

## NEED FOR THE PROPOSED NEW LAW SCHOOL CAMPUSES; SUBSTANCE OR ILLUSION? \*

### Abstract

*This article examines the provisions of the Legal Education (Consolidation, etc) (Amendment) Bill already passed by the Senate for the establishment of six more campuses for the Nigerian Law School. It examines the background to the introduction of the Bill and the opposition to it by some stakeholders. The article relies on the historical school of jurisprudence, which propounds that laws should take cognizance of the historical realities of the people that they are meant for. It adopts both qualitative doctrinal and statistical non-doctrinal research methods. The primary sources of materials utilised are the Legal Education (Consolidation, etc) Act 1976 and the Legal Education (Consolidation, etc) (Amendment) Bill. The article finds out five reasons for the opposition to the new campuses proposal. Those reasons are that what is needed now is more funding and not new campuses; that the Senate should not be allowed to usurp the powers of the Council of Legal Education; that the Senators are only out to dole out 'constituency projects' to their electorate; that the proposed sites of the new campuses are 'villages'; and that privatisation of the Law School is what we need rather than new campuses. The research however found out that those reasons are weak, superficial, untenable and unmeritorious, because of the reality of the current backlog of students from home and overseas universities seeking admission into the Law School and the imminent explosion of admission seekers due to the unabated unbridled approval by the National Universities Commission and the Council of Legal Education of law colleges and law faculties springing up in the new private and public universities in the country.*

**Key words:** *Vocational legal education, law school, new campuses, funding, Privatisation.*

### 1. Introduction

To produce the lawyers needed in the many sectors in a country, lawyers are normally trained in the division of the university called law faculties, law colleges, law schools or law departments. After they have passed through the university law faculty, law graduates in common law jurisdictions (one of which Nigeria is) are normally trained in vocational legal education or the skills of legal practice and procedure in a post-university institution, which is called the Nigerian Law School in Nigeria. There is currently a debate in Nigeria on the propriety or otherwise of establishing six new campuses for the Nigerian Law School. The Nigerian Law School currently has six campuses located in Abuja (the headquarters), Federal Capital Territory, North Central geo-political zone; Victoria Island, Lagos, Lagos State, South-West; Yenagoa, Bayelsa State, South-South; Enugu, Enugu State, South-East; Kano, Kano State, North-West; and Yola, Adamawa State, North-East.

The ongoing debate on the proposed six new campuses for the Nigerian Law School was provoked in October 2021 when Senator Smart Adeyemi representing Kogi West introduced a Legal Education (Consolidation, etc) (Amendment) Bill at the Senate. It is a Bill for an Act to amend the Legal Education (Consolidation, etc) Act by establishing

the campuses for the Nigerian Law School and for other related Matters (SB. 820). Its latest and correct version acknowledged by Senator Adeyemi lists the six new campuses as Kabba in Kogi State for the North Central, Maiduguri in Borno State for the North-East, Argungu in Kebbi State for the North-West, Okija in Anambra State for the South-East, Orogun in Delta State for the South-South and Ilawe Ekiti in Ekiti State for the South-West. The Legal Education (Consolidation, etc) (Amendment) Bill was referred to the Senate Committee on Judiciary, Human Rights and Legal Matters. The committee organised a public hearing on it. Stakeholders<sup>1</sup> at the public hearing submitted memoranda and/or spoke on their views on the Bill. The Senate deemed the Bill meritorious because of “the exponential increase in the number of law graduates from our universities and foreign ones.” This paper considers the background and merits and demerits of the Bill. For the purpose of order and understanding, the paper has five segments, beginning with this introduction. The others are the background to the sponsorship of the Bill, the weaknesses of the arguments against the new Law School campuses, conclusion and recommendations.

## 2. Background to the Sponsorship of the Bill

The Nigerian Law School was established in Lagos in 1962 as the Legal Education Act 1962<sup>2</sup> was enacted. Other statutes relating to legal education enacted thereafter were the Legal Education (Pensions) Act 1965,<sup>3</sup> Legal Education (Amendment) Act 1970,<sup>4</sup> Legal Education (Amendment) Act 1973<sup>5</sup> and the Legal Education (Amendment) Act 1974.<sup>6</sup> The Legal Education (Consolidation, etc) Act<sup>7</sup> was enacted in 1976 and it repealed all the aforementioned Acts. The extant Legal Education (Consolidation, etc) Act was enacted “to re-enact the Legal Education Act 1962 as amended up to date and to introduce new provisions relative to the composition of the Council of Legal Education and the appointment of the Director-General of the Nigerian Law School.”<sup>8</sup> Though practically but undesirably, the Council of Legal Education is not just located in and tied to the Law School, it regulates legal education not only in the Law School but in all the faculties of law in Nigerian universities.

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<sup>1</sup> Council of Legal Education, Law School Management, Attorney-General of the Federation and Minister of Justice, Nigerian Bar Association, Body of Senior Advocates of Nigeria, etc.

<sup>2</sup> Legal Education Act No. 12 of 1962.

<sup>3</sup> Legal Education (Pensions) Act No. 34 of 1965.

<sup>4</sup> Legal Education (Amendment) Act No. 62 of 1970.

<sup>5</sup> Legal Education (Amendment) Act No. 37 of 1973.

<sup>6</sup> Legal Education (Amendment) Act No. 37 of 1974.

<sup>7</sup> Chapter L10, Laws of the Federation of Nigeria 2004.

<sup>8</sup> Long title, Legal Education (Consolidation, etc) Act, Chapter L10, Laws of the Federation of Nigeria 2004.

