

THE 3RD ALAYANDE LECTURE

Law And Education Of A Nation: Nigeria In Perspective

By Justice Ayo Phillips

It is a wonderful privilege to stand before this distinguished audience today to deliver the 3rd Venerable Emmanuel Alayande Memorial lecture in honour of our great Papa, 'oga' and mentor the late Venerable Emmanuel Alayande, Principal of the school from 1948 till 1968. May his soul and the souls of all our dear departed continue to rest in perfect peace. Amen.

I should state here that when Professor Ogugua Aworh, the President of the Ibadan Grammar School Old Students Association, phoned me some 5 months ago and dropped the bombshell on me that the National Executive of the Association had nominated me to deliver this very important Lecture I was quite hesitant for two reasons; first was my rather very busy schedule and second the fact that I am not much of a teacher. However, I was persuaded to accept because the two years I spent as a Higher School student in Ibadan Grammar were years of personal self-discovery so this is my way of paying back.

I was further encouraged by the fact that the two earlier Lectures were delivered by two very eminent Nigerians and accomplished old students, namely Prof. Akin Mabogunje, one of the nation's most outstanding and accomplished scholars, and Prof. Oladapo Afolabi, a former Head of Service of the Federation. I have therefore consoled myself that I am now in very good company.

As a young impressionable teenager fresh from Queens College, Yaba, Lagos, I arrived at the school premises here in Molete on that fateful day in January 1967 full of trepidation as to what I was to experience in a mixed school along with some excitement as to what the future was to hold for me. I took a very deep breath and after I got over the culture shock I proceeded to spend two very wonderful years here as an HSC student. I must confess I lived off bread and butter and crackers and jam for most of the time I spent here, as I could not enjoy the 'obu grama' or any of the other such 'delicacies' that Baba Raji churned out from his kitchen. The saying goes however that 'man does not live by bread alone' so I survived very well and so soon the two wonderful years were over and I was now more than prepared for University life and what lay in store for me in the Higher Institutions I attended. Needless to say those two years impacted very positively on my career and assisted the modest professional achievements that I parade today. If I had my life to live all over again that is one part of my life that I will certainly not do any differently.

The convergence of policy, law, attitude and discipline of administrators, teachers and students made education desirable and a worthwhile venture to pursue not necessarily in private schools which were at that time very few, but in public schools such as Ibadan Grammar School with a pedigree that matched contemporary international standards of the time. Alas, the same cannot be said of standards in the schools of today.

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Between 1967 and 1968 when I was in this school, the entire school population including the HSC students was about 1000 students. The pupils came from all over the country same as the teachers. I remember with fondness Miss Langa our Housemistress a South African lady who ruled the female dormitory with an iron hand. The Principal knew all the students by name and he also knew our parents. The teachers earned a competitive wage, were paid regularly and were very professional. The infrastructure and teaching aids were adequate for our needs and the policy of Government on education was clear. In those days, Ibadan Grammar School was *primus inter pares* and it is no accident that products of this illustrious citadel of learning have contributed and are still contributing positively to humanity in their various endeavours. I must commend efforts by the school authorities, the alumni body as well the Oyo State Government in ensuring that despite falling standards all over, this great school still continues to rank among the best in the country.

Here in Nigeria, just before the end of 2013, Public Universities resumed from a six-month strike, which kept students at home. As I speak here today there are still pockets of strikes in various Tertiary Institutions across the country either for collective demands of Labour Unions or due to isolated demands of the undergraduates in individual institutions. The time lost to strike actions in the lives of our children cannot be regained no matter how hard all those affected may try. Perhaps the individually well talented and brilliant students will quickly overcome the negative impact of such a dysfunction in the educational system and still shine in their academic pursuits. However, the majority of average students who need constant intervention with the school system until they fully stabilise may not fare as well. Besides, the cost in the physical and emotional well being of many struggling students cannot be over emphasised. The traumatised parents, who continue to provide for their children after their education is even more pathetic as even after a protracted period of study these undergraduates still cannot find jobs long after their national service year. This is indeed a very sad state of affairs.

