

ANALYZING CONSISTENCY AND OBLIGATIONS UNDER WORLD TRADE ORGANIZATION; SITUATING NIGERIA-UK ENHANCED TRADE AND INVESTMENT PARTNERSHIP ARRANGEMENT ON LEGAL SERVICES

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ABSTRACT

Nigeria, has in 2024, signed international treaty that generated much furore within the legal profession, particularly with respect to areas dealing with the provisions of legal services. This paper employs doctrinal research methodology and attempts to appraise some key concepts relating to consistency and obligations of parties under World Trade Organization, particularly legal services under GATS, and the re-establishment of same within the context of the Enhanced Trade and Investment Partnership Arrangement between Nigeria and United Kingdom. Concepts of legal services are diverse, technical but generally jurisdictional. The Nigeria's Legal Practitioners Act, 2004 provides procedure for rendering legal services, including many courts' pronouncements that would have to be resolved inasmuch as international engagements are meant well for the legal profession to thrive in Nigeria. The dilemma between legislations and the courts' pronouncements on one hand conflict head-on with the principles of non-discrimination, market access, and the norm that suggests legal services as vocations requiring expertise for global application. These are critical, mostly with respect to standard on the protection of rights, liberties and obligations of the hiring clients. This paper finds that the Act provides series of bottle-necks for foreign practitioners among other conflicting issues to provide legal services in Nigeria. The paper recommends that the Act should be amended to reflect global standard where legal services may be a matter of choice and not legislative declaration. The paper concluded that section 11 of the Act should be emboldened requiring significant adjustment in the nature of legal practice, education and training that will foster legal matters with globalization.

Keywords: Legal Services, Globalization, Trade, Nigeria, LP Act.

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1.0 Introduction

This paper aims at evaluating the impact of globalization on Nigerian legal services regarding opportunities, challenges in the practice of foreign lawyers, and feasible reforms. The objectives are to: (a) look into opportunities available due to globalization, i.e., specialization, economic growth, and technological advancement; (b) ascertain regulatory, ethical, technological, and socio-economic barriers hindering foreign lawyers; (c) evaluate Nigeria's GATS and ETIP performance; and (d) recommend reforms that can push forward global integration without sacrificing local interests. The study employs a doctrinal research methodology, analyzing Nigerian legislations, case laws including foreign and local, and other existing literature in other jurisdictions to situate the paper with current trend in the global practice arena.

2.0 Literature Review

Globalization is a concept that readily generates interest and division amongst scholars.¹ Globalization has fundamentally transformed the legal profession around the world, encouraging interconnection through transnational legal practice, more advanced legal technologies, and international commercial agreements.² The extension of worldwide social, economic, and legal relations, globalization enables lawyers to practice across borders, serve multinational law firms, and use digital platforms for efficiency.³ In Nigeria, where there is a pluralistic legal system rooted in English common law, customary law, and Sharia law, globalization also brings high opportunities as well as complex challenges to the legal profession.⁴ As part of the global economy, Nigeria's legal services market must adapt to meet global clients' needs⁵, comply with trade agreements like the General Agreement on Trade in Services (GATS, 1995)⁶, and take advantage of partnerships like the Nigeria-UK Enhanced Trade and Investment Partnership. Yet regulation,

¹ Adangor, Z., Globalization of Legal Practice in Nigeria: Challenges and Obstacle. *Journal of Law, Policy and Globalization*, Vol. 51. ISSN2224-3240 (2016).

² Twining, W., *Globalization and legal theory*, Butterworths (2019).

³ Flood, J., The globalization of the legal profession. *Journal of Law and Society*, 28 (4), 456–470 (2011).

⁴ Adebayo, A. O., Reforming legal services in Nigeria. *African Journal of Legal Studies*, 10 (2), 123–134 (2023)

⁵ Tahir, M., *The Globalization of Legal Practice: The Challenges for Legal Education in Nigeria* (2009).

⁶ Desmond, G., *Globalization of Legal Services - What Should Nigeria Do? Partner; The Law Union*, 10 Balarabe Musa Crescent Victoria Island Lagos (2018)

ethics, technology, and socio-economy constraints inhibit the full use of these capacities to the maximum extent, rendering a critical assessment of the Nigerian legal system imperative.⁷

The practice of law in Nigeria, governed primarily by the Legal Practitioners Act, 2004⁸, operates on a framework of rules intended to protect local attorneys while ensuring professional standards.⁹ The Act restricts legal practice to individuals registered with the Nigerian Bar, thus excluding foreign lawyers' participation except when fully qualified, a procedure not compatible with temporary or specialty undertakings.¹⁰ Such regulatory rigidity clashes with Nigeria's commitment under GATS, which ensures market access for foreign professionals under Mode 4 (movement of natural persons).¹¹ Similarly, the ETIP aims to promote collaboration between Nigerian and UK law firms, but is impeded by local content legislations and precedents of the courts placing superior importance on national interests.¹² These impediments record a tension between international integration and domestic protectionism.¹³

Globalization offers the Nigerian legal profession a great opportunity. Such areas of specialization as international arbitration, fintech, and intellectual property boost competitiveness as seen in the victory of Nigerian lawyers in the case of P&ID v. Federal Republic of Nigeria (2020).¹⁴ Economic benefits are derived from foreign direct investment (FDI) as enabled by the Nigerian Investment Promotion Commission Act (2004), subject to quality legal services.¹⁵ Technologies, for instance, websites like Law Pavilion and the Supreme Court Practice Directions on Electronic Filing (2024), justify legal proceedings.¹⁶ Global networks, for instance, law firms like G. Elias joining Multilaw, foster cooperation across the globe.¹⁷ Judicial reforms, for instance, alternative dispute resolution (ADR) under the National Industrial Court Act (2006), align Nigeria with global standards.¹⁸ Yet, these prospects are cut short by enormous barriers.