Not minding the enactments of all such statutes, it is arguable that the Law School has no establishment or enabling Act as at today. The Legal Education (Consolidation, etc) Act does not claim to establish the Law School, neither does it state the goals of the Nigerian Law School. It also does not contain any detailed provisions on the administration, management or running of the Nigerian Law School per se. It is the management of the Law School that used their initiative to agree that the Nigerian Law School was founded on the principle to educate and train graduates in vocational skills that would enable them function optimally as barristers and solicitors to make the world a better place.<sup>9</sup> And they boldly claim that they have not strayed from that vision.<sup>10</sup>

The Law School was moved from Lagos to Abuja during the rush of Federal Ministries, Departments and Agencies (MDAs) to Abuja in 1997 on the whimsical order of the military dictatorship of General Sani Abacha. The Lagos campus was revived in 1999 when the Abuja campus could no longer cater for the increasing number of law graduates from Nigerian and overseas universities seeking training in the Law School.<sup>11</sup> For the same reason, the campuses were later increased to four as two more were opened at Bagauda, Kano, Kano State and Agbani, Enugu, Enugu State. Still, for the same reason, the campuses of the Nigerian Law School soon increased to six as the new ones in Yola, Adamawa State, and Yenagoa, Bayelsa State, joined them. In other words, the Nigerian Law School today has a functioning campus in each of the six geo-pol zones in the country. Then, it was suddenly announced in June 2021 that the Attorney-General of the Federation and the Council of Legal Education had approved the request of the lawyer Governor of Rivers State, Mr. Nyesom Wike, to construct a new campus for the Law School in Port Harcourt, Rivers State, from which Bayelsa State, already hosting a campus, had been created. The oil-rich State government said it put it upon itself to do that because, according to it, it had been earlier unjustly denied of the campus meant for the South-South.<sup>12</sup>

Despite the foregoing developments, it has however been discovered or thought by the Senate Committee on Judiciary, Human Rights and Legal Matters that all those campuses of the Nigerian Law School are still not enough to cater for the astronomical number of Nigerian law graduates being produced yearly by home and overseas universities. This should not be strange because the National Universities Commission (NUC) and the Council of Legal Education have yearly kept approving the law colleges and law faculties being established by the ever increasing new private and public universities in Nigeria. The old and the new law faculties and colleges of law have

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<sup>9</sup>Anon, 'Statistics' <[www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng)> Accessed 17 March 2022.

<sup>10</sup> *Ibid.*

<sup>11</sup>Anon, 'About the Nigerian Law School' <[www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng)> Accessed 17 March 2022.

<sup>12</sup>A. Godwin, 'Rivers approves new Law School campus in Port Harcourt' <<https://guardian.ng/news/rivers-approves-new-law-school-campus-in-port-harcourt/>> Accessed 17 March 2022.

never lacked applicants because majority of the arts students in our senior secondary schools yearly make law their first choice in their Unified Tertiary Matriculation Examinations (UTME) applications. Moreover, almost every educated family in Nigeria today wants to have at least one lawyer. Though the legal labour space is apparently saturated, the body language or apparent position of each of the NUC and the Council of Legal Education is that it does not have the power to deny any Nigerian university the right to have a law faculty if it meets the conditions for approval. In a way, the Joint Admissions and Matriculation Board (JAMB) and the universities also posit that they do not have the right to deny any meritorious Nigerian the right to study law if he meets the necessary requirements. To resolve the problem of the apparent saturation of the legal labour space, it has been suggested at different times over the decades and the years that the law programme in Nigeria should be made open only for first degree holders.<sup>13</sup> However, even if that suggestion is adopted today, there would still be the need to solve the immediate and looming problem of finding enough place to train the backlog of law graduates that the country has already produced and the army of scores of thousands of Nigerian law students already studying in home and foreign universities.

It has to be re-emphasised that colleges of law and faculties of law in the new private and public universities are yearly being granted approval by both the NUC and the Council of Legal Education while many of the old ones are succeeding annually in persuading the Council to increase their quotas. The Law School today simply admits the number of law graduates it has facilities for and leave the rest to their fate; almost all the rest practically beg, lobby, pray and weep to get Law School admission forms to no avail every year. At least, the Abuja and Lagos campuses have exhausted their capacity. Even if the existing and functioning campuses could expand their facilities, the current problem of space would resurface in few years, which was partly the reason why the Port Harcourt campus, rather than expansion of the existing campuses, was recently embarked upon. Availability of space is exacerbated by the tendency of most law faculties in the country to overshoot the Law School quotas given them by the Council of Legal Education. Matters are similarly compounded by the fact that the university admission quotas usually given to law faculties by the NUC are usually far more than those given by the Council for the purpose of entrance into the Law School. So, new Law School campuses, with great potentials for expansion many years or decades to come, are considered necessary by some stakeholders who know the depth of the problem and refuse to pretend about it.

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<sup>13</sup> The latest of such call is contained in Item 2.4. of the communique issued at the end of the Legal Education Summit that held at Afe Babalola University, Ado Ekiti (ABUAD) in March 2022 organised by ABUAD in conjunction with the Nigerian Bar Association. Visit: C. Unini, '[PDF] communique issued at the end of the 2022 nigerian bar association legal education summit' <[www.thenigerialawyer.com](http://www.thenigerialawyer.com)> Accessed 14 July 2022.

The existing six campuses of the Law School accommodate only 6,510 students while the Port Harcourt campus under construction will accommodate only 1,200 students.<sup>14</sup> These spaces are grossly inadequate for the potential products of the existing faculties of law and the new public universities' faculties of law and new private universities' colleges of law being granted approval almost every year now by the Council of Legal Education. These facts and figures were apparently factored in, in October 2021, as Senator Smart Adeyemi introduced the Legal Education (Consolidation, etc) (Amendment) Bill at the Senate. While presenting the Bill, Mr. Adeyemi recounted the experiences of his daughters who remained stagnated and forced to remain home for about 18 months because they had no space in the Law School. He also referred to his neighbour's children who had similar experiences. He then asked this rhetorical question: "I hold the view that if as a Senator, my children cannot get admission, what about the less-privileged Nigerians?"<sup>15</sup> Though the tendency of their universities to exceed their quotas has been contributory, the truth is that law graduates have been facing such problems for many years now. Majority of Senator Adeyemi's fellow senators eventually supported the Bill on the grounds that it would facilitate access to the mandatory vocational legal training at the Law School. Accordingly, the Legal Education (Consolidation, etc) (Amendment) Bill was passed by the Senate on February 8, 2022. This was done after a careful consideration and adoption of the report on the Bill submitted by the Senate Committee on Judiciary, Human Rights and Legal Matters. Section 1 of the Bill provides that "There shall be established, at least two (2) campuses in each of the six (6) geo-political zones as specified in the schedule to this Bill".<sup>16</sup> It provides further that "The Council may, subject to the approval of the President, increase the number of campuses whenever the need to do so arises."<sup>17</sup> Many Nigerians across the country hailed the passage. Some stakeholders, who had been fastidious over the Bill from inception, however castigated the upper chamber of the National Assembly for passing it.

