

Navigating Global Realities: An In-Depth Analysis of The Legal and Institutional Framework of Nigerian Foreign Policy

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Abstract

This article provides a critical examination of the complex legal and institutional framework that shapes Nigerian foreign policy, highlighting its evolution, challenges, and implications within the contemporary global context. Positioned as a key player in African affairs, Nigeria's foreign policy is guided by a set of legal foundations and institutional mechanisms that have developed since the country's post-independence era. Through a historical lens, this study traces the key milestones, shifts, and guiding principles that have influenced Nigeria's foreign policy trajectory. The paper offers a comprehensive analysis of relevant laws, treaties, constitutional provisions, and the roles of key governmental bodies and diplomatic institutions. By exploring the interplay between these legal frameworks and institutional structures, this research provides valuable insights into the dynamics that shape Nigeria's interactions on the global stage, contributing to a deeper understanding of the country's role in international relations.

Keywords: Diplomatic institutions, Global dynamics, Institutional mechanisms, Legal framework, Nigerian foreign policy.

INTRODUCTION

In an era marked by rapid globalization and shifting geopolitical landscapes, the formulation and implementation of foreign policy strategies are crucial for nations striving to navigate the complexities of international relations (Zaidi & Nirmal, 2023). Positioned at the crossroads of regional dynamics and global aspirations, Nigeria has emerged as a significant player, exerting influence across the African continent and beyond (Wright & Okolo, 2018). Against this backdrop, this paper meticulously examines the legal and institutional framework that underpins Nigeria's foreign policy. By dissecting the intricate web of laws, treaties,

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constitutional provisions, and institutional mechanisms, this study explores the complexities and challenges inherent in Nigeria's engagement with the international community.

The research provides a comprehensive understanding of the dynamics shaping Nigeria's foreign relations by delving into the roles of key governmental bodies and diplomatic institutions. It seeks to shed light on the legal foundations of Nigerian foreign policy, offering valuable insights into the country's evolving role in the global arena. The analysis investigates the legal principles governing Nigeria's international engagement, including the role of the constitution, treaties, and international conventions in shaping the nation's foreign relations. Additionally, the article examines the institutional machinery responsible for formulating and implementing foreign policy decisions, emphasizing the roles played by the Ministry of Foreign Affairs, diplomatic missions, and relevant governmental agencies.

The challenges confronting Nigeria's foreign policy are scrutinized, addressing issues such as economic diplomacy, security concerns, and the pursuit of regional leadership (Gambo, 2023). Special attention is given to the impact of changing global dynamics, shifts in economic power, security threats, and emerging international norms on Nigeria's foreign relations. In addressing the gaps and areas for improvement within the existing framework, the article proposes recommendations for enhancing the efficiency and effectiveness of Nigerian foreign policy. These include reforms in institutional structures, strategic recalibration of diplomatic priorities, and leveraging soft power initiatives to bolster the nation's global standing.

In this study, the term "legal and institutional framework" refers to the set of constitutional, legislative, regulatory, and jurisprudential bases, as well as the institutions responsible for Nigeria's foreign policy formulation and implementation. The legal framework is the lawful mechanism that informs Nigeria's foreign policy, while the institutional framework is the state machinery deriving its powers from the legal framework to execute the making and implementation of the country's foreign policy.

The legal and institutional framework of Nigeria's foreign policy comprises the Nigerian Constitution, acts of the National Assembly, international treaties and conventions, and key governmental institutions and agencies such as the Ministry of Foreign Affairs, the National Assembly, and the Nigerian Institute of International Affairs. Initially, Nigeria's foreign policy was greatly influenced by principles articulated by Prime Minister Tafawa Balewa. It is to

Balewa's credit that the broad principles of Nigeria's foreign policy, which he outlined at the United Nations on October 8, 1960, have remained the core of Nigeria's foreign policy to this day (Obi, 2006).

Foreign policy guides a country's foreign relations. It is important to distinguish between the terms "foreign policy" and "foreign relations," as they are often conflated. According to Ruth Brooks, foreign policy is "the mechanism national governments use to guide their diplomatic interactions and relationships with other countries" (Brooks, <https://online.york.ac.uk/what-is-foreign-policy/>). Foreign policy is a form of public policy. George Modelski, as quoted in Ahmed (2020), defines foreign policy as a "system of activities evolved by nations for changing the behaviour of states and adjusting their activities in the international environment." Cohen (2015) similarly defines foreign policy as "the content or substance of a nation's effort to promote its interest vis-à-vis other countries." This leads to the concept of foreign relations, which are driven by a nation's foreign policy. Bojang (2018) explains foreign relations as "the relations between sovereign states: the manifest result of foreign policy...the field of international interaction and reaction." Foreign relations imply "the relations conducted by competent bodies with foreign states and international organizations" (Riigikogu Foreign Service Act, 2006).

