

## **IMPERATIVES FOR RE-POSITIONING AND SUSTAINABILITY OF NIGERIAN UNIVERSITIES LAW FACULTIES**

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### **ABSTRACT**

Imperatives calls for the provision of requisites for Nigerian Universities Law Faculties (NULF). Repositioning connotes that Universities are unable to meet some of its core goals since its establishment by government. Sustainability calls for the existence and continued existence of the core goals of Universities. These imperatives are the formation of Faculty Based Association (FBA), active role of Nigerian Bar Association (NBA) among others. This will lead to the provision of funds and creation of endowment specifically to meet some of the needs of NULF since government can no longer provide adequate funds for the running of Universities. The article canvassed that the imperatives for the repositioning and sustainability of NULF is hinged on the active support and mutual partnership between FBA, NALT, NBA, CBA etc and NULF. This will translate to transformative changes in making NULF great centres of pedagogy for imparting of necessary skills on students for the advancement of legal education and society.

**KEY WORDS:** Imperatives, Re-Positioning, Sustainability, Nigerian Universities Law Faculties (NULF), Faculty Based Associations (FBA), Nigerian Association of Law Teachers (NALT), Nigerian Bar Association (NBA), Community Based Associations (CBA).

### **INTRODUCTION**

The mandate of the National Universities Commission (NUC) include among others to give approval for the commencement of faculties in Nigerian Universities including law faculties. The NUC is also saddled with the responsibility of setting benchmark minimum academic standards. The NUC philosophy and objectives of the discipline are that: The Law programme is designed to ensure that the graduate of Law will have good general knowledge of Law including a clear understanding of the place and importance of law in society. All human activities social, economic, political, etc., take place within legal framework. It is therefore necessary that the student of law should also have a broad general knowledge and exposure to other disciplines in the process of acquiring legal education. The programme should introduce

students to the general knowledge in law, acquaint them with principles of judicial process and legal development, and equip them with the basic tools of legal analysis and methods.

Universities based on statutory law establishing them after accreditation by NUC can award certificates to fit and proper law students who must have undergone a four year course (Direct entry)<sup>1</sup> and a five year course (UMTE)<sup>2</sup>. The degree awarded is the Bachelors of Law Degree (LL.B).

The Council of Legal Education (CLE) on the other hand has the responsibility for the legal education of persons seeking to become members of the legal profession after graduating from recognized a NULF. In consequence of this, the CLE is empowered to issue a qualifying certificate to a person which when issued signifies the successful completion of a course of practical training in the Nigerian Law School and is eligible for call to the Nigerian Bar.

It should be noted that the accreditation of a law degree programme by the NUC does not automatically translate into its accreditation or recognition by the CLE. This probably explains why there is a clamour for the amendment of the Council of Legal Education Act, so as to give the CLE some measure of control over academic programmes (Law) in Nigerian universities. As it is, there is no legal obligation on the part of the NUC to consult the CLE in approving the establishment of any NULF. Although such NULF when established must also satisfy the CLE's minimum requirement in terms of curriculum and facilities before it is accredited.

Thus, while the NUC has the power to approve establishment of new faculties and accreditation of existing ones based on its parameters, the CLE equally has the power to deny accreditation of the same programme approved by the NUC based on its own parameters too.

NULF are established and accredited by the NUC and CLE to produce lawyers who would see and use the study of law as a catalyst for social engineering for the positive advancement of society for the general good and well-being of man<sup>3</sup> in all ramifications.

The efforts of the NULF in surmounting and discharging these responsibilities placed on them has been commendable. However, a lot still has to be done in the area of adequate funding amongst others in solving myriads of challenges still prevalent in NULF. The purpose is

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<sup>1</sup> Holders of first degree from the University or holders of Higher National Degree (HND) or Ordinary National Diploma (OND) Degree or holders of other higher degree admitted to study law.

<sup>2</sup> Unified Tertiary Matriculation Examinations (UTME). Those who possess secondary school results obtained from WAEC, NECO or awaiting results of examinations that they have taken, usually sit for and write this examination (UTME.)

<sup>3</sup> It is used in a broad sense to cover mankind.

to attain a state of equilibrium in NULF necessary for teaching, learning in this modern age for the attainment of set goals needed for the transformation of NULF through the formation of FBA, the active roles of NBA, NALT, CBA, Consultancy units and conference marking, use of teaching for promotion and others.

