

# International Human Rights Obligations into Subnational Legislative Drafting in Federal Systems: Evidence from Disability Rights Lawmaking in Nigeria

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**Abstract:** This paper examines the integration of international human rights obligations into subnational legislative processes in federal systems, using disability rights lawmaking in Nigeria as an illustrative case. Despite Nigeria's ratification of the Convention on the Rights of Persons with Disabilities (CRPD) and the enactment of federal disability legislation, significant disparities exist in the adoption, alignment, and enforcement of state-level laws. The study highlights the doctrinal pathways, institutional mechanisms, and political factors that influence subnational compliance, including legislative incorporation, judicial interpretation, cooperative federalism, and participatory lawmaking. It further analyzes substantive and institutional gaps in state legislation, revealing challenges such as limited enforcement capacity, weak civil society engagement, and uneven intergovernmental coordination. Drawing on these findings, the paper outlines treaty-consistent legislative drafting techniques, intergovernmental harmonization strategies, and participatory governance approaches that enhance democratic legitimacy and rights realization at the subnational level. The study contributes to the theoretical understanding of multilevel human rights governance, demonstrating that effective treaty implementation in federal systems requires more than formal ratification; it depends on coordinated legal, institutional, and civil society mechanisms that bridge the gap between international norms and practical outcomes. Finally, the paper identifies lessons for policy and legislative reform and proposes avenues for future research on the operationalization of human rights in decentralized governance contexts.

**Keywords:** Federal System, Human Rights, Disability Rights, Subnational Legislative Drafting, Nigeria.

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## 1. INTRODUCTION AND CONCEPTUAL FRAMEWORK

### 1.1 International Human Rights Obligations in Federal Governance

International human rights obligations increasingly shape domestic governance structures, particularly within federal systems where legislative authority is constitutionally divided between national and subnational governments. Upon ratification of international treaties, states assume binding vvv to respect, protect, and fulfil recognized rights across their

entire territory, irrespective of internal constitutional arrangements (Vienna Convention on the Law of Treaties, 1969; UN Committee on Economic, Social and Cultural Rights [CESCR], 1990). This principle of territorial responsibility requires federal governments to ensure that subnational entities align their legislative and administrative frameworks with international standards as shown in fig 1, even where direct implementation authority resides at the state or provincial level. Federal systems therefore operate within a complex normative architecture in which international law obligations must be translated into domestic legal orders through constitutionally authorized mechanisms. While constitutional structures may allocate legislative competence to subnational units, international law maintains that internal constitutional arrangements cannot justify non-compliance with treaty commitments (Vienna Convention on the Law of Treaties, 1969). This creates a distinctive governance challenge: ensuring coherent rights protection while preserving subnational autonomy and legislative diversity. Scholars of multilevel governance emphasize that human rights implementation in federal states increasingly depends on vertical coordination, legislative harmonization, and institutional cooperation across levels of government (Aroney & Kincaid, 2017). Rather than viewing federalism as an obstacle, contemporary human rights practice recognizes subnational legislatures as critical sites for norm internalization and contextual adaptation (Burgogue-Larsen, 2019). Effective integration of international obligations within federal governance thus requires both constitutional accommodation and institutional innovation to achieve uniform rights protection without eroding federal diversity.



**Figure 1: Integrating International Human Rights Obligations in Federal Governance**

Fig1 illustrates the flow of international human rights obligations within a federal system. At the top, it depicts international treaties and conventions, such as the CRPD, as the normative source of rights. The arrows leading downward represent the process of federal ratification and incorporation, showing how national governments formally commit to treaty obligations. Further branching illustrates subnational legislative adaptation, highlighting how states and local authorities translate these international norms into operational laws, policies, and institutional practices. Iconographic representations of education, health, employment, accessibility, and participation emphasize the scope of disability rights, showing the areas where treaty obligations must be implemented. This visual emphasizes the multi-level nature of rights implementation in federations, demonstrating that treaty ratification alone does not ensure effective protection; it requires active engagement of subnational legislatures, institutional mechanisms, and civil society to achieve tangible rights outcomes for persons with disabilities. By linking international commitments to federal and subnational action, the figure concretely contextualizes the conceptual framework of multilevel human rights governance discussed in this subsection.

## 1.2 Subnational Legislatures as Sites of Treaty Implementation

Subnational legislatures play a critical role in translating international human rights obligations into domestic legal and policy frameworks, especially in federal systems where significant legislative competence is held below the national level. While ratification of treaties is ordinarily the prerogative of national governments, the actual implementation of many treaty-based rights — including disability rights — frequently depends on laws and regulations enacted by states, provinces, or regions. This is because subnational bodies often hold primary authority over education, health, social services, and other sectors where rights obligations have direct effect (Kincaid, 2013). In this sense, subnational legislatures function as norm uptake agents, shaping how international standards are expressed in concrete legislative instruments. Institutional scholars emphasize that effective vertical integration of human rights norms requires coordination between national and subnational lawmakers. National directives or model laws can provide templates, but adaptation in local contexts often necessitates legislative action at the subnational level to give effect to treaty commitments within the competencies allocated by the federal constitution (Burke, 2016). Moreover, comparative research indicates that subnational enactments can serve as laboratories of rights-based innovation, advancing protections that later inform national reform (Rodríguez-Garavito, 2014). However, challenges arise when subnational legislatures lack legal harmonization mechanisms or when political resistance to international norms slows adoption. Strengthening institutional linkages and capacity — for example through intergovernmental committees — enhances consistency in treaty implementation across jurisdictions (Slaughter, 2004; Tarrow, 2010). Consequently, subnational units should not be seen as obstacles to human rights enforcement, but as essential partners in operationalizing international obligations within diverse federal contexts.