⁷ Oladele, O. O., Globalization and the Nigerian legal profession. *Nigerian Law Journal*, 15 (1), 78–88 (2022).

⁸ Cap. L11, Laws of the Federation of Nigeria (2004).

⁹ *NBA v. A. G. Federation* (2021) 15 NWLR (Pt. 1795) 123.

¹⁰ Adebayo, A. O., *Supra* note 4.

¹¹ General Agreement on Trade in Services, 1995.

¹² *NBA v. A. G. Federation* (2021) 15 NWLR (Pt. 1795) 123.

¹³ Oladele, O. O., *Supra* note 7.

¹⁴ Elias, G., Global Legal Networks and Nigerian Law Firms, *Unizik Law Journal*, 14(1), 56–62 (2021)

¹⁵ *Attorney General of Lagos State v. Attorney General of the Federation* (2004) 18 NWLR (Pt. 904) 1.

¹⁶ Oji, T. O., Legal Technology and the Future of Nigerian Legal Practice, *African Journal of Legal Studies*, 12 (1), 89–98 (2024)

¹⁷ Elias, G., *Supra* note 14.

¹⁸ *Uzoukwu v. Ezeonu II* (1991) 6 NWLR (Pt. 200) 708.

Regulatory restrictions, ethical differences, technological deficits, and socio-economic factors are significant barriers. The Legal Practitioners Act 2004 and Nigerian Oil and Gas Industry Content Development Act 2010¹⁹ give preference to local practitioners, shutting out foreign inclusion in high-value sectors.²⁰ Ethical differences, particularly in Sharia courts, create challenges for foreign lawyers who are not familiar with local customs.²¹ Technical deficits, whereby rural internet coverage is just 37%, hold back the adoption of legal technology required for cross-border practice.²² Socio-economic barriers, including the cost of law and protectionism, constrain access to justice, whereby just 5% of Nigerians employ lawyers due to their unaffordability.²³ Such deficits weaken Nigeria's ability to leverage GATS and ETIP commitments to the fullest extent.²⁴

3.0 Globalization and Legal Services

Globalization has transformed the legal profession by fostering interconnectivity between jurisdictions on the grounds of economic integration, technological advancement, and internationalization of trade agreements.²⁵ In Nigeria, which is a plural state with a judicial system that applies English common law, customary law, and Sharia law, globalization presents potential challenges and opportunities for legal services.²⁶ This section gives a theoretical background to grasp the effect of globalization on legal services, its definition, worldwide trends, Nigeria's legal system within a global perspective, and the platforms of the General Agreement on Trade in Services (GATS, 1995) and the Nigeria-UK Enhanced Trade and Investment Partnership (ETIP, 2022). It is argued that, by situating Nigeria in the global legal context, a good platform is then established for exploration of opportunities, challenges, and reforms in enhancing Nigeria's integration into the global legal market.²⁷

¹⁹ Cap 20 Laws of the Federation of Nigeria, (2004)

²⁰ Adebayo, A. O., (n)4

²¹ *Adegboruwa v. Lagos State* (2016) 9 NWLR (Pt. 1516) 132

²² Nigerian Communications Commission (NCC), Annual Report on Internet Penetration (2023).

²³ HiiL, Justice Needs and Satisfaction in Nigeria, the Hague: (HiiL 2025)

²⁴ Oladele, O. O., (n)7.

²⁵ Twining, W., (n)2.

²⁶ Oladele, O. O., (n)7.

²⁷ Adebayo, A. O., (n)4.

3.1 Globalization defined

Globalization is the intensification of world social, economic, and legal relationships, creating interdependent systems that go beyond national boundaries.²⁸ In the legal community, globalization is experienced as cross-jurisdictional practice, the development of multinational legal practices, and adopting legal technologies that ease provision of service.²⁹ Globalization reshapes legal norms by stepping up harmonization and convergence, enabling lawyers to practice in several legal systems on behalf of clients.³⁰ Globalization spreads across wide range practice areas. For instance, international arbitration and company law have become globalized, requiring lawyers to work with complex, multi-jurisdictional frameworks.³¹ In Nigeria, the concept commands influence on the legal profession through the establishment of possibilities for specializing in areas like fintech and arbitration, although it challenges domestic regulatory frameworks to protect local practitioners.³² The pluralistic nature of the Nigerian legal system, which features common law, customary law, and Sharia law, poses a challenge to integration into the global community since foreign lawyers must adhere to diverse legal traditions.³³

3.2 Global Trends in Legal Services

Globalization has dramatically impacted the legal services market worldwide, characterized by several important trends. First, cross-border multinational law firms, for instance, those within networks like Multilaw and Lex Mundi, have expanded their reach all over the world, offering cross-border integrated services across jurisdictions (Flood, 2011). These law firms employ economies of scale to represent multinationals, setting a benchmark for cross-border practice. Secondly, legal technology has redefined the profession, with AI-driven software like ROSS Intelligence for research in law and practice management software like Clio making lawyers more efficient and accessible (Susskind, 2017). For instance, AI applications help sort through enormous legal databases to reduce research time and improve accuracy (Hadfield, 2017). Third, international arbitration has emerged as the preeminent method of dispute resolution across

²⁸ Twining, W., (n) 2.

