These are just two out of the several private commitments to *pro bono* through individual, private, organizations and non-governmental organizations. See Latham & Watkins LLP, 'Pro Bono Practices and Opportunities in Nigeria' (2016) <https://www.lw.com/admin/Upload/Documents/Global%20Pro%20Bono%20Survey/pro-bono-in-nigeria.pdf> 454-457.

<sup>26</sup> CS 'PPA 696 research methods data collection strategies II: Qualitative research' (2009) available at <http://www.csulb.edu/~msaintg/ppa696/696quali.htm> (accessed on 03/05/2022).

<sup>27</sup> M Princloo, 'Selected Projects of the codification and restatement of customary law' in Bennett & Runger M (eds) *The ascertainment of customary law and the methodological aspects of research into customary law: proceedings of workshop February/March 1995 LRDC Namibia* 124.



Map of Nigeria showing the six geopolitical zones<sup>28</sup>

### 3. Brief facts on Nigeria

Nigeria, described as a constitutional democracy, gained her independence from British rule in 1960, and is just one out of 54 countries in Africa. It has 36 states and a Federal Capital Territory. As the most populous country in Africa with a population estimate of over 215,000,000 based on United Nations data, Nigeria is estimated to have over 400 ethnic groups and languages.<sup>29</sup> Nigeria's division into six geo-political zones, which are majorly, defined, by culture, language and location is evidence of its multilingual nature. Nigeria is one of the countries in the world with the most diverse languages, and thus, the emphasis on promoting indigenous languages is relevant to it. According to Olaoye, the languages in Nigeria are linguistically diverse in status and in the numbers of their respective speakers. They are also at various stages of development in terms of their orthographies, which are not yet 'designed and developed' and yet to be reduced to writing.<sup>30</sup>

Amongst Nigeria's diverse languages are the languages of the three major ethnic groups namely, Hausa/Fulani, Yoruba and Igbo determined by their size concentrated in specific zones spoken mainly through commerce and other socio-economic interactions.<sup>31</sup> Although, the Hausas are distinct from the Fulani in terms of language and culture,<sup>32</sup> they are often tagged as one for socio-economic, political and other considerations. The combination of this duo has increased their number to be

<sup>28</sup>[https://www.google.com/search?sa=X&sca\\_esv=6c98adb7f3c8c910&udm=2&q=map+of+nigeria+showing+the+six+geopolitical+zones&stick=H4sIAAAAAAAAAAFvEapibWKCQn6aQl5meWpSZqFCckV-emZeuUJKRqICcWaGQnppfKj-WZKZnJijUJWfl1oMAPclFagOAAAA&source=univ&ved=2ahUKEwiT2ejf-MyLaxWzXEEAHXyVAO4QrNwCegUIhQEQA&biw=1366&bih=633&dpr=1#vhid=806XbVI6ReV5vM&vssid=mosaic](https://www.google.com/search?sa=X&sca_esv=6c98adb7f3c8c910&udm=2&q=map+of+nigeria+showing+the+six+geopolitical+zones&stick=H4sIAAAAAAAAAAFvEapibWKCQn6aQl5meWpSZqFCckV-emZeuUJKRqICcWaGQnppfKj-WZKZnJijUJWfl1oMAPclFagOAAAA&source=univ&ved=2ahUKEwiT2ejf-MyLaxWzXEEAHXyVAO4QrNwCegUIhQEQA&biw=1366&bih=633&dpr=1#vhid=806XbVI6ReV5vM&vssid=mosaic) (accessed on 18/02/2025).

<sup>29</sup> A Mustapha, 'Ethnic Structure, Inequality and Governance of the Public Sector in Nigeria' (2005) CRISE No 18 Queen Elizabeth House, University of Oxford <https://assets.publishing.service.gov.uk/media/57a08c97ed915d3cfd0014aa/wp18.pdf>

<sup>30</sup> Olaoye n 1.

<sup>31</sup> O Ayenbi, 'Language regression in Nigeria The case of Ishekiri (2014) *Éducation et sociétés plurilingues* [Online], 36 | <http://journals.openedition.org/esp/136>; DOI: <https://doi.org/10.4000/esp.136>.

