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Adoption and Implementation of Treaties by States in International Relations: A Critical Reflection on the Domestication of the 'Convention of the Right of the Child (CRC)' in Nigeria

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Abstract

Nigeria like every other state in the globe is a signatory to many forms of international treaties such as the international instruments and/or charter with the United Nations on Convention of the Right of the Child (CRC) entered on 20th November, 1989, and the charter with Organisation of African Union (OAU) on the Rights and Welfare of the child (CRWC) in July 1990 and had rectified them in 1991 and 2000 respectively. Hence, in order to domesticate the Convention on the Right of the Child, the Child Right Act in Nigeria was passed into law by National Assembly in July 2003 and was signed into law in September 2003. Despite all the rectifications, Nigeria has not been able to fully implement the convention and charter at the federal level, and has failed to make sure the federating units are propelled to implement the rectified treaties to be fully alive at the municipal level. The study adopted secondary data which were extrapolated, summarised and analysed qualitatively through linkage study design, while anchoring on liberal international relations theory as the beacon of analysis. The study deciphered that only 25 states out of 36 states have localized the Child Right Act. And that 11 states in northern Nigeria are yet to domesticate the Child Right Act. The study recommended that the Nigerian state should include the Child Right Act into the Exclusive Legislative List of the federal government, as this will automatically become applicable in all the 36 states/FCT.

Background to the Study

Treaties have revolutionized agreement among states since Vienna convention of 1969, and after the Westphalia Treaty of 1948, (which helped in the establishment of modern Nation-state attributes). Before now, kingdoms and empires have stabilized relationship among themselves with the use of pacts, covenants, truce etc. to ease their relationship on politics, and trans-border trade which also served as basis for peace, and restrained war among them; and as such, anyone who defied the established provisions of the agreements was jointly punished. Amongst these ancient kingdoms were: Othman empire, French, Greece, Roman Empire, Isreal and Chinese etc. (Offor, Odoh, & Iwuozor, 2023).

Treaty is a binding written document between two state (Bilateral) or between three or more states (multi-lateral) that has legal effect in international law. According to Article 11 of Vienna convention on law of treaties 1969, treaty is an agreement by which two or more states establish or seek to establish relationships between them governed by international law. The Magna Carta treaty which was called 'Great Charter' of June 15th 1215 was one of the earliest treaties to end the Baron's war. This was a document guaranteeing English political liberties that was drafted at Runnymede, a meadow by the Rivas Thames, and was signed by King John under pressure from his rebellious barons. This was an attempt to achieve peace between royalist and rebel factions in 1215, (Britannica, n.d).

According to Pillalamani (2019), Other early treaties that helped in checkmating the excesses of war among states in international relations before the outbreak of World War II can be classified as: Treaty of Tordesillas of 1494 between Portugal and Spain that was negotiated by the papacy which aim was dividing the newly discovered lands outside Europe between the two countries (Portugal and Spain) along line of longitude through what is now eastern Brazil. The 1648 peace of Westphalia. This treaty consists two related treaties, the treaty of Munster and the treaty of Osnabruck signed at the end of 30 years' war between catholic and protestant states. The treaty of Paris 1783 established the United States of America and ended her Revolution. It is the oldest treaty signed by the United States still in effect. The congress of Vienna 1814 which was also tagged Treaty of Paris. This treaty was signed at the end of Napoleonic war which dramatically reshaped political history of Europe. The congress of Vienna was notable because it prevented outbreak of war for a hundred years. Treaty of Versailles (1919), was signed between the Western allies and Germany at the end of World War I (Offor, Odoh, & Iwuozor, 2023).

