



SUSTAINABLE FINANCING OF LEGAL EDUCATION IN NIGERIA: COMPARATIVE INSIGHTS FROM SOUTH AFRICA AND KENYA

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Education, as one of the most powerful instruments for reducing poverty and improving health, gender equality, peace, and stability, is widely regarded as a crucial factor in a nation's economic development. More importantly, legal education is considered the fulcrum of stable societies and vibrant economies. However, providing such quality legal education can be costly. Many countries, including Nigeria, lack sufficient investment in education. This funding crisis culminates in the creation of widening gaps that negate the possibility of inclusive and equitable quality education and the promotion of lifelong learning opportunities, which the UN Sustainable Development Goal 4 targets. Thus, integrating development principles and sustainability models into the funding of legal education is a pressing challenge. Using desk-based research methodologies, this article inquires into how Nigeria can operationalise sustainable funding for its legal education. It considers funding models applicable in South Africa and Kenya, drawing possible lessons that align with the SDGs. The article argues that an overreliance on government funding is unsustainable and recommends a multifaceted approach that involves transparent financial management and long-term commitments from various stakeholders, including governments, the private sector, and philanthropic organisations.

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1. INTRODUCTION

Education serves as a crucial driver of development, fostering employment, promoting gender equality, ensuring peace and stability, reducing poverty, and improving health.¹ It equips individuals with the necessary skills to enhance the quality of life and contribute to both economic and social growth. According to the Centre for Global Development (CGD), no country has ever experienced continuous and rapid growth without achieving at least a 40% adult literacy rate.²

As a form of education, legal education plays a vital, multifaceted role in society, extending beyond merely preparing individuals for legal practice. Legal education provides a knowledge of the rules, procedures and institutions which prepare a law graduate to ‘participate in public affairs, or to instruct fellow citizens about the rules followed by official institutions.’³ Legal education is essential for safeguarding people’s rights and fostering a just and peaceful society. By raising awareness and enhancing understanding of rights and the law, legal education empowers individuals to recognise poor governance, make informed decisions, and

¹ World Bank Group, ‘Education: Overview’ (*World Bank Group*, 22 April 2025) <<https://www.worldbank.org/en/topic/education/overview>> accessed 5 July 2025; Moses Abai, Wugate Uleeebari Gibson, and Nlencee Monday Deeza, ‘Innovative Strategies for Funding Education for Sustainable Development Goal Four in Nigeria’ (2023) 31(2) *Journal of Education in Developing Areas (JEDA)* <<https://journals.journalsplace.org/index.php/JEDA/article/viewFile/346/274>> accessed 5 July 2025; Olufemi Bamiro, ‘Sustainable Financing of Higher Education in Nigeria’ (Two-day consultative dialogue, November 2012) <<https://trustafrica.org/wp-content/uploads/2022/12/bamiropaper.pdf>> accessed 5 July 2025.

² The Centre for Global Development, ‘Education and the Developing World’ (*The Centre for Global Development (CGD)*) <https://www.cgdev.org/sites/default/files/2844_file_EDUCATON1_0.pdf> accessed 5 July 2025

³ International Legal Centre, *Legal Education in a Changing World: Report of Committee on Legal Education in the Developing Countries* (1975)

access justice effectively.⁴ Furthermore, it equips persons to participate fully and effectively in legal, social and economic development.⁵ The rigorous training and critical discussions inherent in legal education prepare graduates to address the social and economic challenges facing society effectively.⁶

In Nigeria, the legal education system occurs in two phases. It commences with a five-year study at the University level's faculty of law, followed by a one-year mandatory training (following the successful completion of the first phase) in a series of approved vocational courses with the Nigerian Law School for persons who wish to be called to the Nigerian Bar as a Barrister and Solicitor.⁷ The Nigerian legal education system ensures that the principles of the rule of law are well understood for proper application in judicial and administrative decision-making.⁸ Legal education plays a crucial role in national development by training professionals who create effective policies and advise governments on legal compliance and best practices in governance. These wider uses of legal education in a developing society such as Nigeria demonstrate that its impact goes beyond merely imparting knowledge; it contributes to broader

⁴ PLEAS, 'Developing Capable Citizens: The Role of Public Legal Education' (PLEAS, July 2007) <<http://www.plecanada.org/wp-content/uploads/2018/10/Developing-Capable-citizens-the-role-of-public-legal-education-2007.pdf>> accessed 5 July 2025

⁵ C.I.N. Emelie, 'Legal Education and Access to Justice in Nigeria' (2017) 2(1) *Research Journal of Humanities, Legal Studies & International Development (RJHLSID)* 132

⁶ PLEAS, (n4); Niyi Jacob Ogunode and Christiana Adeola, 'Legal Education in Nigerian Public Tertiary Institution: Challenges and Way Forward' (2023) 1(10) *American Journal of Public Diplomacy and International Studies (AJPDIS)*, 315

⁷ Legal Practitioners Act, Cap L11, Laws of the Federation of Nigeria (LFN) 2004, ss 2 and 4. For a general discussion on the development of legal education in Nigeria, see N.J Madubuike-Ekwe, 'Challenges and Prospects of Legal Education in Nigeria: An Overview', (2017) 8(1) *NAUJILJ* 128.

⁸ Fasuyi Precious Omowumi, Oyedepo Kehinde Oluwatosin and Adedeji Oluyinka, 'The Significance of Legal Education to National Development in Nigeria' in Kabiru Aderemi Adeyemo, Simeon Olaosebikan Oni and Godwin Emmanuel Oyedokun (eds), *Pursuit of Legal Education: Essays Marking the 20th Anniversary of Lead City University, Ibadan* (Lead City University Press, 2025)

development objectives, including the United Nations Sustainable Development Goals (SDGs).

Many scholars have identified significant challenges facing legal education, particularly in developing countries.⁹ These challenges include a shortage of practically oriented law teachers in critical and emerging areas of law, limited access to extensive legal materials and ICT databases, a saturation of the legal labour space and a curriculum overly focused on the academic needs of the legal profession rather than on the broader benefits of legal education that would propel an engagement of legal education as an integral part of the whole social fabric through progressive pedagogies and innovations.¹⁰ Scholars have highlighted funding issues as fundamental to these challenges.¹¹ In Nigeria, only 5-8% of the government's budget for the past decade has been allocated to education, including legal training in tertiary institutions. This falls short of the 15 to 20% recommended by UNESCO Member States in 2015.¹² Furthermore, the Council of Legal

⁹ Thomas E. Geraghty and Emmanuel K. Quansah, 'African Legal Education: A Missed Opportunity and Suggestions for Change: A Call for Renewed Attention to a Neglected Means of Securing Human Rights and Legal Predictability' (2007) 5(1) *Loyola University Chicago International Law Review* 593; Bagoni A. Bukar, 'Legal Education and Challenges of Contemporary Developments in Nigeria' (2014) 20(2) *International Journal of Clinical Legal Education*

¹⁰ *ibid*

¹¹ Republic of Kenya, 'Report of the Working Committee on Legal Education Sector Reform', (Republic of Kenya 2025) <<https://www.statelaw.go.ke/wp-content/uploads/2025/05/Final-Report-Working-Committee-on-Legal-Education-Sector-Reforms-March-2025-UPDATED.pdf>> accessed 8 July 2025; Abai, Gibson, and Deezi (n1) 216-221

¹² Umar Bayo Abdulwaha, 'Nigeria's 8% Education Budget Far Cry From UNESCO's Benchmark- ASUU' *Blueprint* (Nigeria, 27 June 2024) <<https://blueprint.ng/nigerias-8-education-budget-far-cry-from-unescos-benchmark-asuu/>> accessed 8 July 2025; UNESCO, 'UNESCO Member States Unite to Increase Investment in Education' *UNESCO* (20 April 2023) <<https://www.unesco.org/en/articles/unesco-member-states-unite-increase-investment-education#:~:text=UNESCO%20Member%20States%20unite%20to%20increase%20investment%20in%20education,->

Education faces evident challenges in adequately developing the infrastructure of the Nigerian Law School's various campuses.¹³ Without more reliable funding, legal education standards in Nigeria risk continuous deterioration, impacting its ability to meet international development trends and targets, particularly of inclusive and equitable quality education and promotion of lifelong learning opportunities, which the UN Sustainable Development Goal (SDG) 4 targets and other connected development goals

This article seeks to explore sustainable alternative systems of funding legal education in Nigeria. It is guided by questioning how Nigeria can sustainably finance legal education within the SDG framework such that it promotes equity, access and institutional resilience. It adopts a qualitative desk based comparative approach in exploring the legal education funding models of two other African countries- Kenya and South Africa. Informed by the resource dependence theory (RDT), the article argues that over-reliance on government allocation and subsidies is detrimental to the sustainability of transformative legal education and the attainment of relevant SDGs. The article recommends, among others, that Nigeria's legal education adopt a strategy of relying on diverse funding sources while also reprioritising its operational costs through appropriate planning.