<sup>32</sup> S Nwabara, 'The Fulani conquest and rule of the Hausa Kingdom of Northern Nigeria (1804-1900)' (1963) *Journal des Africanistes* <https://files.eric.ed.gov/fulltext/EJ1286108.pdf> 231-242.

regarded as one of the major tribes and ethnic groups in Nigeria. Many of the other languages are not necessarily minor languages as in some cases, up to several millions of people also speak each of them respectively.<sup>33</sup>

Due to the advent of colonialism, English Language began to be spoken, mainly, to aid trade relations with foreigners, and eventually was adopted as the official language of Nigeria, taught in schools, and used as the primary means of communication in government circles, etc.<sup>34</sup> According to Uwazuoke, the adoption of English as the official language of Nigeria was also an attempt at addressing the problems posed by the diverse indigenous languages in terms of finding a common ground for communication.<sup>35</sup> Even though English is widely spoken in Nigeria, mainly in the urban communities, which according to a 2019 estimate amounts to about 79 million at different stages of proficiency, this is less than half of the estimated population of the entire country.<sup>36</sup> In other words, it is rarely spoken by people in rural communities, and with less education, which incidentally, are the main targets of FIDA and the law clinics.

#### 4. Constitutional Provisions on Languages

The 1999 Constitution as amended, which currently operates in Nigeria, has provisions that acknowledge and foster the recognition of the various indigenous languages under the Fundamental Objectives and Directive Principles of State Policy. The motto of Nigeria, which is 'Unity and Faith, Peace and Progress', promotes unity in diversity. Section 15 (2) clearly promotes national integration and prohibits discrimination on grounds of 'place of origin, sex, religion, status, ethnic or linguistic association or ties' thereby also fostering equality regardless of origin and language. In other words, these provisions encourage national integration of diversities including ethnic or linguistic diversity in order to avoid disintegration.<sup>37</sup> Again, the Constitution provides in section 15 (3) that the State has the duty to promote national integration through the provision of 'adequate facilities for and encourage free mobility of people, goods and services throughout the Federation.' It also has the responsibility to 'secure full residence rights for every citizen in all parts of the country, encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and promote or encourage the formation of associations that cut across ethnic, linguistic, religious and or other sectional barriers.' The implication of this is that it lays the legal framework for the recognition and fostering of indigenous languages. Other provisions that buttress this include section 35 (3), which states that an arrested or detained person must be informed within twenty-four hours, in a language that he or she understands, the reason for their arrest or detention. This also applies to anyone charged with the commission of a crime. Such a person must

<sup>33</sup> For instance are Ibibio, Kanuri, Tiv, Efik, Idoma etc. See World Population Review <https://worldpopulationreview.com/countries/nigeria/language>.

<sup>34</sup> Onwubie n 7 at 230.

<sup>35</sup> A Uwaezuoke, 'Ethnicity and national integration in Nigeria: towards the use of indigenous language option for information dissemination at the grassroots' (2018) *UJAH Unizik Journal of Arts and Humanities* [https://www.researchgate.net/publication/328795470\\_Ethnicity\\_and\\_national\\_integration\\_in\\_Nigeria\\_towards\\_the\\_use\\_of\\_indigenous\\_language\\_option\\_for\\_information\\_dissemination\\_at\\_the\\_grassroots](https://www.researchgate.net/publication/328795470_Ethnicity_and_national_integration_in_Nigeria_towards_the_use_of_indigenous_language_option_for_information_dissemination_at_the_grassroots) 45.

<sup>36</sup> G Uwen, V Bassey & E Nta, 'Emerging Sociolinguistic Teaching Trends of English as a First Language in Nigeria' (2020) *International Journal of Language Education* (4) (3) 400.