### **CHALLENGES IN NULF**

The 1999 Constitution of the Federal Republic of Nigeria (as amended) under its objectives and directive principles of state policy) highlighted the citizens' aspirations for access to educational opportunities and in addition access to a free university education (tertiary education) when it reiterated the educational objectives of the Nigerian State as presented below .

Section 18(1) (c) provides that the Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels and provision of free university education.

For all intent and purposes, the constitutional provisions despite its non-justiciable clauses are political statement of great national importance. It is an ideological commitment and a social contract designed to guide public policies towards promoting and enhancing citizens' access to public education for the pursuit of common good and good life.

A review of the Nigerian situation as it relates on the part of government however indicated that the government has failed from sustaining its constitutional roles in the poor funding of the education sector. Providing free education at the University level has been unattainable.

The major and persisting problem among others facing Nigerian Universities with a corresponding effect on NULF is inadequate funding by government to provide financial resources to meet basic needs of providing modern learning and teaching equipment. With the present gross underfunding of Universities, it is futile to expect most law Faculties to meet the approved minimum standards with respect to physical and library facilities especially. With many law teachers moving out of Law faculties after a few years' service because of inadequate remuneration and poor conditions of service, it is impossible for most law faculties to comply with the prescribed staff/student ratio of 1:20 if they are minded to recruit the right calibre of staff (Okonkwo,1985).

Inadequate facilities include, 'poor funding, lack of basic infrastructure, poor power supply, lack of standard lecture halls, lack of information technology equipment and poorly equipped libraries'(Omaka,2012).

Public Universities since their establishment have been fully funded by the government. This is so because government wants public universities to be accessible by the citizenry at very low costs. This is compounded by the fact that most Nigerians think that it is the sole responsibility of government to fund university education. Government at the federal and state levels in bowing to the wishes and yearnings of the citizenry establish most often Universities that they are unable to fund adequately leaving such Universities in pitiable and deplorable conditions.

The fact that education costs money can hardly be denied. Quality education requires quality infrastructure, excellent and well remunerated teachers, adequate curriculum development and planning amongst others. Most Nigerians demand the best quality education, even though they are also aware that quality education is most expensive (Babalola, 2014).

In a bid to solve this problem of inadequate funding, the government established the Tertiary Education Trust Fund (TETFund), an intervention agency under the Tertiary Education Trust Fund (Establishment) Act, 2011. It is charged with the responsibility for managing, disbursing and monitoring the education tax to public tertiary institutions in Nigeria. To enable the TETFund to achieve the above objectives, the TETFund Act, 2011 imposes a 2 percent (2%) Education Tax on the assessable profit of all registered companies in Nigeria. The Federal Inland Revenue Service (FIRS) is empowered by the Act to assess and collect Education Tax. The mandate of the TETFund as provided in Section 7(1)(a) to (e) of the TETFund Act, 2011 is to administer and disburse the amount in the fund to federal and state tertiary educational institutions, specifically for the provision and maintenance of the following: essential physical infrastructure for teaching and learning, instructional material and equipment, research and publication, academic staff training and development, any other need which, in the opinion of the Board of Trustees is critical and essential for the improvement of quality and maintenance of standards in the higher educational institutions, stimulating, supporting and enhancing improvement activities in educational foundation areas like teacher education, teaching practice, library development.

Although, the Nigerian government has tried its best within limited resources in the funding of the educator sector. Much is still left to be done in re-positioning and sustaining the requisites for sound legal education in all ramifications i.e. provision of physical infrastructures and availability of the needed manpower in terms of adequate staffing to achieving the desired results.

Therefore, there is the need to look for alternative funding other than the government. This may be achieved by means of establishing and re-awakening the FBA, NBA, NALT etc to become sensitive to their roles through deliberate actions taken by NULF by liaising with these

bodies. It is expected that this synergy will produce tangible results by lifting academic standards in NULF.