### **3. The Weaknesses of the Arguments against the New Law School Campuses**

Stakeholders have been divided since the announcement of the Bill to establish six new campuses for the Nigerian Law School in October 2021. The most vociferous naysayers have been the leaders of the Council of Legal Education and of the Nigerian Bar Association. Some top members of the Bar have also raised their voices against the Bill in the media. What appears to be the major basis of their opposition to the proposed establishment of the new campuses has been that the proposal does not address the funding problem of the Law School. They have also kicked against it

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<sup>14</sup> Visit: Anon, 'Statistics' <[www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng)> Accessed 17 March 2022 and B. Onanuga, 'Row over new Law schools' <[www.the-nationonline.net](http://www.the-nationonline.net)> Accessed 13 March 2022.

<sup>15</sup> *Ibid.*

<sup>16</sup> Section 1 (3), Legal Education (Consolidation, etc) (Amendment) Bill.

<sup>17</sup> Section 1 (4), Legal Education (Consolidation, etc) (Amendment) Bill.

because they allege an attempted usurpation of the powers of the Council of Legal Education and because, according to them, the senators are surreptitiously out to dispense the proposed new campuses as their political constituency projects. Still, some naysayers have said that the proposed new campuses are undesirable because they are being sited in “villages”. A few of the stakeholders have also reasoned that what we rather need is privatisation of the Law School. This segment of the article will x-ray those arguments of the naysayers and expose them as shallow and weak contentions of conservative minds as against progressive minds, of those who want the status quo maintained as against who desire change and of those who insist on the old normal as against those who believe in a beneficial new normal. The five arguments of the naysayers shall now be dissected.

**3.1. That what is needed is more Funding and not new Campuses:** The Chairman of the Council of Legal Education, Chief Emeka Ngige, SAN, and the President of the Nigerian Bar Association, Mr. Olumide Akpata, have been very vocal in stating that what is needed for the Nigerian Law School is not the establishment of more campuses but the funding of the existing ones.<sup>18</sup> While Chief Ngige lamented “the deplorable state of the Yenagoa campus”, Mr. Akpata stated that the Senate should rather work for the appropriation of more funds for the Law School. This appears to be a good point. A Bar Part II student in the Nigerian Law School<sup>19</sup> pays a total of =N=316,000: 00 for the single session that his programme entails. The breakdown is =N=20,000: 00 for admission forms and =N=296,000: 00 for tuition and incidental matters. Some stakeholders in the Nigerian legal education and legal profession consider this as too small and far below the value that the student gets in the Law School. This observation sounds reasonable, because an average law student in the Nigerian private universities pays =N=1,200,000: 00 per session. In a nutshell, like in the case of all Nigerian public universities, training in the Nigerian Law School is being heavily subsidised by the Nigerian government.

However, while it may be convenient to sound alarm that the internally generated revenue in the Nigerian Law School is too low to cater for the Law School or vocational legal education there, it is also true that the Law School, which is under the Ministry of Justice, gets its own chunk of funds from the annual budget of the Federal Government. In fact, neither the Council of Legal Education nor the management of the Law School is allowed to unilaterally spend a kobo from its internally generated revenue. This is because the Legal Education (Consolidation, etc) Act provides that all “fees collected by the Council from the students of the Nigerian Law School shall be

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<sup>18</sup> B. Onanuga, ‘Row over new Law schools’ <[www.thenationonline.net](http://www.thenationonline.net)> Accessed 13 March 2022.

<sup>19</sup> Only law graduates who attended an overseas university pass through the Bart Part I programme wherein they are taught such courses as Nigerian constitutional law and Nigerian land law, which could not have been part of the curricula of the overseas universities where they had their Bachelor of Laws (LL. B.).

paid into the Treasury of the Government of the Federation and shall form part of the Consolidated Revenue Fund of the Federation.”<sup>20</sup> So, the internally generated revenue accruing to the Law School is hardly relevant to its budgetary allocation. Budgetary allocations to educational and research institutions are normally not based on the revenue that they generate, because of their peculiar nature. They may not generate huge revenue with immediate effect, but, in the long run, they are the producers of all the manpower in the country that generates direct or huge revenue. This is what the Law School “stakeholders”, now holding brief for the Federal Government that it does and cannot have funds for new Law School campuses, should realise and enlighten the Federal Government about. In fact, compared to the Nigerian public universities, the Nigerian Law School is still far better funded. That is why, unlike their colleagues in the public universities, the Law School lecturers do not go on strikes. At any rate, a case is herein made for better funding of the Law School and even of all public universities. To be specific, the Tertiary Education Fund (TETFund) should be made to come to the aid of the Law School with the billions of naira yearly lying idle in its coffers.<sup>21</sup> It can conveniently fund the establishment of the new campuses and upgrade the old ones.

Accordingly, it is submitted that it is fallacious to insist that the Law School should not have more campuses, even when the need arises now, just because the existing ones are not being ideally funded. It is tantamount to saying that human beings should no longer procreate because every human being will eventually die. It is also like saying that a person should not eat because a good part of what he eats will eventually be excreted. The better thing for the stakeholders to do is to prevail on government to increase funding for the Law School for its holistic health—refurbishing of the existing campuses and establishment of the new ones needed. It is a notorious fact that there is a backlog of law graduates in all States of the federation. They remain sad and at home because they could not get a space in the existing campuses of the Law School. Every year, the backlog is swelling because the colleges of law and faculties of law being established in our ever-increasing new private and public universities are churning out law graduates. If the existing campuses could accommodate those law graduates or they could be expanded to accommodate them, why has that not been done all these years? For the avoidance of doubt, the problem of inadequate space in the Law School has been in and with the Law School now for many years. Why pretending and postponing

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<sup>20</sup>Section 9, Legal Education (Consolidation, etc) Act, Chapter L10, Laws of the Federation of Nigeria 2004.