The article is sectioned into five parts. This introductory part is followed by the conceptualisation of the intersection of sustainable development goals, sustainability, and legal education, setting the foundation for exploring the relevant funding models for legal education in Nigeria and associated challenges in Part Three. Part Four examines the funding of legal education in comparable jurisdictions to identify useful lessons for Nigeria and outline the way forward, presenting recommendations for

UNESCO&text=Heads%20of%20State%20and%20Government,of%20the%20COVID%2D19%20crisis.> accessed 8 July 2025

¹³ Anthony S. Aladekomo, 'Nigerian Law School at 60: Pearls, Predicaments and Prospects of Vocational Legal Education' (2023) *Nigerian Current Law Review* 312.

sustainable legal education financing in Nigeria in part five. The article concludes with its final section.

2. LEGAL EDUCATION IN NIGERIA, SUSTAINABLE DEVELOPMENT GOALS (SDGS) AND SUSTAINABILITY

Legal education occupies a strategic position in advancing the objectives of the SDGs, a global blueprint aimed at achieving a more sustainable, just, and inclusive world by 2030.¹⁴ The integration of sustainability and the SDGs into legal education is imperative, particularly in a developing country context where legal institutions are instrumental to governance, rights enforcement, environmental regulation, and equitable development.¹⁵

The link between legal education, SDGs and sustainability is multifaceted. First, legal education aligns with SDG 4 (quality education) by calling for inclusive, equitable, and high-quality education that promotes lifelong learning opportunities.¹⁶ More critically, a broad-based connection between the other SDGs and legal education can also be discerned, flowing from the perspective that legal education facilitates their realisation through knowledge creation among future legal professionals responsible

¹⁴ UNICEF, 'Education in Nigeria, Evaluation of the Effectiveness and Impact of SDG4' (*Ministry of Budget and Economic Planning*) <<https://nationalplanning.gov.ng/wp-content/uploads/2023/02/SDG-4-Education-in-Nigeria.pdf>> accessed 30 June 2025

¹⁵ MD Saiful Karim and others, 'Integrating Sustainable Development Goals in the Law Curriculum: Legal Education For "People, Planet and Prosperity"' (2024) 12 (196) *Belmont Law Review* 198,204-232

¹⁶ Federal Government of Nigeria, *Education in Nigeria: Evaluation of the Effectiveness & Impact of SDG4*, (FGN 2021) <<https://nationalplanning.gov.ng/wp-content/uploads/2023/02/SDG-4-Education-in-Nigeria.pdf>>; UN Department of Economic and Social Affairs, "Goals 4" (*United Nations*) <<https://sdgs.un.org/goals/goal4>> accessed 5 July 2025; Surattana Adipat and Rattanawadee Chotikapanich, 'Sustainable Development Goal 4: An Education Goal to Achieve Equitable Quality Education' (2022) 11(6) *Academic Journal of Interdisciplinary Studies* 174; Hoai Thi Mai Bui, Tung Bui, Binh Thai Pham, 'The role of higher education in achieving sustainable development goals: An evaluation of motivation and capacity of Vietnamese institutions' (2024) 22(3) *IJME* <<https://doi.org/10.1016/j.ijme.2024.101088>> accessed 22 December 2025

for the development and interpretation of various international and national legal and policy regimes.¹⁷

A socially responsive legal education introduces students to human rights law and social justice theories, equipping them to advocate for marginalised populations.¹⁸ This approach supports several SDGs, including SDG 1 (no poverty), SDG 5 (gender equality), SDG 8 (decent work and economic growth), SDG 10 (reduced inequalities), and SDG 16 (peace, justice, and strong institutions). Courses focusing on gender, disability rights, and access to justice promote inclusive legal practices, while running community-based clinics allow students to directly engage with underserved groups, reinforcing ethical commitment and civic responsibility.¹⁹

Legal education is vital for promoting environmental sustainability and supports several SDGs, including SDG 11 (Sustainable Cities) and SDG 13 (Climate Action).²⁰ Incorporating subjects like environmental law and climate justice into the curriculum aligned with practical experiences, such as clinical legal education and moot court simulations, further prepare students to address real-world environmental disputes.²¹

¹⁷ Karim and others (n17) ; Advocates for International Development (A4ID), 'A Legal Guide to Sustainable Development Goals (SDGs)', <https://www.a4id.org/wp-content/uploads/2021/09/SDG-Legal-Guide_Chapter-16_FinalNew.pdf> accessed 26 June 2025

¹⁸ Chris Ashford and Paul McKeown (ed), *Social Justice and Legal Education* (Cambridge Scholars 2018)

¹⁹ Folakemi Ajagunna, and Ibijoke Byron, 'Clinical Legal Education and Social Justice: Assessing the Impact on Law Students in a Law Clinic in Nigeria' (2024) 31 (1) *International Journal of Clinical Legal Education* 44

²⁰ Azamat Oralbaevich Jumanov and Rustem Omirzakov, 'The Role of Innovative Environmental Legal Education in Higher Education in solving Environmental Problems' (2023) 3(2) *Science and Education in Karakalpakstan* 320

²¹ Sivani J Nair, 'Clinical Legal Education as a Catalyst for Legal Competency: Moving Beyond Traditional Internships' (2025) 10(4) *International Journal of Innovative Science and Research Technology* 1768.

In terms of economic development, legal education covers laws related to trade, taxation, and investment, essential for policies that promote equitable growth and resource distribution. Law schools also encourage interdisciplinary learning with economics, public policy, and development studies, reinforcing the strategic role of law in national and international contexts.²²

Given these intersections, it is crucial that the legal education system equips legal professionals with the necessary tools to promote development goals across all areas of law in a sustainable manner. Sustainability of the legal education system is connected to providing high-quality, inclusive, and forward-looking curricula and training for current and future legal professionals—without compromising the resources, standards, and opportunities available to succeeding generations. It involves creating structures, funding pathways, innovations through progressive research outlooks and curricula that can adapt to evolving societal, economic, and environmental needs, while remaining resilient in the face of challenges.

3. FUNDING MECHANISMS FOR LEGAL EDUCATION IN NIGERIA AND ASSOCIATED CHALLENGES

As one of the subsets of higher education in Nigeria, the quality, suitability to handle emerging and evolving developments within the global community and accessibility of legal education is hinged on the availability and management of financial resources by the institutions providing the educational service. This section analyses the primary funding sources for legal education in Nigeria and the systemic issues exacerbating its financial instability.

Resource dependence theory provides a valuable framework for understanding how the Nigerian legal education system responds to issues of funding and funding sustainability. Originally developed as an

²² David Trubek and Alvaro Santos (eds), *The New Law and Economic Development: A Critical Appraisal* (Cambridge University Press 2006).

alternative to other economic theories of interorganisational relations in corporate behaviour, this theory, posited by Pfeffer and Salancik, argues that organisations are flexible and will adapt when changes in the environment threaten their critical resource relationships.²³ Entities controlling critical resources (such as funding, licenses, data, and legitimacy) hold power over those who are dependent on them. As such, dependent organisations, to ensure survival, engage in strategies to manage the constraints and reorganise if their dependence threatens their resource relationship. The theory, which has been the subject of scholars of education, further postulates that organisations survive to the extent that they effectively acquire and manage resources, such that organisational vulnerability is tied to organisational efforts to regain stability.²⁴ In other words, organisations are expected to act strategically to manage their dependencies.