The notable treaties that have acted as basis for stabilizing world peace and shaping international law among nations after the World War II are; the United Nations Charter (UN) of 26th June 1945. The Vienna convention on diplomatic relations 18th April 1961, and was first- implemented on 24th April 1964 on the rules and treatment of envoys between state which have been established in customary law for hundreds of years. Paris peace Treaties of 10th February, 1947 after the end of the World War II in 1945 to allow the defeated Axis powers to resume their responsibilities as a sovereign state in international

affairs and also to qualify for membership of (UN) (IPPFA & UNFPA, 2006). The Universal Declaration of Human Right (UDHR) of 10th December, 1948 to protect the freedom, right and dignity of every individual under universal protection. Fourth Geneva convention 1949 for humanitarian protection of civilians in a war zone. The convention on the prevention and punishment of crime on Genocide (genocide convention) of 9th December 1948, to prevent Genocidal crime against humanity and to bring the perpetrators to book under international criminal law (ICRP BUDAPEST, 2020).

Convention of the rights of the child was adopted by General Assembly resolution 44/25 on 20th November 1989 and came into force on 2nd September, 1990 in accordance with article 49 which main purpose was to care for child as stated in Geneva declaration of the right of the child of 1924 and in the declaration of the right of the child adopted by the General Assembly on 20th November 1959 have on its provision among others emphasis on the need of every member nation of UN to in part 1 of Article 2: state that parties shall respect and ensure the rights in the present convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents or legal guardians race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, poverty, disability, birth or other status.

The child right convention is for the best interest of a child and shall guide the primary motive of what we are doing as a nation. UNICEF (2019), summarized four cardinal principles of the convention on the right of the child as; non-discrimination; Best interest of the child; the Right to survival and development, and the views of the child (Iguh, 2011). Nigeria is among the world nations that rectified the United Nations General Assembly adoption on convention of the Right of the child (CRC) on 20th November, 1989 and also rectified the organization of African union (OAU) now African union (AU) Assembly of Heads of states and Governments charter on the Rights and Welfare of the child (CRWC) in July 1990. Despite all the rectifications, Nigeria has not been able to implement this convention and charter across the state of the federation. When it was first introduced in 2002, it was strongly opposed by supreme council for Sharia because it did not sit-well with the religious-culture of the people. (Akinwunmi, 2009; Bashir, 2023). Amalu (2010), observed that Nigeria was signatory to both international instruments and had rectified them in 1991 and 2000 respectively. In order to domesticate the convention on the right of the child, the child right act in Nigeria was passed into law by National Assembly in July 2003 and was signed into law by President Olusegun Obansajo on September 2003. The Child's Right Act of September 2003 only expanded the human right on citizens in Nigeria's constitution of 1999 to children.

Conceptual Delineations

International Law

According to Shaw (2017, p. 12), "International law is a system of rules and principles that govern the behaviour of states and other international actors." Similarly, Cassese (2013, p. 23), asserted that "International law aims to promote peace, justice, and cooperation

among states and other international actors." These definitions, captured the salient elements inherent in international law and what it represents. Thus, International law refers to the set of rules and principles that govern the conduct of states and other international actors, such as international organizations and individuals, in their interactions with each other. It encompasses various areas, including human rights, humanitarian law, trade law, environmental law, and diplomatic law.

Municipal Law

In the words of Dicey (2013, p. 34), "Municipal law regulates the internal affairs of a country, including the conduct of citizens and the administration of justice." In the same vein, the Black's Law Dictionary (2020, p. 1134), submitted that "Municipal law is the law of a state or nation, as opposed to international law." Essentially, municipal law refers to the body of law that governs the internal affairs of a country, state, or local government, as opposed to international law, which governs relations between nations. It encompasses various areas, including constitutional law, administrative law, criminal law, civil law, and procedural law.

Treaties

Essentially, treaties are written agreements between states that are governed by international law. Treaties are referred to by different names, including agreements, conventions, covenants, protocols and exchanges of notes. If states want to enter into a written agreement that is not intended to be a treaty, they often refer to it as a Memorandum of Understanding and provide that it is not governed by international law (Rafael, 2010). Treaties can be bilateral, multilateral, regional and global. The law of treaties is now set out in the 1969 Vienna Convention on the Law of Treaties which contains the basic principles of treaty law, the procedures for how treaties becoming binding and enter into force, the consequences of a breach of treaty, and principles for interpreting treaties. The basic principle underlying the law of treaties is *pacta sunt servanda* which means every treaty in force is binding upon the parties to it and must be performed by them in good faith. The other important principle is that treaties are binding only on States parties. They are not binding on third States without their consent. However, it may be possible for some or even most of the provisions of a multilateral, regional or global treaty to become binding on all States as rules of customary international law (Shaw, 2003; Rafael, 2010).