<sup>21</sup> D. Adesulu, ‘N100 bn funds lie idle in TETFund’. <<https://www.vanguardngr.com/2014/07/n100-billion-tetfund-un-accessed-tertiary-institutions-bot-chairman/>> Accessed 16 March 2022. Visit also: SaharaReporters, ‘Exclusive: How Nigeria’s Education Fund, TETFUND Covered Up Disbursements Of Multi-billion Naira Funds, Allocations From 2013’ <<http://saharareporters.com/2021/11/11/exclusive-how-nigeria%E2%80%99s-education-fund-tetfund-covered-disbursements-multi-billion-naira>> Accessed 16 March 2022.

the evil day even when the Senate has boldly come out to eliminate that evil? Why did those now crying of acute shortage of funds for the Law School keep quiet all these years? Why vilifying the senators who have now mustered the political will and courage to bring the problem of the Law School to the limelight with a solution? Why cannot the Council of Legal Education synergise with the Senate to establish the really needed new Law School campuses and get them funded adequately henceforth?

Why should any stakeholder in the Law School turn himself into a spokesperson for the Federal Government and be telling us that it does not have the needed funds for the Law School? If government really does not have funds, where did the hundreds of public officers being prosecuted or investigated today for embezzlement of public funds get the loot?<sup>22</sup> For how many years now has Nigeria been spending =N=120 billion annually on the staff and facilities of its oil refineries that have been refining no crude oil?<sup>23</sup> Is it not more reasonable for the self-proclaimed stakeholders to ask government to block all such loot and waste and invest it on the Law School and other key areas than holding brief for the government and telling Nigerians that it does not have funds? Where else should a responsible government invest if not in its youths who are called the leaders of tomorrow? If you do not invest in your youths, you are planting a time-bomb. So, rather than complaining of or fearing purported non-availability of funds for the existing or proposed campuses of the Law School, the stakeholders should enlighten government about the danger of refusing to invest in its youth.

The statistics staring us all in the face does show that the Law School does not only need more funds but new campuses. You may be correct if you say it needs more funds to maintain its existing infrastructure in the six functioning campuses, but it is also true that it needs funds for establishing new campuses. Nigeria currently has about 200 universities and close to half of them have faculties or colleges of law.<sup>24</sup> Osun State alone has seven of those universities' faculties of law. Two of them, Obafemi Awolowo University and the Osun State University, are public, respectively belonging to the

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<sup>22</sup>Anon, 'ICPC arrests ex-JAMB Registrar over =N=900 million fraud' <<https://www.chronicle.ng/2021/03/icpc-arrests-ex-jamb-registrar-over-n900m-fraud/>> Accessed 15 March 2022. Visit also: Q. Iroanusi, 'We used N1.5 bn to take care of ourselves as COVID-19 palliatives-NDDC' <<https://www.premiumtimesng.com/regional/south-south-regional/402101-we-used-n1-5bn-to-take-care-of-ourselves-as-covid-19-palliative-NNDC-MD>> Accessed 15 March 2022. Visit also: HEDA Resource Centre, 2021, A compendium of 100 high-profile corruption cases in Nigeria <<https://www.proshareng.com>> Accessed 16 March 2022.

<sup>23</sup>E. Ejoh, 'Nigeria spends N120 bn annually to keep refineries idle.' <<https://www.vanguardngr.com/2020/08/nigeria-spends-n120bn-annually-to-keep-refineries-idle-%E2%80%95-petroleum-engineers/>> Accessed on March 15, 2022.

<sup>24</sup>Anon, '200 universities not enough for Nigeria-Founder, Sam Maduka University' <[www.vanguardngr.com](http://www.vanguardngr.com)> Accessed 15 March 2022.

Federal Government and the State Government. The remaining five are private.<sup>25</sup> In fact, two of those five private universities in Osun State are in the same town. Four faculties of law are in Lagos State alone while another four are in neighbouring Ogun State. Courtesy of the unbridled generosity of the National Universities Commission (NUC), more private and public universities are springing up annually in every part of the country. The verification or approval of the law programme of these new universities has become almost a monthly assignment of the NUC and the Council of Legal Education. There are reasons to predict that most of the 20 private universities recently approved by the Federal Government/NUC on a single day would sooner or later seek approval for colleges of law.<sup>26</sup> As recent as February 2022, the Inspector-General of Police visited the Chief Justice of Nigeria, urging him to support his desire to see cadets from the Nigerian Police Academy being given admission in the Law School.<sup>27</sup> The newly established Army, Navy and Air Force Universities may follow suite. The functioning six campuses of the Law School currently accommodate only 6,510 students.<sup>28</sup> When it becomes functional, the Port Harcourt campus under construction will accommodate 1,200 students only.<sup>29</sup> Thus, all the existing six campuses and the one under construction in Port Harcourt would be able to accommodate only 7,710 students. But the number of Nigerian law graduates that currently seek admission to the Law School every year is far more than that, and those who will seek admission there in the next five years will more than double that. Considering the foregoing statistics and the fact that some universities already have about 300 as their quota for the Law School,<sup>30</sup> the Federal, State, private, military and para-military universities from each of the 36 States of the Federation will be producing about 500 law graduates in about five years from now. That means that the law graduates that would be seeking admission into the Law School by then would be about 18,000, apart from those who would be coming from overseas universities! Would not we prepare for the coming rainy days? In fact, it is submitted that a stakeholders' summit needs to be convoked to ruminate on all these facts and figures as the Law School clocks 60 this year 2022.

Should the Federal Government, NUC and the Council of Legal Education keep approving colleges and faculties of law for the new private, Federal and State universities being established yearly in the country without making a corresponding

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<sup>25</sup>Bowen University, Redeemer's University, Adeleke University, Fountain University and Oduduwa University.

<sup>26</sup>A. Olukotun, 'Licensing 20 private universities is a blunder' <[www.punchng.com](http://www.punchng.com)> Accessed 15 March 2022.

<sup>27</sup>Anon, 'Police IG Usman seeks support for cadets to attend Nigerian Law School' <<https://gazettengr.com>> Accessed 20 March 2022.

