

LAWYERS BEYOND THEIR NATIONAL FRONTIERS – THEIR PROBLEMS AND WHAT TOMORROW LOOKS LIKE

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The lawyer is the week-end of all professions. He is expected to understand the problems of his society. He is expected to handle the briefs of his clients to the best of his ability and according to law. He must pass through the rigors of requisite legal education before he can be appropriately referred to as a member of the noble profession, which law is. Basically, the training of a lawyer, at least, to the level of requisite minimum qualifications of Bachelor of Law (LL.B.) and call to the Bar Certificate, usually referred to as (B.L) or being a member of an inn of court, does not prepare a lawyer beyond the confines of his nation or immediate environment. A lawyer who wishes to become a trans-national lawyer may so become through experience in practice, higher education beyond the LL.B level by reason of which he would have been introduced to comparative law, that is, the laws of various jurisdictions. Should he aspire to practice beyond his nation or his or her place of acquisition of requisite legal education, he or she would need to attend the law school of the requisite country or countries.

The world has however become a global village. Is it possible to make legal education a global one with the result that once a lawyer presents his requisite qualifications in accordance with the uniform global standard, he would have no problem in taking care of the interest of his client any where in the world? It is not unusual for a lawyer to be faced with the constitutional problem of not being allowed to enter a country where he wants to render his service as of right see Chief Obafemi Awolowo V. The Honourable Usman Sarki. (Federal Minister of Internal Affairs) and another (1966)

ANLR 171. Furthermore, just as the lawyer, under our present dispensation is not a global lawyer, so is the judge, hence “foreign law is a matter of fact to be proved by evidence”. The cacophony of rules that we now have due to divergent legal systems, legal notions, concepts, principles and aphorisms make it less appealing to discuss legal issues in terms of globally alluring methods, but we should not be discouraged. Spatial efforts at legal integration, and cooperation such as those of the European Union, the States of America, Organisation of American States and the African Union seem to provide necessary or adequate starting point. It is hoped that with these efforts in bridging the gaps between the nations especially among regionally contiguous nations, nations inhabited by people of the same colour, historical origin, same colonial past, a global legal system will soon become a reality. It is therefore time when we should start considering the preparation of our lawyers for the global challenge. To be qualified as a lawyer does not require post LL.B degree pursuits. The global body, the United Nations has provided the lead. Its institutions have united us globally. We need not confine the much needed global legal framework to international institutions and laws relating to war and peace. Other areas should be taken care of. National boundaries are rarely relevant to men of commerce, to whom their various places of birth are merely accidental. Our constitutional provisions should not be narrowly couched. After all, the world has become a global village, since law does not operate in vacuum, are we now being challenged to have a global legal system. Should the legal education not prepare the would-be lawyers for the challenges of practice beyond their national boundaries, even at the LL.B level?