### **CHARTING THE WAY OUT: THE IMPERATIVES**

#### **a. Formation of Faculty Based Association**

One of the things that must be in place is the formation of FBA. A novel idea postulated by the author of this article. This should comprise of graduate students of the NULF who are committed to share common identities as graduates of same faculty and who upon the completion of their studies or graduation come together to join or form themselves an organization geared towards uplifting the name of the faculty by promoting high quality teaching and scholarship. This can be actualized. Its formation will assist greatly in fostering more bond of fraternity amongst graduates of NULF. It will further provide necessary funds needed in achieving the set goals of NULF. Although, the FBA seems similar to Alumni Associations of Universities but the FBA will be specific in nature and its spheres of operations limited only to NULF through the provision of basic tools needed for excellent learning. Alumni Associations on their part perform vast functions in the general University community.

The FBA can play the roles of Alumni Associations which have intervened by putting funds and efforts into developing infrastructure, maintenance, and supply of basic equipment so that institutional environment can be more conducive for learning.

Many Alumni because of the dedication and gratitude they have for their institutions, they are often generous with fundraising efforts. These financial donations provide life-changing scholarships and bursaries to talented students who may otherwise have to give up their studies. They are also enable universities to provide students with advanced facilities and equipment for teaching and pioneering research (Cannon, 2015)

The FBA have critical roles to play to ensuring that NULF are better placed to seek and impact transformative knowledge since inadequate funding is a major problem facing NULF and the University system.

Consequently, funds realized from FBA can be used to provide functional e-Library and the attendant benefits of this are enormous and are discussed hereunder.

#### **Functional e-Library**

The establishment of libraries in the Nigerian Universities system began in 1948 with the coming into existence of University of Ibadan, Nigerian premier University.

As pointed out, since independence in 1960, there has been an unrelenting upsurge in the establishment of educational institutions at all levels, especially University education (Aguolu 1996,261).

Presently, most e-libraries in NULF are not functioning based mainly on re-subscription after expiration of such subscription on data base. This is because subscribing to such data bases cost much coupled with the meagre budget provision to the sector as result of economic downturn in the Nigerian economy. Most often data bases subscription such as Lexis Nexis online, law companion per year cost millions of naira installed primarily for the purposes of NUC and CLE accreditation. Immediately, after the accreditation, such e-library stop functioning as a result of non-subscription status or as a result of major or minor fault occasioned by the facility which may not be attended to until the commencement of another round of accreditation possibly two years later in the case of interim accreditation and five years later in the case of full accreditation. Paucity of funds usually mar such institutions not to renew such subscription after expiration. This is the pathetic condition faced by NULF.

On its part, the Nigerian government through the NUC initiated various programmes designed to lunch selected Universities such as University of Jos, Ahmadu Bello University of Calabar, University of Nigeria, Federal University, Yola, Obafemi Awolowo University as a start up into information global world.

Among the projects include automation of University libraries using Management Information Systems (MIS) and Nigerian Universities Network (NUNET) (Nok, 2006). NUNET was aimed at developing a viable local and wide area network in each institution.

However, despite the aforementioned effort, it was observed that the NUC Virtual Library project initiated in early 2002, and the UNESCO Virtual Library Pilot Project initiated in 2003 were some of the various initiatives by the Nigerian Ministry of Education regarding Virtual (electronic) libraries for higher institutions in Nigeria, but yet none of the efforts had yielded any functional virtual (electronic) library at that time (Gbaje, 2007,42).

This laudable project may possibly have failed after take off due to unavailability of provision of funds.

Suffice to add that Schiller was one of the first writers to use the expression “virtual library” which she defined in 1992, simply as “libraries in which computer and telecommunications technologies make access to a wide range of information resources possible” (Daniel, 2000,56).

Today this same concept is referred to variously as 'digital library', 'electronic library', 'community network', or simply as 'library without walls'. It is an experience of 'virtual reality' (Ogunsola, 2015).

Therefore, the imperative need for the provision of e-library is vital as University libraries are the "heart and heartbeat" of their Universities..

The reality of the above will culminate in teachers in the developing world in NULF changing their teaching styles and acquire internet skills as new technologies transform classrooms (Ojedokun and Owolabi 2003,43).

Further, it will lead to teachers learning new skills to teach students on how to search for and use information from the internet. Internet's seemingly infinite information offers access to up-to-date research reports and global knowledge (Nwokedi, 2007,13).

Therefore, mini or micro computers ,the internet and the use of communication tools such as e-mail, fax, computer, and video conferencing will overcome barriers of space and time and opens new possibilities for learning. All these will now become invaluable tools for learning, teaching and research (including collaborative research) in NULF.