<sup>28</sup>Anon, 'Statistics' <[www.nigerianlawschool.edu.ng](http://www.nigerianlawschool.edu.ng)> Accessed 17 March 2022.

<sup>29</sup>B. Onanuga, 'Row over new Law schools' <[www.thenationonline.net](http://www.thenationonline.net)> Accessed 13 March 2022.

<sup>30</sup>E.g. Ahmadu Bello University and University of Lagos.

preparation for the training of their products in vocational legal education? Have we so soon forgotten or are we oblivious of the pains that the graduates of some universities have experienced over the years because they had no place in the Law School at the right time? If you had been a victim of such a situation or were close to a classmate or former student of yours who ever experienced it, you would easily realise that it is not a good experience at all. If you experienced such a thing, you would not oppose the current move to prepare for the future of the upcoming law graduates. You did not even have to have experienced it before you would have human feelings. The Smart Adeyemis, who are being proactive, creative and innovative about the upcoming graduates' future, should be commended rather than condemned for their smartness. The difference between many of the backward Third World countries and the advanced Western nations is the difference in their proactiveness, innovativeness and foresightedness. A responsible parent does not wait for the day of school resumption before making ready the notebooks, textbooks, uniform and bags that his child would need in school. The important issue that should be considered first is whether there is a need for the proposed new Law School campuses and not whether there are funds for them. Certainly, we need the new campuses to accommodate the existing backlog of law graduates and the upcoming graduates from the ever increasing number of law graduates from the new and old private, federal, State and even foreign universities.

There is an aphorism that no nation develops above its investment in education or human capital development in general. Traditionally but arguably, the three fields regarded as professions are law, medicine and engineering. When a policy of stakeholders subjects law graduates to roaming the streets because they have no place in the Law School, they are subjecting the legal profession to public ridicule. We should not appear to restrict further entry into the legal profession without human face on the real or imagined excuse that those who have entered already do not even find enough work to do. There is no field of study, career, vocation or trade in any human society that law does not regulate. That is why, in every normal clime, every government ministry, department and agency and every private company (or even a family) worth its salt has a legal department or an in-house or external legal consultant. Law, knowledge of law or ability of every nation to produce seasoned lawyers is also very important even in modern international system, because law regulates international relations and diplomacy. In a nutshell, no normal jurisdiction will leave its legal education or legal profession to chances or allow them to have an uncertain future. Only a clueless and shortsighted leadership of any country will proliferate university law faculties and shut the gate of the Law School against their products. Any country that does that is consciously or unconsciously setting a time-bomb that will one day detonate with attendant youth revolution. So, the Bill in question should not be whimsically and capriciously dismissed by the 'stakeholders' without an examination of the mischief it seeks to cure.

**3.2. That Senate should not be allowed to usurp the Powers of the Legal Council:**

Some stakeholders, who include the Council of Legal Education, have also opposed the Senate Bill for the opening of new campuses for the Law School because, according to them, that would be tantamount to the usurpation of the powers of the Council of Legal Education. They reason that establishing new campuses are supposed to be administrative duties of the Council. They have however not cited any provisions of the Legal Education (Consolidation, etc) Act or any other law that exclusively vest such powers or duties in the Council.

With due respect, I submit that the argument that any new law or statutory provision that creates new campuses for the Law School would be a usurpation of the functions of the Council of Legal Education is theoretical and a mere academic exercise. How would an Act that would simply codify the locations of the existing and the new campuses of the Law School be a usurpation of the powers of the Council of Legal Education? Are we oblivious of the fact that the statutes that established nearly all the public universities in Nigeria name the towns in which they are located? (Appointment and promotion in the Law School are patterned after those of public universities.<sup>31</sup>) Though but abnormally, the Nigerian Law School has no enabling Act, would it not be a plus if an Act now names the campuses of the Nigerian Law School? It has to be noted that, apart from naming the old and the proposed campuses of the Law School, the Bill under consideration still provides that the “Council may, subject to the approval of the President, increase the number of campuses whenever the need to do so arises.”<sup>32</sup>

Does the Legal Education (Consolidation, etc) Act (LECA) really give exclusive untouchable powers to create new campuses for the Law School to the Council of Legal Education? Is such a power inherent, administrative or statutory? It is submitted that no matter the nature or source of this imagined power, the power is not immutable, unamendable or sovereign. It is indisputable that the LECA is an Act or deemed Act of the National Assembly, which consists of the Senate and the House of Representatives. At least, no section of the LECA expressly provides that only the Council can suggest, order or create a new campus for the Law School. Assuming without conceding that the LECA provides that only the Council can establish a new campus for the Law School, can such a provision be immutable, unamendable or sovereign? Is the Act not subject to the powers of the National Assembly to amend its own laws? Is the familiar legislative presumption that no law enacted by Parliament can bind the hands of a future Parliament no longer part of our jurisprudence? For the avoidance of doubt, section 4 of the 1999 Nigerian Constitution provides that the National Assembly shall have power to make laws for the peace, order and good government of the Federation or any part thereof with respect to any matter included in the Exclusive Legislative List set out in

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<sup>31</sup>Section 6 (1), Legal Education (Consolidation, etc) Act, Chapter L10, LFN 2004.

<sup>32</sup>Section 1 (4), Legal Education (Consolidation, etc) (Amendment) Bill.

Part I of the Second Schedule to the Constitution.<sup>33</sup> There is no gainsaying the fact that legal education or the legal profession is one of the “professional occupations as may be designated by the National Assembly”<sup>34</sup> within the legislative jurisdiction of the Federal legislature. In a nutshell, the National Assembly has wide powers, including the one to amend its own laws and site institutions in any part of the country.