There are now global conventions covering most major topics of international law. They are usually adopted at an international conference and opened for signature. Treaties are sometimes referred to by the place and year of adoption, e.g. the 1969 Vienna Convention. If a State becomes a signatory to such a treaty, it is not bound by the treaty, but it undertakes an obligation to refrain from acts which would defeat the object and purpose of the treaty. A state expresses its consent to be bound by the provisions of a treaty when it deposits an instrument of accession or ratification to the official depository of the treaty. If a State is a signatory to an international convention, it sends an instrument of ratification. If a State is not a signatory to an international convention but decides to

become a party, it sends an instrument of accession. The legal effect of the two documents is the same. A treaty usually enters into force after a certain number of States have expressed their consent to be bound through accession or ratification. Once a State has expressed its consent to be bound and the treaty is in force, it is referred to as a party to the treaty (Shaw, 2003). The general rule is that a treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in light of its object and purpose. The preparatory work of the treaty and the circumstances of its conclusion, often called the travaux preparatoires, are a supplementary means of interpretation in the event of ambiguity (Rafael, 2010).

A treaty is a formal, legally binding written agreement between actors in international law. It is usually entered into by sovereign states and international organizations, but can sometimes include individuals, business entities, and other Legal persons. A treaty may also be known as an international agreement, protocol, covenant, convention, pact, or exchange of letters, among other terms. Regardless of terminology, only instruments that are legally binding upon the parties are considered treaties pursuant to, and governed by, international law.

Bilateral and multilateral treaties:
Bilateral treaties are concluded between two states or entities. It is possible for a bilateral treaty to have more than two parties; for example, each of the bilateral treaties between Switzerland and the European Union (EU) has seventeen parties: The parties are divided into two groups, the Swiss (on the one part) and the EU and its member states (on the other part). The treaty establishes rights and obligations between the Swiss and the EU and the member states severally, as it does not establish any rights and obligations amongst the EU and its member states. A multilateral treaty is concluded among several countries, establishing rights and obligations between each party and every other party. Multilateral treaties may be regional or may involve states across the world. Treaties of 'mutual guarantee' are international compacts, e.g., the Treaty of Locarno which guarantees each signatory against attack from another. (Rafael, 2010).

International Convention
An international convention is a formal agreement between countries that establishes rules, standards, or guidelines for a particular issue or activity. Conventions are often created to address global challenges, promote cooperation, and establish norms for international behaviour (Offor, Odoh, & Iwuozor, 2023).

Some of the notable international conventions include:

1. Paris Agreement (2015) - addressing climate change.
2. United Nations Convention on the Law of the Sea (UNCLOS) (1982) - regulating the use of the world's oceans.
3. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (1965) - combating racial discrimination.
4. Convention on International Trade in Endangered Species of Wild Fauna and

Flora (CITES) (1975) - protecting endangered species.
5. Geneva Conventions (1949) - setting humanitarian law standards for war
6. International Labour Organization (ILO) Conventions - promoting fair labour practices
7. United Nations Convention on the Rights of the Child (CRC) (1989) - protecting children's rights.
8. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW) (1990) - safeguarding migrant workers' rights. These conventions demonstrate the global community's commitment to addressing shared challenges and promoting cooperation, peace, and development.

