

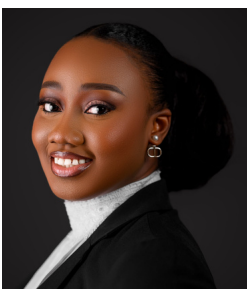
05 May 2026

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# Enforcement of Foreign Judgments in Nigeria: Between Statutory Promise and Common Law Reality

## 1. Introduction

The enforcement of foreign judgments in Nigeria remains the subject of considerable debate across the legal profession, raising questions about whether the existing framework keeps pace with modern commercial realities. Although the statutory framework under the Foreign Judgments (Reciprocal Enforcement) Act was designed to provide a simplified and streamlined process through reciprocity, its practical effectiveness has been significantly constrained by the continued non-activation of section 3 of the Act.<sup>1</sup> In practice, this has meant that enforcement still relies predominantly on common law procedures, where a foreign judgment serves as the basis for a fresh action before Nigerian courts.

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<sup>1</sup>Foreign Judgments (Reciprocal Enforcement) Act, Cap F35, Laws of the Federation of Nigeria 2004, s 3. This Act will hereafter be referred to as 'the 1961 Act' for readability and convenience.

This enduring dependence on traditional mechanisms stands in marked contrast to developments in other jurisdictions, where modern multilateral instruments, particularly the Hague Judgments Convention, facilitate more efficient cross-border enforcement.<sup>2</sup>

Against this backdrop, this article examines the legal framework governing the enforcement of foreign judgments in Nigeria. It analyses the statutory and common law regimes and highlights the conditions and procedures for enforcement. It concludes by advocating for a unified and reform-oriented approach that aligns Nigeria with global best practices.

## 2. Legal Framework for the Enforcement of Foreign Judgments

Nigeria's legal framework for the enforcement of foreign judgments is characterised by a dual system, comprising statutory provisions and common law principles. While this duality ostensibly provides flexibility, it has been widely criticised for generating uncertainty, inconsistency, and inefficiency within the legal system.

The statutory regime is primarily governed by two statutes. The first is the Reciprocal Enforcement of Foreign Judgments Ordinance, Cap 175, Laws of the Federation of Nigeria and Lagos 1958 (originally enacted in 1922).<sup>3</sup> This Ordinance applies to judgments from certain jurisdictions, predominantly within the Commonwealth, including England, Scotland, and Ireland.<sup>4</sup>

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<sup>2</sup> Bird & Bird, 'The Hague Judgments Convention Has Entered into Force Between EU Member States and Ukraine' (5 October 2023) <available [here](#)> accessed 9 April 2026; B Eze, 'A Global Enforcement Regime of Court Judgments in Civil and Commercial Matters?' (2025) ResearchGate 10 -11

<sup>3</sup> Reciprocal Enforcement of Foreign Judgments Ordinance, Cap 175 Laws of the Federation of Nigeria and Lagos 1959, ss 1 – 6. (Hereafter referred to as 'the 1958 Ordinance' for readability and convenience).

<sup>4</sup> The Reciprocal Enforcement of Foreign Judgments Ordinance, which is the colonial -era precursor to the Foreign Judgments (Reciprocal Enforcement) Act, applies to judgments from specific jurisdictions, namely: England, Scotland, Ireland, Sierra Leone, Ghana, Gambia, Barbados, Bermuda, Gibraltar, Grenada, Jamaica, the Leeward Islands, Newfoundland (Canada), New South Wales, St. Lucia, St. Vincent, Trinidad, and Tobago – see ss 1 – 6 of the Reciprocal Enforcement of Foreign Judgments Ordinance, Cap 175, LFN 1958

The second is the Foreign Judgments (Reciprocal Enforcement) Act 1990, Cap. F35, Laws of the Federation of Nigeria 2004 (originally enacted in 1961),<sup>5</sup> which was intended to replace the 1958 Ordinance. This Act establishes a broader and more contemporary reciprocity-based system, permitting superior courts in Nigeria to recognise and register foreign judgments from countries that accord reciprocal treatment to Nigerian judgments, subject to certain conditions.<sup>6</sup> However, the full operation of the Act depends on the issuance of a ministerial order under section 3 (an order yet to be made) extending its application to specified foreign countries. In the absence of such a ministerial order, the intended statutory regime remains largely inchoate to date.

