THE POLICY, LEGAL, MANAGEMENT AND ETHICAL FRAMEWORKS OF LEGAL EDUCATION IN AFRICA

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1.0 Background and Context

I must extend my sincere thanks and appreciation to the organisers of this conference for inviting legal academics and practitioners across Africa, to deliberate on the way forward for legal education, which is certainly crucial to the socio-economic and political development of our beloved continent. However, our structure of legal education, in this third decade of the twenty-first century, must reflect the dynamics of the contemporary governance systems of Africa. This presupposes that they must be tailored in tandem with the ideals of democratisation, human rights and good governance[1], which are the structural architectures upon which the political systems of member states of the African Union (AU) are built[2]. This will certainly bring about sustainable development, progress and prosperity to a continent that is still trapped in abject poverty, political instability and underdevelopment as a result of some of its subsisting dysfunctional governance structure and regulatory regimes[3].

The cultivation of knowledge through the right, proper, genuine and exact education, is a sovereign virtue[4] which every state in the world, must hold sacred. Significantly, it is upon knowledge, more than anything else, that the good life depends[5]. Indeed, the mesmerising developments of the Western hemisphere in this modern era, are undoubtedly constructed on sound education. This is the reason why the academic, professional, technical and vocational

[1] S P Huntington, The Clash of Civilizations and the Remaking of World Order (1996 Edition, Simon and Schuster, UK Ltd.) 192- 206. In chapter 8 of this classical political masterpiece, concerning the rubric 'The West and the Rest: Intercivilizational Issues, Huntington, espoused the synergy between democracy and human rights and economic growth and development; and established how the quest for democratisation in other civilizations, was largely shaped by this mesmerising nexus, that propelled political stability and economic development in the West.

[2] C Heyns and M Killander, Compendium of Key Human Rights Documents of the African Union (6 edn. Pretoria University Law Press) 4-6. Also, see the Preamble to the May 26, 2001, Constitutive Act of the African Union and Articles 3 and 4 of same.

[3] H Lowe, Mastering Modern World History (5th Edition, Macmillan International Higher Education, Red Globe Press) 563-565 and 605-606

[4] J Cottingham, Western Philosophy: An Anthology (3rd Edition, Willey Blackwell) 1-60. The first part of this text concerns an in-depth analysis of the concept of knowledge from the standpoint of a clear epistemological perspective, encompassing the views of Socrates, Plato, Aristotle, Descartes, Lock, Berkley, Hume and Kant. See also J Garvey J Stangroom, The History of Philosophy: A History of Western Thought (2012 Edition Quercus) 62-74.

[5] Ibid.

architectures of that part of the globe are designed to give meaning and essence to a functional and a progressive system that is certainly making the West a better place. Essentially, some of the best brains the world over are found in that part of the globe and some of Africa's renowned scholars and professionals, who are genuinely willing to return home but are finding it very hard to come back, are still meaningfully contributing to the overwhelming developments of the West.

The principal reason for this is not unconnected with the apparent malfunctional systems in most parts of our beloved Africa. Meanwhile, our concern in this third decade of the twenty-first century is to make Africa a better place, not only for Africans but also for other global citizens whose vision is to dwell in Africa and simultaneously uphold its ideals.

How then can we make Africa a better place in this era of democratisation, respect for human rights and good governance? What role can legal education in particular play in making Africa a better place? How can we re-design/re-engineer our structural architecture to meet the challenges of legal education in Africa? Which behavioural/attitudinal postures should we deploy towards legal education on the continent? What is the future of legal education in Africa?

The foregoing questions are framed to reflect the central thematic issues of the topic of this paper, 'The Policy, Legal, Management and Ethical Frameworks of Legal Education in Africa'. Moreover, a plethora of interwoven narratives will be contextualised in this paper as I proceed to unpick the issues underpinning the aforementioned questions.

2.0 Making Africa a Better Place

The question of how we can make Africa a better place in this era new era of democratisation, protection of human rights and good governance is not new[6]. The founding fathers of the African Union (AU), which succeeded the Organisation of African Unity (OAU), realised that the foregoing ideals were certainly crucial in making Africa a better place[7]. However, as we are aware, the establishment of the OAU on May 25, 1963, made it somewhat implausible for it to generate a sui generis legal order[8] that would have given effect to such ideals on the continent. This was indeed a fundamental problem that catalytically undermined the rule law, democratic legitimacy and accountability in Africa, and this was why it was practically impossible for the impacts of economic growth and development to have been felt in most parts

[6] See the Preamble and Articles 3 and 4 of the AU's Constitutive Act (2001)
[7] Ibid.
[8] O Amao, African Union Law: The Emergence of Sui Generis Legal 0rder (2019 edn. Routledge) 16.

of Africa's fragile socio-political environment, which is underscored by a relatively high level of insecurity/instability[9].