Theoretical Framework and Research Procedure

The study adopted liberal international relations theory. Proponents of the theory are Carr and Schmidt. Liberal international relations theory, arose amongst the 'institution-builders' after World War II. The liberal school of thought as an off-shoot of 'idealism' holds that state preferences, rather than state capabilities, are the primary determinant of state behaviour. It also holds that a state should make its internal political philosophy the goal of its foreign policy. For example, an idealist might believe that ending poverty at home should be coupled with tackling poverty abroad. Unlike realism, where the state is seen as a unitary actor, liberalism allows for plurality in state actions, (hence, the mutuality or symbiotic bilateral/multilateral relations of states on trade, peace, and other co-operations). Thus, preferences will vary from state to state, depending on factors such as culture, economic system or type of government. Thus, instead of an anarchic international system, there are plenty of opportunities for cooperation and broader notions of power, such as cultural capital (for example, the influence of films leading to the popularity of the country's culture and creating a market for its exports globally). Another assumption is that absolute gains can be made through co-operation and interdependence, thus peace can be achieved.

The theory is relevant and applicable to the study, as it seeks to explain why states like Nigeria seek to engage in mutual-beneficial and multi-sectoral bilateral/multilateral treaties and understanding with other states with regards to her national interests, and welfare and protection of children in the country. Methodologically, data for the study were collected from secondary sources, such as text-books, journal articles, and online materials/publications, which were extrapolated, summarised and analysed qualitatively through linkage study design (a strand of longitudinal research design).

The Analytical Discourses

Adoption and Implementation of Treaties in Nigeria

Treaty application and implementation among member states that entered into bilateral or multi-lateral agreement is what brings the treaty into force. A ratified treaty has to be taken to the legislative body of such country to be enacted by that country into its municipal law to make it enforceable. Therefore, application of any treaty relates to the

level of enforcement within a country; whereas, its implementation is the actual process of giving treaties the force of law within a country.

In Nigeria for instance, it is done by the enabling law of the National Assembly and States' Houses of Assemblies. Oyebode (2003), opined that implementation of treaties could mean the execution or fulfilment of the obligation arising from treaties concluded by state. That is making the concluded treaties come into force. Though, that the treaty may have been concluded and rectified by the executive, does not actually pave way for its implementation. It needs legislative backup. Longjohn (2006), asserts that ratification of treaty by the executive is not sufficient to give a treaty the enabling force domestically, it is the legislative approval of the treaty in form of enabling statute that open the door for its implementation. In view of this, executive ratified treaties have to be domesticated which means transformation of treaties into the nations municipal law. Subjecting of treaties made on behalf of the federation to the legislative process, as in the case with other municipal legislation in term domestication of treaties (Akper, n.d). As a common practice with other countries in relation to the application of international law, Nigeria adheres to a dualist approach.

Thus, treaties validly concluded between Nigeria and other subject of international law or entered into as member of United Nation (UN) do not automatically transform into Nigerian law, except there is a legislative enactment on such international law. The 1999 constitution of the federal Republic of Nigeria as amended, section 12 stipulate thus that before any international law will have the force of law, it has to be domesticated in Nigeria municipal law through the legislative enactment.

Furthermore, in order for the international treaties entered into by the executive to fully become law among all strata of the state bearing in mind the federal constitution of Nigeria (as in the case of Nigeria), Okeke & Anusiem (2018), reiterated that a Bill for an Act of National Assembly for the purpose of implementing a treaty with respect to matters outside the exclusive legislative list shall not be enacted into law unless it is ratified by a majority of all the states' Houses of Assembly in Nigeria. Hence, it guarantees the States' Houses of Assembly which has exclusive legislative powers over residual matters and share legislative powers with the National Assembly over matters in the concurrent legislative list, to have contributed in the implementation of treaties that will affect their respective states.

Understanding 'who a Child is in Nigeria'

It is not easy to categorically state who is a Child in Nigeria, as the Supreme Law of the Country, the Nigerian Constitution failed woefully to define a Child in clear terms. Albeit, several Conventions, Protocols and Statutes have given some definitions as hereunder stated:

I. In the CYPL Child means a person under the age of fourteen years and went further to defined a Young Person as one under the age of seventeen (17) years.
ii. In the Child Rights Act a child is a person under the age of eighteen (18) years.

iii. Furthermore, under the CRC, a Child means every human being below the age of eighteen years unless under the law applicable to the child, the age of majority is attained earlier.