²⁹ Flood, J., The Globalization of the Legal Profession, *Journal of Law and Society*, 28 (4), 456–470 (2011).

³⁰ Twining, W., (n)2.

³¹ Silver, C., Globalization and the U.S. Market in Legal Services, *Law & Policy in International Business*, 31(4), 1093–1150 (2000).

³² Oladele, O. O., (n)7.

³³ Adebayo, A. O., (n)4.

borders, with institutions like the International Chamber of Commerce (ICC) and the London Court of International Arbitration (LCIA) setting world standards (Silver, 2000). The UK and Singapore, among others, have ventured into liberalization, allowing foreign lawyers to practice under specific schemes, like the Qualified Lawyers Transfer Scheme of the UK (Susskind, 2017). General Agreement on Trade in Services (GATS, 1995) facilitated these trends by promoting foreign professionals' market access, and it called on countries to open up obstacles to the trade of legal services. These global trends provide a benchmark for Nigeria's integration into the global legal market, requesting regulatory reforms and technological adjustments.

3.3 Nigeria's Legal System in a Global Context

Nigeria's plural legal system, which mixes common law, customary law, and Sharia law is under the rule of the Legal Practitioners Act 2004, which restricts legal practice to Nigerian-enrolled lawyers.³⁴ Although this regulatory system maintains professional excellence, foreign lawyers' inclusion is limited, leading to contradiction with international integration.³⁵ Despite such constraints, Nigerian lawyers have shown to be internationally capable of dealing with high-profile international cases, such as *P&ID v. Federal Republic of Nigeria*,³⁶ where they were able to handle complex arbitration proceedings to achieve a significant victory over a foreign claimant.³⁷ The adoption of legal technology, for instance, through platforms such as Law Pavilion and Case Mine, has enhanced research and case management skills, being in congruence with international mandates.³⁸ However, infrastructural shortages, e.g., low internet penetration (37% rural), limit the widespread application of such tools.³⁹

Ethical disparities, particularly in jurisdictions governed by Sharia, are also a challenge to foreign lawyers who are not informed about prevailing norms, such as in the case of *Adegboruwa v. Lagos State*,⁴⁰ which highlighted the adherence of the judiciary to indigenous ethical values. Protectionist orientations, underpinned by court decisions such as *Fawehinmi v. Nigerian Bar Association*,⁴¹

³⁴ *NBA v. A. G. Federation* (2021) 15 NWLR (Pt. 1795) 123.

³⁵ Oladele, O. O., (n) 7.

³⁶ *P&ID v. Federal Republic of Nigeria* (2020) EWHC 2379 (Comm).

³⁷ Elias, G., (n)14.

³⁸ Oji, T. O., Legal Technology and the Future of Nigerian Legal Practice, *African Journal of Legal Studies*, 12 (1), 89–98 (2024)

³⁹ Nigerian Communications Commission, Annual Report on Internet Penetration (2023).

⁴⁰ (2016) 9 NWLR (Pt. 1516) 132.

⁴¹ (1989) 15 NWLR (Pt. 1795) 123

complicate international integration further by favoring indigenous practitioners at the expense of foreign competition.⁴² (Adebayo, 2023).

3.4 GATS and ETIP Frameworks

Nigeria's undertakings in the General Agreement on Trade in Services (GATS) and the Nigeria-UK Enhanced Trade and Investment Partnership (ETIP) are key to its integration into the world market for legal services. GATS's Mode 4 enables temporary cross-border movement of natural persons like attorneys to provide services across borders and provokes countries to open up professional services markets.⁴³ However, the Legal Practitioners Act 2004 is not in line with such commitments by requiring full membership in order to practice law, thus denying foreign lawyers temporary or special engagements.⁴⁴ The 2022 ETIP is intended to facilitate cooperation between Nigeria and the UK on a bilateral basis to promote law firm alliances, knowledge sharing, and capacity development. For example, ETIP supports the use of mutual recognition agreements (MRAs) to facilitate cross-border practice, but is fettered by local content legislations, such as the Nigerian Oil and Gas Industry Content Development Act 2010, that prioritize Nigerian specialists in strategic areas.⁴⁵

These frameworks identify the regulatory reforms needed to align Nigeria's legal practice with global commitment and fitting to local needs, such as protection of local practitioners and compliance with ethical standards. GATS and ETIP harmonization with local laws would make it possible for Nigeria to compete in the international legal market.

4.0 Opportunities of Globalization for Nigeria's Legal Services

Globalization brings revolutionary possibilities for the Nigerian Bar, positioning it as a probable leader in the African legal services market. Through encouraging specialization, economic growth, innovation in technology, global networks, and reforms in the judiciary, globalization enables Nigerian lawyers to compete internationally while addressing local challenges.⁴⁶ All these opportunities are also aligned with Nigeria's commitments under the General Agreement on Trade

⁴² Adebayo, A. O., (n)4.

⁴³ Adongor, Z., (n) 1.

⁴⁴ Adebayo, A. O., (n) 4.

⁴⁵ Oladele, O. O., (n) 7.