For comparison, the foreign policies of the United Kingdom and the United States serve as examples. The UK's foreign policy, coordinated by the Foreign, Commonwealth and Development Office under the Foreign Secretary, recently prioritized sanctions on Russia due to the war with Ukraine, the introduction of a new Northern Ireland Protocol, and the negotiation of new trade agreements with foreign partners (Keukeleire & Delreux, 2022). Similarly, the U.S. foreign policy, overseen by the U.S. Department of State, aims to "protect and promote U.S. security, prosperity, and democratic values, and shape an international environment in which all Americans can thrive" (U.S. Department of State).

Nigeria, a relatively young nation-state, gained the power to conduct its foreign relations in 1957, even before achieving full independence. Since It emerged as a nation-state, Nigeria's constitution and judicial precedents have been the primary sources of its foreign policy. This study discusses the laws underpinning Nigeria's foreign policy and the institutions tasked with foreign policy matters within the context of foreign relations. The entire work is organized into the following sections: Introduction, Main Body of the Study, and Conclusion. The main body

is further divided into sub-headings, including the Nigerian Constitution, International Treaties and Conventions, the Presidency, the Ministry of Foreign Affairs, the National Assembly, the Nigerian Institute of International Affairs (NIIA), the Regions, and the States, as they relate to Nigeria's foreign policy-making and implementation, as well as categories of Nigeria's foreign policy institutional framework.

RESEARCH METHODS

This study employs a qualitative research approach, utilizing an exploratory and descriptive design to critically examine the legal and institutional framework of Nigeria's foreign policy. Data were collected from primary sources such as the 1999 Constitution of Nigeria, acts of the National Assembly, international treaties, and official government publications, as well as secondary sources including scholarly articles, books, and historical records. The data were analyzed using qualitative content analysis, focusing on thematic and historical analysis to identify key themes and trace the evolution of Nigeria's foreign policy framework. The study ensures validity and reliability by triangulating data from multiple sources and cross-referencing information to provide a balanced analysis. Despite its comprehensive approach, the study acknowledges limitations, such as potential gaps in capturing informal practices or recent developments, and focuses primarily on legal and institutional aspects. Ethical considerations were addressed by ensuring accurate representation and citation of all sources used in the research.

RESULTS AND DISCUSSION

The Nigerian Constitution

The Federal Republic of Nigeria's Constitution is the main legal context for the country's foreign policy. It spells out the powers and responsibilities of the president who is the architect of the country's foreign policy. It equally provides for the responsibilities of the national assembly which ratifies international treaties and conventions and those of the state governments in the area of foreign policy. It should be mentioned however, that the Nigerian constitution has foreign relations in the Exclusive Legislative List, as such the making and

implementation of external policies are rights essentially reserved for the Federal Government (Elaigwu, The Federal Republic of Nigeria).

Nigeria officially became a federation in 1954 (Nigeria., & Great Britain, 1954: Supplement to Official Gazette No.27, Vol. 45, Part B 29th March 1958. L.N.65 of 1958. B. 201). The Lyttleton Constitution of 1954 which came into operation in October 1954, can be said to be the first well-known legal context for Nigerian foreign policy. Section 98A(2) of *The Nigerian (Constitution) Order in Council, 1954 (b)* stipulated that "The Governor-General, acting in his discretion, shall be responsible for the following matters: – (a) external affairs, that is to say, such external relations as may from time to time be entrusted to the Federation by Her Majesty's Government in the United Kingdom." (Cited in Obi, 2006: 73) Apart from this section of the constitution restricting the Governor-General's responsibility in matters of foreign relations to those matters that may be assigned to him from time to time, it also excluded from the responsibility in external affairs the power to regulate relations between the colonial master and any of the regions of Nigeria.