Major Provisions of the Child Right Act (CRA) of 2003

Quoting from the Child Right Act (2003), (Ikpeze, & Oti-Onyeama, 2021), surmised that the CRA contains 278 sections of great importance. These sections are: 1 – 268. For the purpose of this treatise, reference will be made to the following sections as they are laced directly to the rights of a child:

1. Best interest of a Child to be of paramount consideration in all actions.
2. A Child to be given protection and care necessary for his well-being.
3. Application of Chapter IV of 1999 Constitution etc.
4. Right to survival and development.
5. Right to freedom from discrimination.
6. Right to dignity of the child.
7. Right of a Child to free compulsory and universal primary education etc.
8. Right of a child in need of special protection measure.
9. Right of the unborn Child to protection against harms, etc.
10. Responsibilities of a Child and parent.
11. Parent, etc. to provide guidance with respect to Child's responsibilities
12. Prohibition of child marriage.
13. Prohibition of Child betrothal.
14. Use of children in other criminal activities.
15. Prohibition of exploitive labour.
16. Unlawful sexual intercourse with a Child.
17. Forms of sexual abuse and exploitation.
18. Other forms of exploitation.
19. Emergency Protection Order
20. Refuge for Children at risk.
21. Power of certain persons to bring children in need of care and protection before a Court in certain cases.
22. Power of Court to order parents etc. contribute to maintenance.
23. Power of Court to make Order in respect to custody or rights of access to a child.

Appraising the Domestication of the Convention of the Right of the Child (CRC) in Nigeria

It unarguable that International Conventions, Charters and Declarations stated in the outset of this treatise influenced the enactment of the Child's Right Act of Nigeria in 2003. The Act attempted to jettison the clamour for sustenance of supremacy of Customary. Practices in the Nigerian society (Okunola, & Ikuomola, 2010). It is pertinent to note that Nigeria's first attempt at Legal protection of the Child was in 1943 when the Children and Young Persons Act (CYPA) was promulgated by the Governor in Council an ordinance to the protectorates of Nigeria as a national Law. By several legislations, provision was made for its adoption as regional laws and thus it became applicable to the Western and

Eastern region by 1946 and became the (CYPL). It became applicable also to the Northern Nigeria in 1958 (Ikpeze, & Oti-Onyeama, 2021).

The Nigeria State and the Application of the Child Right Act

Nigeria is among the world nations that ratified the United Nations General Assembly adoption on convention of the Right of the child (CRC) on 20th November, 1989 and also rectified the organization of African union (OAU) now African union (AU) Assembly of Heads of states and Governments charter on the Rights and Welfare of the child (CRWC) in July 1990. Despite all the rectifications, Nigeria has not been able to implement this convention and charter across the state of the federation. Amalu (2010), observed that Nigeria was signatory to both international instruments and had rectified them in 1991 and 2000 respectively. In order to domesticate the convention on the right of the child, the child right act in Nigeria was passed into law by the Nigerian Legislature (National Assembly) in July 2003, and was signed into law by President Olusegun Obansajo on September 2003.

The Child Right Act of September 2003 only expanded the human right on citizens in Nigeria's constitution of 1999 (as amended) to children. It was strongly opposed by supreme council for Sharia, when it was introduced in 2002. However, despite the Act been passed into law since 2003, only 24 States Houses of Assembly out of 36 States have passed the Act into law for onward enforcement. The states include: Abia, Akwa Ibom, Anambra, Benue, Cross river, Delta, Edo, Ekiti, imo, Kwara, Lagos, Jigawa, Kogi, Rivers, Ogun, Taraba, Nassarawa, Oyo, Niger, Ondo, Ogun, Plateau and Osun (Amalu, 2020).