Bearing in mind that Universities are institutions for knowledge generation and its transfer to society have been central to development, contributing ideas, skills, technology and expertise in many spheres of human endeavour (Jega 2007, 25).

Another innovation that needs to be use is education videos during lectures.This will transform the engagement levels of students and create a greatly enhanced learning experience. Through the use of video during lectures, students will be more alert, motivated and focused. There are recognised connections between visual content, memory knowledge and students' ability to retain new information.The growing use of videos during lectures is a key aspect of successful active learning (Educational publishers,2010).

### **ACTIVE ROLE OF THE NIGERIAN BAR ASSOCIATION (NBA)**

Suffice to state pointedly that another important thing that must be done is that NULF has to liase with the NBA actively to seeing that such collaboration will lead to it attaining its set goals.

The Nigerian Bar Association (NBA) is a professional, non-profit, umbrella association which is comprised of all lawyers called to the Nigerian Bar.Its mission is to use the law as an instrument for social change in Nigeria.Its institutional core objectives is to promote and advance quality

and functional legal education, continuing legal education, advocacy and progressive jurisprudence and create and maintain an endowment fund for the proper observance and discharge of any of these aims

The NBA can create such endowment through solicitations from wealthy individuals and corporate bodies. The endowment should be specifically use to solving some salient needs of NULF. This is in fulfilling NBA's mission and core objectives.

Furthermore, Nigerian Association of Law Teachers (NALT), a professional body which represents the interests of law teachers has amongst its objectives an obligation to promote excellence in research and legal teaching in Nigeria. NALT can also create an endowment. History tells us that the early Universities such as Harvard<sup>4</sup>, Yale and Oxford were funded and still being funded by scholars and wealthy people or groups of people and generally by people who are interested in learning.

The endowment from NBA and NALT can specifically be used in handling the following undermentioned activities crucial to the existence and survival of NULF.

### **Conference Attendance**

Papers delivered in conferences should be in theory and practice. The theory aspect must align and compliment practice. This will be more benefiting to NULF.

Attendance at conferences is encouraged as the gains are enormous. A teacher becomes more susceptible to the reception of new ideas in his profession. He comes across older colleagues and learn greatly by tapping into their wealth of experience in their chosen field. New relationship are formed leading to the exchange of information which maybe vital at a certain stage in ones career. It is a personal investment in ones career as knowledge learnt will be shared with law students in NULF in the course of teaching.

### **Overseas Exchange Programmes**

Student exchange study programmes may be embarked upon for shorter duration for weeks or sometimes for a period of one year.

Exchange programs involve students swapping their places at their NULF with other students from a partner institution. It may be offered as a core or an elective part of their course. Exchange enables students to add to the knowledge that they have learnt by trying new learning techniques in a different learning environment.

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<sup>4</sup> Harvard University endowment at 2015 was put at \$37.6 Billion. The largest academic endowment in the world and managed by Harvard Management Company Inc, a Harvard-owned investment management company.



In same vein, NULF can become places of excellent teaching and learning through funds generated from the establishment of consultancy units. These units can handle legal briefs, conveyancing and drafting jobs and others. The funds realized can be channeled to satisfying urgent and necessary needs of NULF.

NULF can also enjoy greater benefits through Community Based Associations (CBA) situate within the location where these NULF are sited. They can also play major roles. Funds provided by these CBA can also be deployed into vital areas needs of NULF for the full realization of its set objectives. A good instance of this is the countless laudable assistance by a CBA<sup>5</sup> to Delsu Law Faculty.

### **PERFORMANCE APPRAISAL FOR PROMOTION**

The *status quo* must change in NULF that is the non-use of grading points for teaching for promotion purposes.

The evaluation criteria used in evaluating lecturers in Nigerian tertiary institutions, today have failed to enhance the quality of performance and credibility of graduates of tertiary institutions because such evaluation methods tend to give low priority to teaching (Igbojekwe 2015,627).

The quality of teaching in Nigeria is apparently poor, and this is attributed to the fact that teaching performance and other in-class behaviours are never recognized criteria when considering University teachers for promotion or reward (Oranu 1983,106).