Notably, several scholars have criticised the application of this theory in various sectors for its failure to consider other important environmental effects of the physical world, such as geography, reciprocal interdependence, and interrelationship among engaged strategies, beyond the impact of controlling entities.²⁵ However, the theory remains a relevant framework for understanding institutional choices in response to critical external influences.²⁶

²³ Jeffrey Pfeffer and Gerald R. Salancik, *The external control of organisations: A resource dependence perspective* (Re-issue Stanford University Press 2003); Jeffrey Pfeffer and Gerald R. Salancik, *The External Control of Organizations: A Resource Dependence Perspective*. Theory Hub, 'Resource Dependence Theory' (*Theory Hub*) <<https://open.ncl.ac.uk/academic-theories/43/resource-dependence-theory>> accessed 25 June 2025; G. Wangenge-Ouma and N. Cleote, 'Financing Higher Education in South Africa: Public Funding, Non-Government Revenue and Tuition Fees' 2008 22(4) *SAJHE* 906, 909.

²⁴ Wangenge-Ouma and Cleote, (n 23) 909; Jacob Fowles, 'Funding and focus: Resource dependence in public higher education' (2014) 55(2) *Research in Higher Education* 272-287.

²⁵ Tiziana Casciaro and M. Piskorski, 'Power Imbalance, Mutual Dependence, and Constraint Absorption: A Closer Look at Resource Dependence Theory' (2005) 50 *Administrative Science Quarterly* 167; Amy J. Hillman, Michael C. Withers and Brian J. Collins, 'Resource Dependence Theory: A Review,' (2009) 35(6) *Journal of Management* 1405

²⁶ Pfeffer and Salancik, (n 23) xxxi.

3.1 Funding Sources for Legal Education in Nigeria

Legal education in Nigeria benefits from several sources of funding, which can be broadly classified as government funding, student tuition and other fees, endowments and philanthropic contributions, internally generated revenue resources and private-public partnerships.

a. Government Fundings: Both federal and state governments provide budgetary allocations to legal education institutions, depending on which level of government is responsible for the institution, in line with the provisions of section 18 of the 1999 Constitution, which provides for free higher education ‘as and when practicable’. Allocations generally pertain to goods, non-personnel services, recurrent expenditures, and capital projects. They should be fairly regular to enable institutions to plan effectively.²⁷

Government allocations for education remain consistently inadequate. In 2022, the Nigerian federal government allocated only 5.39% of its total budget to the education sector, which amounted to approximately N1,926.79 billion out of a total budget of N17.13 trillion, representing the lowest investment in the education sector in the past ten years. In the 2025 federal budget, there was a slight increase, with 7.3% (N3.52 trillion) allocated to the entire education sector.²⁸ While inflationary challenges in the country may explain the current poor budgetary allocation, there have been previous complaints regarding poor allocation to the education sector. The failure to significantly fund legal education has adversely affected the sector, limiting its ability to evolve in response to emerging trends.

Another funding pathway for legal education is through government interventions facilitated by agencies like the Tertiary Education Trust Fund (TETFund), Niger Delta Development Commission (NDDC), and Petroleum Training Development Fund (PTDF). While TETFund does

²⁷ Bamiro, (n 1) 18

²⁸ Terhemba Daka, ‘Nigeria’s education budget soars to N3.52tr under Tinubu’ The Guardian (Lagos 9 December 2025) <<https://guardian.ng/education/nigerias-education-budget-soars-to-n3-52tr-under-tinubu/>> accessed 30 December 2025

not support the vocational training phase of legal education, public institutions offering first-phase legal education benefit from its funding. For example, TETFund has helped construct and furnish the Faculty of Law at Modibo Adama University, as well as enhance libraries and facilities at various universities, including the University of Maiduguri, Olabisi Onabanjo University, Kwara State University, and the University of Benin.²⁹ Funds from NDDC and PTDF have similarly been channelled as per their respective mandates to intervention projects in various universities. By subsidising educational infrastructure and resources, these interventionist agencies support improving the quality, accessibility and sustainability of legal education in Nigeria.

Despite this source of funding being consistently identified as inadequate, the government remains the largest funder of legal education in Nigeria, particularly for public (federal and state) institutions.

b. *Student Tuition and Fees:* Charging tuition and other fees for legal education provides significant funding for private institutions. Due to decreasing government support and existing policies promoting free higher education, public universities are also increasingly reliant on additional levies and fees.³⁰ The recent increase in fees at the Nigerian Law School has raised concerns about the potential impact of higher tuition and additional costs, prompting intervention by the House of

²⁹ TETFund, 'Some Iconic Projects at a Glance' (TETFund) <<https://tetfund.gov.ng/wp-content/uploads/2021/11/some-iconic-projects-TETFUND.pdf>> accessed 24 June 2025

³⁰ Sylvester Udemezue and Emeka Ngige, 'Navigating the Future of Legal Education in Contemporary Nigeria: Effective Strategies for Addressing Current Challenges and Proposals for Reforms' (01 December 2024). Available at SSRN: <<https://ssrn.com/abstract=5040651>> or <<http://dx.doi.org/10.2139/ssrn.5040651>> accessed 30 June 2025; To ensure that higher education is generally accessible to citizens, the federal and sometimes state government strictly regulates the payment of tuition fees in government-owned institutions. However, this prohibition does not extend to the payment of limited levies for educational consumables.

Representatives.³¹ The high fees have a significant impact on access to legal education, exacerbating social inequality.

The government at both the state and federal levels have established several scholarships and bursaries to support indigent students with their tuition and other fees. These schemes aim to alleviate the financial burden on students, particularly those from disadvantaged backgrounds.³² The recently introduced student loan initiative - Nigerian Education Loan Fund (NELFund)- targets breaking financial barriers in higher education through the provision of interest-free loans for education, with flexible repayment arrangements after the awardee is employed.³³ The programme is aimed at students from low-income backgrounds who are primarily enrolled in public institutions. Since its distribution began in 2025, the fund has disbursed over 41 billion Naira in loans.³⁴ Notably, institutions obtaining student fees and levies through government-established bursaries and scholarships are known to experience some delays in payment due to bureaucracy.

c. Public-Private Sector Partnerships: Although the practice of public-private sector partnerships is not altogether a new phenomenon, it has become increasingly popular as a recent mantra of developmental funding within the education sector, reflecting novel strategies not previously explored in developing countries like Nigeria. Private sector partnerships

³¹ Dirisu Yakubu, “Reps Ask Law School to Reverse 60% Fee Hike” (*Punch Newspapers*, February 22, 2024) <https://punchng.com/reps-ask-law-school-to-reverse-60-fee-hike/> accessed 30 June 2025; Sylvester Udemezue and Emeka Ngige, (n 30).

³² Oluyomi Susan Pitan and Olugbenga Israel Fagbemi, ‘Leveraging Subsidies to Improve Access to Tertiary Education and Skills Training’ (2025) 4(1) *Rima International Journal of Education* (RIJE) 234, 243

³³ Statehouse, ‘In Detail: The Student Loan (Access to Higher Education) Act, 2024’ (Statehouse 4 April 2024) <<https://statehouse.gov.ng/news/in-detail-the-student-loan-access-to-higher-education-act-2024/>> accessed 30 June 2025; Nigerian Education Loan Fund, ‘About NELFUND’ (NELFUND, 2024) <<https://nelf.gov.ng/about>> accessed 29 July 2025.

³⁴ NELFUND, ‘Explore How We’ve Advanced Educational Opportunities in Nigeria’ (NELFUND) <<https://nelf.gov.ng/our-impact>> accessed 30 June 2025

are an effective funding source for constructing or upgrading infrastructure, especially when government resources for education are limited due to competing demands. In these arrangements, a private entity commits to providing infrastructure long-term and assumes the risks of ownership and operation.³⁵ This approach was adopted by Ahmadu Bello University in 2024 with the signing of an agreement with Student Housing Company Limited to develop 1,600-bed hostels, which will be managed by the company for 21 years before control returns to the university.³⁶ Similarly, the University of Nigeria and Nnamdi Azikiwe University entered into a PPP with AFRIHUB for ICT technical manpower development.³⁷ Popular among developed countries with market-based economies, the main rationale for developing public-private sector partnerships (PPPs) in education is to maximise the potential for expanding equitable access to schooling and for improving education outcomes, especially for marginalised groups.³⁸

d. Endowments and Philanthropic Contributions: Globally, endowment financing is a source of funding for educational institutions, providing stability to pursue long-term strategic objectives shielded from periods of

³⁵ Harry Anthony, Patrinós Felipe Barrera-Osorio and Juliana Guáqueta, *The Role and Impact of Public-Private Partnerships in Education* (World Bank 2009) 9-15.