<sup>37</sup> P Edowor, Y Aluko & S Folarin, 'Managing Ethnic and Cultural Diversity for National Integration in Nigeria' (2014) *Developing Countries' Studies* (4) [https://www.researchgate.net/publication/327020178\\_Managing\\_Ethnic\\_and\\_Cultural\\_Diversity\\_for\\_National\\_Integration\\_in\\_Nigeria](https://www.researchgate.net/publication/327020178_Managing_Ethnic_and_Cultural_Diversity_for_National_Integration_in_Nigeria) (accessed on 27/04/2022).

be promptly and clearly informed of the nature of offence he or she is charged with ‘in the language that he understands’.<sup>38</sup> The Constitution also provides that such a person must be given ‘the assistance of an interpreter if he cannot understand the language used at the trial of the offence’ at no cost to him or her.<sup>39</sup>

Other relevant provisions of the Constitution include section 55 requiring the sessions of the National Assembly to be held in English, and if adequate arrangements are made, in Hausa, Yoruba and Igbo. Section 97 also makes a similar provision at the state level with regards to sessions of the various State Houses of Assembly to be held in English, but goes a step further to state that it can be held in ‘one or more other languages spoken in the State as the House may by resolution approve.’ The requirement of section 55 is yet to be actualised. For the House of Assembly, which is closer to the grassroots than the National Assembly it may be easier to implement this requirement especially where the particular state is almost homolinguistic. Nevertheless, the implication of these frameworks is that when implemented, indigenous persons will be more informed of their rights as they become more aware of what is contemplated by the lawmakers. Uwazuoke, basing his analysis on the relevant theory, had proposed that communication be disseminated to the people in their respective indigenous languages in addition to English since the country is yet to surmount the challenge of adopting indigenous languages as official languages.<sup>40</sup> Succinctly put, the Constitution has some form of framework for the enhancement of indigenous languages concerning the right to justice of the speakers of the various indigenous languages in Nigeria, however, the challenges to the implementation and enforcement of these rights remain. These constitutional provisions are relevant for the protection of the rights of the speakers of indigenous languages. They could form the basis for the enforcement of their rights against infringements caused by omissions in putting measures that would foster the rights and access to justice by government institutions for speakers of indigenous languages who are impeded by language barriers. On a similar premise, the Global Action Plan affirms the recognition of indigenous languages as enhancing human rights as it states thus:

‘Legal recognition of Indigenous languages at all levels and full realization of Indigenous language users’ rights which enhances the application of international human rights frameworks (instruments, norms, and standards) and ensures technical assistance for developing national legal systems and legislation, including the administration of justice and the use of interpreters in courts’<sup>41</sup>

## 5. International Federation of Women Lawyers (FIDA)

The International Federation of Women Lawyers (FIDA) has a global presence in several countries around the world including Nigeria. FIDA is the acronym for “Federación Internacional de Abogadas” which is in Spanish. It was established in Nigeria in 1964 as a non-governmental, nonprofit organization comprising of female lawyers. It operates through its chapters in the 36 States of the Federation including the Federal Capital Territory.<sup>42</sup> Its main responsibility is to ‘protect, promote and preserve the rights of women and children in Nigeria’.<sup>43</sup> The Mission of FIDA is to ‘promote, protect and preserve the rights, interests and well-being of women and children through the use of legal framework to ensure that they live free from all forms of discrimination, violence and abuse in the

<sup>38</sup> See section 36 (6).

<sup>39</sup> Ibid.

<sup>40</sup> Uwaezuoke n 36.

<sup>41</sup> Global Action Plan n 19 at 9.

<sup>42</sup> International federation of Women Lawyers Nigeria <https://fida.org.ng/about-us/> (accessed on 03/05/2022).