Commenting on the provision of the Lyttleton Constitution regarding foreign relations, Ofoegbu points out that despite that the constitution granted Nigeria some level of responsibility in the area of foreign relations, it did not create commensurate machinery or institutions to coordinate decisions and actions in that regard. Rather the chief secretary who was the head of the local civil service combined external relations and defence with his schedule. However, he did not have the specialist knowledge, staff, and time to lay a solid foundation for a future foreign affairs ministry. The financial secretary took charge of external trade, thereby laying the foundation for a culture whereby external economic matters and foreign trade were placed in the economics ministry and departments rather than the external affairs ministry which later emerged (Bossuyt et al., 2020).

The 1979 constitution of Nigeria was novel as the legal context for Nigeria's foreign policy. It is the constitution that introduced the presidential system of government in Nigeria. It contains clear provisions for Nigeria's foreign policy. Thus:

"The State shall promote African unity, as well as total political, economic, social, and cultural liberation of Africa and all other forms of international cooperation conducive to the consolidation of universal peace and mutual respect and friendship among all

peoples and states and shall combat racial discrimination in all its manifestations (Okeke, 1980)".

Thus, the 1979 constitution makes the executive arm of government the main institution of the state in initiating foreign policy. The 1999 constitution of the Federal Republic of Nigeria, as amended, which the country currently operates, is the main legal framework that guides Nigeria's foreign policy today. The constitution stipulates Nigeria's foreign policy objectives in section 19 (1). The 1999 constitution as amended also grants the president of Nigeria the power to conduct foreign affairs and enter into treaties, agreements, and conventions on behalf of the country (1999 Constitution of the Federal Republic of Nigeria).

Diplomatic Immunities and Privileges (African Groundnut Council) Order, 1966

This Order grants the African Groundnut Council and certain employees of the Council immunities and privileges (Fox & Bakhoun, 2019). The African Groundnut Council is an organization of which Nigeria and foreign Powers are members. For instance, the offices and property of the Council were exempt from the payment of a non-beneficial portion of rates and taxes, that is property rates based on the rateable value of the property and other municipal taxes normally paid by property owners but which are not charges levied for specific services rendered (Diplomatic Immunities and Privileges (African Groundnut Council) Order, 1966).

National Security Agencies Act, 1986

In one of his national responsibilities as Head of State, General Olusegun Obasanjo issued NSO Decree No. 16, 1976 in the wake of the failed coup attempt in 1976. The Nigerian Security Organization (NSO) was established by the Decree in response to the security threat posed by the failed coup attempt in 1976. The NSO was then given the duty of promptly obtaining the appropriate intelligence required to address the issues raised and other topics of national security.

Following the enactment of Decree No. 19 of 1986, commonly known as the National Security Agencies (NSA) Decree, 1986, General Ibrahim Babangida restructured and reorganized the NSO at the beginning of his government in 1985. Three distinct establishments emerged from this exercise: The National Intelligence Agency (NIA), the

Defence Intelligence Service (DIS), and the State Security Service (SSS). These agencies play significant roles in Nigeria's foreign policy execution by gathering intelligence, safeguarding national security, and engaging in covert operations. The National Intelligence Agency (NIA) handled foreign intelligence and counterintelligence, the Defence Intelligence Agency (DIA) handled intelligence of the armed forces both inside and outside of Nigeria, and the State Security Service (SSS) handled intelligence within the country (Nigerian Security Organization (NSO)).

Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, Chapter F34 (Decree No 17 of 1995)

The main principal enabling law for foreign exchange transactions is the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act (Uzoka & Aduma, 2023). This Act promotes and regulates foreign investment in Nigeria. It outlines the rights, guarantees, and incentives available to foreign investors, contributing to Nigeria's economic diplomacy and efforts to attract foreign direct investment. It helps to ensure compliance with international monetary regulations and facilitates Nigeria's economic relations with other countries. The act establishes the Autonomous Foreign Exchange Market and dealings in the Market.

The Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, of 1995 is a significant piece of legislation in Nigeria that governs foreign exchange transactions and related matters. It has 42 sections broken up into 7 segments as follows:

1. **Purpose:** The Act aims to regulate foreign exchange transactions in Nigeria, ensuring stability in the foreign exchange market and promoting economic development.
2. **Authorization of Transactions:** It provides the legal framework for the Central Bank of Nigeria (CBN) to monitor and regulate foreign exchange transactions. The CBN is empowered to authorize and control the flow of foreign exchange in and out of the country.
3. **Prohibition and Restrictions:** The Act outlines prohibited activities relating to foreign exchange, such as unauthorized dealings, money laundering, and other illicit financial practices. It also empowers the CBN to impose restrictions on certain types of foreign exchange transactions to safeguard the country's monetary stability.