## 1.3 Disability Rights as an Analytical Lens

Disability rights provide a particularly powerful analytical lens for examining the integration of international human rights obligations into subnational legislative frameworks, especially within federal systems. The adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) marked a paradigmatic shift from welfare-based and medicalized understandings of disability toward a rights-based, social, and inclusion-oriented model (Degener, 2016; Kanter, 2015). This transformation requires extensive legal and institutional reforms across policy sectors such as education, employment, transportation, health, and political participation — areas commonly regulated by subnational governments. Consequently, disability rights implementation offers a concrete site for assessing how international human rights norms are domesticated within multilevel governance structures. Scholars emphasize that the CRPD is distinctive in its demand for structural equality, reasonable accommodation, and participatory governance, thereby necessitating legislative action that goes beyond formal non-discrimination to address systemic barriers and social exclusion (Lawson, 2007; Quinn, 2011). These obligations place particular pressure on subnational legislatures to align domestic statutes with international standards, especially in federal systems where responsibility for social services and accessibility regulation is constitutionally decentralized (Kanter, 2015). Disability rights lawmaking thus exposes both the opportunities and limitations of federalism as a framework for rights realization. Moreover, disability rights illuminate how international treaties interact with local political economies, institutional capacity, and social norms, making them especially useful for studying norm diffusion, legal translation, and uneven compliance across jurisdictions (Degener, 2016; Quinn, 2011). As such, disability law serves not merely as a sectoral case study but as a broader diagnostic tool for evaluating the effectiveness of treaty integration at the subnational level.

## 1.4 Research Problem, Objectives, and Contribution

Despite the widespread ratification of international human rights treaties, significant gaps persist between formal international commitments and their realization within subnational legal systems in federal states. While national governments assume treaty obligations at the international level, responsibility for legislating and implementing many rights-related domains — including education, health, accessibility, housing, and social welfare — is constitutionally devolved to subnational governments. This structural decentralization often produces fragmented, uneven, or delayed incorporation of international norms, particularly in areas requiring complex regulatory coordination and sustained institutional commitment (Aroney & Kincaid, 2017; Young, 2012). In the context of disability rights, this gap is especially pronounced, as the CRPD demands transformative legislative reform across policy sectors traditionally governed by subnational authorities (Degener, 2016). The central research problem addressed in this article is therefore how international human rights obligations can be effectively integrated into subnational legislative drafting processes within federal systems, and what institutional, legal, and political factors facilitate or constrain such integration. The study uses disability rights lawmaking in Nigeria as an empirical lens to examine the dynamics of norm translation, legislative adaptation, and

compliance divergence across subnational jurisdictions (Kanter, 2015). The objectives of the article are threefold. First, it seeks to theorize the role of subnational legislatures as primary sites of treaty operationalization within federal constitutional orders. Second, it aims to identify doctrinal and institutional mechanisms through which international human rights standards can be systematically incorporated into subnational statutes. Third, it assesses how disability rights lawmaking reveals broader patterns of opportunity and constraint in multilevel human rights governance. The article contributes to scholarship by advancing a subnational-centered framework for treaty implementation in federal systems, empirically grounded in disability rights lawmaking. It enriches debates in comparative constitutional law, international human rights law, and federalism studies by demonstrating that effective rights realization depends not only on national ratification and judicial enforcement, but also on the quality, coherence, and inclusiveness of legislative drafting at the subnational level (Young, 2012; Aroney & Kincaid, 2017).

## 2. INTERNATIONAL HUMAN RIGHTS LAW AND SUBNATIONAL LEGISLATIVE AUTHORITY

### 2.1 Treaty Incorporation in Federal Systems

The incorporation of international human rights treaties into domestic law presents distinct challenges in federal systems, where constitutional authority is divided between national and subnational governments. While the federal executive typically holds the power to ratify treaties, the domestic legal effect of those treaties depends on constitutional arrangements governing reception and implementation. In monist systems, treaties may acquire direct legal force upon ratification, whereas in dualist systems, legislative enactment is required before international obligations become enforceable domestically (Hollis, 2012; Young, 2012). Federalism further complicates this process because treaty implementation frequently falls within policy domains constitutionally assigned to subnational legislatures, such as education, health, housing, and social welfare. International law maintains that internal constitutional structures do not absolve states from compliance with treaty obligations. Article 27 of the Vienna Convention on the Law of Treaties affirms that states may not invoke domestic law as justification for failure to perform a treaty, thereby imposing a duty on federal governments to ensure compliance across all levels of governance (Aust, 2013). As a result, federal states must develop institutional and legislative mechanisms to translate international commitments into subnational statutory frameworks while respecting constitutional allocations of legislative competence. Comparative scholarship highlights that treaty incorporation in federal systems increasingly relies on cooperative federalism, whereby national governments provide enabling legislation, model laws, or interpretive guidance that subnational legislatures adapt within their jurisdictional authority (Hollis, 2012; Aroney & Kincaid, 2017). This approach balances the constitutional autonomy of subnational units with the need for uniform rights protection. Consequently, treaty incorporation in federal systems is best understood not as a singular constitutional act, but as an ongoing, multi-level legislative process shaped by constitutional design, political coordination, and institutional capacity.

**Table 1: Models of Treaty Incorporation in Federal Systems**

Legal Status of Treaties	Role of Federal Government	Role of Subnational Legislatures	Incorporation Model
Monist Systems	Treaties acquire direct legal force upon ratification without further legislative action.	Ratifies treaties and ensures their domestic applicability through executive and judicial channels.	Apply treaty norms directly or align domestic statutes where competence exists.
Dualist Systems	Treaties require legislative enactment before becoming enforceable domestically.	Enacts enabling legislation to domesticate international obligations.	Adopt complementary legislation in areas of subnational jurisdiction.
Cooperative Federalism Model	Treaties gain effect through coordinated federal and subnational legislative action.	Provides framework legislation, model laws, or interpretive guidance.	Adapt federal standards into locally operative statutes within constitutional competence.
Judicial Incorporation Model	Treaties influence domestic law through constitutional interpretation and judicial reference.	Supports judicial engagement with international norms through constitutional or statutory mandates	Adjust statutory interpretation and legislative drafting in line with judicial guidance.