Enugu state was the recent state to enact the law in December 2016. With the domestic passage of the Act, it means the children will be well protected and any breach of the Act attracts punishments to the offenders. Also, the implication arising from not passage of the law by some state will necessitate furtherance of child abuse because the children under such states in Nigeria may have their rights infringed upon and offenders cannot be punished in such states. For instance, in furtherance of pursue of the Child Right, Amalu (2010), discovered that in Jos, Plateau state, 10 children between age 6-8 years, were working in mechanic workshop instead of being in school; while, in Akwa-Ibom state children are labelled witches and wizards and are beaten and starved irrespective of the fact that both states have passed the Child Right Act into law.

Insight to Cultural and Religious Practices amidst Child Right Act in Nigeria

Putting the revolutionary provisions of the Child Rights Act into perspective, there is no gainsaying that the toughest challenge which the implementation of the act will face is the deep-rooted religious and cultural practices which the Act seem to attempt to eradicate. Generally, culture and religion have their vantage points in raising the Nigerian child. However, there are certain cultural and religious practices which tends to endanger the life of the child which the Act seeks to protect.

Nzarga (2016), averred that no sooner than the Childs Right Act was ratified in Nigeria, that the Supreme Council for Shariah in Nigeria (SCSN), protested the attempt of the country's federal government to impose the Child Rights Act, passed by the National Assembly in 2003, on state Assemblies. According to the SCSN,

> *… any law that seeks to give equal rights to male and female children in inheritance, seeks to give an illegitimate child the same rights as the legitimate one, and establish a court (family court) that ousts the jurisdiction of shariah courts on all matters affecting children, is unacceptable to Muslims (Nzarga, 2016, p. 7).*

Threading the cultural and religious lines, it is no wonder why the 11 states that are yet to adopt the Child Rights Act are from the 12 Shariah implementing states in the Northern part of Nigeria and it is not farfetched to find that the failure of adoption is due to religious reasons. Culturally, there are several practices including early child marriages, tribal marks engraving on a child, female genital mutilation, denial of right to inheritance and several other practices that tend to have deep rooted foundation in the cultures of different tribes in Nigeria. It is in the light of the forgoing that the impact of the Child Rights Act is to be considered in terms of changing the religious and cultural narratives (Nzarga, 2016; Bashir, 2023).

To that extent, with regards to child marriages, it is reckoned that poverty is one of the factors fuelling child marriages as many Nigerian societies, especially in the rural areas live below poverty line and one of the means of survival that is usually within the disposal of most parents is their child or children particularly girl children. It is added that while many of the parents give their girl children out in marriage, others push their children into child prostitution, child labour among others (Lachman, 2002; Bashir; 2023). It must be said that no excuse or reason can justify the scourge of the child marriage as it is established that pregnancies-related deaths are the leading cause of mortality in 15-19 years old girls. In view of the said scourge, it is praiseworthy that the Child Rights Act has now prohibited child betrothal and marriage as the Act stipulates that no person under the age of 18 years is capable of contracting a valid marriage, and accordingly, a marriage so contracted is null and void of no effect whatsoever. The Act takes one step further to also provide sanctions of fine in the sum of N500,000.00 or five years imprisonment or both for any person who married a child; or to whom a child is betrothed; or who promotes the marriage of a child; or who betroths a child (Bashir, 2023).

In view of the provision of the Marriage Act which allows a person under the age of 21 to get married subject to consent of the parent, it would now mean that the 'under the age of 21' cannot be stretched further less than the age of 18. Notwithstanding the laudable provision of the Act, it is reported that the practice is still widely rampant in Nigeria and in 2009, 2 girls of the ages of 12 and 18 were married off and taken to their husbands without their knowledge (Arowolo, 2018). With regards to female genital mutilation, it is observed that the practice is still recurrent in southern and eastern zones of Nigeria while the engraving of tattoos and tribal marks are considered to be typical of the Western part

of the country. In the face of the grave havoc such practice causes to the child, the Child Rights Act has now prohibited such practice by stipulating that a person who tattoos or makes a skin mark on a child commits an offence under the Act and is liable on conviction to a fine not exceeding five thousand naira or imprisonment for a term not exceeding one month or to both such fine and imprisonment. Although the criminalization of the act of inflicting tattoos and marks on a child is laudable, it must be said that the maximum sum of N5,000.00 as fine may not be potent enough to deter the entrenched practice (Arowolo, 2018; Bashir, 2023).