4. **Licensing and Regulation:** The Act establishes the requirement for licensing entities engaged in foreign exchange transactions, including authorized dealers and bureau de change operators. It sets out the criteria and procedures for obtaining licenses and outlines the regulatory framework for their operations.
5. **Penalties and Enforcement:** The Act stipulates penalties for violations of its provisions, including fines, imprisonment, and forfeiture of assets. It also outlines enforcement mechanisms to ensure compliance with its provisions, including inspections, investigations, and legal proceedings.
6. **Miscellaneous Provisions:** The Act contains miscellaneous provisions covering various aspects of foreign exchange transactions, including reporting requirements, record-keeping obligations, and administrative procedures.
7. **Amendments and Updates:** Since its enactment in 1995, the Act has undergone amendments and updates to address changing economic conditions, emerging challenges, and international best practices in foreign exchange regulation.

Overall, the Foreign Exchange (Monitoring and Miscellaneous Provisions) Act, 1995 serves as a critical legal framework for regulating foreign exchange transactions in Nigeria, contributing to the country's economic stability and financial integrity. It provides the necessary tools for the CBN to monitor, control, and supervise foreign exchange activities while deterring illegal practices and promoting transparency in the foreign exchange market.

The Nigerian Law Reform Commission correctly points out that the Principal Act passed in 1995, liberalized Nigeria's exchange control system by establishing guidelines for the simple importation of money and the repatriation of profits.

International Treaties and Conventions

Treaties are defined by the 1969 Vienna Convention on the Law of Treaties, Article 1, "as an international agreement between states in written form and governed by international law, whether embodied in a single document or in two or more related instruments and whatever its particular designation (*The Vienna Convention on the Law of Treaties, Done 23 May 1969*)."
A treaty forms the major means of entering an agreement in international law. It is both a source of international law and the laws that the International Court of Justice is enjoined to apply. In the evolution of modern states, treaties have served as the organizing principle of

world affairs. Conventions on the other hand are synonymous with treaties (Agom, 2019). According to the Legal Information Institute, "International conventions are treaties or agreements between countries" Also, the UN *Enable* explains that, "An international convention or treaty is an agreement between different countries that is legally binding to the contracting States (International conventions)."

The Paris Peace Treaty, the Treaty of Westphalia, The Vienna Convention on Diplomatic Relations of 1961 (VCDR), and the Vienna Convention on Consular Relations of 1963 (VCCR) are good examples of international agreements that influence Nigeria's foreign policy. 193 countries, including Nigeria, are signatories to these treaties. However, it should be noted that the 1999 Constitution of the Federal Republic of Nigeria as amended stipulates that "no treaty shall have a force of law in Nigeria except to the extent to which such a treaty has been enacted into law by the National Assembly (Dubakeme et al., 2023)."

The Nigerian Diplomatic Immunities and Privileges Act, promulgated in 1962 also serves as the legal framework of Nigeria's foreign policy. It confers "absolute immunity on diplomatic and consular officers, their staff, and members of their family as well as on representatives of commonwealth countries and international organizations certified as such by the Nigerian Minister of Foreign Affairs (Olukolu, 2018)."

The Presidency

The president is in charge of all the resources that the executive branch can apply to foreign and military policy. The constitution empowers the president to wield diplomatic and war power; the power to appoint and receive ambassadors as well as to negotiate treaties. However, he relies on the policy advice of the Ministry of Foreign Affairs and associated institutions. A foreign affair is placed in the exclusive legislative list of the constitution of the Federal Republic of Nigeria. This makes it an exclusive preserve of the central Government of the day to formulate and apply Nigeria's foreign policy. The president of the Federal Republic of Nigeria who wields executive power as both the Head of state and Government is the most important individual as far as foreign policy formulation and implementation is concerned. He is the chief implementer of the country's foreign policy (Okeke, 1980). Thus, various Nigerian political leaders appeared to have personalized foreign policy making as a result the country's foreign policy, to a great extent reflects the personalities of the Heads of State. Furthermore,

the power to declare war on another independent country, known as “war power” resides with the president. The President has greater access to and control over information. The president by the constitution is the commander-in-chief of the Armed Forces and the top decision maker on foreign and military affairs.