## 2.2 Constitutional Allocation of Legislative Competence

In federal systems, the constitutional allocation of legislative competence fundamentally shapes how international human rights obligations are implemented domestically. Constitutions distribute lawmaking authority across national and subnational governments, often assigning central governments responsibility for foreign affairs and treaty ratification while reserving core social policy domains — such as education, health, housing, transportation, and social welfare — to states or provinces (Aroney, 2017; Kincaid, 2013). This division creates a structural gap between international commitment-making and rights realization, since the areas most affected by human rights treaties frequently fall within subnational jurisdiction. International law nonetheless treats the state as a single legal entity and holds national governments accountable for treaty compliance across their entire territory, regardless of internal constitutional arrangements (Aust, 2013). This produces a constitutional tension: while federal governments bear international responsibility, they may lack direct legislative authority over domains necessary for treaty implementation. Scholars describe this as the “federal implementation dilemma,” whereby constitutional decentralization complicates uniform rights protection and generates uneven compliance across subnational units (Young, 2012). Comparative constitutional practice demonstrates that federal states respond to this challenge through mechanisms of cooperative federalism, including concurrent legislative powers, framework legislation, intergovernmental agreements, and conditional funding schemes that incentivize subnational compliance with international norms (Aroney, 2017; Kincaid, 2013). These tools enable federal governments to guide subnational lawmaking without formally displacing constitutional autonomy. Consequently, the constitutional allocation of legislative competence does not negate international obligations but reshapes their domestic realization, transforming treaty implementation into a multi-level constitutional process that depends on institutional coordination, political negotiation, and legislative harmonization rather than centralized command. Comparative regulatory research also demonstrates that multi-tier legal systems can generate compliance bottlenecks and uneven sectoral outcomes, reinforcing how constitutional fragmentation shapes implementation effectiveness across decentralized governance structures (Ajayi et al., 2025).

## 2.3 Doctrinal Pathways for Subnational Implementation

Subnational implementation of international human rights obligations in federal systems occurs through multiple doctrinal pathways that translate treaty norms into enforceable domestic standards within constitutionally decentralized legislative frameworks. One primary pathway is legislative incorporation, whereby subnational legislatures enact statutes that expressly domesticate treaty principles or mirror international standards within areas of devolved competence, such as education, accessibility regulation, social protection, and health services (Young, 2012; Aroney & Kincaid, 2017). This approach enables rights norms to acquire direct legal effect within subnational jurisdictions while preserving constitutional autonomy. A second pathway operates through judicial interpretation and constitutional harmonization, whereby domestic courts interpret constitutional provisions, statutes, or administrative regulations consistently with international human rights obligations, even where treaties have not been formally incorporated at the subnational level (Aust, 2013). This interpretive alignment doctrine has become an influential mechanism for embedding international norms into domestic law without formal legislative transposition, particularly in common law federal systems. A third doctrinal mechanism involves the use of framework legislation and cooperative federalism instruments, including national enabling statutes, intergovernmental agreements, and model laws that guide subnational legislative drafting while allowing for jurisdiction-specific adaptation (Aroney & Kincaid, 2017; Kincaid, 2013). These instruments promote horizontal consistency and reduce fragmentation in rights protection across federal systems. Together, these pathways demonstrate that treaty implementation in federal states is neither purely centralized nor solely judicially driven, but instead unfolds through a pluralist doctrinal architecture that integrates legislative action, constitutional interpretation, and intergovernmental coordination. This multi-channel structure is especially significant for disability rights lawmaking, where effective compliance requires sustained statutory reform across subnational policy domains traditionally beyond central legislative control (Young, 2012).

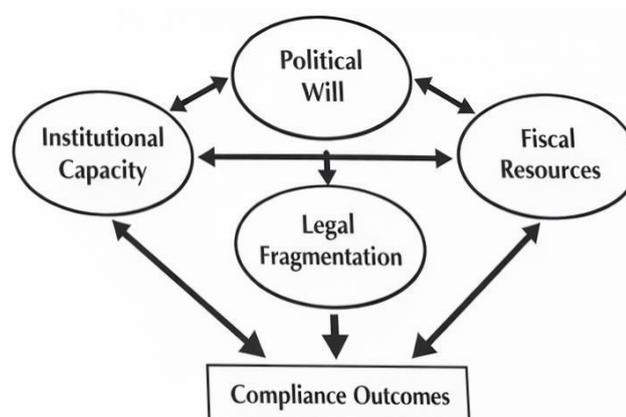
**Table 2: Key Summary of Doctrinal Pathways for Subnational Implementation**

Pathway	Description	Example in Nigeria	Strengths	Limitations
Legislative Incorporation	Directly codifying treaty obligations into state law	State disability acts	Clarity of legal obligations	May conflict with federal law or limited capacity
Judicial Interpretation	Courts interpret domestic law in light of treaties	Court rulings on accessibility	Flexibility, can fill gaps	Reactive, depends on cases being brought

Cooperative Federalism	Intergovernmental coordination to align policies	Framework agreements for education/health	Encourages uniformity	Requires political will
Model/Template Legislation	Use of draft laws provided by federal government or NGOs	Federal DAPDA guidelines for states	Promotes consistency	May not fit local context

## 2.4 Structural and Political Barriers to Compliance

Despite formal treaty ratification and constitutional commitments to human rights, federal systems frequently encounter significant structural and political barriers to effective compliance at the subnational level. Structurally, fragmented legislative authority and overlapping jurisdictional competences often generate legal uncertainty, policy incoherence, and uneven implementation across subnational units (Aroney & Kincaid, 2017). Where social policy domains central to human rights realization — such as education, health, housing, and accessibility — fall within subnational control, national governments may lack the constitutional tools necessary to ensure uniform incorporation of international standards (Young, 2012). This institutional dispersion frequently produces compliance gaps between treaty commitments and domestic legal realities as shown in fig 2. Capacity constraints further exacerbate these challenges. Subnational legislatures and regulatory agencies may lack the technical expertise, financial resources, or institutional infrastructure required to translate complex international norms into effective statutory and administrative frameworks (Kincaid, 2013). These limitations are especially pronounced in developing federal systems, where legislative drafting capacity and rights-monitoring institutions remain unevenly developed. Political barriers also play a decisive role. Subnational resistance to perceived external norm imposition, ideological contestation over the scope of rights obligations, and weak political incentives for marginalized-group protection can undermine treaty internalization (Simmons, 2009). Electoral priorities and distributive politics may further discourage investment in rights implementation, particularly where beneficiaries lack political influence. Additionally, the absence of robust intergovernmental coordination mechanisms can entrench policy divergence and normative fragmentation across jurisdictions (Aroney & Kincaid, 2017). Collectively, these structural and political barriers illustrate that treaty compliance in federal systems is not merely a doctrinal challenge but a governance problem, requiring institutional coordination, political commitment, and sustained legislative capacity-building to ensure effective realization of international human rights obligations at the subnational level.