<sup>43</sup> Ibid.

society.’<sup>44</sup> This is done by volunteers who are FIDA members representing the diverse ethnicity and languages in the country heavily tilted towards the language or languages prevalent in the location of the particular chapter. It carries out this responsibility by providing free legal representation, advocacy and policy drives for the vulnerable i.e. indigent women and children. It also conducts educational and training strategies as well as mediation and counselling services.<sup>45</sup>

### 5.1 FIDA: Activities & Methods

Over the years, FIDA Nigeria has attained daunting accomplishments by contributing to the eradication of drug abuse, publication and distribution of literature and legal instruments for awareness, and setting up shelters for battered women. It has also carried out advisory roles to the government and legislative advocacy for the rights of women and children.<sup>46</sup> It has secured waivers on filing fees for court processes, stood against traditional practices against women, carried out awareness campaigns, collaborated with other national and local organisations for the promotion of women and children’s rights. Its accomplishments also include organising training for skills acquisition, and activism against gender -based violence.<sup>47</sup> Very importantly, FIDA Nigeria across the 36 states and the Federal Capital Territory has made countless courtroom appearances to represent women and children and also intervened through legal means for the protection of the rights of these vulnerable persons.<sup>48</sup>

In FIDA chapters within the six geopolitical zones studied, FIDA has provided free legal representation for indigent women and children in cases of inheritance, sexual abuse, violence, divorce and separation, child custody, child abuse, other forms of abuse, unjust employment termination, intimidation, defilement, adoption, abandonment, and other similar abuses. They visit schools, markets and suburban communities through the traditional rulers to carry out sensitisation and awareness campaigns, and also through the media - radio and television. They also partner with other NGOs and associations such as Association of Female Journalist, National Council of Women Societies, etc. who also make referrals to them where necessary. In carrying out all these activities, communication is crucial and has been made possible through the languages spoken by FIDA members and those of the recipients of their services. This has however not been without its challenges.

## 6. Nigerian Law School Law Clinics

The Council of Legal Education, Nigerian Law School, established in 1962 by virtue of the Legal Education Act 1962 has the sole responsibility of providing vocational legal training for law graduates from universities towards their call to the Nigeria Bar.<sup>49</sup> Over the years, clinical legal education methodology, which is the practical application of knowledge to life situations has gained ground as forming part of the methods of disseminating knowledge, skills and values to Bar aspirants, and this

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> R Badejogbin, ‘Trajectory of a noble passion’ in J Dawuni & A Kuenyehia, (Eds) *African Women Judges on International Courts: Untold Stories* (2017) Routledge.

<sup>47</sup> Ibid. n 4 See also Y Jimoh, ‘FIDA Restates Commitment To Raising Standard Of Women, Children’s Rights’ Nigerian Tribune of 21 November, 2021 <https://tribuneonline.ng/fida-restates-commitment-to-raising-standard-of-women-childrens-rights/> (accessed on 03/05/2022).

<sup>48</sup> Fida n 43.

<sup>49</sup> R Badejogbin, ‘Reforming Legal Education in Nigeria: The Nigerian Law School Experience.’ in O Adegoke and S Osamolu *Essays in Honour of Hon. Justice S. K. Otta* (2011) Vintage Law Publishers Abuja.

was adopted as part of its teaching pedagogies.<sup>50</sup> A notable benefit to the adoption of this method is the opportunity provided to students to learn on the field, which has proven to be a valuable means of education.<sup>51</sup> It also creates the opportunity for positively influencing the students on the values of pro bono services, and justice education. The students, who are from diverse backgrounds, ethnicities, and who speak different languages, are given the opportunity to impact positively on society by providing free legal services to indigent persons who otherwise may be deprived of access to justice. The ‘philosophy about the role of the lawyer in the society’, which has justice as the core of the philosophy, is therefore inculcated into the students.<sup>52</sup> This potent avenue to bring justice to the grassroots may be hindered by the challenge of inability to communicate owing to language barriers.

At the time of this study, the Nigerian Law School has five campuses and the Headquarters, each located in the six geopolitical zones in the country viz: North Central (Abuja Headquarters), North East (Yola Campus), North West (Kano Campus), South West (Lagos Campus), South East (Enugu Campus), and South South (Yenagoa Campus). The features of law clinics operating at the Law School are the in house and out house. Facilitators engage live clients comprising men, women, children and youths.