**3.3. That the Senators are only out to dole out ‘Constituency Projects’:** To be candid, one of the most notorious deeds of Nigerian Federal law-makers and State Governors since the current democracy dispensation in 1999 has been their obsession to site needless educational institutions in their towns or villages. That is why today we have many unfunded, non-viable and half-baked universities, polytechnics and colleges of education in every nook and cranny of the country. Those institutions have been dubbed as another level of constituency projects. The politicians establish all such politically motivated educational institutions not because they love education or are willing to fund them, but because they simply want to urbanise their villages and please their constituents. That is why, today, some State Governors have woken up to establish three universities on a single day! The senators and members of the House of Representatives too, have a pile of unsigned Bills establishing Federal universities, polytechnics and colleges of education in their villages. By now, the Federal Government would have been grappling with hundreds of tertiary educational institutions but for the fact that the Nigerian President has not been signing most of those Bills. The Federal law-makers have been asking for more tertiary educational institutions in their villages despite the fact that the already existing institutions are plagued by perennial industrial actions provoked by non-funding. One would therefore not be surprised when many ‘stakeholders’ condemned the Senate call for the establishment of more campuses for the Nigerian Law School. They reasonably believe that the campuses are surreptitiously geared to be another set of constituency projects or meant to garner votes from constituents, more so as the 2023 general elections draw near.

However, there is the need to separate the wheat from the chaff. We should not rashly condemn the Senate call for the establishment of more campuses for the Nigerian Law School based on sentiments, speculations or fallacy of generalisation. All things being done by our law-makers are not necessarily selfish. In fact, contrary to the widely held but erroneous belief, the Bill is not baseless, selfish or schemed to establish constituency projects by its sponsor. Mr. Smart Adeyemi, the sponsor of the Bill, has not named his hometown as one of the proposed campuses. He wants the North Central campus sited in Kabba in Kabba/Buni Local Government Area of Kogi State, whereas he is from Iyara in Ijumu Local Government Area of the State. This altruistic step is

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<sup>33</sup>Section 4 (2), Constitution of the Federal Republic of Nigeria 1999.

<sup>34</sup>Item 49, Part I, Second Schedule, Constitution of the Federal Republic of Nigeria 1999.

very unusual of members of our National Assembly. It should therefore be supported, more so as it has specific and sensitive problems to address.

**3.4. That the Proposed Sites of the New Campuses are ‘Villages’:** Some have also condemned the proposed new Law School campuses because they detest the idea of establishing the campuses in towns that are no State capitals or that are relatively unknown. One of such people has warned the nation to “beware of village Law Schools”.<sup>35</sup> These people seem to believe that citadels of intellectualism must necessarily be sited within cities, with their attendant hustling and bustling, which can even constitute a distraction for meaningful learning and research.

The issue of “village Law Schools” should not even arise at all, because no new Law Schools are being advocated; new campuses are simply being proposed for the Nigerian Law School, which has been existing for 60 years and whose internationally acclaimed standard we are all proud of. In any case, none of the towns that has been named as the proposed location of the new campuses is a village. Maiduguri is the capital of Borno State. This researcher has lived in both Kabba and Ilawe Ekiti and can authoritatively state that they are no villages. Kabba has been an important town in Northern Nigeria since the colonial era, and it actually gave name to the colonial Kabba Province (now Kogi State). It is today the largest town in Kogi West. Ilawe Ekiti too is one of the four largest towns in Ekiti State. It has been a local government headquarters since 1976. It hosts such important government institutions as the State High Court Division and the State’s Institute of Local Government Studies. It has solar-powered street lights that make it lighted in the night than many State capitals and many parts of Abuja and Lagos. Information in public domain also shows that virtually all the other three proposed campuses are relatively well known towns in the country.

While the proposed new Law School campuses may not be properly called cities, they are towns and not villages. In any case, what is wrong in opening up or developing our towns? Why should all development be concentrated in Abuja, Lagos and the State capitals? Was Abuja not a bush (not even a village) near Suleja before it was made Nigeria’s Federal capital in 1976? What is wrong in opening up our towns thereby stemming the tide of the notorious rural/urban migration in the country? It has to be noted that Bagauda, Kano State, and Agbani, Enugu State, never came into national reckoning until Law School campuses were established there. Even though they are now written as appendages of their State capitals in the official records of the Law School, they are not in Kano city and Enugu city respectively. In fact, Bagauda, for example, is about 60 kilometres from Kano city. Agbani is not even in any local government area in Enugu city; it is in Nkanu West Local Government Area.

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<sup>35</sup>T. Iredia, ‘Let’s beware of Nigeria’s Village Law Schools’ <<https://www.vanguardngr.com>> Accessed on March 16, 2022.

**3.5. That Privatisation of the Law School is what we need:** Perhaps the most flabbergasting of the arguments against the proposed new Law School campuses is the one that pontificates that what the Law School needs is not new campuses but privatisation that would be subject to government regulation. In other words, they want the Nigerian Law School to be ceded to private individuals or organisations who will commercialise it. They have however not told us whether they want all the campuses handed over to a single investor, or to different ones, like the case of the defunct National Electric Power Authority (NEPA). In any case, such a privatisation will come with the attendant capitalist ills like commercialisation, consumer exploitation, profit maximisation and unhealthy competition among the investors.<sup>36</sup>

Whether anyone agrees or not, the Nigerian Law School is a unique citadel of learning and symbol of unity in Nigeria. So, Nigeria's peculiarity has to be borne in mind; the fact that post-university vocational legal education is privatised in some country does not mean that it would necessarily be in the interest of Nigeria. How do we concede the Law School to one investor from a section or zone of the country without provoking grumbling and distrust from the others? If we decide to concede the different campuses in the different zones to investors from their zones, how would a concession of a tertiary educational institution like the Nigerian Law School based on zonal, ethnic or religious sentiments really promote learning and integration? Why should we fall into the temptation of creating unnecessary zonal or ethnic rivalry or competition in a country that seriously needs integration? We should simply let sleeping dogs lie. We should not destroy the decades-old unity that the Nigerian Law School symbolises and fosters in the country. We need to pay attention to this evergreen remarks of Justice Mustapha Akanbi, the then Chairman of the Body of Benchers and a former President of the Court of Appeal, at a call-to-the Bar ceremony at the Nigerian Law School as far back as 1996:

This institution [Nigerian Law School] ... has not only served as a strong unifying centre for all would-be Nigerian lawyers, but have over the years maintained excellent standards and improved the quality of professional excellence.