When the AU's Constitutive Act was adopted on May 26, 2001, African leaders ensured that the ideals of democratisation, human rights protection and good governance were made prominent, with the appropriate salience and valence, in the Union's fundamental objectives and principles[10]. Subsequently, most of its member states saw the need to constitutionalise these ideals. This was indeed a clear manifestation of the determination of Africa to catch up with the challenges of the modern world, driven by sound systems of education. Nonetheless, prior to even the laudable efforts of the AU's founding fathers to institutionalise the said ideals in the context of regional international law, some of its member states had framed their constitutions to reflect them.

For example, the multi-party democratic constitutions of most English-Speaking countries[11] of the Economic Community of West African States (ECOWAS), clearly contain defined articles reflecting the ideals of democratisation, human rights protection and good governance as the fundamental architecture of their respective political governance, which is also sanctified in the 1993 Revised Treaty of ECOWAS. We must therefore re-design our legal education systems to reflect the foregoing ideals and their incidental values, which will certainly bring about sustainable development, progress and prosperity to Africa.

It was the desire to achieve these ideals that influenced the framers of the constitutions of the anglophone countries to create the apposite institutional and legal architecture pursuant to which their citizens' rights, freedoms and liberties are relatively secured. The foregoing ideals are crucial to making Africa a better place. So, in our quest to re-design our systems of legal education, we must not lose sight of developing the appropriate legal regimes and policies to reflect the dynamics of such ideals on the continent. Catalytically, this analytic prognosis therefore triggers the next question which this paper focuses on, that is, what role can legal education in particular play in making Africa a better place?

2.1 Legal Education, the Rule of Law and Good Governance in Africa

The right to know is a *sine qua non* in Africa and beyond. Hence, the responsibility of the state is to create the enabling environment for its citizens to acquire the right, proper, genuine and exact education, to the best of the state's abilities. This is essentially because, there is a strong positive or linear correlation between education and development. The acquisition of education

[9] G K Kieh, The State and Political Instability in Africa, Journal of Developing Societies 25, 1 (2009): 1-25.
[10] See the Preamble and Articles 3 and 4 of the AU's Constitutive Act (2001)
[11] See the Constitutions of Nigeria (1999), Ghana (1992), Sierra Leone (1991) and The Gambia (1997)

does not necessarily have to be formal, it can as well be acquired informally, particularly through communications media and the dynamic forces and instruments of culture and information technology. However, our concern here is formal education, with specific emphasis on legal education and its role in making Africa a better place.

The desire to make education accessible is not only a fundamental objective and a directive principle of state policy (as in Sierra Leone[12] and Nigeria[13]) but is also undeniably a fundamental human right for all African citizens, which should be constitutionally guaranteed. Thus, Article 25 of the Republic of Ghana's multi-party democratic Constitution of 1992, with Amendments through 1996, is clearly instructive of this right. This is indicative of the fact that Ghana has constitutionalized the right to education, which is the basis for her socio-economic and political developments. As Africans in a community of shared interests we must remember that in law, a right is only as powerful as its justification can make it[14]. This is exactly what Ghana's legal pundits have manifested in their quest to make Ghana a better place.

So, unlike the situation in Ghana, where the right to education is constitutionally guaranteed and justified as a fundamental human right, this position is not so clear with the situations in Sierra Leone, Nigeria and other African countries. Nevertheless, the clamour for effective legal education in Ghana in particular and Africa in general is not unconnected with this fundamental human right, which has to be sanctified and held constant and sacred by every stakeholder and institution in the governance and development milieu of Africa.

Legal education is therefore the basis for the legitimate operationalization of the rule of law across the broad spectrum of a state's governance institutions and structures. Legal education is also the foundation for effective social engineering, social control, dispute settlements, environmental and cultural protection and preservation of the state's minerals and natural resources. Legal education is undoubtedly the pivot around which the survival, stability, continuity and peaceful co-existence of every society revolves.

In fact, without effective, sound, reliable and credible legal education, the architecture and structure of a state collapses and crumbles in the face of the competing operating forces in society that can only be legitimately controlled and held accountable by the rule of law. Thus, the basis of every functional governance system is the rule of law[15]. Governance is strictly about law making, law implementation and law interpretation. Essentially, the centrality of

[12] Chapter II of the Constitution of Sierra Leone clarifies the fundamental principles of state policy. This chapter articulates the significance of its political, economic, social/cultural and educational policies. However, section 14 makes it clear that this chapter is not justiciable.

[13] The 1999 Constitution of the Federal Republic of Nigeria, with Amendment through 2011, deals with education in Section 18 under the Fundamental Objectives and Directive Principles of State Policy.

[14] J D Riddle, Jurisprudence (2nd Edition, Oxford University Press) 167- 194.

[15] T Bingham, The Rule of Law, (Penguin Books, 2010)

sound legal education to the functionalities of the governance architecture and structure in Africa can never be underestimated. As depicted above, the ideals of democratisation, good governance and human rights promotion and protection are crucial to making Africa a better place.

Therefore, we must re-design our legal educational systems to reflect the aforementioned ideals and their incidental values. This leads me to the next question which this paper is poised to answer.

2.2 The Policy Frameworks for Re-engineering Legal Education in Africa

How can we re-design/re-engineer our structural architecture to meet the challenges of legal education in Africa? This question concerns issues relative to the policy and managerial frameworks of legal education on the continent.