### 6.1 Law Clinics’ Activities and Methods:

The law clinics provide legal advice, draft documents, interview clients, conduct research, analyse facts and refer cases to qualified lawyers for court representation.<sup>53</sup> Their activities also include counselling members of the communities, for instance, widows on their inheritance rights, mentorship of youths in the communities around the Law School campuses, mediating on issues of gender violence, sensitisation on women’s issues and environmental law. They partner with NGOs and funders e.g. Network of University Legal Aid Institutions (NULAI), the United Nations Democracy Fund (UNDEF) and Mac Arthur Foundation and Centre for Human Rights to promote the culture of lawfulness, against social vices, drugs etc., and train the Nigeria police on culture of lawfulness. They carry out outreaches to prisons such as paying fines for prisoners, etc. They also conduct outreaches in secondary schools with respect to careers talks etc. They engage with traditional rulers, ward heads and youth leaders to access the people. Their activities include visiting traditional palaces where the Freedom of Information Act was explained to people in their indigenous languages. They carry out legal literacy/street law and public enlightenment campaigns on constitutional rights, personal liberty and security, and use local radio stations to announce pre-street law preparatory workshops to communities around the Law School campus and beyond. They also carry out awareness campaigns for members of the National Union of Road Transport Workers on the use of road signs, speed limits, and the consequences of violation of traffic rules. They also had outreaches to indigent communities publicised through radio jingles for which there was a large turnout.

## 7. Target Communities:

<sup>50</sup> K. Kipnis, ‘Ethics and the Professional Responsibility of Lawyers’ (1991) *Journal of Business Ethics* (10) (8) 569.

<sup>51</sup> Ibid Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, ‘Strengthening Ethics in Clinical Legal Education n 7 at 1. See also Y. Dadem and I Sule, ‘Pro Bono Legal Services in Rural Communities: Experiences of the Bagauda Law Clinic in Aid of Citizens’ *American Journal of Law* Vol.4, Issue 1 pp 39-49, 2022.

<sup>52</sup> J Pati, ‘Clinical Legal Education, Ethics of the Profession’ LCI Articles’ <https://www.lawyersclubindia.com/articles/clinical-legal-education-and-ethics-of-profession-238.asp>. See also

<sup>53</sup> O Bamgbose, ‘Clinical Legal Education in Nigeria: Envisioning the Future’ (2021) *Australian Journal of Clinical Education* (10) (1) 4.

FIDA's focus in the locations studied is usually on the immediate local community where the particular FIDA chapter is located, which is mainly to indigenous communities, or to a broader community of persons resident within the area whether or not they are indigenous to the community. In addition, specific groups such as prisoners, market women, vulnerable persons such as domestic workers, modern day slavery, sex workers, etc. are also reached. Of necessity, language is the chief means of communication with the people in order to have any impact. For the law clinics, the target recipients of their services are also the immediate local communities where each campus is located which are the indigenous communities, the broader communities of people resident within the community whether or not they are indigenous to the community, and specific groups such as prison inmates, market women, vulnerable persons such as domestic workers, community leaders, and the police.

Based on the interviews, the recipients of these services from both FIDA and the law clinics speak various indigenous languages and for a greater number, hardly understand the English Language, which is the official language of communication in the country. This is because according to the interviewees, most of them have very little or no formal education and hence, did not learn to speak English. This no doubt created quite some challenges, for the inability to communicate with these recipients would defeat the efforts of extending services that would make justice more accessible to the people.

*The various indigenous languages encountered in the course of pro bono activities by FIDA in the communities studied based on the data received from the interviews:*

s/n	FIDA Chapter	Languages encountered during pro bono services
1.	<b>FIDA North West (Taraba State)</b>	English, Mumuye, Hausa, Fulfude, and other indigenous languages.
2.	<b>FIDA North East (Kaduna State)</b>	English, pidgin, Hausa, Panju, and other indigenous languages of the communities and external to the communities.
3.	<b>FIDA North Central (Plateau State)</b>	English, Berom, Tarok, Mwagavul, Yoruba, Hausa, Idoma, and other indigenous languages of the communities and external to the communities.
4.	<b>FIDA South West (Oyo State)</b>	Yoruba, the different Yoruba dialects and pidgin.
5.	<b>FIDA South East (Enugu State)</b>	English, Igbo, pidgin and other indigenous languages external to the communities.
6.	<b>FIDA South (Delta State)</b>	English, pidgin and other indigenous languages of the communities external to the communities.