The Nigerian Law School is a pride to all of us, who like you had our first lesson on Nigerian laws in this alma mater. The Nigerian Law School is the number one School of Unity, of common brotherhood and understanding and nothing,

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<sup>36</sup>B. Ojumu, 'Privatization and commercialization' <<https://passnownow.com/ss3-commerce-revision-privatization-commercialization/>> Accessed on March 17, 2022.

therefore, should be done wittingly or unwittingly to destroy its corporate existence. It deserves to be encouraged by all of us.<sup>37</sup>

Moreover, privatising the Law School will destroy its international reputation of being a foremost Law School in Africa that has produced Queen's Counsel (QC), a Gambian-born International Criminal Court (ICC) prosecutor and Nigerian lawyers who have been judges in different African countries. Today, the qualifying certificates issued by the Nigerian Law School are highly respected for the purpose of admission for master of laws and Ph D programmes at universities in foreign countries. If the Nigerian Law School is fragmented and shared among capitalists, we and our offspring may all have a price to pay for it.

We must also guard against privatising the Law School because that would destroy its ranking profile among Nigerian universities. Today, the Nigerian Law School has remained the most credible 'ranking institution' for Nigerian universities. Every year, many Nigerians, especially in the educational industry, look up to the performances of the products of the various Nigerian universities and overseas universities in the Nigerian Law School Bar Part II examinations. They diligently scroll to know which universities in Nigeria are at the top or at the bottom. The informal ranking by the Nigerian Law School has such categories as individual universities, public versus private universities and home versus overseas universities. For all such reasons, God forbid that the Law School be privatised.

Privatising the Law School will surely solve the space problem that the Law School management has been battling with for years without being bold enough to tell the Nigerian public, apparently for fear of embarrassment, but privatisation will kill the above-said national and international glories of the Law School. It is accordingly submitted that the Bill ought to be supported by all stakeholders, more so as it inculcates the historical realities of legal education in Nigeria, thereby complying with the historical school of jurisprudence.<sup>38</sup>

#### **4. Conclusion**

This research has examined the ongoing debate in Nigeria on the propriety or otherwise of establishing six new campuses for the Nigerian Law School, which already has six functioning campuses. The debate commenced in October 2021 as Senator Smart Adeyemi introduced the Legal Education (Consolidation, etc) (Amendment) Bill to the Senate for that purpose. The major rationale for the sponsorship of the Bill was the

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<sup>37</sup>M. M. A. Akanbi, 1997, *Career at the Bar: Address by Hon. Justice M. M. A. Akanbi*, *Nigerian Law and Practice Journal*, NLPJ March 1997, 101.

<sup>38</sup>G. Okwezuzu, 2019, *Historical School of Thought*, *Jurisprudence and Legal Theory in Nigeria* in A. Taiwo and I. J. Koni, eds. (Princeton and Associates Publishing Co. Ltd, Lagos, 2019) 191.

need to eradicate the disappointment and frustration being suffered yearly by Nigerian law graduates from Nigerian and foreign university faculties of law as a result of the glaring fact that the space and facilities available in the existing six campuses functioning are grossly inadequate. The Bill was passed by the Senate on February 8, 2022.

Some Law School stakeholders have however remained undaunted in their opposition to the Bill. Top among them have been Chairman of the Council of Legal Education, the President of the Nigerian Bar Association and some top members of the Bar. They have argued that the proposal to establish more Law School campuses does not address the funding problem of the Law School. Others among them base their opposition on alleged attempts of the Senate to usurp the powers of the Council of Legal Education and that the senators are surreptitiously out to score electoral or political points with the Bill. Some of the naysayers also argue that the proposed new campuses are undesirable because they are being sited in “villages” while the rest argue that what we rather need is privatisation of the Law School.

This paper considers and x-rays the plausibleness of those bases of opposition to the proposed new campuses for the Law School. It is found out that the debate is somewhat a struggle between conservative minds and progressive minds, between those who want the status quo maintained and those who desire change, and between those who insist on the old normal and those who believe in a beneficial new normal. The arguments against are found to be shallow, untenable and weak. This is because the naysayers strangely ignore the fact that the facilities in nearly all the existing campuses are grossly inadequate and incapable of being expanded as a result of urbanisation. The arguments also display a sort of insensitivity to the plight of the annual backlog of law graduates who practically but unsuccessfully beg, lobby, pray and weep to secure admission into the Law School, because of lack of space. The arguments are also found to be myopic regarding the looming explosion of law graduates in the next five years as a result of the unbridled generosity of both the National Universities Commission and the Council of Legal Education in annually approving law faculties for the ever-increasing number of universities in Nigeria. Their products will continue to be joined by Nigerian law graduates from overseas universities. The paper therefore supports, recommends and advocates the need for the proposed new campuses for the Nigerian Law School.

## **5. Recommendations**

Generally speaking, the Legal Education (Consolidation, etc) (Amendment) Bill seeking to amend the Legal Education (Consolidation, etc) Act by establishing the campuses for the Nigerian Law School and for other related Matters (SB. 820) is commendable. Rather than seeking to frustrate the Bill, stakeholders should engage the National Assembly to cross the t’s and dot the i’s in it. For example, it is wrong to

name yet another town from the South-South as a proposed campus when a new campus in the geo-political zone is already being constructed in Port Harcourt, Rivers State. The naming of two towns as new campuses of the school in a single zone in a version of the Senate Bill is untenable and unwarranted. These are Port Harcourt, Rivers State, and yet Orogun, Delta State, in the same South-South and Kabba, Kogi State, and yet Jos, Plateau State, in the same North Central geo-political zone. The earlier announcement that the Bill aimed at creating just one new campus per zone is neat and cute. Anything more would really sound unserious and political.

The uncooperative stakeholders should be willing to do away with conservatism and embrace change when the need arises. We should note the huge population and expanse of Nigeria before taking the position that 12 campuses would be too many for the Law School. Socrates memorably said no condition is permanent. If the Nigerian Law School established in 1962 in Lagos could move to Abuja in 1997, covert the old Lagos site into a campus in 1999 and later become a six-campus institution as it is now, why cannot it further expand in the spirit of current realities and the fast developing 21<sup>st</sup> century world? There is also an aphorism that the only thing that is permanent is change. Indeed, we have got to think outside the box because the future of legal education and legal practice in Nigeria belongs to the innovators and the progressives; it does not belong to the conservatives and the reactionaries. This sagacious dictum of Lord Denning in *Parker v Parker*<sup>39</sup> is very relevant here:

What is the argument on the other side? Only this: That no case has been found in which it has been done. That argument does not appeal to me in the least. If we never do anything which has not been done before, we shall never get anywhere. The law will stand still whilst the rest of the world goes on and that will be bad for both.