However, assessment of productivity in Nigerian Universities is based mainly on research and publications rather than teaching competence alone, and consequently advancement in the job depends mainly on the individual's research output (Owuamanam and Owuamanam 2008,27). Both scholars assert that the most attractive reward perceived by the staff is still promotion and that promotion will improve the staff objective and performance (Salmuni, Mustaffa and Kamis 2007, 1281).

Students in developing countries participate in teaching evaluation. Students are the consumers of teaching (services) and thus, are in a better position to evaluate teaching excellence (Oranu 1983,106).

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<sup>5</sup> Isoko Development Union (IDU), a CBA operating within the locality the Law Faculty is located at Oleh in Isoko South Local Government Area of Delta State, Nigeria. They have provided funds at different occasions running into millions and they are still willing to provide more.

It is submitted that it is illogical that teaching which is the primary assignment of teachers in NULF is never used for consideration in time of promotion for teachers. This is ludicrous and unfathomable in NULF. Suffice to also add that evaluation of teachers carried out by students as part of quality control in NULF in Nigerian Universities is also never used as a promotion criteria for the promotion of teachers. We think both should form an integral part for promoting teachers in NULF thereby negating the ancient axiom of "publish or perish" used in academic circle in NULF.

## CONFERENCE MARKING

The present mode of marking of examination scripts ie the law lecturer who teaches a particular course also marks scripts for that course in NULF should be jettisoned and conference marking of scripts should be adopted in NULF.

Few cases of malpractice in administration of examinations occur in NULF. Cases of patronage either by way of extortion, seduction and social deviance also abound lecturers and students. There also exist cases of sexual abuse. Lecturers secretively demanding sex from female students in order to award them good marks usually referred to as 'sex for marks'<sup>6</sup>. There are also instances where it is the female student that make such amorous moves by seducing lecturers in order to obtain good grades. This is done by such female students as a way of escaping the rigours of attending classes, studying, writing and passing examinations. Many of such cases are largely unreported as a result of fear of reprisal by lecturers. Even where reported, the culprits are treated with kid gloves and go unpunished in some cases. A lecturer against whom a student compiles compelling evidence may in some cases earn the sympathy of his colleagues and go unpunished. However, the reverse is the case in some instances where the big stick is wielded on such lecturers. Victims may sometimes succumb to the wishes of the lecturer than reporting him to the authorities, sometimes as a result of threats from the lecturer. In some cases, lecturers may even team up to deal with such student for having the audacity to disparage their colleague.

This erodes confidence in the NULF and leads to mediocrity thereby undermining the core values for which Universities are established.

The scenarios depicted above is as a result of the practice employed in NULF in the marking of examination scripts. Such scripts are taken to the office or home by the lecturer/Examiner of the course after the end of such examination. Thereafter, he marks,

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<sup>6</sup> A Professor was dismissed from the Obafemi Awolowo University, Ile-Ife in June 2018 over the issue of 'sex for marks'.

enters the scores and grades of the students who have taken the examination. He submits the scripts and scores to his Head of Department. This must be done within or by fourteen days after the last paper was written in the faculty examinations. Noticeable in this style of script marking is that the lecturer may be greatly influenced or tempted to award undeserved marks to a particular student. He knows the script of a student he is marking per time by checking through the examination attendance sheet containing the names of all the students who took the examination. This style of script marking breeds nepotism and mediocrity in the NULF and does not augur well for proper learning and dissemination of knowledge. It kills reading culture and hard work among students as grades are sometimes awarded based arbitrarily on tainted considerations and yardstick.

There is the need therefore to introduce “conference marking”<sup>7</sup> of examination scripts in NULF. This is a system where the scripts are subjected to marking in a hall or an office by a group of lecturer based on the prepared marking scheme by the course examiner. The scripts are usually kept in the HOD’s office after the examinations have been written. We call this style of marking of scripts “impersonal style of marking or anonymous style of marking”. It is so-called because the teacher does not know the person’s script he is marking per time. Fairness will be highly exhibited in the marking of such scripts. This style of marking should be adopted by NULF to raise academic standards.

### **ADEQUATE AND UNINTERRUPTED POWER SUPPLY**

Interrupted power supply is a national problem that has been a source of embarrassment to the government and the citizenry.