Policy is as central to lawmaking as it is to strategic management. In general, policies are born in the womb of necessity. When rationalised into enactments, they are dubbed legislation, which is the principal source of law in every jurisdiction. In the managerial context, it is the formulation of policy that underpins the structural dimensions of functional management. This does not however imply that there is no synergy between policy formulation and behavioural management.

I will first discuss the issues of law and policy in the impartation and acquisition of legal education in Africa, and then proceed to examine the fundamental issues relative to the management and ethics of legal education on the continent.

In general, the constitutions of most African states contain their fundamental objectives and directive principles of state policy. One such objective purls around a point which has already been mentioned; that is, the state's responsibility to provide education for its nationals to the best of its abilities. Consequently, making legal education accessible to a state's nationals undoubtedly resonates with the above-mentioned state policy. This directive principle of state policy must underscore the legislative and regulatory frameworks of legal education in Africa.

The peculiarity of legal education makes it somewhat challenging for the University to be its sole provider. The School of Law (Council of Legal Education) also plays a crucial role in the provision of legal education. Although both are state institutions created and regulated by law, they are both specialized in the provision of different aspects of legal education. Whereas the University focuses on effective academic training, that is, making students appreciate the substantive law which creates rights and obligations, the Law School concentrates on getting

law graduates to appreciate the adjectival law[16], which does not create rights and obligations but is constitutive of the mechanisms pursuant to which rights and obligations are enforced by courts of competent jurisdictions.

Nonetheless, both institutions set their own criteria for admission. Their admission criteria are shaped by their respective institutional policies which must not contravene the state policy on education in general and the law, relative to the fundamental human rights of non-discrimination, the right to education and the responsibility of the state to provide the enabling environment for its nationals to be educated to the best of its abilities.

In tandem with these rights and national virtues, there is the right to academic freedom, which both institutions must prioritize and hold sacred in imparting legal education. The state must as well capacitate both institutions with the apposite resources (human, economic and technological) in the exercise of their intellectual and professional functions to promote efficiency in learning and academic and professional excellence.

Indeed, legal education is one area that African states really need to step up and invest in. As it stands, most African countries have not invested much in legal education, which is the pivot around which the governance processes of the state and the functionalities of its operatives revolves. The fact that legal education is crucial to both private and public sector managements, makes it inevitable for the state to seriously invest in it as the University and the Law School must be equipped to churn out a good number of competent graduates and professional barristers and solicitors who will conscientiously serve both sectors in different professional capacities.

Apparently, the limited State investment in legal education is one factor that is undermining the quality, efficiency and credibility of the processes pursuant to which legal education is delivered and acquired on the continent, and simultaneously frustrating academics and professionals in the University and the Law School to give their best. Such frustrations also prevent their compatriots living in the diaspora from returning home and complementing their efforts in making legal education accessible to deserving and qualified Africans. How do you expect scholars and professionals in the legal field to give in their best when their emoluments, allowances and pensions are nothing to write home about?

The clamour of a significant proportion of African states' nationals for quality legal education in this era of democratic governance is also a cause for concern. Historically, during the colonial and immediate post-colonial periods, leading to the institutionalization of the one-party governance system in some African countries, there were very few institutions providing legal education. Thus, the processes of regulating entry to the legal profession were not

[16] The rules of evidence and procedure.

complex to handle and manage. However, the need for legal education became more important with the awareness that citizens' fundamental freedoms, rights and liberties are very crucial to good governance and holding state operatives accountable, responsible and transparent to the people in democratic societies.

This awareness whetted the appetites of a large number of African nationals to pursue studies in law. Presently, the universities across Africa have more law faculties with relatively large numbers of students that qualify every year for enrolment at law schools that do not have the resources, personnel and capacity to admit every law graduate. As a consequence, in the processes of admission into law schools, a plethora of allegations of unfairness and discrimination are being raised. How can this issue of common concern be handled? Do we break the monopoly of the Council for Legal Education and establish more law schools? Do we capacitate the universities with the requisite resources and personnel and get the Council for Legal Education to relinquish responsibility for the provision of professional education and concentrate on setting the criteria that must be met for entry into the Bar? The answers to these questions necessitate consultations with stakeholders in the legal sector, civil society, the media, etc.

The University and Law School should as well develop their schemes and policies to be reflective of the need for constant curricula reviews of their respective academic and professional programmes. This will necessitate the involvement of renowned legal academics, barristers and solicitors, legal executives and other academics particularly in the liberal arts, humanities, social and behavioural sciences to review processes taking into consideration the challenges of society's modern socio-cultural, economic, environmental, technological and political systems. When the courses offered are not reviewed to reflect the foregoing challenges, there will always be a knowledge gap in the impartation and acquisition of legal education.