Insight to Child Labour and Economic Manipulation amidst Child Right Act in Nigeria

It is without doubt that poverty is the harbinger of child labour. However, some cases of child labour have transcended to a level of economic exploitation as adults now engage in using children to generate revenue either by using them to carry out sale of goods or begging for alms. It is reported that Nigeria with about two hundred million population has child labour accounting for 20-30% of the population and in urban areas, such as Lagos, 1.1 million working children are less than 15 years of age as is evident in the increased number of street children, child hawkers, child sex workers and child beggars (IPPF & UNFPA, 2006; Ihinmoya & Folami, 2018).

It was observed that in Lagos State, child labourers are easy to source and cheap: first, child labourers are often from the rural area, conflict zones like Niger Delta, Plateau State, Benue and other Boko Haram terrorists' ravage region while many child labourers moved to cities because their regions have been affected by draught, flood, landslide and famine, for instance, natural disaster force Fulani herdsmen to migrate from the Niger and the Chad to Nigeria (Nzarga, 2016; Nwanna, & Ogunniran, 2019).

In the face of the prevalence of child labour in Nigeria, especially as the street hawking and begging are concerned, it was indeed imperative for the Child Rights Act to provide as it did, a specific prohibition of child labour. In this regard, section 28 (1) and (2) provides thus:

(1) Subject to this Act, no child shall be:
   (a) Subjected to any forced or exploitative labour; or
   (b) employed to work in any capacity except where he is employed by a member of his family on light work of an agricultural, horticultural or domestic character approved by the Commissioner; or
   (c) required, in any case, to lift, carry or move anything so heavy as to be likely to adversely affect his physical, mental, spiritual, moral or social development; or
   (d) employed as a domestic help outside his own home or family environment.

(2) No child shall be employed or work in an industrial undertaking and nothing in this subsection shall apply to work done by children in technical schools or similar approved institutions if the work is supervised by the appropriate authority.

The Act goes a step further to also provide punishment for any person who violates the prohibition of child labour by providing that any person who contravenes any provision of subsection (1) or (2) of this section commits an offence and is liable on conviction to a fine not exceeding fifty thousand naira or imprisonment for a term of five years or to both such fine and imprisonment.

Challenges to the Application of Child's Right Act in Nigeria

The application of the CRA in Nigeria is not without challenges. Thus, there is no gainsaying that the full impact of the Child Rights Act is yet to be felt as cases of child marriages, child labour and other several forms of child right abuse are still prevalent in the Nigerian Society.

There are reasons why the Child Right Act, have not been fully domesticated in the entire states. Nigeria operates a federal system of government, as such, the national passage of law that is not in exclusive list does not automatically become applicable in all of its 36 states. In terms of the constitution, children's issues are the preserve of the constituent states. State legislatures make national law applicable within its territory. Surprisingly, only 25 states out of 36 states have localized the child's rights act.

Assim (2020), affirmed that 11 states in northern Nigeria are yet to domesticate the Child Right Act. The states lay claims that other laws, including the constitution are able to protect children, and as such, no discussion on the Child Right Act by the legislatures, but yet children in these states are still subjected to obnoxious practices of early marriage, female genital mutilating and begging. Religion, ethnic and cultural diversity has contributed to the unwillingness to pass the Child Right Act by the northern states apart from federal structure of Nigeria in application of the treaties (Assim, 2020).

