

ISSUE BRIEF

Issue 1, No. 1, July 2019

The Necessity for Legal Research Institutions' Collaboration with Industry and Government

Dr. Bethel Ihugba PH.D, LL.M, BL, LL.B
Legislative Support Service Department

1. INTRODUCTION

The importance of law to national economic and social development continues to justify the necessity for impact oriented legal research which seeks to improve cultural, economic, political and social life.¹ This is because law lays the framework for equitable access to facilities and resources for individual and communal development.² The law and development movement captures this concept very well. Law and development is a movement to ensure that law is explored and exploited as both a tool and a resource for expanding inclusivity in economic growth, political development, social well-being and international cooperation.³ One of the best models for achieving these great goals is through collaboration and networking

between university/research institutes, industry and government. Accordingly, this brief highlights the necessity for a proactive and deliberate policy of fostering and encouraging collaboration between legal research institutes like NILDS⁴, NHRC⁵, NJI⁶ and TEI⁷ and 59 faculties of law in exploring the role of law towards building a better and equitable society; a progressive economy and advanced democracy.⁸

This brief is structured as follows. The next section presents a background to tri-lateral collaboration between legal research institutes, industry and government. Next is a discussion of the potential contribution of legal research institutes and other stakeholders to the collaboration. This is followed by a discussion of the advantages of

¹ Yong-Shik Lee "General Theory of Law and Development" (2017) 50 CORNELL INT'L L.J. 415 at p. 418, available online at: <https://www.lawschool.cornell.edu/research/ILJ/upload/Lee-final.pdf> (accessed 6th May 2019); B.G. Garth: "Law and Society as Law and Development" (2003) 37 *Law and Society Review*, pp. 305-314, at p. 309.

² T.M. Ocran: *Law in Aid of Development*, Tema: Ghana Publishing Corporation, 1978, p.17.

³ D. Trubeck: 'Developmental States and the Legal Order: Towards a New Political Economy of Development and

Law' pp.21 -22, Law and New Developmental State (LANDS) Working Paper, <http://www.law.wisc.edu/gls/lands.html> (accessed 6th June 2019).

⁴ National Institute for Legislative and Democratic Studies, National Assembly Abuja.

⁵ National Human Rights Commission

⁶ National Judicial Institute

⁷ The Electoral Institute

⁸ Ibid.

the tri-lateral collaboration and finally recommendation for effecting an efficient networking and collaboration.

2. BACKGROUND

An unscientific estimate suggests that about five thousand research outputs (*see table 1 below*) in form of First Degree and Post graduate Degree (Masters, PhD and Post-Doctoral) researches in law are completed each year and mostly left unexploited by universities, government and industry.⁹ The result of this lack of application of these volume of knowledge is a continued entanglement of the country in unemployment, poverty and poor development.

Table 1. Representation of law Research Institutions and estimated research output per year

<i>S/ N</i>	<i>Institutions (Law Faculties)</i>	<i>Estimate d number of Students from approved quota</i>	<i>Estimate d Research Output @ 90% approved quota</i>
1	Federal Universities (16)	2720	2448

⁹ Nigeria as date of this research has 16 Federal Universities with law faculty, 20 states, 19 private and 2 research institutes, making a total of 57. At a conservative average of 60 Research Outputs per year, there should be 3420 research outputs ranging from degree to post-doctoral research!

¹⁰ Olusegun "List of Accredited/Approved Faculties of Law in Nigeria" Myschoolgist, 21st January, 2019 . Available online at:

2	State Universities (20)	1730	1557
3	Private Universities (19)	1140	989
4	Research Institutes (4)	40	36
	Total	5630	5030

Source: Adapted by the author from *List of Accredited/Approved Faculties of Law in Nigeria*¹⁰

Nigeria has however, been attempting to recoup this loss through two initiatives, NgREN and NOTAP. The Nigeria Research and Education Network (NgREN) seeks "to digitally connect all educational and research institutions across the country and provide affordable internet bandwidth; electronic resources like e-books, e-journals, repositories; identify federation and roaming services; (*and improve*) high performance computing".¹¹ NgREN has established over 27 network centres in Universities. The role of these networks are limited to data and information sharing. In other words, NgREN does not extend to commercialization of research output. It is simply a network for supply of data for research and is open to both

<https://www.myschoolgist.com/ng/approved-faculties-of-law/> (accessed 29th July 2019)

¹¹ Nats Odaudu, Bluejack Minasigha "NgREN, ACE and the Changing Narrative of Research, Teaching in Nigerian Universities" Nigerian Research and Education Network Newsletter, February 2018, Vol. 1 No, 3, at p. 4. Available online at: <http://ngren.edu.ng/index.php/2018/02/14/ngren-ace-and-the-changing-narrative-of-research-teaching-in-nigerian-universities/> (Accessed 29th May 2019).

national and international research organizations.

National Office for Technology Acquisition and Promotion (NOTAP) on the other hand has gone a step further to bring research Institutions, industry and government together towards encouraging commercialization of research results. NOTAP's mandate include evaluation and registration of technology transfer agreements; promotion of intellectual property; technology advisory and support services; commercialization of R&D results; maintenance of a compendium of R&D activities; production and publication of project profiles on SMEs.¹² Irrespective of the laudable mandates there appear to be poor recognition of the role legal research Institutes and Faculties of Law in development because of the glaring absence of the legal research community in the mandate and activities of NOTAP. The next section presents areas of legal research knowledge transfer which NOTAP's mandate does not cover.