This will negatively impact the delivery of essential legal services to the state, its institutions and the general public. In tandem with the schemes and policies for curricula review, the clamour for continuous legal education for both academics and professionals is a *sine qua non* for efficiency and quality assurance. The quest for continuous legal education can be augmented by clearly defined policies on research and development. As it stands, the literature on African jurisprudence is quite sparse. African scholars have a lot to do to fill the gaps in our legal literature, as it is unimpressive to reckon that African legal scholars are letting much of our legal narratives be remotely told by non-Africans. Some of such narratives are devoid of exactitudes and proper contexts.

The peculiarity of the academic and professional circumstances surrounding Africa's legal environment is a key factor that makes it hard for African legal scholars to constantly indulge

in groundbreaking research to promote the continent's ability to develop sound policies for socio-economic and political developments.

When laws are enacted on the basis of necessities and sound policies, the stability and progression of the state and its institutions are thereby assured. But how can Africa effectively promote the ideals of research and development in an environment that struggles with the issues of paucity of highly qualified legal academics and the unavailability of financial resources to fund groundbreaking legal research? Do African universities and law schools have the requisite funds to facilitate and promote legal research? How can they indulge in effective legal research when their administrators are struggling to even keep them afloat, either because the fees that students pay, or annual state subventions are grossly infinitesimal?

The obvious answers to these questions should serve as pointers to the reasons why the state in our context should be prepared to hugely invest in legal education to propel national and continental developments. The issue of abject poverty in Africa is a debilitating scourge that is crippling legal education as well. The majority of Africans are trapped in abject poverty. This presupposes that those Africans who do not have the financial wherewithal to send their offspring to the University and the Law School will never acquire legal education without the state's intervention. This is simply because such parents cannot and will never meet the exorbitant and astronomically high fees which they are expected to pay in the University and the Law School to educate their children on the law.

State intervention in this regard should take the form of the inauguration of just, fair and reasonable scholarship schemes and policies that cater for the deserving and qualified children of particularly the impecunious, who cannot meet the cost of sending their children to the University and subsequently to the Law School. Such scholarship schemes and policies should be designed to get its beneficiaries to subsequently serve the state in different academic and professional capacities. In the UK for example, the state loan scheme, rationalised in their national policy on education is what is really helping the less privileged of that society to access quality legal education, with the caveat that such loans are eventually paid when their beneficiaries become active players in the labour market.

Can this policy which is being inaugurated in some African countries work when the twin economic malaise of inflation and unemployment, coupled with political instability, are driving away investors in our private sectors? Where then shall a majority of the beneficiaries work to pay back such loans? Can such a policy work in an environment where African states are financially over-burdened with already astronomically high wage bills?

On the professional side, members of the Bar Associations on the continent must be prepared to put the apposite structures in place to groom their upcoming colleagues who have been

through the University and the Law School. The young barristers and solicitors are indeed the future of the legal profession. The very senior colleagues in the profession should always teach their juniors that the law is a science in content but an art in practice[17]. So, a lawyer is not a lawyer if his/her knowledge in the science and the art of the law does not meet the threshold of being able to give clearly defined legal pieces of advice, based on the science and the art of the law.

The seniors must get the juniors to imbibe the ideals of democratisation, human rights protection and good governance, for these are fundamental ideals which are anchored by the sovereign virtues of liberty, freedom and justice, which every legal system and environment that is built on a democratic architecture must uphold. Thus, it is undeniable that the legal community of shared interests in Africa should constantly be upholding and giving credence to these ideals upon which our revered AU was established.

Another structural concern for sound legal education in Africa, which can be addressed through policy, in this era of globalisation and post-modernism is predicated on Information and Communication Technologies (ICTs). ICTs have undoubtedly impacted every facet of humanity's activities and operations. Thus, the impacts of ICTs on our legal and regulatory regimes in Africa cannot be underrated. ICTs have even rendered some of our laws obsolete and are now giving credence to the rise in cybercrimes and internet frauds and scams across Africa. ICTs are indeed the oxygen of e-learning. They are crucial to modern legal research and the manner of adducing evidence and accessing the appropriate laws in support of legal arguments in courts of competent jurisdictions. The question to be posed at this stage is whether Africa made the much-needed effort to transform its legal environment to reflect the current demands and necessities of information technology.

This can be answered in the negative with an addendum that even when the COVID-19 pandemic devastated the world and made e-learning a *sine qua non*, most of our law faculties and schools in Africa could not cope with the vicissitudes of e-learning because they did not have enough experts in ICTs. Additionally, there were issues of intermittent electricity supply and a lack of laptops, computers and smart phones to expedite the e-learning process. Furthermore, the upsurge in crimes in the cyber space and the extent to which ICTs can ease the burden of adducing evidence and accessing the law to support legal arguments are all areas that require huge financial resources which neither the University, Law School nor the courts can handle on their own. This also necessitates state intervention, pursuant to a specially designed legal policy on ICTs for the promotion of legal education in this era of cybernetics.

[17]G Robertson Q. C., Crimes Against Humanity: The Struggle for Global Justice (4 edn. Penguin Book).