In light of the limitations of the statutory regime, common law principles continue to play a central role in the enforcement of foreign judgments in Nigeria.<sup>7</sup> They effectively fill the gap left by the inoperative aspects of the statutory framework and remain the most commonly used route in practice. This position was affirmed in *Macaulay v RZB of Austria*, where the Supreme Court recognised the continued relevance of the common law enforcement regime alongside statutory mechanisms.<sup>8</sup>

### 3. Modes of Enforcing Foreign Judgments

Foreign judgments may be enforced in Nigeria through two main routes: by an action at common law or through reciprocal enforcement under statute.

#### (i) Enforcement by Action at Common Law

Under the common law route, a judgment obtained in a foreign jurisdiction is enforced by commencing a fresh action before a Nigerian High Court, with the judgment itself forming the basis of the claim. The High Court does not rehear the original dispute or sit on appeal over the foreign court's decision; rather, it determines whether the judgment meets the conditions for enforcement.

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<sup>5</sup> The 1961 Act (n 1)

<sup>6</sup> *Ibid*, s. 4

<sup>7</sup> Ekele Chinda, 'How to Enforce a Foreign Judgment' (Bimak Associates, 22 September 2023) <available [here](#) > accessed 11 April 2026

<sup>8</sup> *Macaulay v RZB of Austria* (2003) 18 NWLR (Pt. 852) 282 (SC)

This method is generally limited to decisions delivered by superior courts of competent jurisdiction. In practice, Nigerian courts insist that the foreign court must possess a status comparable to, or higher than, that of a Nigerian High Court. Additionally, the judgment must be final and conclusive and must be for a definite sum. The Supreme Court alluded to these requirements in *Marine & General Assurance Co Plc v Overseas Union Insurance Ltd.*<sup>9</sup>

A notable advantage of this mode of enforcement is that it does not depend on reciprocity. A foreign judgment may therefore be recognised and enforced in Nigeria even if Nigerian judgments would not receive similar treatment in the originating jurisdiction.<sup>10</sup> It should be noted, however, that not all foreign judgments are enforceable using this route. Where a judgment falls within the scope of Part 1 of the 1961 Act, an action at common law may be excluded.<sup>11</sup>

## **(ii) Enforcement by Reciprocal Registration (Statutory Mode)**

The statutory route, regulated by the 1958 Ordinance and the Foreign Judgment Enforcement Act, allows foreign judgments originating from countries that accord reciprocal treatment to Nigerian judgments to be registered in Nigerian Courts, provided they meet the statutory requirements.<sup>12</sup> Once registered, such judgments are treated as if they were delivered by Nigerian courts and become enforceable by the same execution processes applicable to domestic judgments.<sup>13</sup>

In theory, this provides a more straightforward mechanism for enforcement. In practice, however, the absence of a ministerial order as required by section 3 has significantly limited the effectiveness of this regime. Despite this, Nigerian courts have continued to recognise and enforce foreign judgments from certain jurisdictions by virtue of the existing 1958 Ordinance.<sup>14</sup>

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<sup>9</sup> (2006) 4 NWLR (Pt. 971) 622 (SC)

<sup>10</sup> Chinda (n 8)

<sup>11</sup> 1961 Act (n 1) s 8

<sup>12</sup> For a foreign judgment to be eligible for enforceable under the statutory mode, it must meet the following statutory requirements, inter-alia: (i) it must originate from the superior courts of any foreign country that accord reciprocal treatment to Nigerian judgment as designated by order of the Minister of Justice; (ii) it must be a final and conclusive judgment between the parties, even if the subject of a pending appeal; (iii) it must be for a definite sum of money; see the Foreign Judgment (Reciprocal Enforcement) Act (n 1) s 3

<sup>13</sup> *Gilar Cosmetics Store v Africa Reinsurance Corporation* (2025) LPELR-80701(SC)

<sup>14</sup> *supra*

The Supreme Court in *Grosvenor Casinos Ltd v Ghassan Halaoui* clarified that, in the interim, the 1958 Ordinance continues to regulate the enforcement of foreign judgments in Nigeria.<sup>15</sup>

## 4. Modes of Enforcing Foreign Judgments

### (i) Enforcement by Reciprocal Registration (Statutory Mode)

Having broadly set out the legal framework and the methods of enforcing foreign judgments in Nigeria, this discussion now focuses on the registration route in some detail, as it presents the most problems in practice. As earlier established, once a foreign judgment is registered in Nigeria, it assumes the same force and effect as a judgment delivered by a Nigerian court and may be enforced through the usual execution processes.<sup>16</sup> However, the courts have consistently held that for a foreign judgment to be registered and enforced in Nigeria, the following requirements must be satisfied:

- a. The judgment must be final and conclusive. In other words, interim or interlocutory and default judgments that do not completely determine the rights and liabilities of the parties are not registrable. Nonetheless, a foreign judgment is deemed final and conclusive, even if an appeal is pending against it or it may still be subject to appeal in the foreign jurisdiction.<sup>17</sup>
- b. It must be delivered by a superior court of competent jurisdiction.<sup>18</sup>
- c. The judgment debtor must have voluntarily submitted to the jurisdiction of the foreign court.<sup>19</sup>
- d. The judgment must be for a definite sum of money, and must not relate to taxes, fines, or penalties. The foreign judgment must be a monetary judgment.<sup>20</sup>

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<sup>15</sup> *Grosvenor Casinos Ltd v Ghassan Halaoui* (2009) LCN/3726 (SC)

<sup>16</sup> 1961 Act (n 1), s 3 (3); see also *Grosvenor Casinos Ltd* (n 19)

<sup>17</sup> [1961 Act (n 1) s 3 (1)]

<sup>18</sup> [1961 Act (n 1) s 3 (1)]

<sup>19</sup> *Conoil v Vitols S.A.* (2019) 9 NWLR (Pt. 1625) 463; see also *Grosvenor Casinos Ltd* (n 19)

<sup>20</sup> 1961 Act (n 1), s 3(2) (b)

- e. The sum payable under the judgment must be expressed in naira. The law mandates the required foreign judgment sum to be converted to naira at the current exchange rate on the date the judgment was given. If part of the original judgment sum has already been satisfied at the date of the application for registration, the balance of the judgment sum due only will be registered and not the whole sum.<sup>21</sup> It should be noted, however, that Nigerian courts have the authority to register foreign judgments expressed in foreign currency, as section 4 (3) of the 1961 Act has not been operationalised.<sup>22</sup>

### (ii) Non-Registrable Judgments

Even though Nigerian law allows foreign judgments to be recognised and enforced domestically, it is necessary to emphasise that the law also delineates certain categories of judgments that are ineligible for registration and sets out the grounds on which registration may be challenged and set aside. In that regard, Nigerian courts will usually not register and enforce the following types of foreign judgments:

- Criminal, penal, and tax judgments;
- Declaratory and Interlocutory judgments;
- Wholly satisfied judgments
- Judgments obtained without jurisdiction or procured by fraud;
- Judgments contrary to public policy;
- Judgments for unliquidated or uncertain sums; and
- Judgments incapable of enforcement by execution in the country of the original court.<sup>23</sup>

### (iii) Grounds for Setting Aside Registration

When a foreign judgment has been registered, the registration is not immutable. Notwithstanding such registration, it may still be challenged and, in appropriate circumstances, set aside.

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<sup>21</sup> Ibid, s 4 (3); see also *CBN v Gegenheimer & Anor* (2025) LPELR-81477 (CA)

<sup>22</sup> *Witt & Busch Ltd v Dale Power Systems Plc* (2007) LP-77951 (SC)

<sup>23</sup> 1961 Act (n 1), ss 3 & 4

An application to set aside the registration is commenced by way of a petition under the Reciprocal Enforcement of Judgments Rules.<sup>24</sup> The grounds upon which this may be done include the following:

- where it is established that Part I of the 1961 Act does not apply to the judgment;
- where the foreign court lacked jurisdiction;<sup>25</sup>
- where the judgment debtor was given proper notice with respect to that case in sufficient time to enable him to defend the suit and failed to record appearance;
- where the judgment was obtained by fraud;
- where enforcement of the judgment would be contrary to public policy; and
- where the enforcement rights under the judgment do not rest with the person who registered the judgment.<sup>26</sup>

However, it is worth noting that where the registration of a foreign judgment is set aside, this does not prevent a fresh application for its registration to be made if the conditions for registration and enforcement are subsequently satisfied.<sup>27</sup>

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<sup>24</sup> Reciprocal Enforcement of Judgments Rules, rule 12; see also *Brownwen Energy Trading Ltd v Crescent Africa (Ghana) Ltd* (2018) LPELR – 43796 (CA)