⁴⁶ Adebayo, A. O., (n) 4.

in Services (GATS) and the Nigeria-UK Enhanced Trade and Investment Partnership (ETIP), which offer means to enhance competitiveness and inclusiveness. This segment highlights some five best opportunities: specialization in emerging legal fields, economic gain, technological progress, global networks, and judicial reforms.

i. Specialization in New Legal Fields

Globalization has provided loopholes for Nigerian lawyers to specialize in in-demand fields such as international arbitration, fintech, and intellectual property (IP), making them internationally competitive.⁴⁷ The case of *P&ID v. Federal Republic of Nigeria*⁴⁸ is a landmark example of Nigeria's rising competency in international arbitration, in which Nigerian lawyers successfully overrode a \$6.6 billion award, proving expertise with complex cross-border disputes.⁴⁹ Nigeria's booming digital economy, fueled by fintech innovation, placed demand on specialized legal talent, complemented by the Central Bank of Nigeria Act 2007,⁵⁰ regulating digital financial services. The 2004 Nigerian Copyright Act⁵¹ has also encouraged specialization in IP so that lawyers can specialize in issues like software licensing and protection of digital content within the broader context of globalization.

Specialization not only brings in international clients but also reinforces Nigeria's status as a hub of legal expertise in Africa, leveraging its fast-growing economy and location within the African Continental Free Trade Area (AfCFTA).⁵² By developing expertise in these fields, Nigerian lawyers can serve foreign clients and aid national development.

ii. Economic Benefits

Legal service globalization supports economic progress through the encouragement of foreign direct investment (FDI) and strengthening the economic integration of Nigeria. The Nigerian Investment Promotion Commission Act 2004⁵³ offers an invitation for FDI by providing a legal environment for foreign investors who make decisions based on effective legal services to do

⁴⁷ Adebayo, A. O., (n) 4.

⁴⁸ (2020) EWHC 2379 (Comm).

⁴⁹ Elias, G., (n)14.

⁵⁰ Cap C4 Laws of the Federation of Nigeria (2007).

⁵¹ Cap. C8 Laws of the Federation of Nigeria (2004).

⁵² Adebayo, A. O., (n) 4.

⁵³ Cap. N117 Laws of the Federation of Nigeria (2004).

business in Nigeria. Judicial support towards economic integration is evidenced in *Attorney-General of Lagos v. AG Federation*,⁵⁴ where the court upheld the legitimacy of federal investment policies, which informs the service of legal services in economic development.⁵⁵ In the same breath, exports of legal services, facilitated by GATS and ETIP, underpin Nigeria's GDP by the existence of overseas clients and trans-border commerce. As an example, ETIP promotes arrangements whereby Nigerian law firms can act for UK-based clients, creating revenues and jobs. Such economic benefits underscore the prospects of legal services to drive Nigeria's growth in an age of globalization.⁵⁶

iii. Technological Development

Globalization introduces advanced legal technologies that enhance the efficiency and accessibility of Nigeria's legal services. Platforms like Law Pavilion and Case Mine have revolutionized legal research and case management to enable lawyers to access vast databases of case law and statutes.⁵⁷ The Nigerian Supreme Court's Electronic Filing Practice Directions 2024 have legalized e-filing and virtual hearings as official, aligning with the global trend of legal technology.⁵⁸ The judiciary has embraced the utilization of technology for access to justice improvement in *Okeke v. Law Society*,⁵⁹ as a stepping stone towards digitalization. But limited internet penetration at 37% in rural areas limits mass utility of the development.⁶⁰ Global trends towards use of AI-driven platforms such as ROSS Intelligence demonstrate Nigeria's ability to be more efficient and competitive by leveraging technology.⁶¹ Spending on digital infrastructure would enable Nigeria to leverage these innovations to close gaps in delivery of legal services and retain foreign clients.

vi. Global Networks

Globalization enables Nigerian law firms to be members of global networks, supporting cooperation and knowledge sharing. G. Elias is one of the firms that has joined networks like

⁵⁴ (2004) 18 NWLR (Pt. 904) 1.

⁵⁵ Oladele, O. O., *Supra* (n) 7.

⁵⁶ Adebayo, A. O., (n) 4.

⁵⁷ Oji, T. O., (n) 38.

⁵⁸ See Supreme Court's Practice Direction on E-filing, 2024.

⁵⁹ (2018) 14 NWLR (Pt. 1638) 96.

⁶⁰ Nigerian Communications Commission, *Annual Report on Internet Penetration* (2023).

⁶¹ Susskind, R., *Tomorrow's lawyers: An introduction to your Future* (2nd ed.) Oxford University Press (2017).

Multilaw, obtaining foreign skills and client lists.⁶² Agreements like the Nigeria-UK Enhanced Trade and Investment Partnership enable this by supporting knowledge exchange between UK and Nigerian law firms, enhancing capacity development. These networks provide Nigerian lawyers with channels through which they can collaborate on cross-border transactions, such as mergers and acquisitions, and acquire global best practices.⁶³ Access to Multilaw, for instance, opens up opportunities for Nigerian firms to manage multinational corporations, expanding their clientele base.⁶⁴ Through international connections, Nigerian law firms are made more competitive, gain foreign clients, and improve professional training in line with Nigeria's AfCFTA pledge to regional integration.⁶⁵

V. Judicial Reforms

Judicial reforms in Nigeria are spearheaded by globalization through the adoption of alternative dispute resolution (ADR) and electronic court systems that enhance access to justice. The National Industrial Court Act 2006⁶⁶ promotes ADR mechanisms like mediation and arbitration, curing court congestion and in line with the global standard.⁶⁷ The Supreme Court Practice Directions on Electronic Filing 2024 have arrived with e-filing and online hearings, improving judicial efficiency. These reforms are also in line with global trends since, in places like Singapore, online courts allow increased access to justice.⁶⁸

GATS supports such reforms through the promotion of open and efficient legal systems, which can be used by Nigeria to woo international disputes. Increasing ADR and digitalization can assist Nigeria in reducing the cost of laws and the improvement of access to justice, particularly for marginalized groups.⁶⁹ These reforms position Nigeria as a regional hub for resolving disputes under the AfCFTA regime and maximizes Nigeria's integration with the world.⁷⁰

⁶² Elias, G., (n) 14.