Education is the bedrock of any nation. It is fundamental to the essence of every individual and shapes the destiny of every nation. According to a popular Chinese saying if you are planning for a year, sow rice; if you are planning for a decade, plant trees; if you are planning for a lifetime, educate people.

Our nation today faces myriads of challenges. Our institutions are challenged, our security is under threat. Corruption is endemic. I posit that we got to this sorry state because our educational system was compromised. After all as Socrates the Greek Philosopher once said; “There is only one good, knowledge, and one evil, ignorance.”

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Evils such as Boko Haram can only thrive in the midst of ignorance and prejudice. As the legendary American Poet Maya Angelou once said, “When you know better you do better.” Charlotte Bronte the famous Novelist stated in her well read Novel ‘Jane Eyre’ that—

“Prejudices, it is well known, are most difficult to eradicate from the heart whose soil has never been loosened or fertilised by education: they grow there, firm as weeds among stones.”

On account of the foregoing and in the realisation of having spent all my adult working career as lawyer and later a Judge of the High Court I could not but link the subject of education with law in this regard. I therefore decided to speak on Law and Education as my topic for this lecture.

It is important to start this discussion by pointing out that education in Nigeria did not start as a Government initiative but as a purely private enterprise. This fact is necessary because (i) we will be discussing law and education with emphasis on Nigeria’s educational development (ii) because there is the tendency for us to lose track of the fact that educational development in Nigeria started independently of the deployment of the law and lastly (iii) there is the tendency for us, in the light of Government’s massive contribution to the educational sector today, to assume that Government was the originator. Hence, it is better to point this out here. It is equally necessary to point out here that the very first education law: the 1882 Education Ordinance, which will be examined later, was passed to complement the existing educational framework, to reinvent and to redirect the objectives of education purely on national need. The reason was because the Colonial Government’s interest then was purely economic and political. This same reason has at one time or the other influenced the formulation of educational policies till date. This will be the premise of this paper.

CONCEPTUAL CLARIFICATIONS

Law as will be used in this paper will mean formal legislation and not the customs or customary law of the people. Secondly, reference to Government here means the Colonial Government, the Federal Government of Nigeria or the State Government as the context may permit without any reference to traditional Government. Thirdly, the concept of education is premised on the understanding that there are three main educational frameworks in Nigeria: Traditional, Islamic and Western Education. The western education is the focus of this paper and where the context so allows, the others will be mentioned.

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Educational Framework

(a) Socialisation or Traditional education

From the very beginning, the idea of educating the mind of the child started with the family, the community and religious institutions. The original purpose was to bring the child to the point of knowledge, responsibility and sociability. The child is taught family values, religious values, community values and others that will enhance the advancement of the family and the community. The child is taught the rudiments of family life; how to respect elders, to do domestic chores, how to relate with friends and members of the various age-grades, how to work with their hands and how to contribute meaningfully and positively to the community. Through this process, the child is gradually indoctrinated into the wider society where he or she may achieve such reputation that may warrant the conferment of a community title as a mark of recognition and honour for responsibility and Statesmanship. This form of education is from the people, by the people and for the people. It is family and culture specific and transferable from generation to generation by the same basic unit of the society: the family. This is the first form of education any person is exposed to without any connection to the Government or the law.

Traditional education is intended to enhance the physical, social, moral, spiritual, cultural well being of the recipient first and foremost and later the community. It is believed that when the child gets it right from childhood, the community will be better for it and where the converse is the case, the community will also be affected. This education is a deliberate, calculated and systematic means of transforming a child into a sociable and well-cultured person prepared now for every aspect of community life.

The same ideology informed the operation of Islamic education and western education before the intervention of Government through financial assistance and the subsequent systematic deployment of the law as a means of regulation.