**Figure 2: Structural and Political Constraints on Subnational Human Rights Implementation**

The structural component of the diagram in fig 2 illustrates how institutional capacity, fiscal resources, and legal fragmentation interact to shape subnational compliance with human rights obligations. Weak institutions limit administrative enforcement and policy coordination, inadequate funding constrains implementation and service delivery, and fragmented legal frameworks create inconsistencies across jurisdictions. These structural constraints reinforce one another, producing systemic barriers that undermine the effective translation of international human rights standards into subnational law and practice, even where political commitment formally exists.

### 3. DISABILITY RIGHTS LAWMAKING IN NIGERIA: FEDERAL–STATE DYNAMICS

#### 3.1 Nigeria's International Disability Rights Commitments

Nigeria's international disability rights commitments are anchored primarily in its ratification of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2010, thereby assuming binding obligations to respect, protect, and fulfil the rights of persons with disabilities across all levels of government. The CRPD requires States Parties to adopt legislative, administrative, and policy measures to eliminate discrimination, ensure accessibility, promote inclusion, and guarantee equal participation in political, social, and economic life (Degener, 2016). These commitments extend to all constituent units of the Nigerian federation, regardless of the constitutional allocation of legislative competence. Beyond the CRPD, Nigeria is also party to core international human rights treaties, including the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both of which impose obligations relevant to disability rights through guarantees of equality, dignity, health, education, and social protection (Kanter, 2015). At the regional level, Nigeria is bound by the African Charter on Human and Peoples' Rights, which has been domesticated into Nigerian law and provides a normative foundation for disability inclusion through its equality and non-discrimination provisions (Viljoen, 2012). Nigeria's treaty commitments have influenced domestic legal reforms, notably the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, which reflects CRPD principles of accessibility, reasonable accommodation, and institutional enforcement mechanisms (Lang & Upah, 2019). Nevertheless, effective realization of these international obligations remains contingent upon legislative adoption and implementation at the subnational level, where most disability-related service delivery and regulatory authority is constitutionally situated. Nigeria's international commitments thus establish a robust normative framework but require sustained subnational legislative engagement to achieve comprehensive compliance.

**Table 3: Key Summary of Nigeria's International Disability Rights Commitments**

Core Disability-Relevant Obligations	Legal Status in Nigeria	Domestic Implications	Instrument
UN Convention on the Rights of Persons with Disabilities (CRPD)	Ratified (2010)	Non-discrimination, accessibility, reasonable accommodation, inclusion, participation	Basis for federal and state disability legislation, including DAPDA 2018
Optional Protocol to the CRPD	Ratified (2010)	Individual communications and inquiry procedures	Enhances accountability mechanisms and international oversight
International Covenant on Civil and Political Rights (ICCPR)	Ratified	Equality before the law, dignity, political participation	Supports disability inclusion in civil and political rights frameworks
International Covenant on Economic, Social and Cultural Rights (ICESCR)	Ratified	Rights to health, education, work, social protection	Grounds disability-inclusive socio-economic policies
African Charter on Human and Peoples' Rights	Domesticated into Nigerian law	Equality, dignity, non-discrimination	Provides regional legal basis for disability rights enforcement

#### 3.2 Federal Disability Legislation and Its Subnational Implications

Nigeria's federal disability rights framework is principally anchored in the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 (DAPDA), which represents the country's most comprehensive effort to domesticate the UN Convention on the Rights of Persons with Disabilities (CRPD) at the national level. The Act prohibits discrimination on the basis of disability, mandates accessibility in public buildings and transportation, guarantees inclusive education and employment protections, and establishes the National Commission for Persons with Disabilities (NCPWD) to oversee enforcement and policy coordination (Lang & Upah, 2019; Okafor, 2020). This legislation signals Nigeria's formal commitment to aligning domestic law with international disability rights standards. However, the constitutional structure of

Nigeria's federal system assigns substantial responsibility for education, health services, housing regulation, urban planning, and social welfare to state governments. As a result, the practical realization of the DAPDA depends heavily on subnational legislative action and administrative implementation (Akinyemi, 2021). While the federal Act sets normative benchmarks, it lacks direct regulatory reach over many sectors where disability rights violations occur, creating implementation gaps where states fail to enact complementary legislation or establish enforcement institutions. Scholarly analyses indicate that the uneven adoption of disability laws across Nigerian states has produced territorial disparities in rights protection, with some states establishing disability commissions and accessibility standards while others retain weak or fragmented frameworks (Lang & Upah, 2019; Okafor, 2020). This variation underscores the limits of centralized legislation in decentralized governance contexts and highlights the need for harmonization mechanisms and intergovernmental coordination to ensure consistent compliance with international standards. Consequently, federal disability legislation in Nigeria functions less as a complete regulatory regime and more as a normative catalyst for subnational lawmaking. Its effectiveness in advancing disability rights thus depends on the capacity, political will, and institutional alignment of state legislatures, reinforcing the importance of subnational legislative drafting as a central site of treaty implementation in federal systems (Akinyemi, 2021).

### 3.3 Patterns of State-Level Disability Law Adoption

Since the enactment of Nigeria's Discrimination Against Persons with Disabilities (Prohibition) Act 2018, state governments have demonstrated uneven patterns of disability law adoption, reflecting broader dynamics of legislative diffusion and subnational variation in federal systems. While several states — including Lagos, Ekiti, Plateau, and Oyo — have enacted disability rights laws or amended existing statutes to reflect rights-based approaches, many others continue to rely on fragmented welfare-oriented frameworks or lack comprehensive disability legislation altogether (Lang & Upah, 2019; Akinyemi, 2021). This unevenness illustrates how federal constitutional decentralization shapes the territorial distribution of human rights protections. Empirical scholarship on legislative diffusion suggests that early-adopting states often function as norm entrepreneurs, whose institutional innovations and policy frameworks influence subsequent legislative reforms in other jurisdictions through demonstration effects and intergovernmental learning (Simmons, 2009; Shipan & Volden, 2008). In Nigeria, states with stronger civil society advocacy networks, greater urbanization, and more robust legislative capacity have tended to adopt disability rights legislation earlier and with greater alignment to CRPD standards (Lang & Upah, 2019). These states frequently establish disability commissions, accessibility mandates, and enforcement mechanisms that exceed minimal federal requirements. However, diffusion remains incomplete and uneven. Political resistance, fiscal constraints, and limited legislative expertise continue to impede adoption in many jurisdictions, resulting in territorial inequalities in rights protection and inconsistent enforcement architectures (Akinyemi, 2021). This pattern reflects broader challenges in multilevel rights governance, where international commitments and federal legislation do not automatically translate into subnational statutory reform (Simmons, 2009). Overall, state-level disability law adoption in Nigeria exhibits a hybrid trajectory of selective convergence and persistent divergence, underscoring the importance of institutional coordination, legislative capacity-building, and intergovernmental harmonization mechanisms to ensure uniform realization of international disability rights standards across subnational jurisdictions (Shipan & Volden, 2008).