<<https://documents1.worldbank.org/curated/en/453461468314086643/pdf/479490PUB0R0le101OFFI-CIAL0USE0ONLY1.pdf>> accessed 30 June 2025

³⁶ Usman Salisu, 'ABU signs agreement for construction of 1600-bed space for students' (*The Nation*, 26 April 2025)<<https://thenationonline.net/abu-signs-agreement-for-construction-of-1600-bed-space-for-students>> accessed 30 June 2025.

³⁷ Kenneth Kabiri, 'Nigeria: AfriHUB Takes Giant Leap in National Devt' *ThisDay* (Lagos, 6 February 2008) <<https://allafrica.com/stories/200802070624.html>> accessed 30 June 2025; Leonard Chidi Ilechukwu and Collins Chibuzo Njoku, 'Optimizing E-Learning in Nigerian Universities for Sustainable Development' (2014) 4 (10) *Journal of Information, Engineering and Application* 16.

³⁸ Anthony, Barrera-Osorio and Guáqueta, (n 35) 9.

economic downturns and sudden budgetary constraints.³⁹ It provides educational institutions with a stable, long-term funding base by investing donated capital, using only the returns for operations. This shields them from economic volatility, as exemplified by Harvard University's \$53.2 billion endowment, which supplied 37% of its annual revenue.⁴⁰

Philanthropic contributions are voluntary, often directed gifts from individuals, alumni, and organisations. While not always invested for growth like endowments, and sometimes giving donors significant control over use, these funds directly support specific initiatives like scholarships, infrastructure, and research, thereby enhancing institutional sustainability and social impact. For instance, several law faculties, such as those at the University of Lagos and Obafemi Awolowo University, utilise alumni networks to support the provision of legal education.⁴¹ Similarly, donor agencies (e.g., Malala Fund, Action Aid) occasionally fund scholarships, infrastructure, or training programs in higher educational institutions, while law firms and multinationals often engage in corporate social responsibility (CSR) initiatives.

Wangenge-Ouma and Cleote argue that finance derived from philanthropic contributions do not necessarily enhance the financial health of educational institutions, as these institutions have no control over how the funds are allocated.⁴² Nevertheless, they remain significant. These funds can be directed in accordance with the donors' intentions to support activities such as providing scholarships to disadvantaged students, funding research, providing for progressive teaching methods

³⁹ Patrick T. Pillah and Richard Emmanuel Gokum, 'Endowment as an Alternate Funding for Nigerian Universities: A Study of Veritas University, Abuja Nigeria' (2024) 6(5) *International Journal of Capacity Building in Education and Management* (IJCBE) 31

⁴⁰Harvard University, 'About the Endowment' (*Harvard University*)<<https://www.harvard.edu/about/endowment/>> accessed 1 July 2025

⁴¹ Gbenga Gbelee, 'UNILAG Faculty of Law 2007 Alumni Refurbishes Students' Lounge' (*University of Lagos*, 5 March 2025) <<https://unilag.edu.ng/unilag-faculty-of-law-2007-alumni-refurbishes-students-lounge/>> accessed 1 July 2025

⁴² Wangenge-Ouma and Cleote, (n 23) 906

within the legal education system and contributing to initiatives aimed at reducing inequality and promoting social justice, all of which enhance the stability and overall sustainability of the university.

While beneficial, endowments and philanthropic funding for legal education in Nigeria are not yet a mainstream or reliable source of support. Donations are often irregular due to a less structured institutional approach compared to global practices.⁴³ Securing such funding requires dedicated effort to cultivate and manage relationships with diverse stakeholders—each with unique motivations—a complex process ideally coordinated by a professional advancement office, rather than relying on routine budgetary channels.

e. Internally Generated Revenue: Institutions continue to engage in diverse commercialised activities to help generate revenue internally. These activities range from providing consultancy services and legal services for a fee, production of academic journals and hospitality services (such as managing a guest house, printing press, auditorium and conference facilities). Government expects public institutions, particularly those of higher learning, to generate revenue internally equivalent to 10% of their allocated funds.⁴⁴ This expectation aims to reduce over-reliance on government subsidies and encourage self-sufficiency in funding.

3.2 Key Challenges in Funding Legal Education in Nigeria

a. Chronic Government Underfunding and Release Constraints: Nigeria's education budget has historically hovered below the benchmark advocated by UNESCO and the World Bank.⁴⁵ In 2017 and even in 2024,

⁴³ Pillah and Gokum,(n39); Education International, 'Championing Education in Nigeria: Union Pushes for Better Funding, Improved Working Conditions and Safe Schools' (*Education International*, 17 March 2025) <<https://www.ei-ie.org/en/item/29584:championing-education-in-nigeria-union-pushes-for-better-funding-improved-working-conditions-and-safe-schools>> accessed 1 July 2025

⁴⁴ Bamiro, (n 1) 18

⁴⁵ Clement Idoko, 'Focus on Education in 2025 Amidst Law Budget' *Tribune* (9 January 2025) <<https://tribuneonlineng.com/focus-on-education-in-2025-amidst-low-budget/>> accessed 25 June 2025

the education budget was 7.05 and 7.5 per cent, respectively of the country's entire budget. In the 2025 fiscal year, Nigeria's education sector was allocated N3.52 trillion, representing 7% of the country's total budget. Legal education, as a subsector, receives only a portion of this allocation. The allocations for education in Nigeria are alarmingly low compared to those of several other developing countries, particularly in Africa. For instance, Namibia, South Africa, and Ghana allocate an average of 25.32%, 18%, and 13% of their public expenditure to education, respectively. In contrast, Nigeria allocates only an average of 4.3%. The poor level of funding has been the foundation of the persistent insistence by the Academic Staff Union that the (federal and state) government should allocate not less than 26 % of its national budget to education.

Another dimension that compounds the underfunding challenge is the use of the envelope budgeting system. The envelope budgeting system is a method where funds are allocated to specific purposes or ministries based on predetermined caps, regardless of actual needs. This system, which has been in use in Nigeria since 2006, has been criticised for its lack of transparency and flexibility.⁴⁶ While originally designed to manage limited resources efficiently, it often leads to underfunding in critical areas, including legal education. Legal education institutions often receive fixed allocations that do not account for emerging and actual needs, leading to resource shortages and an inability to keep pace with evolving frameworks.

In addition to significant underfunding, budgetary allocation release constraints present yet another major challenge. For instance, the 2023 federal government allocation of N300 billion for university revitalisation was never released.⁴⁷ The failure to release allocated funds when due affects proper planning and the utilisation of funds.

⁴⁶ Obinna Chima, 'Envelope Budgeting system and its discontents', *ThisDay (online)*, 1 February, 2025< <https://www.thisdaylive.com/2025/02/01/envelope-budgeting-system-and-its-discontents/>> accessed 25 June 2025

⁴⁷ Idoko (n 45); Terhemba Daka, 'Group Laments Varsity Decay, Seeks Action on N300b Revitalization Fund' *The Guardian* (Nigeria, 26 December 2024)

b. Mismanagement and Corruption: Mismanagement and corruption are pervasive issues crippling the financial sustainability of Nigerian universities and, by extension, legal education.⁴⁸ Funds obtained from various sources, as discussed in this article, are often misappropriated, embezzled, or misused by different stakeholders in public and private legal education. For instance, in 2013, an audit report revealed that the management of Obafemi Awolowo University diverted ₦3.5 billion earmarked for hostel and lecture theatre development, while that of Ahmadu Bello University illegally transferred ₦177 million to a microfinance bank without accountability.⁴⁹ Also, the management of the University of Port Harcourt Teaching Hospital awarded inflated contracts (e.g., ₦217 million for a generator against a budgeted ₦35 million), paid contractors for abandoned projects (e.g., 50% payment for a psychiatric building at 40% completion) and engaged in a remodelling of the Vice Chancellor's office without budget approval.⁵⁰

Another dimension to the problem of mismanagement of funds is tied to the absence or non-utilisation of crucial strategic planning tools that account for the actual cost element per student for the number of years of study. The failure to track the real cost per student creates situations where the government, under the policy of subsidised tertiary education, is unable to disburse to the education provider the difference in cost of what is needed to provide services for each student and what is available to fund education.