Moreover, a crucial structural framework which must be accordingly rationalised in a clearly defined policy concerns legal teaching and research methodology; that is to say, the standard approaches deployed by academics and professionals in capacitating their students in the science and the art of the law. The scientific side, which swirls around the contents of the law is the basis of the architectural side which whirls around an incisive combination of the law's contents and how they can be marshalled and fused with the appropriate rules of evidence and procedures in courts of competent jurisdictions, statutorily empowered to give effects to the rights and obligations embedded in the laws' contents.

This is what really makes the impartation and acquisition of quality legal education in the University and the Law School quite heavy going and peculiar. In fact, the peculiarity of legal education is supposedly rooted in the fact that the law touches and concerns everything that impacts humanity's multidimensional interests. When I say everything, I mean everything; whether it subsists on earth or beneath the earth surface or in space or outer space. Thus, it is assumed that knowing a little of law presupposes knowing a little of everything.

The psychic energy that is required in the study of law is presumably unparalleled to that which is required for the study of any other academic or professional qualification. This is the daunting task confronting law students and academics, tutors, professionals and practitioners, who should always be undaunted in the exercise of their academic, civic and constitutional functions. Moreover, it is the University and the Law School that are producing the eminent persons who are absolutely relevant in the operationalisation of the law machine that gives effect to the rule of law which holds society together and without which society is destined for doom and destruction, that even the rocket scientists, architects and engineers can neither repair nor re-construct.

Imparting legal education, inter alia, presupposes an appreciation of the distinction between imparting liberal education, which concerns the general development of human potentials and the narrower specifics of vocational (professional) education, which focuses on the impartation and acquisition of particular skills. Thus, law tutors, particularly in the University, must always strive to first adopt the liberal approach, with a concentrated emphasis on how to develop the academic potentials of students through critical thinking, introspection and analysis of the fundamental conceptual phenomena upon which the epistemology of law is built.

Further, the impartation of legal education must be based on a multi-disciplinary approach. This is simply because courses in philosophy of law, sociology of law, psychology of law, anthropology of law, logic, communication skills, semantics etc. are arguably the building blocks of the foundation of sound legal education upon which the narrower specific legal skills can be taught and acquired, pursuant to a thorough coverage of particularly the core law courses (law of contract, criminal law, constitutional and administrative law, law of real property,

equity and the law of trusts and the law of evidence) at undergraduate level in the University. With a sound knowledge and penetrating insight of the foregoing courses and research methods at the undergraduate level colleagues in the learning process, who are determined and prepared to pursue their studies, can embark on the study of any branch of the law at post-graduate level with a sophisticated degree of robustness.

The other pertinent liberal issue in imparting and acquiring legal education that is worth mentioning is the need to practicalize the modern theories of pedagogy, which increasingly identify the tutors as facilitators and the students as agents in the learning process. This approach does not contravene the Socratic method that emphasizes the significance of critical thinking, introspection and analysis[18]. Rather, it discourages the rote method of learning that is devoid of any independent and critical reflection and evaluation of what is learnt at any stage. This rote method of learning is akin to what Paulo Freire dubs 'Banking Concept of Education' in his classical work 'Pedagogy of the Oppressed'[19]. This Concept considers tutors as the holders of all requisite knowledge while students are mere recipients of that knowledge. However, it is an undeniable fact that the imparting and acquisition of contemporary legal knowledge certainly goes beyond this point.

Meanwhile, at the Law School, it is expected that the science of the law should have already been learnt at the University. So, its emphasis is on the art of the law which mostly reflects the evidential and procedural approaches by which legal solutions and remedies can be provided to legal problems. The essence of the modern theories of pedagogy, rationalised in the Socratic approach to learning, is as well the basis for the impartation and acquisition of knowledge in the Law School, where (LLB) law graduates are rigorously exposed to the processes pursuant to which intricate and complex legal issues are resolved within the context of the state's legal and regulatory regimes.

What is peculiar about the resolution of legal problems is that two or more persons can apply the same law to the same problems but can arrive at different conclusions. This peculiarity is rooted in the fact that the law can best be learnt by a heuristic technique as opposed to the rote approach. In fact, the knowledge that is acquired by rote is deficient of the requisite cognitive activism that is required in resolving intricate and complex legal problems. Hence, tutors in the Law School must always train LLB graduates to be able to identify complicated legal issues, and then set themselves the cognitive tasks of resolving them. This approach presupposes the study of legal texts in specific legal contexts. The text and context approach resonates with

[18] W J Prior, Ancient Philosophy: A Beginner's Guide (One world Publications, 2016) xi- xiv

[19] P Freire, Pedagogy of the Oppressed (30th Edition Anniversary Edition of 2000, Continuum, New York and London).

framing, discourse and textual analyses, which are communication and linguistic tools that legal academics can make use of in deconstructing legal texts[20].

Regarding legal research, the procedure reflects the problematising of legal issues from which research questions and hypotheses are drawn and connected to the theoretical and conceptual frameworks embedded in the shared body of knowledge found in the subsisting legal literature. The methods pursuant to which the research questions are answered are accordingly designed to justify the research findings and conclusions geared towards advancing the frontiers of legal knowledge. It therefore holds true that clearly defined policy on teaching and research must extend to issues relating to the setting up of academic and professional law journals at the University and the Law School, for the dissemination of newly constructed knowledge based on the research procedures mentioned above. The final research reports produced for publication must go through a credible and rigorous peer review process to meet the threshold of validity and reliability in legal research.