**Table 4: Key Summary of Patterns of State-Level Disability Law Adoption**

State	Legislative Adoption Year	Key Provisions Included	Observed Gaps
Lagos	2019	Accessibility, education, employment	Weak monitoring mechanisms
Ekiti	2020	Accessibility, DPO participation	Limited enforcement powers
Plateau	2018	Employment quotas, public awareness	Infrastructure gaps
Oyo	2021	Inclusive education, accessibility	Partial alignment with CRPD
Kano	—	—	No comprehensive state law

### 3.4 Substantive and Institutional Gaps in State Legislation

Despite growing subnational engagement with disability rights lawmaking in Nigeria, significant substantive and institutional gaps persist between international standards and state-level legislative frameworks. Substantively, many state disability laws fail to fully incorporate core CRPD principles such as reasonable accommodation, supported decision-making, legal capacity, and enforceable accessibility standards (Degener, 2016; Lang & Upah, 2019). Instead, several

statutes retain welfare-oriented or charity-based approaches, emphasizing protection and rehabilitation over autonomy, inclusion, and equality. This normative misalignment weakens the transformative potential of disability legislation and undermines compliance with Nigeria's international obligations. Institutionally, enforcement architectures at the state level remain uneven and often underdeveloped. While some states have established disability commissions or focal agencies, many lack independent monitoring bodies, accessible complaint mechanisms, or judicial remedies capable of translating statutory rights into practical outcomes (Akinyemi, 2021). Even where institutions exist, they frequently suffer from limited funding, weak political backing, and insufficient technical capacity, constraining their ability to conduct inspections, impose sanctions, or coordinate cross-sectoral policy implementation (Lang & Upah, 2019). Further gaps arise in participatory governance. The CRPD mandates meaningful consultation with organizations of persons with disabilities (OPDs) in legislative and policy processes, yet many state laws provide limited procedural guarantees for such engagement (Degener, 2016). This exclusion weakens democratic legitimacy and reduces the responsiveness of disability frameworks to lived experiences. Collectively, these substantive and institutional deficits generate territorial disparities in rights protection, resulting in uneven access to services, infrastructure, and legal remedies across Nigerian states. These gaps underscore that effective treaty implementation in federal systems requires not only legislative adoption but also doctrinal alignment, institutional capacity-building, and sustained political commitment at the subnational level (Akinyemi, 2021; Degener, 2016).

**Table 5: Substantive and Institutional Gaps in State Legislation**

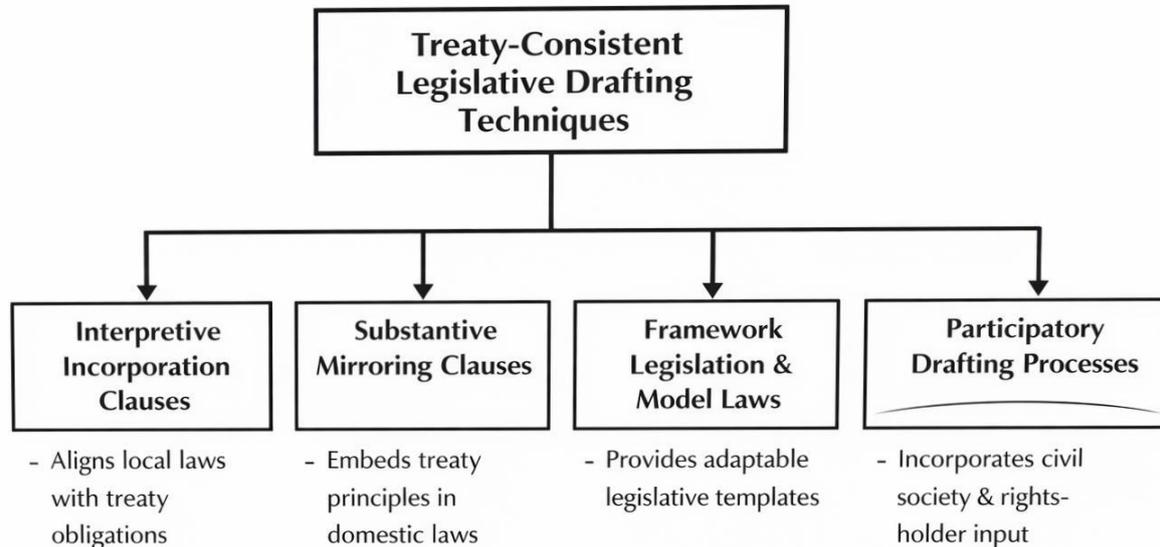
State	Substantive Alignment (CRPD)	Institutional Mechanisms	Enforcement Capacity
Lagos	High	Disability commission	Moderate
Ekiti	Medium	Advisory body	Low
Plateau	Medium	Committee on disabilities	Low
Oyo	Medium	Commission	Moderate
Kano	Low	None	Minimal