Dominant energy source in the Nigeria’s electric power industry is from gas-thermal power plants and the remainder in hydropower plants. This unfortunate condition of Nigeria’s very old, non-efficient electric power grid is that there are frequent blackouts without any 4 warning, including power being lost due to the grid maintainability problems. Issues that have led to Nigeria’s power shortage, which is arguably one of the largest in the world, include significant power infrastructure deficits, overuse and poor maintenance of existing electricity assets, inadequate management capabilities and dearth of technical skills (Duke, 2015).

Constant electric power supply should be prioritized in NULF premises to promote effective teaching and learning. Interrupted power supply greatly affects the electronic library as the web servers that host locally digitized contents and proxy server that provide authentication and remote access to subscribed electronic resources need to be connected constantly to power supply.

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<sup>7</sup> This is the practice that has been in use in the Nigerian Law School.

Offices and classrooms are usually hot in most months of the year. Fans and airconditioners are unable to function because of interrupted power supply. Where big generators are installed to service such NULFS buildings, it is put off after few hours because of the high cost of diesel needed to power it. The reason being that resources are meagre to service all the needs of NULFS. Meaningful academic work and research cannot be done in such harsh condition.

### **COMMITTED LECTURERS**

Poor attitude to work by lecturers is equally devastating to students. Some lecturers are underperforming both in the classrooms and at the management level (Anele, 2013).

In the classrooms, some lecturers do not know the course very well and do not prepare for their lectures. They spend most of their time in private law practice or business and come to the University once a week regardless of the Time-table. Some law lecturers hardly read students answer scripts let alone assignments due to indolence, over bloated number of students and unrealistic deadlines by university authorities for submission of results (Madubuike-Ekwe, 2017). Oftentimes marks are awarded arbitrarily with scant regard for actual knowledge displayed by the student. This explains why some students with second class upper degrees cannot write an ordinary letter of employment without committing grammatical blunders (Anele, 2013).

At the management level, some Senior Academics and Professors in management positions of Universities i.e Head of departments, Deans and Vice Chancellors mismanage the little funds allocated to their faculty instead of using it to improve education. A few years ago, a Dean of a law faculty was given money to equip the faculty for an accreditation visit; he ordered textbooks but could not pay the bookseller. Upon investigation, the University authorities discovered that the Dean had embezzled the money: He used the money to take the most expensive chieftaincy title in his village and bought five Sports Utility Vehicles (SUV) for himself and family. As a result, the Law faculty failed the accreditation. (Ogundele, 2013)

Some Senior Lecturers and Professors connive with the National Universities Commission (NUC) to license new universities and accredit Law programmes without careful planning and thorough consideration of the faculty and facilities required for qualitative university education (Anele, 2013). Approving half-baked Universities and faculties just because of the explosion in the number of candidates seeking University admission is a waste of time, money and human resources. Yet, NUC continues to approve such Universities and programmes with the active support of senior academics and Professors who do not care as long as their financial interest is protected. Lecturers ethicize key positions in the University such as Head of departments, Deans

and Vice-Chancellors. Some lecturers insist that the occupier of these positions should come from the ethnic group in which the University is located. In recruitment and promotion, several Head of departments, Deans and Provosts sacrifice merit on the altar of ethnicity. Some lecturers give preferential treatment to students from their ethnic group while grading exams scripts, tests and take home assignments. This explains why some Universities do not hire their first class or second class upper graduates, as lecturers, because they know how the graduates got that class of degree (Anele,2013). All these impact negatively on our university graduates.

Contrariwise, the remuneration package of NULF teachers should be enhanced greatly. Gone are the days when the popular axiom that teachers reward is in heaven no longer holds. Teachers rewards should be on earth and when they get to heaven, they receive heaven's reward too.

## CONCLUSION

The imperatives pertaining to the repositioning and sustainability of NULF have been listed and examined in this article. The formation of FBA , active roles of NBA,NALT, CBA to become active partners with NULF through the provision of funds and creation of endowment by them for use by the ultimate beneficiary NULF.

However, other imperatives pertaining to the repositioning and sustainability of NULF such as conference marking, performance appraisal for promotion etcetera are not necessarily tied to provision of funds should be fully embraced and put into practice.

The overall aim of all the imperatives is to reposition and make NULF sustainable in attaining and delivering it set goals in this 21<sup>st</sup> century and beyond.

The ultimate beneficiaries being NULF that is the teachers, students, legal education and society in general.

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