<<https://guardian.ng/news/group-laments-varsity-decay-seeks-action-on-n300b-revitalisation-fund/>> accessed 25 June 2025

⁴⁸ F. Anyogu, et al., 'Appropriate Curriculum for training 21st Century Lawyers,' (2010) 7(1) *Unizik Law Journal*, 139; Julius Adinoyi, 'Corruption and Public Finance Mismanagement in Nigeria's Tertiary Education Sector – The Exigency for open Government' (*Basic Rights Watch*, 27 May 2017) <<https://basicrightswatch.org/corruption-and-public-finance-mismanagement-in-nigerias-tertiary-education-sector-the-exigency-for-open-government/>> accessed 25 June 2025

⁴⁹ *ibid*

⁵⁰ *ibid*

c. Overreliance on Government Funding: Nigeria's law faculties suffer chronic underfunding due to overreliance on unpredictable government allocations, which constitute over 90% of their budgets. Alternative funding models like endowments, private partnerships, and internally generated revenue remain underdeveloped.⁵¹ These situations contrast sharply with diversified funding systems in countries like the US, where endowments and private sector collaborations sustain law schools.

A major drawback of relying on government funding in Nigeria is the vulnerability to economic shocks, which often leads institutions to focus on immediate operational needs rather than long-term strategic initiatives, including the recruitment and retention of quality human resources that could enhance competitiveness.⁵² As a result, legal education remains largely traditional in orientation, despite the evolving academic and societal demands. Similarly, legal education institutions are susceptible to instability due to unwarranted interference in institutional administration, under the guise of ensuring accountability for resources allocated.

From a resource dependence theory perspective, organisations that rely heavily on a single dominant external actor for critical resources are compelled to align their behaviour with the preferences and priorities of that actor. Within the legal education context, the over-reliance on government funding and subsidies places institutions in an asymmetric power relationship wherein the government, controlling funding as a critical resource, is able to exert considerable influence on institutional behaviour, hinder autonomy and shape strategic choices.

d. High Operational Cost, Inflation and Economic Instability: Operational costs in legal education institutions, including for amenities, continue to rise faster than the revenue which the institutions rely on,

⁵¹ Ogunode and Adeola (n 6); Timothy Igbakula Utile, 'An Assessment of Autonomy and Freedom in Nigerian Universities' (2021) 22 *Journal of Public Administration, Finance and Law* 104, 108

⁵² Utile, (n 51)106.

eroding the real value of allocated funds.⁵³ For instance, the increase in the number of students admitted into accredited law programmes at the undergraduate level puts pressure on all existing infrastructure at the Nigerian Law School and, invariably, causes a rise in operational costs that are not commensurate with the funding regime.

A review of the funding regime and the related challenges arising from what is currently available reveals cyclical inefficiencies in a rapidly deteriorating legal education landscape, with an adverse impact on sustainability and innovation in general. As a broad outcome of the interplay of key challenges arising from funding strategies implemented and other factors such as increasing number of students admitted at undergraduate level without corresponding defined plan to balance their utilisation of extant facilities (even at the vocational training level), current infrastructure in the public law faculties and Nigerian Law School are over stretched, adversely affecting the quality of education. Institutions, both private and public, in an effort to obtain more funds to address operational costs, often resort to increasing tuition and other levies. Raising fees and other levies in turn has a disproportionate impact on marginalised groups, particularly women and low-income students, especially with the limited scholarships and bursaries, which are also mainly government-funded. Furthermore, strikes and student demonstrations in public institutions often result from protests connected to inadequate funding, creating tension and sometimes leading to the shutdown of the institutions and extended academic sessions, which further compromise the quality of education, especially at public universities, which are generally more affordable. In other words, the search for alternatives to improve the funding sustainability of legal education in Nigeria so far has not eliminated the vulnerability of the system because of perpetuated limited dependence on sources other than the government.

⁵³ Idoko, (n 45)

4. FUNDING IN COMPARATIVE JURISDICTION – KENYA AND SOUTH AFRICA

This section examines how other countries with similar legal training structures address the funding of their law faculties and professional schools. It delves into the specific funding approaches of South Africa and Kenya, offering a critical perspective on their successes and shortcomings.

The legal education funding mechanisms of South Africa and Kenya are chosen as case studies for several reasons. In the first instance, South Africa, Kenya, and Nigeria, as former British colonies, possess a shared colonial heritage that has profoundly shaped the frameworks and curricula of their legal education systems. This historical influence is evident in the enduring incorporation of common law traditions and institutional practices within these countries. South Africa and Kenya both implement a two-tiered legal education system- academic and professional (vocational) legal training structures similar to that of Nigeria, notwithstanding some minor distinctions.⁵⁴ These countries are also among Africa's leading economies, exerting a significant impact on regional development paths and presenting considerable opportunities for advancing sustainability in legal education beyond their borders.

One important reason to review funding in both countries is the presence of approaches that offer insights into institutional resilience and the challenges of transformation in developing countries with a history of unequal financial resource distribution. These insights can provide valuable lessons on equity. This is particularly relevant considering the impact of the South African apartheid regime on access to legal education.

⁵⁴ Persons who wish to practice law in South Africa do so either as Attorneys or advocates, following the British system of being called to the Bar or as a Solicitor while in Nigeria, a person called to the bar obtains license to practice as a Barrister and Solicitor of the Supreme Court. In Kenya, lawyers admitted to the Bar are known as Advocates of the High Court of Kenya

4.1 Legal Education in South Africa & its Funding

In South Africa, the legal education system currently consists of two tiers. The first tier is a compulsory four-year academic programme leading to a Legum Baccalaureus (LLB) degree from a recognised institution, or a five year course of study if the LLB degree is preceded by a non- LLB degree.⁵⁵ The second tier involves a practical vocational training, which includes community service and examinations designed to prepare candidates for admission and enrolment as either advocates or attorneys.⁵⁶

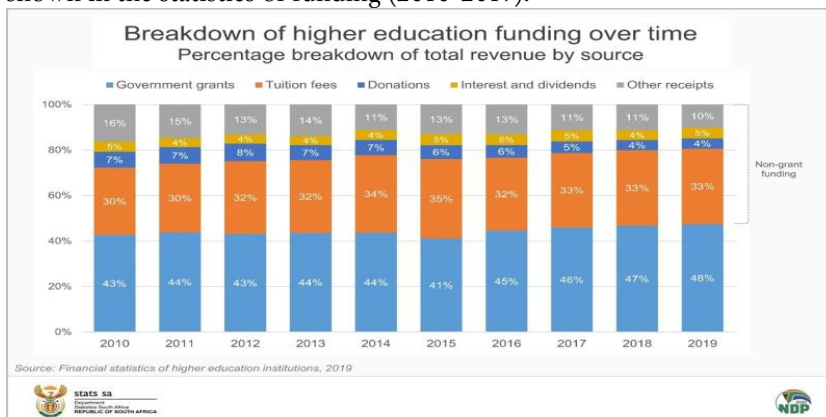
Universities in South Africa have three broad streams of funding- state subsidies, tuition and accommodation fees and third-stream income.⁵⁷ While the first stream is reserved for public institutions, both private and public institutions utilise the other two categories of funding.

⁵⁵ Legal Practice Act 28 of 2014, s 26 (1) (a) and (b). For a brief historical analysis of the development of the current structure, see generally, Ropafadzo Maphosa and Nomathole Nhlapo, 'Transformative Legal Education in the South African Context' (2020) 14 *Pretoria Student L Rev* 12.

⁵⁶ Legal Practice Act 28 of 2014, s 27 and 29; Regulations in terms of Section 109(1)(a) of the Legal Practice Act and gazetted on 31 August 2018. There is also the five-year BCom LLB and BA, introduced for students interested in working in the corporate world sector. See also Peggy Maisel, 'The Education and Licensing of Attorneys and Advocates in South Africa' (2010) 79(2) *The Bar Examiner* <<https://dx.doi.org/10.2139/ssrn.1695704>> accessed 15 July 2025. The main distinction from the Nigerian system is that the second- tier of the legal education framework is a solely focused on apprenticeship to be enrolled either as an Attorney or Advocate but not both.