We can discern the influence of the president in foreign policy matters from various instances. One such instance was President Olusegun Obasanjo's successful negotiation with the Paris Club on the need to grant “debt relief” of USD\$18 billion out of USD\$31 billion to Nigeria in 2005 as one of his foreign policy objectives. In a similar instance, President Muhammad Buhari signed multilateral and bilateral treaties with different countries in continuation of his foreign policy stance on security, economy, and corruption (Akinrinde, 2023). President Buhari equally travelled to several sovereign nations seeking international partnership in the fight to checkmate corruption and in the process signed several multilateral and bilateral treaties, negotiating, and seeking assistance on how to repatriate looted funds from foreign banks, particularly from the West.

Hence a president wielding his constitutional power to make and implement treaties can sign bilateral and multilateral agreements on virtually any foreign issue ranging from arms supplies, intelligence sharing, and joint training exercises to repatriation agreements among others. As aforementioned, the president has exclusive access to sources of information on foreign affairs which include “Ministry of Foreign Affairs, diplomats, consuls, military attaches working for the Ministry of Defence, National Intelligence Agency (NIA) agents and other technical means of gathering information such as the satellites that others do not have” (Igbani, 2021). It is worthy of note here, that, because Nigeria operates a democratic form of government, his power over foreign policy is not absolute. He is checkmated by public opinion, the national assembly, and of course the regional governments.

The Ministry of Foreign Affairs

This is the ministry in charge of Nigeria’s foreign affairs. This ministry was formerly known as the Ministry of Foreign and Commonwealth Relations until 1963. According to a brief history of the ministry on its website, the Ministry began as the Department of External Affairs in 1957. Following Nigeria’s independence in 1960, “the division was renamed the Ministry of Foreign and Commonwealth Affairs. On attainment of a Republican status in 1963, it was designated,

the Ministry of External Affairs, and in 1989, the Ministry was re-designated the Ministry of Foreign Affairs (Obi, 2006: 73). The ministry is charged with responsibilities outlined below (Nigeria Ministry of Foreign Affairs, Headquarters, Abuja. <https://foreignaffairs.gov.ng/>):

1. Establishment and administration of Nigeria's Diplomatic and consular posts. Currently, the Ministry maintains a total of 109 missions; 76 embassies, 22 high commissions, and 11 consulates.
2. Conduct of government business in the legislature relating to foreign and commonwealth relations.
3. Training of Nigerians for overseas representations and care of the diplomatic bag
4. Relations with the diplomatic corps in Nigeria
5. Protocol and ceremonial as it relates to the diplomatic and foreign visitors.
6. Consular matters affecting Nigerians overseas
7. Representation of destitute Nigerians, Collection and collation of information about other nations
8. Coordination of arrangements for international conferences

The Ministry of Foreign Affairs boasts of core values that 'deal with issues of National Security, Survival, Territorial Integrity, and Sovereignty as well as strengthening the International Mechanism for effective service delivery and enhancing revenue measures, distributions, Customer service, including increasing a greater economic content in the curriculum of the Nation[s] Foreign Services and Investment (<https://foreignaffairs.gov.ng/>).

The Foreign Affairs Ministry is responsible for articulating various options on any foreign policy issues. The ministry utilizes reports of its overseas missions, organizes international conferences, and creates a good atmosphere for the operation of foreign diplomats. The ministry more than any other institution shoulders the responsibility of the country's foreign policy. It is responsible for the implementation of foreign policy despite that the presidency, national assembly, and other institutions are part of the foreign policymaking process.

The Ministry of Foreign Affairs operates within the Cabinet and at the federal executive council or the presidential level. The Minister who heads the ministry serves as the main presidential adviser on foreign policy. In foreign policy formulation, much depends on the relationship between the President and the Minister of foreign affairs. Foreign policy could be

initiated from within the ministry and articulated by the Minister in the form of advice to the President on special foreign policy issues. Also, the President may seek the Ministry's opinion on some issues. But in the final analysis, after consulting with the Minister of Foreign Affairs and other related ministries, experts, and advisers, the president ultimately formulates Nigeria's foreign policy. The permanent secretary, who is often assisted by a deputy, and other officials handles all administrative matters. In the early phase of the foreign affairs ministry, it was headed by a bureaucrat, the permanent Secretary assisted by the Deputy Permanent Secretary and heads of divisions. There were two permanent secretaries between 1968 and 1969. In the 1980s and 1990s when there came to be a substantive minister, a minister of state, a permanent secretary as director-general, and five others of the same rank overseeing five regions (Aremu, 2016).