*The various indigenous languages encountered in the course of pro bono activities by the Law Clinics of the Nigerian Law School in the communities studied based on the data received from the interviews:*

s/n	Nigerian Law School Campus	Languages encountered during pro bono services
1.	<b>North West (Kano Campus)</b>	English, Hausa, Fulani and indigenous languages.
2.	<b>North East (Yola Campus)</b>	English, several indigenous languages, Hausa, and Fulani.
3.	<b>North Central (Abuja Headquarters)</b>	English, Gbagyi, Yoruba, Hausa, and other indigenous languages
4.	<b>South West (Lagos Campus)</b>	Mainly English, Yoruba and pidgin
5.	<b>South East (Enugu State)</b>	Mainly Igbo and pidgin English. Others are Yoruba, Hausa, and other indigenous languages
6.	<b>South South (Yenagoa Campus)</b>	English, pidgin and other indigenous languages of the communities and external to the communities.

### 8. Language Challenge:

The research finds, from its interviews, that the language challenge has had some adverse effect on the effectiveness of the pro bono services being rendered with a tendency to block the chance for access to justice. The disadvantages of a language barrier could be severe. The people who need these *pro bono* services offered by FIDA and the law clinics could be deprived of such services, and the objectives of the outreaches carried out could fail. Enlightenment campaigns become futile where there is language barrier in communicating the information to the target audience. People could fail to receive legal representation due to language barriers between them and the legal representatives where they cannot communicate the issues to the lawyers who are to represent them in court. These no doubt could lead to severe cases of miscarriage of justice, inability to provide a defence, and loss of entitlements. The data reveals that ordinarily, due to the nature and simple lifestyles of these communities, the people who are recipients of such services already feel intimidated. The physical and official structure of the courts and law firms and even the location of the law clinics, and demeanour and status of persons offering such services help to compound issues. In addition to intimidation is their lack of understanding of English, which is the official language, and hence they are usually discouraged from seeking help. Therefore, FIDA and the law clinics make efforts to surmount the language barrier while offering help. Most FIDA members and law clinicians do not speak the indigenous languages however, some members who are from the particular community do, and this has helped a great deal.

From the experiences of the interviewees, in certain instances, there were no official interpreters in the government institutions such as prisons and courts. In the few instances where there were, they were most often limited to the major languages spoken in the area. There were also too many languages requiring interpreters. There were instances where the people could not speak English, pidgin or any of the major languages and thus, getting a warden who could speak such a language to unofficially serve as an interpreter became a challenge. Even though it is easier to find people who understand English or Pidgin English in cosmopolitan towns and cities, the challenge subsists regardless. For instance, despite the developed status and cosmopolitan nature of Lagos, the data obtained from the interviews reveals that it was still necessary to engage in communication, at least, in the indigenous language of the region which is Yoruba. There were also instances where people could not speak even the major languages or any indigenous language prevalent in the geographical location. This is because there were migrants from various communities outside the state or region who could not speak English or any major language indigenous to the region. For instance, there were instances where prison inmates could not speak English, Hausa or Fulfude in the North East and North West, and it was challenging to get a warden who could speak their particular indigenous languages. The need for interpreters feature at every stage of the activities of FIDA and the law clinics. These include from the stages of outreach, interviews, enlightenment, pre court appearance, during and after court sessions, etc.