The other area that requires the development of robust schemes and policies relates to continuous assessment, examination and evaluation of learning outcomes. These three conceptual phenomena are definitely cognate with the progression to the next stage and the completion of law courses, leading to graduation from the University and the eventual call to the Bar. The processes that permeate the stages leading to the completion of law courses require high degree of integrity which I will address as the contents of this paper unfold under the appropriate rubric.

Another policy area that we must investigate is the provision of legal education for civil society and the media, which are empowered to hold the government accountable, responsible and transparent to the political sovereign (the people). This social, political and constitutional responsibility can never be properly done in the context of democratic good governance and human rights, when neither civil society activists nor the media is equipped with the right education to disseminate credible information relative to the functions of state institutions and the functionalities of their operatives.

Gone are the days when it was assumed that legal education was only meant for lawyers. The legal and justice sector institutions and the University must develop clearly defined policies, geared towards capacitating civil society and the media on the ideals of the rule of law, democratisation, respect for human rights and good governance. The security sector should also not be left out of the policy and legal framework of legal education. The sector's

[20] S Askey and I McLeod, Studying Law (4 edn. Palgrave Macmillan) 102, R Wodak, Discourse Studies-Important Concepts and Terms (1 edn. Palgrave Macmillan) 2; T Kelsall, Culture under Cross-Examination: International Justice and the Special Court for Sierra Leone (Cambridge University Press) 23; D Treadwell, Introducing Communication Research (Sage Publications Ltd.) 17.

functionality is indubitably impacted by a plethora of issues concerning how lives and property and the security of the state can be defended and protected, while maintaining law and order, and simultaneously accord the apposite credence and deference to the fundamental rights of persons, including those reasonably suspected of having committed the most egregious crimes against the state, its institutions and other entities. This balance can best be struck by personnel in the security sector when they are academically and professionally capacitated with the appropriate legal education in the execution of their functions.

2.3 Strategic and Functional Management Ideals and Ethics in Legal Education

This aspect of the paper examines the question of which behavioural/attitudinal postures should be deployed towards legal education on the continent. It necessitates an examination of the issues of management and ethics in legal education. I will first deal with the managerial aspect before exploring the ethical dimension herein.

As indicated in 2.2 above, policy is as central to lawmaking as it is to strategic management. Theoretically and conceptually, management is all about getting things done through others. Ideally, things can only be done through others when the appropriate managerial structures pursuant to which things are done are accordingly institutionalised[21]. This presupposes that the management of people and systems in an organisational context is the basis of the practice of management which is globally shaped by organisational theory.

The practice of management is underpinned by two ideals: the first emphasizes the inevitability of 'control' and the second pinpoints the importance of 'motivation' in every organisational context. Control is about making use of the appropriate procedural frameworks to regulate staff to get things done within a reasonable time frame to achieve the goals of an organisation. The essence of motivation is to influence staff to get things done within a reasonable time frame to achieve the goals of an organisation portrayed in its mission and vision statements[22]. For this reason, motivation is as central to behavioural management as control is to structural management.

Further, strategic management, which concerns policy formulation, policy implementation and policy evaluation, is directly tied to functional management, which encapsulates the principles

[21] L. W Rue and L. L Byers, Management Skills and Application (10th Edition, McGraw hill Companies Ltd.) 246-262

[22] G A Cole, Organisational Behaviour: Theory and Practice (1995 Edition, Letts Educational, Aldine Place, London) 246-262

and ideals of production and operations, marketing, human resource and financial managements.

Functional management theory mirrors the implementation of strategic policies relative to the foregoing functional environments of management, while strategic management theory views organisational arrangements as a holistic functional system. In consequence, a malfunction in any part of a system certainly affects the functionality of the whole system. Significantly, institutions that provide legal education are statutorily established to perform specific functions. Their functionalities can be viewed through lenses coloured by different institutional perspectives.

In our context, the University's Senate formulates academic policies to promote academic excellence through teaching, research and service to the State. The University's Court formulates policies relative to the plethora of administrative issues which the University must constantly address. Regarding the Law School, it is the Council of Legal Education that formulates policies in consonance with its professional and administrative dimensions to principally regulate entry into the legal profession. Thus, both the University and the Law School have created structures relative to production and operations, marketing, human resource and financial managements, within which people actually work under controlled conditions.

The staff of both institutions are their most essential assets; they are dubbed human resources. Issues concerning their recruitment and selection, training and development, motivation, performance appraisal, etc. are supposedly resolved within the frameworks of the human resource policies pursuant to which personnel (academic/professional and administrative staff) of both institutions are managed. Both institutions deliver a unique intangible (legal education) to the state, its institutions and the public as a whole. Essentially, it is their operations wings that really manage their academic and professional affairs. The core managerial issues with which their operations wings should be concerned are quality and flexibility. Quality in terms of maintaining and augmenting academic and professional standards presupposes efficiency in teaching, research and publications and delivery of other essential services to the state. Flexibility mirrors how both institutions can adapt their operational strategies to meet the challenges of the modern trends in the academic and professional realms.