⁵⁷ Mari Booyesen, 'Fundraising Insights for South African Universities from an International Perspective' (INYATHELO The South African Institute for Advancement, 19 February 2025) <<https://www.inyathelo.org.za/index.php/mediacentre/newsandopinions/fundraising-insights-for-south-african-universities-from-an-international-perspective>> accessed 15 July 2025; C. Serfontein and A. V. A. Smit, 'Affordability of Higher Education in South Africa: Are Above Inflation Tuition Fee Increases Justified?' (2024) 10(2) *International Journal of African Higher Education* 51, 62.

Funding for legal education in South African public institutions is significantly allocated for by the government.⁵⁸ The Department of Higher Education and Training (DHET) disburses government funds to universities via block grants and earmarked grants.⁵⁹ While government allocations to specific universities may vary, this source, on average, accounts for almost half of the total revenue of (public) universities, as shown in the statistics of funding (2010-2019).



⁵⁸ While private institutions have emerged in the post-apartheid era, they have not significantly captured the legal education market. See Ralph Maldalate, 'Legal Education in South Africa Racialized Globalizations, Crises, and Contestations' in Bryant Garth and Gregory Shaffer (eds), *The Globalization of Legal Education: Critical Perspective* (Oxford Press 2022) 172

⁵⁹ Block grants are intended for operational costs, including maintenance of assets related to university teaching, learning, and research. Earmarked grants, however, are designated for specific purposes to align universities with national priorities, based on project proposals and annual progress reports to the Department of Higher Education and Training (DHET). A key difference is in management: block grants are controlled by the university council, allowing flexible use, while earmarked grants must be used for their designated projects. See generally, Department of Higher Education and Training, 'Ministerial Statement On University Funding: 2024/25 To 2026/27' (Department of Higher Education and Training, 2023)

<<https://www.dhet.gov.za/Institutional%20Funding/Ministerial%20Statement%20on%20University%20funding%20-2024-25%20to%202026-27%20December%202023.pdf>> accessed 17 July 2025.

The latest analysis reveals a similar trend, with government grants accounting for 44.8% of the total funding for the public universities.⁶⁰

A notable feature of government-allocated funds is its connection with a goal-oriented mechanism that takes into consideration (a) national planning and policy priorities, (b) the amount of funding available in the national higher education budget, and (c) the approved plans of individual institutions.⁶¹ Unfortunately, law as a discipline is located in the lowest band of government funding for higher education. This is largely due to a widespread perception that legal education is inexpensive to provide, particularly because it often relies on a model of teaching that involves large class lectures.⁶² This perception adversely affects progressive pedagogies which emphasise small group, experiential, and clinical approaches as the ‘laboratories of law.’⁶³

Tuition and fees, as set by institutions, have become a vital funding pathway for ensuring cost recovery due to declining government allocation and optimal revenue generation in public institutions. One example of how institutions have adjusted their tuition and fee structures is by implementing differential pricing for various instructional services, which has helped increase revenue from tuition.⁶⁴ While tuition and fees

⁶⁰ Department of Statistics, ‘Statistical Release P9103.1: Financial Statistics of Higher Education Institutions 2022’ <https://www.statssa.gov.za/?page_id=1854&PPN=P9103.1&SCH=73522> accessed 18 July 2025

⁶¹ Ministry of Education, ‘A New Funding Framework: How Government Grants are Allocated to Public Higher Education Institutions’ (*South African Government*, February 2004) <https://www.gov.za/sites/default/files/gcis_documents/201409/funframework0.pdf> accessed 18 July 2025

⁶² Lesley Greenbaum, ‘Legal Education in South Africa: Harmonizing the Aspirations of Transformative Constitutionalism with Our Educational Legacy’ (2016) 60 (2) *NYLS Law Review* 486

⁶³ Geo Quinot & Lesley Greenbaum, ‘The Contours of a Pedagogy of Law in South Africa’ (2015) 26 (1) *Stellenbosch Law Review* (SLR) 29.

⁶⁴ Wangenge-Ouma and Cleote, (n 23) 909

remain relevant to public institutions, they are particularly crucial for private institutions that do not receive government subsidies.⁶⁵ Private legal education providers in South Africa primarily operate for profit, resulting in higher tuition and fees compared to public institutions.

Notably, public institutions, including faculties offering legal education, also receive government funding indirectly through the tuition and accommodation fees of LLB undergraduate students who are supported by the government's National Student Financial Aid Scheme (NSFAS).⁶⁶ NSFAS, established by the NSFAS Act, provides financial assistance to students to cover accommodation, living allowance, transport, tuition and learning materials. Eligibility is determined based on gross household income, taking into account whether the student suffers from any form of disability.⁶⁷ In 2018, the government implemented a full bursary model under the policy of 'free higher education for the poor,' which significantly increased the funding allocated to the National Student Financial Aid Scheme (NSFAS).⁶⁸ As a result, public universities now receive as much

⁶⁵ L. Meyer, 'Taking a Seat at the Table: The Value of Private Higher Education in South Africa', (2025) 39(1) *South African Journal of Higher Education*, 261, 269. This is compounded by a limited enrolment, as most students prefer affordable public options, leaving a small pool of people willing to pay the higher costs.

⁶⁶ In 2021, the Government made a decision to 'defund' the LLB postgraduate programme such that persons who were registered for LLB as a second degree were no longer eligible for funding. In *National Student Financial Aid Scheme v Moloi and Others* (574/2022) [2024] ZASCA 66; [2024] 3 All SA 86 (SCA); 2024 (6) SA 422 (SCA) (3 May 2024), the Supreme Court of Appeal found the decision of the NSFAS and the Minister of the Department of Higher Education and Training to defund the LLB postgraduate programme to be reasonable.

⁶⁷ Mandisi Matyana, Xolani Thusi and Mzwandile Refuge Xaba, Nompumelelo Dlamini and Sibongiseni Lungisani Sigwaza 'An Evaluation of the National Student Funding Aid Scheme(NSFAS) Policy in South African Universities: Implications and Challenges' (2023) 21(4) *JISR Management and Social Sciences and Economics* <https://www.researchgate.net/publication/379824479_An_Evaluation_of_the_National_Student_Funding_Aid_Scheme_NSFAS_policy_in_South_African_Universities_Implication_s_and_Challenges> accessed 17 July 2025

⁶⁸ Emnet Tadesse Woldegiorgis, 'Student financial aid failures have widened inequality'(University World News, 20 March 2025) <<https://www.universityworldnews.com/post.php?story=20250318114841409>> accessed 17 July 2025

funding indirectly from NSFAS as they do from direct government grants. Approximately 70% of students entering these institutions are funded by NSFAS, making public universities increasingly reliant on NSFAS students rather than those who pay their own fees. Delays in the disbursement of fees for NSFAS students to universities negatively impact the institutions' income and their ability to operate sustainably.⁶⁹ Furthermore, factors such as poor administration of the scheme is contributing to widening equity disparity in access.⁷⁰ 29% of South Africa's NSFAS funds went to middle-income students in 2019 as opposed to the 9% in 2017, indicating that students from better-resourced schools and families were more likely to take advantage of the new funding system than the most disadvantaged.⁷¹

To diversify income streams, legal education providers also engage in "third stream income" activities. The third stream of income, as another funding pathway for legal education in South Africa, comprises 'all income derived from sources other than public subsidies and tuition and other student fees.'⁷² This includes contract or sponsored research funding, commercialisation of research, advancement operations (donor funding/philanthropic gifts, donations, and alumni relations), as well as internal financing from investments and loans. The importance of this stream of

⁶⁹ Edwin Naidu, 'SA varsities intent on pursuing millions in unpaid fees' *University World News* (African Edition) 3 March 2022 <https://www.universityworldnews.com/post.php?story=202203020753438> accessed 17 July 2025; Xolani Minenhle Ngcobo, Ferina Marimuthu and Lesley June Stainbank, 'Revenue sourcing for the financial sustainability of a university of technology: an exploratory study' (2024) 11(1) Cogent Education <<https://www.tandfonline.com/doi/full/10.1080/2331186X.2023.2295173>> accessed 17 July 2025

⁷⁰ Woldegiorgis, (n 68)