⁶³ Flood, J., Supra (n)29.

⁶⁴ Elias, G., (n) 14.

⁶⁵ Adebayo, A. O., (n) 4.

⁶⁶ Act No. 37 Laws of the Federation of Nigeria.

⁶⁷ Uzoukwu v. Ezeonu II (1991) 6 NWLR (Pt. 200) 708.

⁶⁸ HiiL, (n)23.

⁶⁹ Ibid.

⁷⁰ Flood, J., (n) 29.

4.1 Hurdling Foreign Lawyers' Practice in Nigeria

Globalization of legal practice offers great chances for Nigeria's legal profession but are bound by massive constraints hindering the practice of foreign attorneys.⁷¹ Regulating barriers, professional and moral disparities, infrastructural and technological disparities, and socio-economic and cultural barriers pose a challenging framework for foreign legal experts, limiting Nigeria's integration into the international legal market.⁷² These barriers are contrary to Nigeria's obligations under the General Agreement on Trade in Services (GATS) and Nigeria-UK Enhanced Trade and Investment Partnership (ETIP), and thus reforms have to be carried out to meet international standards.⁷³ Some of the obstacles in this path are discussed below:

Regulatory Barriers

Nigeria's legal system severely restricts foreign lawyers' practice, primarily by the Legal Practitioners Act 2004, which disallows legal practice by anyone not registered with the Nigerian Bar.⁷⁴ The Act requires foreign lawyers to be re-qualified in their entirety, which is a lengthy and unrealistic activity for temporary or specialist work.⁷⁵

This restraint has been justified in *NBA v. AG Federation*,⁷⁶ wherein the Nigerian Bar Association's right to regulate practice was upheld by the Supreme Court at the expense of foreign practitioners. The Nigerian Oil and Gas Industry Content Development Act 2010 exacerbates these hindrances even more as it makes provision for the use of Nigerian experts in the oil and gas industry, one of the principal fields of international legal practice.⁷⁷ These provisions clash with Nigeria's GATS Mode 4 obligations, which promote the temporary entry of natural persons, among them lawyers, to provide services. The lack of mutual recognition agreements (MRAs) for foreign legal qualifications also constrains cross-border practice, as compared to other jurisdictions such as the UK.⁷⁸

⁷¹ Adebayo, A. O., (n) 4.

⁷² Ibid

⁷³ Oladele, O. O., (n) 7.

⁷⁴ See Legal Practitioners' Act, 2004

⁷⁵ Adebayo, A. O., (n) 4.

⁷⁶ (2021) 15 NWLR (Pt. 1795) 123.

⁷⁷ Act No. 2 of 2010, Laws of the Federation of Nigeria.

⁷⁸ Flood, J., (n) 29.

ETIP, which promotes UK-Nigeria legal cooperation, is eroded by such regulatory restrictions because Nigerian law firms find it difficult to cooperate with foreign firms. These prohibitions not only limit foreign lawyers' access, but also hinder Nigeria's competitiveness in the reception of foreign clients, becoming less competitive within the African Continental Free Trade Area (AfCFTA).⁷⁹ Breaking these regulatory barriers entails amending the Legal Practitioners Act to give temporary licenses and signing MRAs to promote cross-border practice.

Ethical and Professional Issues

Professional and ethical variations pose a Herculean challenge to foreign lawyers in Nigeria, particularly to its pluralistic system of law, which integrates common law, customary law, and Sharia law. The Rules of Professional Conduct for Legal Practitioners 2007 guide Nigerian lawyers' behavior, emphasizing obligations like courtesy to the court and confidentiality of clients, but these are abnormally different from International Bar Association (IBA) standards, emphasizing global ethical expectations. In Sharia courts, Islamic law-based ethical norms such as restrictions on representation in certain disputes pose additional challenges for foreign lawyers to comprehend these traditions, as seen in *Adegboruwa v. Lagos State*,⁸⁰ where local ethical norms were reaffirmed by the court.

The requirement for foreign lawyers to requalify to the full level of Nigerian law, rather than obtain temporary accreditation, poses additional challenges in the area of professional integration.⁸¹ This is compared to nations like Singapore, where international law cases are practiced under limited licenses by foreign lawyers.⁸² These variations discourage cross-border collaboration due to the inability of foreign lawyers to work within Nigeria's unique ethical measures. Internationalization of ethical standards should be adopted to facilitate foreign practice while maintaining professional integrity.

Infrastructural and Technological Gaps

Infrastructural and technological gaps greatly limit foreign lawyers from practicing effectively in Nigeria, particularly due to limited internet access and insufficient legal technology infrastructure.

⁷⁹ Oladele, O. O., (n) 7.

⁸⁰ (2016) 9 NWLR (Pt. 1516) 132.

⁸¹ Oladele, O. O., (n) 7.

⁸² Flood, J., (n) 29.