#### 4. INTEGRATING INTERNATIONAL HUMAN RIGHTS NORMS INTO SUBNATIONAL DRAGGING

##### 4.1 Treaty-Consistent Legislative Drafting Techniques

Treaty-consistent legislative drafting techniques are essential for ensuring that international human rights obligations are effectively internalized within subnational legal frameworks in federal systems. Rather than merely replicating treaty language, effective drafting requires the translation of international norms into operational statutory standards that are enforceable within domestic legal systems and aligned with constitutional competencies (Aust, 2013; Young, 2012). This involves embedding rights principles into substantive provisions, enforcement mechanisms, and institutional architectures capable of generating practical compliance outcomes. One widely recognized drafting technique is the inclusion of interpretive incorporation clauses, which require domestic statutes to be construed consistently with ratified international treaties. Such clauses facilitate judicial alignment with international standards and reduce normative divergence across jurisdictions without necessitating full textual reproduction of treaty provisions (McCrudden, 2013). Closely related are substantive mirroring techniques, whereby legislative drafters integrate core treaty concepts — such as equality, non-discrimination, reasonable accommodation, and accessibility — into domestic rights frameworks using locally operative legal terminology (Degener, 2016). Another important approach involves the use of framework legislation and model laws, which provide standardized legislative templates adaptable by subnational legislatures while preserving jurisdictional autonomy (Aroney & Kincaid, 2017). These instruments promote horizontal consistency and reduce fragmentation in treaty implementation. Additionally, participatory drafting processes that incorporate civil society and rights-holder input strengthen normative legitimacy and enhance compliance with procedural obligations embedded in international treaties (McCrudden, 2013). Collectively as shown in fig 3, treaty-consistent drafting techniques operate as normative transmission mechanisms, transforming abstract international obligations into context-sensitive domestic rules. Their effectiveness depends not only on doctrinal coherence but also on institutional capacity, political commitment, and sustained intergovernmental coordination, particularly in decentralized governance environments where rights realization depends on subnational legislative action (Aroney & Kincaid, 2017; Young, 2012).

## Treaty-Consistent Legislative Drafting Techniques



**Figure 3: Treaty-Consistent Legislative Drafting Techniques**

The flowchart in fig 3 illustrates how international human rights treaties are translated into enforceable subnational legislation through four interconnected drafting strategies. Interpretive incorporation clauses ensure that domestic laws are construed consistently with treaty obligations, while substantive mirroring embeds core treaty principles into operative statutory provisions. Framework legislation and model laws promote coherence across jurisdictions by offering adaptable legislative templates, and participatory drafting processes strengthen legitimacy by incorporating civil society and rights-holder input. Together, these techniques function as structured pathways for transforming international norms into context-sensitive, legally effective domestic rules within federal systems.

### 4.2 Intergovernmental Coordination and Harmonization Mechanisms

Intergovernmental coordination and harmonization mechanisms are central to effective treaty implementation in federal systems, where constitutional decentralization disperses legislative authority across multiple levels of government. Because international human rights obligations bind the state as a whole, federal governments must develop institutional arrangements that promote coherent norm internalization across subnational jurisdictions while respecting legislative autonomy (Aroney & Kincaid, 2017). Without such coordination, decentralized lawmaking often results in fragmented statutory frameworks and uneven rights protection. One key mechanism is the use of framework legislation and intergovernmental agreements, through which national governments establish baseline standards or guiding principles that subnational legislatures adapt within their constitutional competences (Kincaid, 2013). These instruments foster horizontal consistency while permitting contextual responsiveness, particularly in social policy domains central to human rights realization. In parallel, intergovernmental councils and ministerial forums serve as platforms for policy harmonization, legislative learning, and monitoring of treaty compliance across jurisdictions (Watts, 2008). Comparative federalism scholarship further highlights the role of model laws, fiscal conditionality, and administrative coordination arrangements in incentivizing subnational compliance with international norms (Aroney & Kincaid, 2017; Watts, 2008). These tools allow federal governments to influence subnational legislative behavior without resorting to constitutional override, thereby preserving the normative balance between unity and diversity. Additionally, the involvement of national human rights institutions and law reform commissions enhances technical coherence and strengthens the rights-based orientation of subnational legislation (Kincaid, 2013). Ultimately, intergovernmental coordination mechanisms operate as structural conduits for treaty harmonization, transforming international obligations into domestically coherent legal standards across decentralized governance spaces. Their effectiveness depends on sustained political commitment, institutional trust, and

inclusive participation by subnational actors, particularly in rights-sensitive policy domains such as disability law, where service delivery and regulatory authority are constitutionally localized (Watts, 2008). Research on nonprofit governance further demonstrates that government funding structures and institutional isomorphism can generate bureaucratic constraints that weaken policy effectiveness, emphasizing the need for streamlined coordination mechanisms in multilevel rights implementation (Raphael, Dzakpasu, & Nyaledzigbor, 2025). Studies of large-scale public sector reform similarly show that adaptive coordination and prioritization mechanisms enhance implementation efficiency across complex governance systems, reinforcing the value of structured intergovernmental collaboration in subnational treaty implementation (Ononiwu, Azonuche, & Enyejo, 2025).

#### 4.3 Role of Institutions, Civil Society, and Disabled Persons' Organizations

The effective translation of international disability rights obligations into subnational legislation in federal systems relies not only on formal legal mechanisms but also on the active involvement of institutions, civil society, and Disabled Persons' Organizations (DPOs). These actors serve as norm intermediaries, providing technical expertise, advocacy, and oversight that enhance legislative compliance and accountability (Degener, 2016; Lang & Upah, 2019). In contexts such as Nigeria, where federal laws set national standards but subnational legislatures retain primary authority over service delivery and social policy, these actors play a crucial role in bridging the implementation gap. State institutions, including disability commissions, human rights offices, and specialized regulatory agencies, are central to monitoring compliance, enforcing statutory provisions, and coordinating multi-level policy initiatives (Akinyemi, 2021). Their effectiveness, however, depends on adequate resourcing, clear mandates, and functional independence. In states where institutional capacity is limited, the enforcement of disability rights remains largely symbolic, undermining both treaty obligations and federal legislative objectives. Civil society organizations and DPOs contribute through participatory lawmaking, policy advocacy, and public awareness campaigns, ensuring that the lived experiences of persons with disabilities inform subnational legislative drafting (Quinn, 2011; Degener, 2016). Their involvement strengthens the procedural legitimacy of legislation, promotes rights-based approaches over charity-oriented models, and creates social and political pressure for compliance. International research demonstrates that active collaboration between DPOs and government institutions enhances norm internalization, improves enforcement mechanisms, and fosters innovative legislative practices at the subnational level (Lang & Upah, 2019). In combination, institutions, civil society, and DPOs constitute multi-level governance enablers that operationalize treaty commitments in federated systems as shown in fig 4. Their engagement is critical to transforming legal norms into tangible protections and services, particularly in areas where subnational legislative discretion determines the quality and accessibility of disability rights enforcement (Akinyemi, 2021; Quinn, 2011). Evidence from disability and rehabilitation research similarly shows that coordinated institutional support and stakeholder engagement significantly improve functional and social outcomes for marginalized populations, reinforcing the importance of inclusive governance structures in rights implementation (Raphael & Boafu, 2025).