⁷¹ *ibid*

⁷² Anita Craig and Nazli Abrahams, 'Report on Third Stream of Funding' (Exploring Third Stream Income for South African Universities Conference, Kievits Kroon Country Estate, Pretoria, 18 and 19 March 2009)' 6 < http://www.usaf.ac.za/wp-content/uploads/2017/07/2009_HESA_Third-Stream-Funding_Report_July-09.pdf> accessed 17 July 2025

funding to legal education in South Africa cannot be overemphasised. Within this stream of funding, the Faculty of Law at the University of Cape Town (UCT) indicates that in 2024, it was able to engage in extensive legal research initiatives and sustain projects such as community law clinics where law students and qualified attorneys provide pro bono legal services to individuals from marginalised communities who lack access to justice.⁷³ These clinics not only offer vital legal assistance to those in need but also provide students with valuable training in service and social responsibility. Furthermore, the faculty was also provided support for the school's LLB students, especially since the withdrawal of NSFAS funding to students in public universities studying law as a second degree. UCT indicates that withdrawal of the support left about 2/3 of the school's LLB students without access to funding.⁷⁴

The review of the current funding system for (legal) education in South Africa shows a significant dependence by institutions on government subsidies allocated directly and through the financial aid scheme, compared to other funding sources.⁷⁵ This category of funding for education has generally experienced a decline due to budget cuts stemming from the broader socio-economic challenges faced by the country, while operational costs in institutions continue to rapidly increase, creating significant challenges, particularly around affordability and sustainability. The cuts have also adversely affected the provision of scholarships to students, negatively impacting academic performance and continuity.⁷⁶

⁷³ UCT Faculty of Law, 'Donor Impact Report 2024' (*University of Cape Town*, 2024) <<https://law.uct.ac.za/media/708375>> accessed 18 July 2025

⁷⁴ *ibid*, 7

⁷⁵ Universities South Africa, 'SA Universities Must Shoulder Some Responsibility for Funding Challenges' (*Universities South Africa*, 15 October 2024) <<https://usaf.ac.za/sa-universities-must-shoulder-some-responsibility-for-funding-challenges/>> accessed 18 July 2025

⁷⁶ The Editor, 'NSFAS Funding Crisis: Thousands of Needy Students Left in Limbo' (*Tag My School Magazine*, 8 May 2025) <<https://tagmyschool.co.za/nsfas-funding-crisis-thousands-of-needy-students-left-in-limbo/>> 17 July 2025

4.2. Legal Education and Funding in Kenya

Legal education in Kenya involves three main steps: first, obtaining a bachelor's degree in law from a recognised university; second, passing a pre-bar examination at the Kenya School of Law; and third, completing the Advocate Training Programme at the same institution.⁷⁷ Funding of the legal education system in Kenya has undergone several reforms. The laws of the public institutions indicate that the funds of the University shall be derived from academic fees, boarding and catering charges, endowments, gifts and trusts, income from auxiliary enterprises and such other sources as the University shall from time to time identify.⁷⁸

Legal education funding for academic fees, boarding and catering charges of the Institutions responsible for the undergraduate programme primarily involves cost-sharing, mainly through the Higher Education Loans Board loans and direct university fees paid by households. In 2023, the Higher Education Loans Board introduced a student-centred funding model for higher education. This approach aims to address the challenges of high enrolment and insufficient funding that plagued the previous Differentiated Unit Cost (DUC) formula, which, despite its goal of fairness through resource allocation based on enrolment figures, resulted in funding inequities.⁷⁹ For instance, with the DUC, schools of law in

⁷⁷ Kenya School of Law Act, Cap. 16C (KSL Act), s 16; second schedule. Notably, there appears to be conflict between the provision of the KSL Act and a regulation made by the Council of Legal Education as the entity responsible for legal education in Kenya, pursuant to the Legal Education Act (particularly section 8) with respect to the requirement. For an in-depth discussion of the conflict, see Jacob Kariuki Gakeri, 'Enhancing Legal Education in East Africa: Contextualizing the Role of the Legislature, Council of Legal Education and the Judiciary in Kenya' (2016) 6(4) *International Journal of Humanities and Social Science* 61. See also the cases of *In Adrian Kamotho Njenga v Kenya School of Law*, [2017]; *Muamar Nabeel Onyango v Council of Legal Education*, [2015] eKLR and *Eumice Mwikali Maema v Council of Legal Education*, [2013] eKLR

⁷⁸ See for example, Day Star University Act Cap 210B, s 28; United States International University Act, s 25

⁷⁹ Universities Fund, 'New Higher Education Funding Model' (*Universities Fund*) <<https://www.universitiesfund.go.ke/new-higher-education-funding-model/>> accessed 17 July 2025; Wanjala Gidraf Joseph, Gori Mochama Justus and Rotich Stephen, 'Differentiated

public universities faced challenges from rising students enrolment and government budget cuts, which prioritised STEM (Science, Technology, Engineering, and Mathematics) programs over social sciences and arts.

The new funding model focuses on the financial needs of the student, using a scientific method- Means Testing Instrument (MTI)- to determine the student's level of financial need by using proxy indicators. Students are classified into 'five banding categories', as shown in the table below, based on their household income and family financial needs.⁸⁰ Based on this new funding model, the Kenyan government for a band one student will through a scholarship, cover 70% of the education costs of band one categorised students whose families have a monthly income of up to Ksh5,995, 25% will be covered by a loan, and the remaining 5% will be covered by the family.⁸¹

Table 1: Education Funding Bands and Associated Benefits

Bands	Scholarship	Loans	
		Tuition Fee	Upkeep
1	70%	25%	60,000
2	60%	30%	55,000
3	50%	30%	50,000
4	40%	30%	45,000
5	30%	30%	40,000

Source: HELB

Law students are eligible for loans such as the Bar Examination Loan⁸² for professional examination through the HELB's partnership with the

Unit Cost Funding Formula and Implementation of the Core Mandates of Public Universities in Kenya' (2023) 10(3) *TIJER*157, 161.

⁸⁰Farah Nurow, 'The New Universities Funding Model: All You Need to Know' (*Money254*, 20 August 2024)

<<https://www.money254.co.ke/post/the-new-universities-funding-model-all-you-need-to-know-news>>accessed 17 July 2025

⁸¹ *ibid*

⁸² Higher Education Loans, 'Bar Examination Loan (BEL)' (*Higher Education Loans*) <<https://www.helb.co.ke/helb-products/partner-funds/bar-examination-loan-bel/>> accessed 17 July 2025

Council for Legal Education (CLE) as a way to ensure trained lawyers are admitted as Advocates.⁸³ Additional funding for HELB initiatives to support law students and the funding of legal education includes the Advocates Benevolent Association Fund (ABA)⁸⁴ and the Kenya School of Law Tuition Loan.⁸⁵ Legal education providers across the schools of law and the KSL have limited recourse to other sources such as endowment funds and other internally generated revenue

Notably, Kenya's HELB has in the recent past, experienced a crisis of insufficient funds to finance its higher education.⁸⁶ The HELB revealed its inability to provide loans to new students in 2024 and full support the previous year to already enrolled students, due to insufficient funds.⁸⁷ The inability of the funding boards to remit student tuition fees puts the universities, including legal education providers, in dire situations as they struggle to operate and provide sustainable and high-quality education.⁸⁸

⁸³Mary Mutugi 'Approaching the Bench through the HELB Legal Sector Funding Scheme' (*Higher Education Loans*) <<https://www.helb.co.ke/stories/approaching-the-bench-through-the-helb-legal-sector-funding-scheme/>> accessed 17 July 2025

⁸⁴ Higher Education Loans, 'Advocates Benevolent Association Fund ABA' (*Higher Education Loans*) <<https://www.helb.co.ke/helb-products/partner-funds/advocates-benevolent-association-fund-aba/>> accessed 17 July 2025

⁸⁵Higher Education Loans, 'Kenya School Of Law Tuition Loan' (*Higher Education Loans*) <<https://www.helb.co.ke/helb-products/partner-funds/kenya-school-of-law-tuition-loan/>> accessed 17 July 2025

⁸⁶ Ibrahim Oruko, 'Kenya: Kamama Admits HELB Loans Insufficient to Cater for Students' Needs' (*AllAfrica*, 1 July 2012) <<https://allafrica.com/stories/201206030245.html>> accessed 17 July 2025

⁸⁷ This left over 100,00 university students without government financial support in the 2024/2025 with a shortfall of KShs.49.8 billion deficit across 2024/2025 and 2025/2026 financial year. See generally, Irene Mwangi, 'Kenya: Over 100,000 University Students Locked Out of Funding as HELB Faces Deepening Crisis' (*AllAfrica*, 16 July 2025) <<https://allafrica.com/stories/202507170037.html>> accessed 17 July 2025.