Also, both institutions principally raise their own funds through fees and subventions from the state. Such finances are quite relevant to meeting not only their operational costs but also every other medium and long-term costs and projects which they facilitate in their pursuit of making legal education accessible to those who are qualified to acquire it at that level. Thus, it is their financial management wings that accordingly manage such finances.

Again, in the context of the contemporary functional management of marketing, it is not only tangibles that are marketed. Intangibles are marketed through public relations and the communications units of even organisations that render essential services to society, for society has to be in the know about the essentiality of their activities and operations in the national context. The public relations and communications units of both institutions should be designed to let society know about what the University and Law School can offer, how their services are delivered and of what meaning and essence such services are to the socio-economic and political and developments of the state.

An examination of the issues relating to the schemes and policies referenced in 2.2 above depicts the centrality of both strategic and functional management theories to the provision of legal education in the continent. In the context of management, theory and practice are inseparable in every circumstance where efficiency is the norm, and not the exception. For example, issues concerning admissions into the University and the Law School are regulated by the schemes and policies on admission formulated by Senate and Council of Legal Education and implemented by the operations wings (Registries) of both institutions. There is no way such issues can be handled by the academic staff without raising a plethora of ethical issues that would warrant the setting up of administrative tribunals to investigate the circumstances culminating in such administrative impropriety.

Again, the schemes and policies regarding financial management are implemented by the financial management wings of both institutions. Apart from fees and subventions from the state, other schemes and policies can as well be formulated to enable both institutions to legitimately raise funds by running essential professional and short courses on the legal and regulatory regimes of institutions in the public and private sectors. Thus, it is time for our academic and professional legal institutions, which provide legal education, to augment their efforts in generating their own funds to motivate their personnel to give in their best through teaching, research and service to the state, its institutions and the general public. Moreover, in circumstances where there are allegations of financial misallocation, misappropriation, misrepresentation and mismanagement, issues of ethics certainly emerge, compelling the setting up of the apposite administrative tribunals to investigate such financial improprieties.

The aforementioned examples first depict that the management of legal education, when approached from the systems perspective, is affected if there is a malfunction in any part of the systems' administration. Secondly, issues of ethics can easily arise in a managerial context. This does not however presuppose those issues of ethics are unconnected with the dubious operations of rogue academics and professionals in the University and the Law School. There are rogues in every institution, even outside the academic and professional realms of the institutions that are being examined herein. Rogues are found in every part of the world, posing challenges to the credibility and integrity of institutions whose personnel have worked

extremely hard to earn them the admirable recognition of institutional credibility, integrity and reliability in the contemporary world.

Issues of ethics are critical to the integrity and credibility of academic and professional institutions and are very central to the provision of legal education in Africa. It is also worthy of note that ethical issues are not new; they are ingrained in our nature as human beings. So, they have always been the principal concern of moral philosophy. The English word 'ethics' is distilled from the Greek word 'ethos'. At the micro level, ethics literally means the ideals (intellectual and moral virtues) or conventions governing the recognised and accepted practices of a corpus of persons in a particular culture, profession or discipline. The conundrum of ethics is its applicability at the macro level, which is not the concern of this paper. Meanwhile, there are indeed a plethora of conceptual and philosophical perspectives upon which the issues of ethics in legal education have been built.

Before unpicking the central thematic constructs of such philosophical perspectives in relation to legal education in Africa, let me examine a fundamental issue of ethics which though as old as Methuselah still resonates with the human race. This ethical issue, which some will call a conundrum, is discernible in Plato's Republic. It touches and concerns the dialogue between Socrates on the one hand and Thrasymachus and Glaucon on the other hand. The former argues that it is better to suffer injustice than to do injustice to others, because the person who suffers injustice does not corrupt his soul, whereas the person who perpetrates injustice corrupts his. The latter however argue that there is nothing like justice. It is rather a creation born in the womb of those with the apposite political wherewithal for whom it is designed[23].

They further argue that it is better do injustice than to suffer it because the happiest of persons in society are those who really help themselves to more than they deserve[24]. This philosophical argument is a clear reflection of humanity's dilemma of ethics in the twenty-first century. The followers of Socrates have chosen contentment over corruption and do not believe that they should help themselves to more than they deserve in society. Those of Thrasymachus and Glaucon have chosen the inverse and believe they should help themselves to more than they deserve. They now seem to be in the majority in some parts of Africa.

Which of the paths must the providers of legal education choose? The answer to this question is certainly Socrates' path, for it is better to be a Socrates dissatisfied than a pig satisfied. The providers of legal education should be the Socrates of the University and the Law School.

[23] Plato, The Republic: A New Translation by Robin Waterfield (Oxford World's Classics) (2008), Chapters 1, 2, 3 & 8.
[24] Ibid.