**Figure 4: Role of Institutions, Civil Society, and Disabled Persons' Organizations in Disability Rights Implementation**

Figure 4 depicts a flow diagram which illustrates how state institutions, civil society organizations, and Disabled Persons' Organizations (DPOs) interact to advance disability rights implementation at the subnational level. State institutions provide regulatory oversight, enforcement, and policy coordination, while civil society contributes technical expertise, advocacy, and public awareness. DPOs ensure participatory lawmaking by integrating lived experiences into legislative processes. The diagram highlights that effective disability rights realization depends on the synergistic interaction of these actors, producing enhanced compliance, policy coherence, and rights-based legislative outcomes within federal governance systems.

#### 4.4 Democratic Legitimacy and Participatory Lawmaking

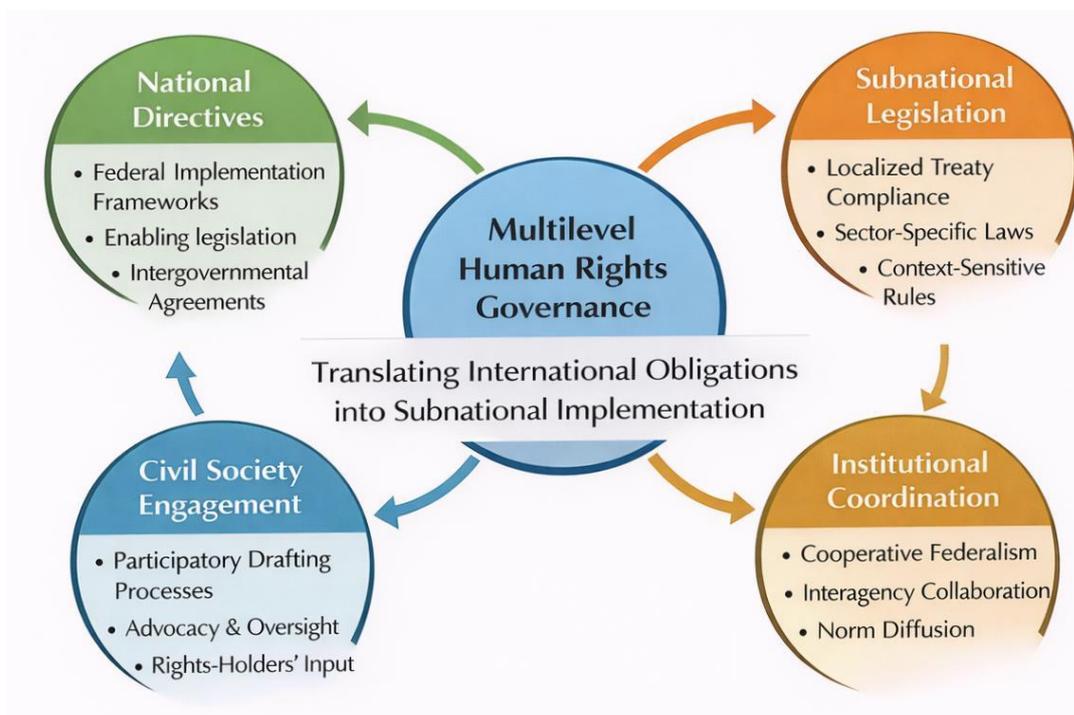
Democratic legitimacy is a central consideration in translating international human rights obligations into subnational legislation, particularly in federal systems where local legislatures wield significant autonomy. Participatory lawmaking ensures that the drafting and implementation of disability rights legislation reflect the needs, preferences, and lived experiences of persons with disabilities, thereby enhancing both normative fidelity to treaties and public accountability (Degener, 2016; Quinn, 2011). By embedding inclusive consultation processes into legislative development, subnational governments signal that disability law is not merely an administrative exercise but a democratic commitment to equality and social inclusion. Participation mechanisms may include public hearings, stakeholder consultations, and direct engagement with Disabled Persons' Organizations (DPOs) during drafting, review, and implementation stages (Lang & Upah, 2019). These processes help identify practical barriers, inform reasonable accommodation standards, and ensure that policy interventions are contextually appropriate. Moreover, participatory lawmaking strengthens the procedural legitimacy of subnational statutes, increasing compliance and public trust in institutions responsible for enforcement (Akinyemi, 2021). Democratic legitimacy also intersects with accountability. Inclusive lawmaking enhances transparency and responsiveness, allowing citizens and civil society to monitor progress, challenge non-compliance, and advocate for corrective action. In federated systems, this is particularly important where states differ in political will, institutional capacity, and resource allocation, as participatory processes can mitigate disparities in rights protection across jurisdictions (Quinn, 2011; Lang & Upah, 2019). Ultimately, participatory lawmaking operationalizes international human rights norms through locally grounded, democratically sanctioned mechanisms, ensuring that subnational disability legislation is both compliant with treaty obligations and responsive to the communities it is intended to serve. It transforms rights from abstract commitments into tangible, accountable governance practices, bridging the gap between normative ideals and lived realities. Scholarship on organizational governance similarly shows that participatory communication structures strengthen trust, accountability, and stakeholder engagement, reinforcing the importance of inclusive processes in democratic lawmaking and rights implementation (Oloba et al., 2025).

## 5. IMPLICATIONS FOR FEDERALISM, HUMAN RIGHTS PROTECTION, AND LEGAL REFORM

### 5.1 Theoretical Implications for Multilevel Human Rights Governance

The analysis of subnational disability rights lawmaking in Nigeria offers significant theoretical insights into multilevel human rights governance within federal systems. Traditional scholarship often assumes that international human rights treaties are implemented primarily through national legislation or judicial enforcement; however, the Nigerian experience demonstrates that subnational legislatures constitute critical sites of norm operationalization, particularly in decentralized policy domains such as education, health, and social welfare (Young, 2012; Aroney & Kincaid, 2017). This emphasizes the need to reconceptualize treaty compliance not as a singular act of ratification but as a dynamic, multi-level process that integrates national directives, subnational legislation, institutional coordination, and civil society engagement. Theoretically, this case illustrates the importance of federal implementation frameworks that balance constitutional autonomy with normative uniformity. Cooperative federalism mechanisms, framework legislation, intergovernmental agreements, and participatory drafting processes emerge as essential structural tools for translating abstract treaty obligations into actionable subnational statutes (Kincaid, 2013; Watts, 2008). These mechanisms reveal that effective rights realization depends not only on the formal legality of instruments but also on the institutional capacity, political will, and participatory governance structures embedded at multiple levels of government. Furthermore, the Nigerian case highlights the role of norm diffusion, institutional bricolage, and vertical coordination in shaping multilevel compliance. Subnational legislative adoption patterns demonstrate that domestic rights implementation is contingent on contextual factors such as legislative capacity, civil society advocacy, and intergovernmental incentives, challenging unitary models of treaty

operationalization (Simmons, 2009; Shipan & Volden, 2008). In sum, examining subnational disability lawmaking advances a more nuanced theoretical understanding of multilevel human rights governance, emphasizing that the realization of international obligations is a distributed, iterative, and politically mediated process rather than a purely hierarchical legal exercise.