It was estimated that only 37% of rural communities are discovered to have good internet connectivity, hindering the rollout of digital tools essential for practice across borders.⁸³ Platforms like Law Pavilion and Case Mine have improved legal research and case management, but their effectiveness is undermined by internet connectivity issues.⁸⁴ The judiciary has progressed in terms of digitalization, as seen in *Okeke v. Law Society*,⁸⁵ which favored the use of technology to enhance access to justice, and the Supreme Court Practice Directions on Electronic Filing 2024. However, these innovations are city-based, and rural lawyers and foreign attorneys are disadvantaged due to their reliance on digital resources. Compared to societies like Singapore that have established sophisticated legal tech ecosystems to allow unencumbered practice, Nigeria's infrastructure shortages do not allow foreign lawyers to leverage tools like AI research platforms.⁸⁶ Subsidies on legal technology and the investment in broadband are necessary in filling these gaps in order to reach the international standards.

Socio-Economic and Cultural Barriers

Socio-economic and cultural problems further limit foreign lawyers' practice in Nigeria because of expensive legal charges and protectionism.

Research indicates that merely 5% of Nigerians employ lawyers owing to unaffordability, while high lawyer fees deter both domestic and foreign clients.⁸⁷ This economic protectionism constrains foreign lawyers' access to the market, since local practitioners are preferred due to their perceived lower costs.⁸⁸ Cultural protectionism, in this case based on Nigeria's pluralistic legal tradition, generates resistance to foreign lawyers, especially in customary and Sharia courts, where indigenous norms prevail.⁸⁹ The *Fawehinmi v. Nigerian Bar Association* case confirmed the Nigerian Bar Association authority in granting preference to domestic practitioners, a sign of deep-rooted protectionist tendencies.

⁸³ Nigerian Communications Commission, Annual Report on Internet Penetration (2023).

⁸⁴ Oji, T. O., (n) 38.

⁸⁵ (2018) 14 NWLR (Pt. 1638) 96.

⁸⁶ Susskind, R., (n)61.

⁸⁷ HiiL, "The HiiL Justice Needs and Satisfaction" Report 2025

⁸⁸ Oladele, O. O., (n) 7.

⁸⁹ Adebayo, A. O., (n) 4.

Such cultural hurdles render it challenging for foreign attorneys to become acclimatized, as they must study new legal cultures and society norms.⁹⁰ Its mitigation demands public sensitization efforts and the expansion of legal aid to access more justice and mitigate resistance to foreign practice.⁹¹ These hindrances collectively undermine Nigeria's ability to best leverage the potential of globalization, necessitating special reforms to adapt to GATS and ETIP commitments.

5.0 Discussion of Findings

The analysis of the impact of globalization on Nigerian legal services illustrates a complex interplay of opportunities and challenges, primarily for foreign lawyers, who intend to practice in Nigeria. Based on legislation, case law, and recent scholarly literature (2020–2025), the findings outline regulatory, ethical, infrastructural, and socio-economic challenges that hinder Nigeria's integration into the international legal market.

The details of such findings are provided thus:

1. Regulatory Limitations:

Nigeria's regulatory system puts substantial hurdles in the way of practice by foreign lawyers, by and large through the Legal Practitioners Act 2004, which limits legal practice to those enrolled on the roll of the Nigerian Bar.

This is a limitation that was judicially upheld by the apex Court of Nigeria, and it demands full requalification of foreign lawyers, a step that is unrealistic for short-term or specialized work. Similarly, the Nigerian Oil and Gas Industry Content Development Act 2010 limits foreign presence by setting local experts above other individuals in high-value sectors like oil and gas, a high-profile area of international legal practice. The legislation opposes Nigeria's GATS Mode 4 commitments, which seek to advance the temporary movement of experts, including lawyers. The absence of mutual recognition agreements (MRAs) for foreign legal qualifications exacerbates these impediments, in contrast to some jurisdictions like the UK, where MRAs exist. Such regulatory barriers discourage Nigeria from accessing foreign clients and participating in the

⁹⁰ Flood, J., (n)29.

⁹¹ HiiL, (n) 87.

African Continental Free Trade Area (AfCFTA), thus limiting economic benefits from legal services exports.

2. Ethical Limitations:

From the analysis aforesaid, it's obvious that ethical variations in the pluralistic justice system in Nigeria create severe challenges for foreign lawyers. The Legal Practitioners' Rules of Professional Conduct 2007 are aberrant from International Bar Association (IBA) rules, particularly in Sharia courts, where provisions such as restraints on particular representations hinder foreign practice. The *Adegboruwa v. Lagos State* case demonstrated the judiciary's compliance with local ethical standards, requiring foreign lawyers to adapt to unknown standards. The requirement for wholesale requalification under Nigerian law, rather than provisional accreditation, also deters foreign lawyers, limiting cross-border collaboration. The differences in professionalism and ethics stall Nigeria's integration into the global market of laws, because foreign lawyers struggle to adapt to the unusual ethical climate. Aligning local needs with global standards, such as the IBA's, is key to facilitating foreign practice while maintaining local integrity.

3. Infrastructural Deficit:

Technology and infrastructural gaps significantly constrain effective practice by foreign lawyers in Nigeria. Stable internet is available in only 37% of rural areas, which discourages access to legal tech platforms such as Law Pavilion and Case Mine that are critical to cross-border practice. Initiatives by the courts to adopt technology, such as in *Okeke v. Law Society's* case and the Supreme Court Electronic Filing Practice Directions 2024, are evidence of proactive measures toward digitalization, but infrastructural weaknesses, particularly in rural Nigeria, constrain their reach. Compared to countries like Singapore, where legal tech ecosystems are crafted to enable easy practice, Nigeria's lacunae limit foreign lawyers from relying on digital technology. Such lacunae limit Nigeria from tapping into globalization's technologically fueled benefit, requiring monumental investments in broadband and legal tech infrastructure.