The plight and interest of the teeming law graduates who have been suffering frustration yearly because they have no place in the Law School should be a collective concern of the stakeholders. Those law graduates too are Nigerians whose destinies deserve to progress without any stagnation. We should not allow them to fall into the temptation of joining the youths who are today engrossed in such perilous maladies as cybercrimes, prostitution, kidnapping, militancy, banditry and terrorism. An idle hand is the Devil's workshop.

I think the fastidious stakeholders will do well to grab the opportunity presented by the Bill so that we can, once and for all, solve the chronic problems of the Law School and of legal education that we have all been grappling with all these years. Let us partner with the National Assembly so that the Bill will not only create the new campuses,

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<sup>39</sup>(1954) P 15 at 22.

thereby eradicating the years-long problem of the backlog of law graduates seeking admission to the Law School, but also provide a space for the army of law graduates that will soon emerge from the colleges of law and faculties of law recently approved for the new private universities and public universities. It has to be noted that more and more private universities are ceaselessly seeking approval from both the National Universities Commission (NUC) and the Council of Legal Education, more so as the college of law has now become a fascinating programme for these private universities for obvious reasons. The Senate Bill should be seen as “a divine help” for the many problems confronting the Law School and legal education in the country. The Legal Education (Consolidation, etc) Act (Amendment) Bill should be leveraged on by all stakeholders to address not just the creation of new campuses, but provisions for strict conditions for approval of new law faculties, synergy between the NUC and the Council of Legal Education for such approval, the propriety or otherwise of some private universities abridging the five-year university law programme into three years for very important persons (VIPs) under the excuse of “summer holiday lectures”, the propriety or otherwise of allowing only first degree holders to study law and the propriety or otherwise of making the Law School programme a two-year programme. There is the need to grab this golden opportunity presented by the Bill to address all such things. A stitch in time, they say, saves nine.

Another issue that the Bill should resolve is the propriety or otherwise of the Nigerian Law School not having an enabling Act. Do we not really need a Nigerian Law School (Establishment, Ratification and Administrative Procedure) Bill? It is embarrassing that all the public universities, polytechnics, colleges of education, colleges of nursing and midwifery, colleges of health technology and nearly all other tertiary educational institutions in Nigeria have enabling Acts or Laws drafted by lawyers before they were created but the very tertiary educational institution that produces those lawyers themselves have no enabling law! Somebody has jokingly remarked that this decades-old omission makes all Nigerian lawyers fake. It is time to correct the anomaly. You cannot build something on nothing. It is similarly submitted that there is the need for the Council of Legal Education to be distinct from the Nigerian Law School. The Law School should have its own Council. Is the Medical and Dental Council of Nigeria (MDCN) also the same as the Court of Governors of the University of Ibadan College of Medicine or that of the Ahamadu Bello University College of Medicine or that of the University of Nigeria College of Medicine? The Council of Legal Education should regulate legal education in the Law School and the universities, approve and accredit law programmes in all the universities in the country and set standards for the National Universities Commission and the Joint Admission and Matriculations Board on admission of law students into all the universities. The Council of the Law School should perform functions similar only to those performed by the councils of universities. This will dissuade the leadership of the Law School from extraneous activities like persistently going out for accreditation in the universities. It already has

enough job to do in the many campuses of the Law School. Moreover, how lawful and justifiable is the fact that the Law School has now made a volte face on its earlier insistence that the law graduates of the unconventional National Open University of Nigeria (NOUN) were not fit and proper to be admitted to the Law School? 1,500 of them are currently in the Law School and another 1,500 of them are warming up for admission. In fact, the body language of the Vice Chancellor of NOUN now is that the said admission is an endorsement of its law programme by the Law School and that it could again begin open running of its controversial law programme.<sup>40</sup>

The Legal Education (Consolidation, etc) (Amendment) Bill has indeed presented a lot of opportunity that the surprisingly antagonistic stakeholders can leverage on to cure the many ills in legal education in the country. Is the current situation wherein only one Dean of Law sits in the Council of Legal Education desirable? It is submitted that it is illogical that we have only one law lecturer in an assembly of 58 people deciding the fate of law students in the Giant of Africa! It is arrantly preposterous and abnormal when the regulatory body of an educational sector has more outsiders than insiders! Cannot we use the Bill to amend section 2 (1) (d) of the Legal Education (Consolidation, etc) Act so that at least three law lecturers will henceforth represent each of the six geo-political zones? Cannot we leverage on it to have more insiders than outsiders? The Senate Bill should therefore stand, be made more robust and do more than establishing more campuses for the Law School; it should address many of the anomalies and predicaments that legal education has been facing in the country. This year makes the 60<sup>th</sup> anniversary of the Nigerian Law School; we need to take the bull by the horns by leveraging on the Legal Education (Consolidation, etc) (Amendment) Bill to reform it.

In the light of the foregoing, it is submitted that the Honourable Attorney-General of the Federation and Minister of Justice ought to use his good office to persuade the Nigerian President to sign the said Bill when it is passed by the House of Representatives. When the Bill is being implemented after it might have been signed, more than enough land should be acquired for overriding public interest<sup>41</sup> at the new campuses for future expansion lest there should be a need for another agitation for new campuses in the next 20 or 50 years after their vicinity have been consumed by urbanisation. There should be no repeat of the past mistakes at the proposed new campuses.

***Conflict of Interest Declaration:*** This researcher is a native of one of the proposed campuses of the Nigerian Law School.

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<sup>40</sup>C. Idoko, '1,500 NOUN Graduates Now Enrolled In Nigerian Law School-VC'. <<https://tribuneonline.com>> accessed 31 March 2022.

<sup>41</sup>Under sections 1 and 28 (1), (2) and (3), Land Use Act, Chapter L5, Laws of the Federation of Nigeria 2004.