In the 1960s, the Ministry of Foreign Affairs was made up of eleven divisions based on the functional and geographical classification of their responsibilities and activities. These divisions were headed by the first secretaries. Recruitment of staff was carried out by the Federal Public Service Commission with the presence and involvement of top Ministry officials.

National Assembly

The National Assembly consists of the Senate and House of Representatives. It has the power to ratify international treaties and agreements. It also provides oversight of the executive arm's foreign policy decisions and implementation (Raunio & Wagner, 2018). The national assembly is charged with the responsibility of making laws for the country and derives its foreign policy-making responsibility from the constitution of the Federal Republic of Nigeria. We can understand the power of the National Assembly concerning foreign policy, through several constitutional provisions since independence. The 1963 republican constitution, for example, stipulates in its section 74 as follows:

"Parliament may make laws for Nigeria or any part thereof concerning matters not included in the legislative lists to implement any treaty, convention, or agreement between the Federation and any other country or international organization of which the Federation is a member (Dubakeme, et al, 2023)"

In the same vein, the 1979 presidential constitution under the implementation of treaties, section 12 (1) provides 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" (Okeke, 1980).

Given the above provision of the constitution, an aspect of international law that will influence Nigeria's foreign policy is to be determined by the National Assembly. A law at the international level not domesticated in Nigeria through the National Assembly will not influence the nation's foreign policy making.

The 1999 Constitution of the Federal Republic of Nigeria as amended equally states in section 12 as follows:

1. No treaty between the Federation and any other country shall have the force of law to the extent to which any such treaty has been enacted into law by the National Assembly.
2. The National Assembly may make laws for the Federation or any part thereof concerning matters not included in the Exclusive Legislative List to implement a treaty.
3. A bill for an Act of the National Assembly passed according to the provisions of subsection (2) of the section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the House of Assembly in the Federation (*1999 Constitution of the Federal Republic of Nigeria, as amended, Section 12*).

Presidential Advisory Council on International Relations (PACIR)

The Presidential Advisory Council on International Relations was set up in 2001 during the administration of Olusegun Obasanjo. It was made up of distinguished Nigerians recognized for their experience and expertise in the areas of diplomacy and international affairs. The Presidential Advisory Council on International Relations is non-stipendiary, implying that they work not for personal gains. Its chief objective was to provide alternative policy options to the president. Chief Emeka Anyaoku, a former Minister of Foreign Affairs and retired Secretary-General of the Commonwealth headed the Council up to 2015. The Council holds meetings from time to time to deliberate on topical issues to Nigeria's foreign policy or in response to specific presidential requests. It meets with the president to review international developments and examine policy alternatives. Achievements of the PACIR include the

restructuring and rationalization of the Ministry of Foreign Affairs; streamlining of foreign policy institutions, and the reduction in the number of Nigerian embassies. The Council has been advocating the professionalization of the Ministry of Foreign Affairs in a manner that would reduce the number of politicians appointed to diplomatic positions (Institutional Processes of Foreign Policy).

Diplomatic Missions

Diplomatic missions play the following basic roles according to the Vienna Convention:

(1) the representation of the sending state in the host state at a level beyond the merely social and ceremonial; (2) the protection within the host state of the interests of the sending state and its nationals, including their property and shares in firms; (3) the negotiation and signing of agreements with the host state when authorized; (4) the reporting and gathering of information by all lawful means on conditions and developments in the host country for the sending government; and (5) the promotion of friendly relations between the two states and the furthering of their economic, commercial, cultural, and scientific relations (Vienna Convention on Diplomatic Relations, 1961).

In various countries across the globe and in intergovernmental organizations, Nigeria maintains diplomatic missions grouped into embassies, high commissions, and consulates. These missions are the primary channels for diplomatic engagement, promoting Nigeria's interests and fostering international cooperation. The diplomatic missions represent the government of the country in the receiving state. They present the policies of the Nigerian government to the host states and equally send home reports and the diplomatic bag, which is utilized by relevant government institutions in formulating the country's foreign policy (Saliu, 2019).