## 9. Pragmatic approach:

Sometimes, the recipients of the *pro bono* services from FIDA and the law clinics understand English or Pidgin English. However, the challenge for those who speak the indigenous languages only, and thus, can only communicate in such still remains. FIDA and the law clinics have utilised some pragmatic measures in the face of this language challenge to offer *pro bono* services. The empirical data reveals that oftentimes, they approach communities through the local chiefs who are sometimes educated and can understand English and bridge the communication gap. This however, is not always the case since they still have to work with other community leaders and members who do not understand English. These categories of people sometimes arrange for their own interpreters at the *pro bono* programmes. Interpreters utilised by the communities are usually volunteers from within the communities. Where chiefs interpret, or other persons who are brought in by the communities to interpret, their interpretation may be limited to the general dissemination of relevant information on the rights of the people, which may not involve ethical issues of client/lawyer confidentiality. There are times when some law clinicians and FIDA members understand these indigenous languages and are therefore, useful communicators. Where FIDA and the law clinics have members who understand the particular indigenous languages that feature at their programmes, they try to utilise them as interpreters. Such interpreters may cover the general dissemination of information on the rights of the people. Sometimes it may involve communication that is within the purview of lawyer/client confidentiality and hence, would be subject to the rules of legal ethics, which should also bind persons involved in *pro bono services*.<sup>54</sup> The advantage of targeting communities where the FIDA chapters and law clinics are located is the likelihood of getting someone who is versed in the indigenous languages prevalent in the community to serve as an interpreter, nonetheless, it still leaves much to be desired. This is because of the growing heterogenised communities in Nigeria. More often than not, persons indigenous to other communities migrate and reside in other communities thereby adding to the

<sup>54</sup> Chiroma, Alkali, Badejogbin, Odigie-Emmanuel and Ononye, 'Strengthening Ethics in Clinical Legal Education' n 6.

language challenge. Speakers of these indigenous languages would need to be found to aid communication during *pro bono* outreaches.

Another approach adopted by FIDA members and law clinicians was to sometimes arrange to provide paid or volunteer interpreters. Sometimes, the courts or FIDA may arrange for private interpreters around the premises of the courts for cases to be heard provided the interpreters comply with court rules and procedures for interpreters. Although, generally speaking, courts provide official interpreters, there is still the challenge of getting interpreters for other languages that feature during court sittings where the *pro bono* matters require court hearings, however, this task could be quite daunting. Sometimes, the court may adjourn to arrange for interpreters at their own expense if there is none for the particular language officially used within the premises. Court officials who can speak the particular indigenous languages sometimes serve as interpreters in their personal capacities. These private arrangements by the courts and FIDA could be risky as issues bordering on impartiality and conflict of interest by these interpreters, as well as quality control may pose serious challenges. For public enlightenment campaigns on rights, sometimes the law clinicians and FIDA use pre published materials in the particular indigenous language, and, seek funding to publish materials in the major indigenous languages of the people to aid their outreaches and enhance the impact of their programmes on the indigenous people. Even then, there is still a lot to be done since non-documentation has been identified as one of the major challenges to language development in Nigeria, which means that these materials are not readily available where the languages are yet to be structured, and resources to achieve this are scarce.<sup>55</sup>

Another pragmatic approach adopted by FIDA and the law clinics is to encourage members to learn basic sentences in the indigenous languages such as greetings and basic questions to put the recipients of their services at ease. The locals feel quite encouraged when they see foreigners in their midst making obvious efforts to speak their language. One of the law clinic supervisors interviewed explained that:

“Initially when the beneficiaries come to the clinic, they look scared and intimidated until they are greeted in their local languages, which immediately puts them at ease. At that point, they become relaxed and are ready to open up and give very useful information to enable us to help them.”

Where FIDA and the law clinics successfully bridge the communication gap, their *pro bono* services have had very great impact on the communities and targets of their *pro bono* services. The data obtained from the interviews reveals that one of the main factors that contributed to this is the ability in certain instances, to communicate with the beneficiaries in their respective indigenous languages. This has helped to build trust, and boost confidence especially when the locals see those offering help speaking their indigenous languages. Being addressed in their indigenous languages helps to put them at ease, enables thorough communication of what challenges they may be facing, and also helps them to open up and give very useful information to help in the next cause of action. Sometimes, these locals come to FIDA and the law clinics as a last resort, and thus, the opportunity to render help to them must not be lost. Despite this pragmatic approach, there is still a lot to be done in reaching out to those who are still challenged by a language barrier.