4. Socio-Economic Obstacles:

Socio-economic barriers like costly legal costs and protectionist emotions also limit foreign lawyers' practice in Nigeria. The HiiL Justice Needs and Satisfaction Report of 2025 identifies that a mere 5% of Nigerians make use of lawyers due to affordability concerns deterring local and

international clients from engaging foreign practitioners. Protectionist sentiments, supported by *Fawehinmi v. Nigerian Bar Association's* case, are centered on local attorneys, creating a resistance to foreign participation. Cultural resistance in Sharia and traditional courts, where local culture dominates, renders integration difficult for foreign lawyers who are unaware of these cultures. These socio-economic, cultural barriers restrict access to justice and Nigeria's integration into the global society, and thus the need for public sensitization and enhanced legal aid to reduce resistance and enhance inclusiveness.

5. Under Utilization of GATS and ETIP:

Nigeria's GATS and ETIP commitments remain underutilized due to regulatory and structural barriers. GATS Mode 4 enables temporary movement of lawyers, but the Legal Practitioners Act 2004 restricts implementation through requiring full registration. UK-Nigeria cooperation on the law is promoted by ETIP through alliances and knowledge transfer, but legislation on local content, such as the Nigerian Oil and Gas Industry Content Development Act 2010 handicaps success. Nigeria's failure to negotiate MRAs also postpones liberalization compared to those with accommodating frameworks. The study, therefore, highlights the need for regulatory reforms to be international obligations-sensitive in order to enable Nigeria to capitalize on GATS and ETIP opportunities and improve global competitiveness.

These findings highlight the multifaceted barriers hindering foreign lawyers' practice in Nigeria, from restrictive regulations to socio-economic challenges. Their resolution is key to positioning Nigeria as a paragon for the African legal services sector while ensuring equal access to justice.

5.1 Summary of Findings

The appraisal specifies that globalization offers Nigeria's legal sector vast opportunities like specialization in fields like international arbitration, fintech, and intellectual property, as is evident in the Nigerian success case in *P&ID v. Federal Republic of Nigeria*. Such opportunities ensure economic growth and technology development, improving Nigeria's competitiveness at the global level. However, the regulatory barriers of the Legal Practitioners Act 2004, inhibiting practice by anyone but Nigerian-enrolled lawyers, and the Nigerian Oil and Gas Industry Content Development Act 2010, limit the space for foreign lawyers. Ethical variations in the pluralistic

legal system of Nigeria, particularly in Sharia courts, render foreign practice difficult, as seen in *Adegboruwa v. Lagos State*.

Infrastructure deficits, with a paltry 37% rural internet access, hinder legal tech adoption, despite judicial efforts like the Supreme Court's Practice Directions on Electronic Filing 2024. Socio-economic limitations, including the exorbitant legal services fee affecting 95% of Nigerians and protectionism feelings imposed by the decision in *Fawehinmi v. Nigerian Bar Association*, further restrict foreign lawyer entry. Nigeria's failure to utilize GATS and ETIP due to regulatory tensions limits its integration into the global world, hence the need for mutual recognition agreements (MRAs).

5.2 Implications for Nigeria's Legal Profession

The findings of this study have profound implications for Nigeria's legal profession and its position in the global and African markets. Regulatory and ethical limits, as seen in *NBA v. AG Federation* and *Adegboruwa v. Lagos State*, limit Nigeria's ability to host international clients and conduct business in AfCFTA, reducing economic benefits from legal services exports. Infrastructure gaps expand urban-rural disparities, making access to justice and foreign lawyers' reliance on legal tech platforms like Law Pavilion quite limited. Socio-economic challenges, including over-spending and protectionism, sustain an urban-controlled judicial market, marginalizing rural populations and deterring foreign investment. Non-compliance with GATS and ETIP threatens prospects of collaboration and knowledge exchange, particularly with jurisdictions like the UK. However, the implementation of the proposed reforms temporary licensing, ethical harmonization, and investment in infrastructure would render Nigeria a regional hub for legal services by leveraging its large economy and geographic position in AfCFTA.

5.3 Myths and Realities

To make such opportunities a reality, the Nigerian Bar Association (NBA), government, and all other concerned parties must act decisively in pursuing the proposed reforms. Updating the Legal Practitioners Act 2004 to facilitate temporary licensing and GATS negotiations of MRAs would facilitate cross-border practice. Investment in broadband infrastructure and legal technology, noted in such jurisdictions as Singapore, would bridge infrastructural gaps. Public education drives and enhanced legal aid programs are needed to reduce socio-economic barriers and protectionist

mindsets to achieve parity in access to justice. Additional research is required to explore AfCFTA's specific impact on the legal service trade and develop unique strategies for Nigeria's plural legal system. With these measures in place, Nigeria can balance international integration with internal requirements, creating a vibrant and inclusive legal profession facilitating economic growth and regional leadership.