The Nigerian Institute of International Affairs (NIIA)

The NIIA is a policy-research body with main activities ranging from conducting research and producing policy papers for the government to organizing policy dialogues and conferences, seminars, round tables workshops, etc. NIIA'S Directors- General and Research Fellows serve on special government committees and official delegations to various

multilateral forums. NIIA has been able to intellectualize the discourse of Nigerian foreign policy and play a role in the articulation of Nigeria's role in Africa, including West Africa (Abegunde, 2015). The Institute performs complementary and supportive roles in the foreign policy process and its relevance in making input is dependent on the relationship between the DG and the president. Objectives of the Institute according to its Act 18th August 1971 (CAP 311) include:

1. To encourage and facilitate the understanding of international affairs and the circumstances, conditions and attitudes of Foreign Countries and their people;
2. To provide and maintain means of information on international questions and promote the study and investigation of international questions through conferences, lectures, and discussions and by preparation and publication of books, reports or otherwise as may seem desirable to develop a body of informed opinions on World Affairs;
3. To expand the ranks of the attentive public" in matters of Foreign Affairs to raise the incidence and quality of debate on international questions in Nigeria (*Nigerian Institute of International Affairs Act. Cap. N113*).

The NIIA was established along the lines of the Royal Institute of International Affairs, London, also called the Chatham House and the Council of Foreign Affairs, New York. Additionally, the NIIA plays a major role in the development of Nigeria's foreign policy through the following ways:

1. directly contributing research findings to the policy-making process, and creating policy papers for the government and its agencies to utilize in negotiations or as responses to outside issues.
2. Participation by officials of the institute in discussions and decision-making by the government, influencing policies through lectures, seminars, symposia, debates etc
3. Through its publication which helps influence policymakers in decision-making

According to Obi, (1979:91), the NIIA had contributed to the formulation of the country's foreign policy. He attributes this largely to Bolaji Akinyemi whose tenure he notes witnessed the institute's rise to prominence in Nigeria's foreign policy formulation.

The Region and States

Historically speaking, during the first republic, because the regions were powerful vis-à-vis the central government, they made little forays into foreign policy issues. However, it was practically an exclusive duty of the central government. According to Augustine, (2019), there were instances where the regional Premiers made pronouncements that were clearly in the foreign policy domain. He said that “the Sardauna throughout his life did not feel inhibited from making pronouncements on foreign policy”. The central government did not come out strongly to counter such incursions into an area that was its exclusive sphere.

Similarly, the 1963 and 1979 Nigerian Constitutions charged the regional governments with some roles in foreign policy formulation, particularly in the area of ratification of treaties. For example, the republican constitution stipulated that for a treaty to come into force in a Region in the country, the Governor of that Region must consent to it. The 1979 constitution equally spelt out the role of the states in section 12 (3) as follows:

“A bill for an act of the national assembly passed under the provisions of subsection (2) of this section shall not be presented to the President for assent, and shall not be enacted unless it is ratified by a majority of all the Houses of Assembly in the Federation”.

The 1999 Constitution of the Federal Republic of Nigeria as amended also provides for the state's participation in the nation's foreign policy formulation through ratification of treaties. According to the constitution, a bill for an Act passed according to the provisions of Section 12 (2) shall not be presented to the president for assent and shall not be passed into law except if it is ratified by a majority of all the Houses of Assembly in the country.

Categories of Nigeria's Foreign Policy Institutional Framework

Inamete (1993) attempts to group the machinery of Foreign Policy Decision Making in Nigeria into 3 categories viz:

1. Foreign policy formulation structures
2. Foreign policy implementation structures
3. Foreign policy advisory structures.

According to this classification, the presidency and the Federal Executive Council are good examples of entities that can be referred to as foreign policy formulation structures. Structures like the Ministries of foreign affairs, finance, petroleum resources, commerce,

national planning, defence, and information can be described as both foreign policy formulation structures and foreign policy implementation structures. These ministries play two roles supplying the information and analyses for decision making; working with national leadership organs to formulate foreign policies in various dimensions of foreign relations and helping to implement important aspects of the country's foreign policy, hence they are accorded dual categories in the classification. Finally, the Nigerian Institute of International Affairs (NIIA); the National Institute of Policy and Strategic Studies (NIPSS); and the Nigerian Institute of Social and Economic Research (NISER) which are semi-autonomous think-tanks owned and funded by the Federal Government can be described as primarily foreign policy advisory structures, because they mainly provide rigorous intellectual inputs into the foreign policy decision making system in the form of foreign policy analyses, generation of foreign policy options and alternatives and general foreign policy advice.

However, in a democratic presidential system, the buck stops at the president's table as the U.S. President Harry S. Truman would say. Hence the president more than any other structure is responsible for the formulation and implementation of Nigeria's foreign policy.