According to Bashir (2023), the said prevalence is attributable to several factors which include:

1. **Lack of Proper Policy that can Eradicate Poverty:**

while the labour Act is merely a law, it must be said that there are certain foundational issues which breeds the challenges faced by the Nigerian child such as poverty which is fueled by the terrible economic setting of the country. In this regard, where the parent of a child cannot afford to provide basic needs of the child, it becomes an avenue for the parent to send the child off to several other un-dignifying means for survival. As long as poverty level continues to rise, it is difficult to see how the sufferings of the Nigerian child will come to an end.

2. **Unhealthy Adherence to Culture and Religious Bias:**

Notwithstanding, the provisions of the Child rights Act, the culture of child betrothal, female genital mutilation and infliction of tribal marks still persists as many folks refuse to give up such practice. In addition, there is the debate as to whether the Islamic religion opposes setting the age of eighteen years as marriageable age and also the issue of corporal punishments as prescribed under the Shariah Penal Codes of a significant number of states in the Northern part of the Country.

3. **Lack of Political Will on the part of the Federal and State Governments**:
The failure of creation of institutions by the government and the training of personnel who would run the institutions which can effectively bring about the full implementation of the lofty ideals proffered by the Act is also a huge hindering factor in achieving the full implementation of the Child Rights Act and complete eradication of all forms of child right abuses which the Act attempts to eradicate. It is befuddling to find many children on the streets of FCT, Abuja being involved in one form of child labour or the other including begging for alms.

Conclusion and Recommendations
Conclusively, the workability of concluded and ratified treaties by states (or parties) whether a bilateral or multilateral is deeply rooted in the adoption and/or application through the domestication of same in the states' municipal laws. Also, the ability of the states to make sure that (it is enforced by their relevant enforcement agencies when it has been enacted domestically will propel the ratified treaty to be fully alive. The international law depends much on the involved states on the possible enforcement of the ratified treaties.

In view of the Child Right Act examined in this discourse, it is pertinent to note that the onus lies on the Nigerian state for its applicability, as the international law relies mostly on the domestic implementation of Nigerian tribunals. Essentially, Rogoff (2016), affirms that in practice, domestic courts could be the only bodies that are realistically positioned to apply or effectuate international law or the decisions of international tribunals in specific cases. Rogoff's position portends that the important of states as a determinant factor in international relations. In view on how the state will give effect on the international agreement entered in the eyes of the law, Rogoff (2006) noted; that; however, international law does not prescribe how a state must give effect to an international legal obligation. This means that the state determines how to fulfil its international legal obligation. In all, the implication of un-uniformity of implementation of Child Right Act, is that the Nigerian state has failed in its role to ensure that every state of the federation pass the Act into state laws, having ratified the Child Right Convention and Africa Children's Charter by eliminating all impediment (as a means of denying the Nigerian children their basic rights rather than improving it) due to Cultural, religious, customary or traditional practices working against the charter.

The study recommended that:

1. The Nigerian state should include the Child Right Act into the Exclusive Legislative List of the federal government, as this will automatically become applicable in all the 36 states/FCT, and also become a federal concern. Thus, the domestication of the Child Rights Act 2003 in all 36 states of the Federation cannot be overemphasized as the Child Rights Act is compatible, relevant and in the best interest of the Nigerian child.
2. Introduction and implementation of a robust poverty eradication program: this along with educational and health care programs and provision of necessary

social amenities will go a long way in supporting parents who are living hand to mouth and perhaps boost their sense of responsibilities towards their children.

3. Recurrent Grassroot Orientation on the rights of a Child: this can help those who are still clinging to the cultural orientation at the most remote villages and towns across the country to change their ways.
4. Harmonization of other statutes relating to the child: laws including the Immigration Act which refers to persons below the age of 16 as minors while the Matrimonial Causes Act stipulates the age of majority as 21 all need to align with the provisions of the Child Rights Act.
5. Setting up of all institutions as required by the Act: Institutions such as the Family Court and the Specialised Children Police Unit for the investigation and handling of criminal cases involving a child. In addition to the specialized unit of police which is intended to be stationed, there should be set up a mobile unit of the same police force to keep the general public in the regular mindfulness of how serious the government takes the case of child right abuse.

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