<sup>25</sup> In practice, a foreign court is deemed to have had jurisdiction where the judgment debtor: (a) voluntarily submitted to the proceedings – *Miden Systems Ltd v BBC Chartering & Logistic GMBH & Co* (2020) 9 CLRN 1; or (b) was resident or carried on business within the jurisdiction – As such, Nigerian courts would refuse to recognize and enforce a judgment of a foreign court where the defendant was not present/resident in the foreign country and did not submit to its jurisdiction – see RK Mlambe, 'Presence as a Basis for International Jurisdiction of a Foreign Court under Nigerian Private International Law' (2020) *Afronomics Law* 1 -6; or (c) agreed in advance to submit to the court's jurisdiction; or (d) had a relevant connection to the subject matter of the dispute. Conversely, jurisdiction may be denied where: (a) the subject matter concerns immovable property outside the foreign court's territory; or (b) the proceedings violate a prior dispute resolution agreement; or (c) the defendant enjoys immunity under international law and did not waive it. See generally, the 1961 Act (n 1) s 6 (1) & (2).

<sup>26</sup> For the statutorily specified instances when the registration of a foreign judgment may be set aside, please see the 1961 Act (n 1) s 6; see also *Brownwen Energy Trading Ltd* (n 28)

<sup>27</sup> *Heyden Petroleum Limited v Top Leader Shipping INC* (2018) LPELR – 46680 (CA)

## 5. Procedure for Enforcement of Foreign Judgments

The starting point in any enforcement process is to determine whether the foreign judgment falls within the scope of Part I of the 1961 Act. Where the judgment falls within the ambit of the Act, a judgment creditor may apply to a Nigerian High Court for registration within six (6) years from the date of the judgment.<sup>28</sup> However, in the absence of a ministerial order activating section 3 of the Act, the applicable timeframe in practice remains the twelve-month period prescribed under the 1958 Ordinance, subject to extension by the court. This position was clarified by the Supreme Court in *Marine & General Assurance Co Plc v Overseas Union Insurance Ltd.*<sup>29</sup> Thus, in *Vab Petroleum Inc v Mr. Mike Momah*,<sup>30</sup> the registering court registered an English judgment under section 4 of the 1961 Act twenty-five months after the judgment had been delivered. The Supreme Court set aside the registration, affirming that foreign judgments may only be registered within twelve months as provided by the 1958 Ordinance and, provisionally, section 10(a) of the 1961 Act for other countries.

Proceedings for the registration of a foreign judgment are typically commenced by an originating motion, often made *ex parte*.<sup>31</sup> It is useful to note, however, that under the Reciprocal Enforcement of Judgments Rules made pursuant to the 1958 Ordinance, such applications may be brought either *ex parte* or on notice;<sup>32</sup> nevertheless, the court retains the discretion to require that the respondent be put on notice, notwithstanding the *ex parte* nature of the application.

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<sup>28</sup> The 1961 Act (n 1) s 4

<sup>29</sup> *Marine & General Assurance Co Plc* (n 11)

<sup>30</sup> (2013) LPELR-19770(SC).

<sup>31</sup> The 1961 Act does not specify the form an application for registration should take; however, in practice, it is usually made *ex parte* – see the insights by A Atilebi & J Obi, ‘Statutory Nonreciprocal Enforcement of Foreign Judgments in Nigeria: Revisiting *Macauley v RZB Austria*’ (Templars, 10 August 2021)<available [here](#)>accessed 13 April 2026; see also Compulaw, ‘Caselaw: *Grosvenor Casinos Ltd v Halaoui* (2009) CLR 5 (E) (SC)’ (Compulaw Blog)<available [here](#)> accessed 13 April 2026.

<sup>32</sup> Global Law Experts, ‘Procedure for Recognition and Enforcement of Foreign Judgments in Nigeria’ (Global Law Expert website)<available [here](#)>accessed 13 April 2026

The application must be supported by an affidavit setting out the material facts, including a statement that, to the best of the deponent's knowledge and belief, the judgment creditor is entitled to enforce the judgment, and must exhibit a duly certified copy of the judgment.