No doubt, Nigeria's foreign policy institutional framework is a multifaceted system that shapes the country's approach to international relations. To have a comprehensive overview of Nigeria's foreign policy framework is a herculean task, but drawing from the work of Ufot Inamete's (1993) scholarly perspectives and empirical studies, as shown above, the following would be appreciated.

1. Executive Branch: The President of Nigeria holds significant power in determining foreign policy direction. Historically, Nigerian leaders have played active roles in shaping diplomatic strategies, often reflecting domestic political interests. However, this centralized decision-making can sometimes lead to inconsistency or abrupt shifts in foreign policy, depending on leadership changes.
2. Ministries and Agencies: Nigeria's Ministry of Foreign Affairs and its various agencies play pivotal roles in implementing foreign policy. These entities engage in diplomatic relations, negotiate treaties, and represent Nigeria's interests abroad. However, bureaucratic inefficiencies, resource constraints, and occasional corruption can hinder their effectiveness, impacting the execution of foreign policy objectives (Nwosu, 1994).

3. **Diplomatic Missions:** Nigeria maintains diplomatic missions worldwide to promote its interests and foster international cooperation. These missions serve as vital channels for communication, negotiation, and cultural exchange. However, inadequate staffing, limited resources, and inconsistent training may limit the effectiveness of these missions, especially in addressing complex global challenges or crises.
4. **Legislative Oversight:** The Nigerian National Assembly provides oversight of foreign policy decisions through its committees on foreign affairs and international relations. However, its influence can be limited, as executive dominance often characterizes foreign policy decision-making. Additionally, partisan politics may sometimes overshadow bipartisan efforts to shape foreign policy direction (Dubakeme, et al 2023).
5. **Multilateral Engagements:** Nigeria actively participates in regional and international organizations such as the African Union (AU), the Economic Community of West African States (ECOWAS), the United Nations (UN), and the Non-Aligned Movement (NAM). These platforms offer opportunities to advance Nigeria's interests, amplify its voice on global issues and foster cooperation with other nations. However, competing priorities among member states, bureaucratic red tape, and divergent interests within these organizations can constrain Nigeria's ability to achieve its objectives (Fayomi, O., Chidozie, F. and Ajayi, L. 2015).
6. **Public Diplomacy and Civil Society:** Civil society organizations, the media, and public opinion play increasingly important roles in shaping Nigeria's foreign policy. Public diplomacy efforts aim to engage citizens and stakeholders in discussions about Nigeria's role in the world, garnering support for diplomatic initiatives. However, government censorship, limited media freedom, and the proliferation of misinformation can hinder effective public diplomacy efforts.

Overall, Nigeria's foreign policy institutional framework exhibits both strengths and weaknesses. While it provides avenues for engaging with the international community and pursuing national interests, challenges such as bureaucratic inefficiencies, political instability, and resource constraints can impede its effectiveness. Addressing these challenges requires

concerted efforts to enhance institutional capacity, promote transparency and accountability, and foster inclusive decision-making processes.

CONCLUSION

This paper has provided a comprehensive analysis of the legal and institutional framework underpinning Nigeria's foreign policy. By examining the intricate web of laws, treaties, constitutional provisions, and institutional mechanisms, we have elucidated the complexities and challenges inherent in Nigeria's engagement with the international community. The research reveals that Nigeria's foreign policy is deeply rooted in a multifaceted legal and institutional landscape, with the 1999 Constitution as amended serving as the primary legal framework. From the formulation of policy objectives to their implementation on the global stage, the interplay between legal frameworks and institutional arrangements significantly impacts Nigeria's interactions with other nations. Over the years, various heads of state and government have wielded substantial influence on the nation's foreign policy, often reflecting their personal idiosyncrasies and leadership styles.

Moreover, this study highlights the evolving nature of Nigeria's role in the global arena. As a key player in African affairs and an increasingly influential actor on the world stage, Nigeria faces both opportunities and challenges in advancing its foreign policy objectives. Recognizing the complexities of navigating global realities, Nigeria must continue to strengthen its legal and institutional frameworks to effectively pursue its interests and contribute positively to international cooperation and development. By fostering a deeper understanding of the legal foundations of Nigerian foreign policy and the roles of key institutions, policymakers and stakeholders can work towards more coherent and impactful engagement with the international community. This analysis not only contributes to the scholarly discourse on international relations but also provides valuable insights for policymakers, scholars, and practitioners seeking a deeper understanding of the foundations shaping Nigeria's global engagement.

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