

Interview with

Edna Udobong

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By Luciana Sánchez

“Human Rights and Investments Have Some Issues in Common”

Edna Udobong is Vice-Chair of the American Bar Association (ABA) Section of International Law's Committee on Non-Governmental Organizations and Not-For-Profit Organizations. She is also a member of the ABA's African Committee. Udobong, a Nigerian attorney, practices in Atlanta, where she has specialized in representing international organizations, investors in the United States, and developing countries in multilateral and bilateral investment negotiations. She holds a master's degree from Harvard University, where she specialized in Law and Public Policy, and has taught at the University of Georgia and George Marshall Law Schools. In the context of her efforts with the ABA, she works with a global network of experts in policy, international trade, science and technology and the rule of law.

► **You have been practicing law in the U.S., Nigeria and at international level. What are the main differences that you have observed in the practice of law in these three environments?**

My law practice in Nigeria was remarkably different from my practice in the United States. My first experience is that in the United States, the dress code is formal. There are no British-styled robes requirements to appear before a judge. In Nigeria, lawyers wear the wig and gown but that is not the case in the U.S. Secondly, the calendars move faster

in the United States, possibly due to technology and resource availability. Finally, Nigeria and the United States are both common law jurisdictions and the laws are simply modified to suit modern legal issues.

► **You have been working in the fields of human rights and investments. Do clients demand different skills from you in each field? Do you find that these fields share a great deal or that they are very different?**

I have not done much work in the fields of human rights and investments, but I have done work on human rights and the environment. However, I know that those two fields require different skills. To understand the impact of human rights on investments, one has also to understand the relationship between economics and human rights. For example, human rights violations in some countries do affect their economies through foreign investment. Corporate responsibility and accountability are issues of modern day investment for multinational corporations operating in foreign countries. Environmental damages caused as a result of foreign investments have, in some cases, led to human rights abuses. There are several cases on this issue currently in United States courts. Human rights and investments have some issues in common.

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▶ **What are the main challenges of working at the international level as compared to the local level?**

A major challenge for an international lawyer is the ability to understand transnational issues in litigation and judgment enforcement. An attorney's ability to practice in a particular environment depends on the laws of the jurisdiction.

▶ **You have represented international organizations, investors in the United States, and developing countries in multilateral and bilateral investment negotiations. Can you tell us about the main tasks involved in this kind of legal work?**

The main task in representing an investor is serving your client's needs. My work with the United Nations helped me to represent the interests of the international community, as a body, in compliance with international agreements.

▶ **How does the legal environment of developing countries affect investors' decisions? Which aspects of the laws of the country receiving the investment do you have to look at? For example, does criminal law matter, or just provisions on capital mobility?**

The legal system of a foreign country is important to an investment environment. The independence of the judiciary and the enforcement of judgments are essential for economic growth. The legal system of any country reveals the level of stability and the respect that system has for the rule of law. If a legal system is inadequate and does not respect the rule of law, an investor would be running the risk of spending capital in that country. The professional population and the educational system are relevant to sustainable investment. Where the educational system is inadequate and with few resources for skills development, the investor must develop a program for improving the skills and education for the country's young population. Security is important as well as law and order. The laws of the country and a host of other issues may be considered but a legal system without the independence of the judiciary is not an environment for long-term investment.

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▶ **If you were to make suggestions regarding reforms in the law and court system of a country that is trying to attract foreign direct investment, what would you recommend that is good for both the country and foreign investors? Does "rule of law" really matter?**

Respect for the rule of law matters and that is a good place to begin a reform program.

▶ **You are also a law professor. What are the key skills that legal education has to provide for prospective lawyers? What qualities make a U.S.-educated lawyer different from others, particularly those who work at the level that you work at?**

Knowledge of the law and the ability to think and write as a lawyer are important qualities for any prospective lawyer. The ability to communicate knowledge of the law in an analytical and logical fashion is important.

▶ **Do you think that practicing law is different for women? If so, how? Does the entry of more and more women into the legal profession change how law is practiced? Are women changing the law?**

Women are definitely changing the law in many ways. Practicing law is different for women lawyers because of the aggressive nature of the profession. However, the role of women in our modern society makes it more and more important that women speak up and join in diverse discussions on issues that concern their future and the society. If women have the ability to shape the way their families are viewed in public, they do an even better job of imposing discipline in a community where they can impose legal values. The role of women lawyers is invaluable to our current day society.

▶ **What is your role in the ABA Section of International Law?**

I am currently the Vice-Chair of the Section's Committee on Non-Governmental Organizations and Not-For-Profit Organizations. I am also an active member of the African Committee.

▶ **What kinds of services do American lawyers request of the Section of International Law?**

U.S. lawyers look to the Section for networking opportunities. U.S. lawyers look to foreign lawyers for advice on local laws and enforcement issues. The section is also a place to learn about foreign legal systems and how to work in them.

▶ **You were also able to work for the bar association in Nigeria. Once again, are there differences between the services that law associations provide and lawyers look for in both countries? If so, can you mention the most relevant ones?**

I cannot think of any differences. All legal associations, in most countries that I am familiar with, have a policy to promote and advance the rule of law in that country. The services that lawyers demand are similar. Any difference would probably be on what may be available to the association and how they accomplish that goal. The bar associations are a network group and continuing legal education community.

▶ **Why do you think that those differences and similarities exist?**

I cannot think of any major differences.

▶ **In your opinion, what role do lawyer's associations play in a country's legal environment? Do these associations provide services beyond the legal community?**

The role of a bar association is to develop the legal society and enhance the legal system of that country. Some legal societies also provide pro bono work for the community and education programs. Definitely, there are services a bar society should provide its community to better build the knowledge of the community on their rights and responsibilities.

▶ **What services does ABA provide in terms of the "lawyers' market" in the U.S. and what are its goals in this regard?**

The ABA website www.abanet.org has a variety of information on what the ABA does and how it accomplishes its goals. The ABA is an accomplished bar

association and one with a good model to work from. It provides a variety of services to lawyers in the United States.

▶ **And regarding the "judges' market"? Does ABA play any role in their appointment or dismissal?**

The ABA gives its opinion but appointments are political, in my view.

▶ **In your opinion, is judicial compensation an issue in attracting qualified candidates to the bench?**

Not necessarily. I do not think that compensation is an issue because an appointment to the bench is an honor and a great service to any country. I think security should be a major issue, from what we now know.

▶ **The ABA is very influential in the U.S., particularly in that it provides a certain "unification" of legal rules in a federal country. For example, in the field of corporate law, as well as in other fields, the ABA has provided guidelines that help bring uniformity to the country's legal environment. Does the Section of International Law aspire to provide the same kind of services at the international level? In which fields do you think it is more critical to provide some legal uniformity (trade, corporate governance, human rights, etc.)?**

The international section of the ABA has worked and continues to work to provide codes of conduct and model rules of practice at the international level. For example, in my committee, we have discussed issues like model codes for non-governmental organizations and compliance issues.

▶ **In your legal career, what has made you feel proud of yourself?**

I am proud that my legal career offers me the opportunity to assist my community and transfer knowledge to the legal community in other countries, as needed. It is a place of service for me, and I am humbled by the opportunities it offers me.

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► **What advice would you offer to someone who is contemplating a career in the legal profession?**

My advice to anyone who contemplates a career in the legal profession is that the legal profession is a career of service and belongs to those who are interested in human development. It is a rewarding profession when appropriately applied to community needs. ■