Those who have chosen Socrates' path have grounded their conceptions of ethics on a plethora of theoretical frameworks.

The concept of Aristotle's Golden Mean, which generically seeks to strike the balance between competing extremes from an ethical perspective, has influenced the evolution of the ideals of justness, fairness and reasonableness, which are not only central to the dispensation of justice but are also cognate with the provision of legal education[25]. Additionally, Kant's categorical imperative principally emphasizes the significance of truth as a moral universalism/objectivism that ought to underpin every human decision[26]. The central theme in this philosophical notion is that the morality of decisions is unconnected with their consequences. What really matters is the intention pursuant to which decisions are made. Therefore, exposing one's brothers and sisters who are fraudsters that indulge in compromising academic and professional standards in the names of bribery and corruption, sex for grades, examination malpractices and other forms of malfeasances, is considered ethically accepted, even though that may subsequently breed disillusionment with one's family.

Bentham and Mill's utilitarianism is a consequentialist theory of moral subjectivism/relativism. Their ethical perspective underscores the idea that morally right decisions are those that are made in consideration of the greatest good for the greatest number in society[27]. Thus, in our context, a conscientious decision to stamp-out criminality and immorality on the part of the Thrasymachuses and Glaucons in academic and professional circles is considered ethically right because the codes of ethics pursuant to which their criminality and immorality are forestalled, resonate with our academic and professional dignity and sanctity as ratified by the vast majority of our civilized communities. Again, Rawls' veil of ignorance is an egalitarian perspective of ethics that requires one and all in society to imbibe the idea of liberty and respect for others, irrespective of their social positions.

The ethical principles of justice are fairly chosen behind a veil of ignorance because the circumstances would not allow members of society to look at things through lenses coloured by their own perspectives[28]. This ethical perspective also gives credence to the sovereign virtues of justice, fairness, reasonableness, liberty, equality and the recognition of the

[25]Aristotle, Politics, trans. Sir Earnest Baker (Oxford University Press) 35; The Nicomachean Ethnics (Oxford World's Classics), Translated by David Ross and Revised with an Introduction and Notes by Lesley Brown: See Books I – V.

[26] E Kant 'Groundwork for the Metaphysics of Morals' in S M. Cahn's Classics of Moral and Political Philosophy with introductory notes by Paul Guyer, op. cit: 731- 775.

[27] J Bentham, 'An Introduction to the Principles of Morals and Legislation', with introductory notes by Waldron ibid: 708- 230. See particularly chapters IV and VII, dealing with legislation and pains and pleasures considered as sanctions.

[28] J Rawls, A Theory of Justice (Revised edn. The Belknap Press of Harvard University Press Cambridge, Massachusetts, 1999) 3 - 4.

fundamental rights of all and sundry, including the right against non-discrimination in the provision of legal education. Also, there is the ethical perspective of the world's leading monotheistic religions (Judaism, Christianity and Islam), which is based on the philosophical notion that human beings are ends in themselves and not means to the ends of others. This principle of religious ethics entreats humanity to see the human race as one.

This ethical perspective which is germane to Rawls' veil of ignorance depicts the foregoing sovereign virtues, which are the fundamental ethical edifices in the provision of quality legal education. There is also the idea of situational ethics which is based on the philosophy of pragmatism. This ideology is based on the fact that human beings are regularly faced with making very controversial decisions in exercising their daily academic and professional functions. Against this backdrop, it appears quite practically implausible to make their mostly prompt decisions on the basis of philosophical theories of ethics. So, it is argued that their prompt decisions in the exercise of their functions are determined by the factuality and peculiarity of the circumstances in which they operate.

This notion of situational ethics at the individual or micro level does not really support our position as academics and professionals. To avoid this, we develop codes of ethics reflective of the ethos of our academic and professional pursuits, in accordance with the above philosophical perspectives in the exercise of our functions. We are oriented and inclined to consider the dynamics of situational ethics when our codes of ethics are salient to the emerging issues with which we are faced. Even in such circumstances, our decisions are deemed ethically right when they do not contravene the sovereign virtues of justice, fairness, reasonableness, equality and human rights.

3.0 Conclusion - The Future of Legal Education in Africa

This final bit examines the question concerning the future of legal education in Africa. Indeed, the progressive development of Africa hinges on quality legal education pursuant to which its governance and development ideals are to be upheld. This presupposes that the foregoing policy, legal, managerial and ethical frameworks, as so clearly articulated, should be formulated, operationalized and evaluated for quality assurance and efficiency by member states of the AU to make Africa a better place for its already impoverished, malnourished and traumatized people, who have unfairly continued to struggle for basic electricity and water supply, primary health care facilities, quality education and the requisite infrastructure in this era of cybernetics and post-modernism.

It is no secret that progressive nations of the West and Asia are beginning to take human beings to Mars at a time when our beloved continent is trapped in abject poverty. Nonetheless, we

hope that in a not-too-distant future, with emphasis on sound legal education, we will soon begin to address our fundamental issues of common concern and simultaneously map the path for Africa's development.