3. LEGAL RESEARCH INSTITUTES, KNOWLEDGE TRANSFER AND NETWORKING

Legal research institutes and law faculties are specialized tertiary institutions focused mainly in undertaking research in law, legal education and on interdisciplinary research on the impact of law on society. A careful examination of government established

institute-industry networking platforms demonstrate little or no recognition of legal research institutes. For instance, neither category of legal research institutes nor their research outputs is recognized by the activities of both NgREN and NOTAP. Similar to NOTAP, NgREN in its website lists its communities and technical working groups but fails to recognize legal research community.¹³ For example, the role of legal knowledge in the resolution of bureaucratic hurdles through simplification of legal process in industry sustainability is yet to be properly appreciated. In fact, outputs of legal research is very necessary for speeding up national development. This could be demonstrated by a presentation of key four areas where industry, institutes and government collaboration would be immensely helpful. These include the following examples:

i. Ease of Doing Business Reports:

Legal research Institute are best equipped to conduct extensive and in-depth research on avenues and opportunities to reform the Nigeria business legal framework and suggest more efficient approaches to enhance business performance and growth in Nigeria.

ii. Intellectual Property Exploitation.

Many manufacturers, innovators especially amongst artisans and SMEs are unaware of the benefits and potentials of the intellectual property rights of their innovative output. Legal research will recommend effective

¹² NOTAP Website <https://www.notap.gov.ng/> (Accessed 29th May 2019).

¹³ Nigeria Research and Education Network. Available online at:

<http://ngren.edu.ng/index.php/2017/02/11/technical-working-groups/> (accessed 30th May 2019)

ways of both enhancing and exploiting these resources.

iii. Specialized Legal Research for an Industry to Enhance Industry Productivity

An industry may recruit the expertise of legal scholars in particular fields to conduct extensive research towards either legal reform of existing legal framework or introduction of a legal framework in an otherwise unregulated sector. A more proactive networking strategy could see industries sponsoring research in specific sectors.

iv. General Legal Framework for Commercialization of Research Output and Products.

Aside reforming the intellectual property legal framework, legal research results could also be applied in enhancing access to market for all other products of Nigerian innovators and manufacturers. Where necessary, this could include development of bilateral and multi-lateral agreement with other countries to enhance the export of Nigerian products.

v. Socio-Political and Legal Frameworks for a Stable Society

These covers from constitutional law research, human rights research, displacement research, terrorism research to electoral law reform researches. Research in this areas are best conducted by legal research institutes, maybe in collaboration with other social science institutes to accommodate an interdisciplinary perspective.

Challenges however exist that may hinder or slow than the impact of tri-lateral networks. These include:

- i. Absence of uniform legal research methodology and negation of interdisciplinary approach to legal research
- ii. Lack of Funding
- iii. Lack of Adequate Incentives to Motivate Researchers
- iv. Lack of adequate information circulation
- v. Poor interest in problem solving legal research questions
- vi. Manpower and capacity building focused training
- vii. Lack of mutual understanding and trust between university and industry
- viii. Absence of sustainable Institutional framework

4. ROLE OF INDUSTRY AND GOVERNMENT IN EFFECTIVE, EFFICIENT AND SUSTAINABLE IMPACT ORIENTED LEGAL RESEARCH OUTPUTS

These challenges are resolvable once there is clarity on the roles of industry, government and research institutes in the agenda for a positive and sustainable networking and collaboration. These roles can be distilled thus:

i. Generation of ideas for product improvement and submission for Research

The first role of industry and government towards a fruitful and sustainable networking towards creation of result oriented and commerce worthy research output is identification of the legal problems facing particular businesses or sectors. Having identified the problem, it can then be transmitted to research institutes for resolution.¹⁴

ii. Provide Finance for research

Finance is both a solution to poor networking profile and a role for both government and industry. For industry, funding of research should not be limited to self-interest research. Setting up endowment chairs, research grants and funds may help stimulate research in areas that will benefit all parties involved.

iii. Establishment of a conducive legal and policy framework for networking

To ensure that the policy framework is inclusive and address the challenges and aspirations of all relevant stakeholders, industry and legal research institute should participate in its development.¹⁵ On the long run, however, it is the constitutional power and mandate of government to formulate

policies and pass laws that will encourage impact oriented research.¹⁶

iv. Identification of areas of national priority and need for national development.

When setting national policy on any subject matter, the government should make it a point of duty to call for legal research for easy fulfillment of the set goals. Following such goals and national policies, legal research institutes may initiate collaboration with government and industry to meet the national policy target.

5. CONCLUSION AND RECOMMENDATION

Although there are several challenges militating against a sustainable tri-lateral collaboration, resolving the challenges is quite feasible. All that is required is a little cultural shift and a change in research protocols and exploitation in Nigeria. These include through:

- a. Creation of awareness on the potentials of networking between industry, institutes and government.
- b. Collaboration and engagement in the initiation of research problem.

¹⁴ Christian Oberg “The role of business networks for innovation” *Journal of Innovation & Knowledge* 4 (2019) 124–128, at p. 126. Available at: <https://www.journals.elsevier.com/journal-of-innovation-and-knowledge> (accessed 7th May 2019)

¹⁵ B.U. Ihugba and Osuji O., (2011) “Corporate Citizenship and Stakeholder Engagement: Maintaining an equitable

power balance”, *Electronic Journal of Business Ethics and Organization Studies*, [Vol. 16. No. 2: 28-38](#), at p. 30. Available online at: http://ejbo.jyu.fi/archives/vol16_no2.html (accessed 7th June 2019)

¹⁶ See, Section 1(2), 4 and Chapter 11 of the Constitution of the Federal Republic of Nigeria, 1999, as altered.

**National Institute for Legislative and Democratic Studies
National Assembly**

- c. Development and adoption of uniform and accessible research methodology.
- d. Provision and efficient deployment of resources.
- e. Development and Deployment of Adequate Incentives to Motivate Researchers.
- f. A shift away from capacity building to problem solving law school curricular.
- g. Development of sustainable Institutional and Policy framework.