**Figure 5: Theoretical Model of Multilevel Human Rights Governance**

Figure 5 displays a flowchart illustrating how international human rights obligations are translated into subnational implementation within federal systems, as discussed in Section 5.1. It shows that national directives and framework legislation provide overarching guidance and enablement, while subnational legislatures adapt these directives into localized, context-sensitive laws that reflect treaty compliance. Institutional coordination ensures alignment across agencies and promotes norm diffusion, while civil society engagement facilitates participatory drafting, advocacy, and rights-holder input. The iterative arrows highlight the feedback loops between these levels, emphasizing that effective rights realization is not linear but a dynamic, multi-level process. This model underscores the theoretical insight that subnational legislatures, institutions, and civil society collectively operationalize international human rights norms, balancing constitutional autonomy with normative uniformity and demonstrating that treaty compliance depends on institutional capacity, political will, and participatory governance across multiple governance layers.

## 5.2 Policy and Legislative Reform Lessons

The Nigerian experience with subnational disability rights lawmaking provides important lessons for policy design and legislative reform in federal systems seeking to implement international human rights obligations. One key lesson is that federal legislation alone is insufficient to ensure uniform compliance; subnational adoption, adaptation, and enforcement are crucial for translating treaty norms into practical protections (Lang & Upah, 2019; Akinyemi, 2021). This highlights the necessity of designing federal laws not as prescriptive instruments, but as enabling frameworks that provide clear standards, guidance, and incentives for state-level legislative action. A second lesson relates to institutional capacity-building. Effective implementation depends on adequately resourced subnational agencies, functional disability commissions, and technical support for legislative drafting. Policymakers should prioritize training, funding, and institutional strengthening to ensure that subnational entities can operationalize rights standards, monitor compliance, and respond to violations (Quinn, 2011). Without such capacity, laws risk remaining symbolic rather than transformative. Third, the Nigerian case underscores the value of participatory and consultative lawmaking. Engagement of Disabled Persons' Organizations (DPOs), civil society, and affected communities in legislative processes improves normative alignment, fosters political accountability, and

enhances public trust (Degener, 2016; Lang & Upah, 2019). Policy reform should institutionalize consultation procedures to ensure that the voices of rights-holders shape the content and implementation of subnational legislation. Finally, intergovernmental coordination mechanisms are critical to harmonize rights protections across jurisdictions. Framework legislation, model laws, and intergovernmental councils can reduce fragmentation and promote consistent implementation of international obligations. The combination of enabling federal legislation, capacity-building, participatory governance, and harmonization instruments provides a replicable blueprint for advancing human rights in multilevel governance systems (Aroney & Kincaid, 2017; Watts, 2008). In sum, the Nigerian experience demonstrates that effective subnational implementation of international human rights obligations requires a multi-pronged approach integrating legal design, institutional support, participatory engagement, and intergovernmental coordination.

**Table 6: Key Summary of Policy and Legislative Reform Lessons**

Lesson	Policy Implication	Recommended Action	Expected Outcome
Federal legislation alone is insufficient	States must enact complementary laws	Use enabling frameworks and guidance	Consistent legal protection across all states
Capacity gaps impede implementation	Institutions need resources and training	Fund and train state disability agencies	Improved enforcement and service delivery
Participatory lawmaking enhances legitimacy	DPOs and civil society should be consulted	Institutionalize stakeholder engagement	Laws better reflect needs of persons with disabilities
Fragmentation threatens uniform rights protection	Coordination across levels is essential	Use intergovernmental councils, model laws	Harmonized policy and reduced territorial disparities
Monitoring and enforcement are critical	Laws without enforcement are symbolic	Strengthen oversight and complaint mechanisms	Tangible compliance and rights realization

### 5.3 Conclusion and Future Research Directions

This study underscores that the effective integration of international human rights obligations into subnational legislative frameworks in federal systems is both a legal and governance challenge. Using Nigeria's disability rights lawmaking as an analytical lens, it demonstrates that treaty ratification at the federal level is a necessary but insufficient condition for meaningful rights protection. Subnational legislatures play a critical role in translating abstract international norms into concrete legal, institutional, and administrative measures. Patterns of adoption reveal substantial variation across states, shaped by institutional capacity, political will, civil society engagement, and intergovernmental coordination. This unevenness highlights the structural and political constraints inherent in decentralized systems, including gaps in enforcement mechanisms, limited participatory processes, and fragmented normative alignment. The findings carry important theoretical implications, suggesting that multilevel human rights governance is a distributed, iterative, and context-dependent process. Effective compliance emerges not only from legal mandates but also from the interplay of institutions, civil society, participatory lawmaking, and coordination mechanisms that bridge the gap between national standards and local implementation. The study also offers practical lessons for policy and legislative reform: federal frameworks should serve as enabling instruments, complemented by subnational capacity-building, consultative drafting practices, and harmonization mechanisms to ensure uniform rights protection. Future research could explore comparative analyses across federal systems, examining how different constitutional designs, political cultures, and institutional capacities influence subnational human rights implementation. Empirical studies could also assess the effectiveness of participatory lawmaking processes and the role of DPOs in enhancing compliance. Additionally, longitudinal research on the impact of subnational legislative reforms on the lived experiences of rights-holders would provide valuable insights into the operationalization of international human rights in decentralized governance contexts. In conclusion, achieving comprehensive human rights protection in federal systems requires recognizing subnational legislatures as both critical actors and sites of innovation, while fostering institutional coordination, participatory engagement, and evidence-based policy reform.

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