

CONFERENCE ON EDUCATING LAYWERS FOR TRANSNATIONAL CHALLENGES

THEME: TRANSNATIONAL CURRICULUM FOR TOMORROW'S LAWYERS

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Introduction

Whatever one may feel about globalization, what the latter part of the 20th Century has shown is the internationalization of studies, policies, views etc and the near-unification of divergent views, policies and opinions premised on cooperation and interaction among the different nations of the world.

The world is now a global village, brought about by the technological advancement in information technology. The formation of European Union, the African Union, Economic Commission of West African States (ECOWAS) or any other regional union, has shown that international boundaries are being obliterated to pave way for the unification of the hitherto separate and sovereign national interests.

This development will concomitantly call for new strategies in the formulation and delivery of legal instruments, opinions, legal services and cooperative agreements among nations, which can only be smooth and successful through a perfect knowledge of trans-boundary legal study and training. The changing world order calls for dynamism in the curriculum development of legal studies. For the effective management of world affairs, legal training should now respond to the inevitable changes that globalization has brought about. Lawyers' training should focus more on transnational studies in laws,, economy, politics, culture and even language.

Current Legal Focus

Despite a little shift from conservatism to liberalism in the study of law recently witnessed, training of lawyers has laid much emphasis on the strengthening of municipal law courses for effective participation of lawyers in the national politics and economy. In fact most developing countries still fortify municipal study to enable their lawyers participate fully in their national affairs.

For example, the Minimum Academic Standards for legal studies in Nigeria approved by the National Universities Commission (NUC) provides that its fundamental principle of Curriculum development is designed to ensure that graduates of law will have a clear understanding of the place and importance of law in society.

As a general philosophy, the document goes further

“The programme, therefore, seeks to introduce a student to law, stuff him with many principles of judicial process and legal development and equip him with the basic tools of legal analysis or legal methods. But it must be said that the programme provides only a very dim light with which a prospective lawyer may see vaguely the road that runs through a University and Law School into “the Temple of Justice” where he will live all the days of his life. The programme is, therefore, not designed to make him an expert in any field of law, but to enable him see in a dim high what openings are available to him as a law student. He can then make a more sensible choice where to move in and pitch his tent in the legal field; there he would specialize by acquiring the necessary and relevant books, skills, tricks and experience, which will guide him successfully through his life's journey with the law”.

The main objective of legal training in Nigeria is stated by the document thus

“The training in the law programme is specifically aimed at producing lawyers whose level of education would equip them properly to serve as advisers to governments and their agencies, companies, business firms, associations, individuals and families etc. The fact is that Governments, companies and to some extent, even individuals and their activities are

creatures of law expected to operate within legal framework. Therefore, the output or end result of the system designed will be fed to such agencies and institutions as international organizations and agencies, academic, teaching and research institutions, federal, state and local government bodies, various industrial, commercial and merchantile associations and their operations, various social, family and domestic groups and their activities etc. In Government for instance, the lawyers will fit in well in judicial services, legislative and administrative functions, legal drafting and advising, criminal prosecutions and civil litigation, arbitration and administration of estates etc.

I have quoted this document extensively so that the philosophy and objectives of legal education in Nigeria can be properly gleaned. My over three decades legal experience has shown that legal education in Nigeria is mainly designed for national purposes. This is why the Curriculum is designed and limited to core municipal and traditional courses like Constitutional Law, Law of Contract, Criminal Law, Company Law, Commercial Law, Law of Equity and Trusts, Law of Evidence, Jurisprudence, Land Law, Nigerian Legal System and Law of Torts. Other law courses are optional. Until much recently, International Law, was the only course taught at the under graduate level, which gave students any legal knowledge in international interactions.

The legal training at the Nigerian Law School, organized by the Council of Legal Education does not depart from emphasis on the traditional core courses; but focus is on the procedural aspects.

United States' Focus

The Nigerian situation can be compared with that of United States' philosophy and objectives of legal training.

The Harvard Law School has this as its philosophy:

“The school tries to prepare its graduates to deal with legal problems as they arise wherever the common law prevails. It seeks to accomplish this purpose by providing comprehensive training for practice of the legal profession and also by furnishing an enlightened background for those interested in public service at the local, state, federal and international levels, in and out of public office, and for law teachers and legal scholars.”

The George Washington University has this as its objective:

“The purpose of the Law School is to prepare men and women to meet the needs of society in many fields of law and to encourage scholarly research and writing in the law.”

A general examination of the law curriculum in the United States and few advanced countries has shown that, they have responded positively to the current global order by emphasizing not only their municipal core courses but are also focusing extensively on their international dimensions. In fact there is an inevitable focus on comparative study of their national courses with other nations' courses. African nations-nay-developing nations are yet to have full response to this international dimension.

Future Curriculum Development

To be able to keep pace with the world order, law Faculties must of necessity fine tune their curriculum to enable future lawyers perform well in the changing society by including courses with transnational colouration. While municipal courses are important, recognition must be given to the inevitable conflicts that may arise on daily basis as a result of international interactions of countries with diverse legal differences or orders, which will need knowledge of trans-boundary study to solve.

It is now time to internationalize the so-called core municipal courses like Constitutional Law, legal system, Law of Contract, Law of Tort, Company Law, Commercial Law, Land Law, Law of Evidence etc. on a comparative basis with other systems of the world. The study should not be limited to the postgraduate level, but a sort of introduction should be done at the undergraduate level.

Law does not exist *in vacuo*; it does within a social setting. A good appreciation of legal principles and even decisions can only come about with a proper understanding of the society. Future curriculum should include comparative Sociology; international economic and monetary policies and international relations.

To be effective language--which is the tool of the lawyer--must be emphasized. Curriculum should include knowledge in at least two international languages. English, French, German and Spanish must be taught to future lawyers.

Information technology is an inevitable tool for the future lawyers. In the developing countries, for lack of governmental interest in education, necessary infrastructure does not exist in the Universities. If governments do not respond, a student who wants to succeed as a lawyer in the future – either nationally or internationally – must of necessity train himself in the new technology.

Without doubt, to include transnational courses will of necessity increase the workload and period of study. An additional year to the law programme will serve the purpose. Whatever cannot be accommodated within the limited period will in the course of experience be learnt. In jurisdictions where the procedural training is not integrated into the College Curriculum, study in the practical aspects of the courses taught in the College must be expanded to cater for international or cross-border legal practice.

Training, should no longer be aimed at producing good national lawyers, it should appreciate the current international interactions and therefore expand its programmes to enable a robust international practice.