⁸⁸ Willy Lusige, 'Crisis Looms as HELB Says It's Broke, Seeks Access To KRA Data To Trace Defaulters' (*Citizen Digital*, 15 July 2025) <<https://www.citizen.digital/news/crisis-looms-as-helb-says-it-is-broke-seeks-access-to-kra-data-to-trace-defaulters-n366370>> accessed 17 July 2025

The scheme has also received criticism based on the view that some of the variables used were not placing the students as close as possible to their financial capacity, creating situations where students from middle- and low-income backgrounds suffer a greater financial burden, with established universities attracting large numbers of students and receiving a lion's share of the funding as opposed to smaller universities that are more accessible to these categories of students.⁸⁹

5. LESSONS LEARNT AND THE WAY FORWARD

The funding mechanisms for legal education in South Africa and Kenya, when compared to the Nigerian model, highlight both convergences and distinct divergences in approaches to sustainability and equitable access to legal studies. In examining the efficacy and limitations of the funding systems, it becomes clear that funding choices profoundly shape how robustly institutions are resourced. If the attainment of SDGs are to be supported by the structure and delivery of legal education, it is essential that legal training be properly repositioned and this requires appropriate funding. The experiences of South Africa and Kenya offer instructive lessons on the potentials and pitfalls of various funding pathways, which highlight key lessons for Nigeria.

Exploring the funding mechanisms in Nigeria in comparison to those in South Africa and Kenya reveals that the inadequacy of government allocation to education, including legal education, is not peculiar to Nigeria. Both South Africa and Kenya also experience dwindling and insufficient government direct and indirect allocation to legal education. Government budget allocations serve as an indicator of its priorities; consequently, diminished investment in legal education compared to other

⁸⁹ Gilbert Nakweya, 'Revised Aid Model Could Put Student Funding Back on Track' (*University World News (African Edition)* 19 June 2025) <<https://www.universityworldnews.com/post.php?story=20250617165128243>>; Lucy Mumbi, 'Over 300,000 Varsity Students to be Affected as HELB, Scholarships Budget Cut by Sh37bn' (*The Eastleigh Voice*, 24 February 2025) <<https://eastleighvoice.co.ke/headlines/118501/over-300000-varsity-students-to-be-affected-as-helb-scholarships-budget-cut-by-sh37bn>> accessed 17 July 2025

sectors suggests that human capital development may not be among the foremost concerns. However, bearing in mind the benefits of legal education to society makes it imperative that the government continues to invest robustly in the system. To deliver on the promise of the SDGs, particularly SDG 4.3 (equal access to affordable and quality tertiary education), SDG 4.5, (equal access to all levels of education for the vulnerable), as well as SDG 16.3, (promoting the rule of law), the Government must prioritise its investment in legal education.⁹⁰

Regardless of the necessity for strong government funding in the legal education system, it is crucial to have a range of diverse funding options to ensure its sustainability. Even with substantial government support, relying significantly on a single revenue source can be harmful to the system. Diversifying revenue sources can help ensure the financial stability of legal education institutions. As funding of legal education in South Africa and Kenya reveals, there is significant engagement with other funding sources. This way, if one source underperforms, the overall stability is maintained, regardless of encumbrances. Furthermore, a diversified revenue source allows the organisation to maintain some level of autonomy and control. The focus for the legal education providers in Nigeria should be on innovating their operating models and creating growth strategies that support diversification to maintain excellence and quality. This can be accomplished through blended funding, which combines philanthropic grants, public sector partnerships, university investments, and contributions from the private sector. It is highly recommended to foster a culture of establishing endowments, such as a Legal Education Endowment Fund (LEEF), supported by key legal stakeholders, including alumni and professional organisations like the Nigerian Bar Association and the Body of Benchers in Nigeria.

To address entrenched inequalities in access to education, Kenya, South Africa, and Nigeria employ various indirect government funding

⁹⁰ United Nations Department of Economic and Social Affairs, 'Goal 4: Targets and Indicators' <https://sdgs.un.org/goals/goal4#targets_and_indicators> accessed 22 December 2025; United Nations Department of Economic and Social Affairs, "Goal 16: Targets and Indicators" <https://sdgs.un.org/goals/goal16#targets_and_indicators> accessed 22 December 2025

mechanisms and non-governmental sources to provide financial support to students who would otherwise be unable to attend university. In this context, bursaries and scholarships are essential for facilitating the funding of legal education. Although theoretically sound, funding schemes which are financed principally from government allocation are not left without challenges, principally due to insufficient funds and in some cases, poor administration. The South African model has revealed that ‘free higher education to the poor’ in the form of bursaries rather than the engagement of some elements of the loan repayment system, compared to the Kenyan model of cost sharing, which reflects aspects of scholarships, loans and household involvement, may not be sustainable in the long run. In addition, other factors, such as poor administration, corruption, and favouritism, are currently contributing to widening equity disparity in access as government public finances are further strained.

While the diverse government scholarship schemes, including the recently established NELFUND, have the potential to significantly contribute to funding legal education, the mechanisms for their disbursement require finer details. Like the South African and Kenyan models, transparency and accountability can be promoted through publicly available guidelines and processes that govern the distribution of funds to students. The model adopted by Kenya, involving income bands and a cost-sharing formula for financing, is commendable and could serve as a valuable example to aid the further refinement of the NELFUND as Nigeria’s homegrown model to ensure the long-term sustainability of educational funding. As a further step to addressing the aspects of poor administration, corruption and favouritism identified as affecting the Kenyan and South African models, automated technology-driven systems and data-driven methods should be implemented to enhance transparency and fairness.

Nigeria, like Kenya and South Africa, should similarly engage in a critical evaluation of its legal education sector to comprehensively enhance its reform efforts. Such an approach specifically targets two transformative, high-impact areas: Clinical Legal Education (live-client, practical training) and Digital Infrastructure (the technology that enables modern practice and access to justice). This dual focus ensures both immediate skill development and long-term systemic resilience. A significant and

commendable development in this context for Nigeria is the recent curriculum reform that resulted in the mandatory inclusion of clinical legal education at the undergraduate level, as outlined in the Core Curriculum and Minimum Academic Standards (CCMAS) recently designed by the National Universities Commission in consultation with the Nigerian Law School. This initiative aims to enhance the quality of undergraduate legal education by offering a more contemporary curriculum that aligns with the demands of modern legal practice. Engaging in holistic reforms will not only contribute to achieving the relevant SDGs but also enhance the overall financial sustainability of the legal education system.

More importantly, if the quest to ensure sustainable legal funding is to be achieved, it must be tied to the responsible use of funds at hand. Universities and other relevant legal education must reprioritise their spending and manage their operational costs more effectively. Legal education providers should, as a matter of urgency, identify the actual cost per student as part of the proper strategic planning process of the sourcing and utilisation of funds. Furthermore, the gaps that exist in policy and implementation must be closed by ensuring that strengthened monitoring and oversight are in place.

6. CONCLUSION

Financing of education is at the heart of the educational crisis in many countries worldwide. The gross underfunding of universities and legal education institutions hinders the effective administration of legal education in Nigeria, making it imperative to reconsider the funding models. This comparative analysis not only illuminates potential pathways for reform but also underscores the persistent tensions between equity, sustainability, and access that confront legal education across the continent.

The comparative analysis revealed that legal education in Nigeria has transformative potential, but ongoing funding constraints hinder innovation and accessibility. Insufficient funds in law faculties restrict curriculum development, research, and student support. Moreover, reliance on tuition fees and inconsistent public funding limits access for

disadvantaged students and affects essential programs necessary for modern legal education.

Sustainable legal education in Nigeria requires a multipronged financing source, accompanied by management systems that are informed by strategic cost management rooted in SDG frameworks. Governments must prioritise legal education in national education budgets, recognising its strategic contribution to governance and development. Legal education entities must collaborate with other entities such as universities, government agencies, civil society organisations, and international bodies as integral financing partners to support curriculum reform, faculty training, student-led legal clinics, research initiatives, and technology-enhanced learning that emphasise and support sustainable development. Integrating strategic cost management principles throughout the structure and delivery of legal education in Nigeria is essential to build a cadre of legal professionals who are not only legally literate but also socially responsible and development-oriented, ultimately strengthening the foundation for a more equitable and sustainable society.