## 10. Recommendations and Conclusion

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<sup>55</sup> Oyemike n 9 at 10.

The challenge to bridge the language barrier in favour of speakers of indigenous languages to access justice is, despite the efforts of FIDA and the law clinics, no doubt daunting. Nevertheless, the political will must be awakened to address the matter. The challenge remains, but it is not insurmountable. It only requires concerted efforts to address it. Steps, however mild, must be taken to progressively confront this challenge such as the need for the government to engage official interpreters however limited the situation may be in its respective institutions, as revealed in the data obtained during the interviews. Ensuring quality control is crucial considering that the risk of misinterpretation could amount to a gross violation of rights. The achievement of this is progressive as it will involve continuous training, assessment and context, and cultural sensitivity.<sup>56</sup> More courts should hear cases in indigenous languages especially the lower courts at the grassroots where a great number of the indigenous people reside. Even though interpreters arranged by FIDA and the law clinics are volunteers from amongst the indigenes, and therefore not paid, there are instances where they may have no one versed in the applicable indigenous language. Such instances create the need to engage interpreters who should be paid for their services hence the need to include this in the budget of FIDA and the law clinics.

The need for basic language training among *pro bono* service providers such as FIDA and the law clinics is critical. Although FIDA has encouraged its members, through self-effort, to adopt this skill, there is a need for basic language classes to be incorporated into their programmes. This is to ensure that every member is put through the basics of the indigenous languages relevant to their work such as general greetings and basic questions to help to put the recipients of their services at ease. Other *pro bono* service providers can replicate the pragmatic measures adopted by FIDA and the law clinics in the findings in this research to manage challenges of interpreters pending more structured interventions.

There have been conversations amongst language scholars that ‘people cannot talk of national growth and development without language at the fore front’.<sup>57</sup> In time past, the government had made some efforts at promoting indigenous languages but this is very constrained due to the challenges that plague the high diversity of languages in the country. In the quest for national integration, at least one indigenous language is taught in schools at both the Primary and Secondary levels even though it may still remain grossly inadequate in addressing the challenge. The national policy on education that sought to ensure that early education is conducted in the indigenous language of a community has not been feasible, and this has contributed to the challenge of language barrier on access to justice. The challenge is huge, unfortunately, there is lack of political will to address it.

Olaoye had recommended a collaboration between the National Institute of Nigerian Languages, Linguistic Association of Nigeria, and departments of linguistics in Nigerian universities to fashion out a way forward, as well as the involvement of the government and non-governmental organizations such as UNESCO to fund language research so it can be used ‘as a tool for national development’.<sup>58</sup> This is in line with the Global Action Plan recommended output ‘5’. It states that national governments should design and deliver policy frameworks that will promote the functionality of indigenous languages to guarantee access to justice for users of indigenous languages. The government is therefore encouraged to set machineries in place to collect relevant data on the state of indigenous

<sup>56</sup> Translinguist Team ‘Assurance of Quality in Interpretation: Guaranteeing Excellence Every Time’ (2025) <https://translinguist.com/blog/quality-in-interpretation/> (accessed on 16/08/2025).

<sup>57</sup> A C Amaechi ‘Indigenous language implementation and nation building: the Nigerian experience’ (2013) *Journal of Theatre Arts and Media Studies* (7) (2) <https://www.ajol.info/index.php/cajtns/article/view/117029>

<sup>58</sup> Olaoye n 1 at 33.

languages and to study and identify best practices that can be adopted.<sup>59</sup> This will be capital intensive, and will involve collaborations, and a lot of training for the acquisition of necessary skills, nevertheless, it is worth the effort.<sup>60</sup> The benefits that will accrue, include, but not limited to, the enhancement of pro bono services to promote access to justice for persons who speak only their respective indigenous languages in Nigeria.

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<sup>59</sup><https://en.unesco.org/news/upcoming-decade-indigenous-languages-2022-2032-focus-indigenous-language-users-human-rights> page 15.

<sup>60</sup> Ibid.

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