6.0 Recommendations

The findings above illustrate key barriers to foreign lawyers' practice in Nigeria, including regulatory barriers, ethical discrepancies, infrastructural shortfalls, and socio-economic impediments that restrict Nigeria's integration into the global market for legal services. These are contrary to Nigeria's commitments under the General Agreement on Trade in Services (GATS) and the Nigeria-UK Enhanced Trade and Investment Partnership (ETIP), and hence require certain reforms to drive competitiveness while safeguarding domestic interests. This section recommends actionable suggestions on five fronts: regulatory reforms, ethical harmonization, infrastructural development, socio-economic interventions, and compliance with GATS and ETIP frameworks. These recommendations aim to transform Nigeria into a flagship for the African market for legal services under the AfCFTA regime.

i. Regulatory Reforms

To surmount regulatory obstacles, Nigeria would need to amend the Legal Practitioners Act 2004 to facilitate temporary licensing for foreign lawyers to practice in specialist fields like international arbitration without full requalification. The precedent sets in the case of *NBA v. AG Federation* provides judicial approval for regulation, but accommodation is necessary to fall in line with global practices. Looking to Singapore's practice of permitting foreign lawyers to practice under limited licenses, Nigeria can establish a regulatory sandbox to test cross-border model frameworks. Besides, Nigeria must put in place mutual recognition agreements (MRAs) on foreign legal qualifications, encouraged by GATS Mode 4, to facilitate temporary practice. The Nigerian Oil and Gas Industry Content Development Act 2010 may be modified to permit foreign lawyers in specialized areas, like oil and gas arbitration, to permit foreign direct investment (FDI). These reforms would make Nigeria more competitive without diminishing regulatory control.

ii. Ethical Harmonization

Differences in ethics, particularly in the plural legal system of Nigeria, should be harmonized with international standards in order to adapt foreign practice. The Rules of Professional Conduct for Legal Practitioners 2007 should be revised to include International Bar Association (IBA) standards to achieve harmonization in such topics as client confidentiality and conflict of interest, especially in Sharia jurisdictions. The use of temporary accreditation for foreign lawyers, as in the case of the UK jurisdiction, would offer a means of avoidance of full requalification and enhance cross-border working. The Nigerian Bar Association (NBA) should develop training schemes to expose foreign lawyers to Nigeria's common law, customary law, and Sharia law regimes in response to challenges highlighted in *Adegboruwa v. Lagos State's* case. The training schemes can borrow from IBA's global training schemes, enhancing cross-knowledge and ethical compliance. Harmonization in this manner would enable foreign lawyers to practice well without offending Nigeria's legal traditions.

iii. Infrastructural Improvements

The technological and infrastructural shortfalls, particularly poor internet penetration, prevent foreign lawyers from accessing legal tech in Nigeria. The government can invest in expanding broadband to rural communities so that it exceeds the present 37% penetration level as reported by the Nigerian Communications Commission. Subsidizing legal technology platforms like Law Pavilion and Case Mine would enhance access for foreign and local counsel, following judicial endorsement in *Okeke v. Law Society* and the Supreme Court's Practice Directions on Electronic Filing 2024. Partnerships with foreign tech firms, for example, developing AI-based platforms like ROSS Intelligence, could tailor solutions to Nigeria's multi-religious legal heritage, as suggested by global trends. Such reforms would bridge urban-rural disparities and bring Nigeria into line with advanced legal tech platforms like Singapore's, opening free cross-border practice.

iv. Socio-Economic Interventions

Socio-economic barriers, like costly laws and protectionism mindsets, require targeted interventions in order to enhance access to foreign lawyers. Scaling up legal aid programs, as recommended by scholars, like HiiL, would address affordability issues as 5% of Nigerians obtain access to lawyers due to the restrictive prices. Public awareness campaigns led by the NBA need

to combat protectionist ideology driven by the decision in *Fawehinmi v. Nigerian Bar Association*, highlighting the importance of foreign lawyers' expertise in fields like arbitration and fintech. Cultural training for foreign lawyers, focusing on traditional and Sharia courts, would reduce opposition by facilitating stronger integration into Nigeria's plural legal framework. Interventions in these areas would increase access to justice and enhance inclusiveness, aligning with Nigeria's AfCFTA goals of regional competitiveness enhancement.

v. Alignment with GATS and ETIP

To apply GATS 1995 and ETIP 2022, Nigeria should negotiate MRAs under GATS Mode 4 for cross-border practice with lessons drawn from UK models. Expanding ETIP provisions on UK-Nigeria legal partnerships, such as joint ventures and knowledge transfer arrangements, would enhance capacity building for Nigerian firms. A task force consisting of members from the NBA, Ministry of Justice, and Ministry of Trade has to be constituted to coordinate national laws like the Legal Practitioners Act 2004 with international obligations in a way that does not compromise compliance but protects local interests. These initiatives would allow Nigeria to take advantage of GATS and ETIP prospects, securing foreign investment and legal expertise and making Nigeria a regional hub in AfCFTA.

These recommendations chart the path for Nigeria in overcoming challenges in foreign lawyers' practice, enabling increased global integration while ensuring level access to legal services. Implementation requires inter-stakeholder collaboration, including the NBA, government, and international stakeholders, to balance globalization advantages with national interests.

7.0 Conclusion

This study has explored the influence of globalization on Nigeria's legal services, introducing both its benefits and issues into the profession, particularly to foreign lawyers. The study has used doctrinal analysis of legislation, court judgments, and new scholarship (2020–2025). Findings-based recommendations constitute a blueprint for Nigeria to increase its competitiveness globally and accommodate local interests. Despite Nigeria's commitment under the General Agreement on Trade in Services (GATS, 1995) and the Nigeria-UK Enhanced Trade and Investment Partnership (ETIP, 2022), there remain some key problems necessitating well-targeted reforms towards making Nigeria a regional champion of the African legal services market within the African

Continental Free Trade Area (AfCFTA) regime. This conclusion synthesizes the findings, offers remarks on their implications, and issues an appeal to reformers and researchers to conduct additional research.