In contrast, the 1961 Act does not prescribe any specific procedure for applying to register a judgment. Section 5(b) merely empowers a High Court to make rules prescribing the matters to be proved and the mode of proof. No such rules have been made to date. Consequently, the prevailing practice remains the commencement of such applications by *ex parte* originating motion.<sup>33</sup>

Once registered, the judgment takes effect as if it were a judgment of the registering court and may be enforced accordingly.<sup>34</sup>

Where the statutory route is unavailable, or a foreign judgment cannot be registered under the 1961 Act, the judgment creditor may resort to the common law by commencing a fresh suit before a Nigerian High Court by way of a writ of summons.<sup>35</sup> In such circumstances, the foreign judgment constitutes the cause of action, and the judgment creditor, as Claimant, pleads the foreign judgment as a debt. If the court is satisfied that judgment is final, for a definite sum, and delivered by a court of competent jurisdiction, it will be recognised and enforced as a judgment of that court.

The timeframe for bringing a common law action to enforce (i.e., recognise) a foreign judgment is governed not by the foreign judgment statutes, but by the statute of limitation applicable to debt claims. This is because, at common law, a foreign judgment is treated as a simple contract debt.<sup>36</sup>

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<sup>33</sup> See generally: Fadesike and Halima Shuaib 'Q & A on Enforcement of Foreign Judgment in Nigeria' (ALP NG & Co) 1, 5; <available [here](#)> accessed 14 April 2026

<sup>34</sup> *Gilar Cosmetics Store v. Africa Reinsurance Corporation* (2025) LPELR-80701(SC)

<sup>35</sup> *Alfred C Toepfer Inc v Edokpolor* (1965) NCLR 89; see also: *Wilbros West Africa v McDonnell Contract Mining Ltd* (2015) All FWLR 310; Anthony Kennedy, 'The Recognition and Enforcement of Foreign Judgments at Common Law in Nigeria' (Afronomics Law, 15 December 2020) <available [here](#)> accessed 14 April 2026

<sup>36</sup> *Alfred C Toepfer Inc v Edokpolor* (n 45)

Consequently, subject to the provisions of the various States' limitation laws, the applicable limitation period is usually five (5) years from the date the judgment became enforceable.<sup>37</sup>

Importantly, time begins to run from the date the foreign judgment is delivered, rather than from when enforcement proceedings are commenced in Nigeria, since the judgment gives rise to an immediate debt obligation actionable in Nigeria.<sup>38</sup> However, where the judgment is subject to appeal in the foreign jurisdiction, Nigerian courts may consider whether it has attained finality in the court of origin as a condition for recognition and enforcement.<sup>39</sup>

## 6. Concluding Thoughts

The enforcement of foreign judgments in Nigeria remains an area of law characterised by doctrinal complexity and practical inefficiency. The coexistence of the 1958 Ordinance and the 1961 Act, alongside the continued relevance of common law principles, has produced a fragmented legal regime that is both uncertain and outdated. Rather than providing clarity and predictability, the dual system encourages procedural manoeuvring and inconsistent judicial outcomes.

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<sup>37</sup> The limitation period may vary slightly depending on the period prescribed by Limitation Law in force in the forum state, but five years is the dominant period – see, for example: s 16, Limitation Law of Rivers State; s 16, Limitation Law of Bayelsa State; and s 18 Limitation Law of Imo State all prescribe five (5) years period, but s 8, Limitation Law of Lagos State provides a six -year limitation. Section 8(1)(a) of the Limitation Act 1966, applicable to the FCT Abuja, also prescribes a six-year limitation period for actions founded on a simple contract.

<sup>38</sup> As considered in *Marine & General Assurance Co Plc v Overseas Union Insurance Ltd* (n 11)

<sup>39</sup> As affirmed in *Grosvenor Casinos Ltd* (n 19)

Judicial decisions such as *Macaulay v R.Z.B of Austria* and *Alfred C Toepfer Inc v Edokpolor* illustrate the courts' attempts to navigate this complexity, yet they also highlight the absence of a coherent and unified approach. The persistence of reciprocity as a central requirement, despite limited implementation mechanisms, further constrains the effectiveness of the statutory regime and undermines Nigeria's attractiveness as a destination for international business.

In light of these challenges, there is a pressing need for legislative reform. Nigeria must move towards a single, harmonised legal framework that eliminates statutory overlaps, clarifies procedural pathways, and aligns with international standards for the recognition and enforcement of foreign judgments. Such reform would not only enhance legal certainty but also strengthen Nigeria's position within the global economic order. Until these reforms are undertaken, the enforcement of foreign judgments in Nigeria will remain burdened by the very complexities it seeks to resolve.