(b) Islamic Education

Islamic education was and still is taught by Imams, Ulemas and Islamic scholars in the communities where Islam was the core religion, especially in the Northern part of this country. The purpose was to enhance the continuity of Islam as a religion through the systematic teaching of the tenets of the Qu'ran and other religious Islamic ground norms. They were taught the culture and the rituals of Islam i.e. praying five times daily, giving alms, dressing moderately, the issue of hygiene, marriage, respect for elders, dedication, faith, loyalty etc... were all part of the curriculum. The recipients were instructed both in the local dialect as well as in Arabic that

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belief in God is the primary duty of man and then in his prophet. The purpose of this form of education was to make the child socially relevant and responsible in the community. The medium of communication was Arabic and hence every child has to learn to read and write in Arabic language.

In the North, the predominance of Islam as a religion accounts for the major reason why western education did not flourish since the 19 century. It was strongly resisted by the Islamic leaders because of the suspicion that western education would lead to diversion of children and wards from the tenets of Islam. This is partly responsible for the wide difference in the educational development between the North and the South.

(c) Western Education

The third form of education is the western education. The Christian Missionaries who arrived the coastal parts of Nigeria in the mid 19th Century introduced western education. Western education was an offshoot of the evangelistic efforts of Missionaries who came for the purpose of converting native Africans to Christianity. Education therefore became a means to an end for them who in the face of obvious language barriers had no option than to teach the natives how to read and write in English. The natives were taught how to sing hymns, read the Bible and to write. This finally gave birth to the establishment of schools.

Even though the Christian missionaries' major objective of establishing schools was the propagation of Christianity, undeniably, their greatest legacy to modern day Nigeria was their educational work and development of indigenous languages into writing. This form of education later became an acceptable form of education in the southern communities, paving the way for the establishment of more schools and the final enthronement of western education¹.

LAW AND EDUCATION

The first time law was employed to regulate education in Nigeria was in 1882 and this was with the 1882 Education Ordinance of the British West Africa Colonies and Protectorates. This Ordinance was followed by the 1887 Education Ordinance followed by the 1916 Education

¹ Ozigi, A. & Ocho, L. (1981). *Education in Northern Nigeria*. London: George Allen and Unwin Publishers Ltd.

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Ordinance, the 1926 Education Ordinance, the 1948 Education Ordinance, and then the 1952 Education Ordinance. A number of past independence laws followed after 1960. These laws became the vehicle for expressing Government's policy on education. They reflect the particular focus of each administration as the Nigerian system gravitated towards independence. Over time, there emerged changes in the laws and educational policies of the nation as a result of the predominant political and social economic focus of Government. For instance, the 1882 Education Ordinance was passed because of the need of the Colonial Government for qualified human personnel to enhance colonial administration. Although this law was the first education law, its primary purpose was not to enhance the education of the natives for the benefit of the natives but for the advantage of the colonial administration.

The need to control the standard of education in the country also became a fundamental reason for the passage of this law and other legislation. This was apparently necessary in the face of lack of uniform educational standard in all mission schools, which were the primary target of Government educational initiatives. Each mission established her own school, appointed her own teachers, enrolled students, formulated educational curriculum, and established their own administrative and management structures and styles, determined teachers qualifications, remuneration and the styles of assessment.

Again, the need to assist the educational efforts of some of the Missionary schools in Lagos through grants made the Government to issue the first ever grant-in-aid to the Church Missionary Society – otherwise known as the CMS, the Wesleyan Methodist and the Catholic Mission in 1872². This marked the beginning of grants-in-aid to educational institutions and constitutes the foundation of Government financing education till date³.

The 1882 Education Ordinance dealt with the issue of classification of schools. It classified schools as either Government-assisted or non-assisted for the purpose of grant-in aid. It recognised the freedom of parents to choose the religious instruction of their children and made provision for the appointment of inspector of schools for all British West Africa, to monitor the educational instructions giving. This law was also important because of the prescription of

² Osokoya, I. O. (2002). History and Policy of Nigerian Education in World Perspective. Ibadan: AMD Publishers.

³ This grant was subsequently increased in 1877 and remained like that until 1882, when the colonial government felt that the entire running of the education system should not be left in the hands of the missionaries alone. Such decision thus led to the laying of the conditions for grants-in-aid; consequently the education ordinances were established. See Folasade R. Sulaiman (2012): Internationalization in Education: The British Colonial Policies on Education in Nigeria 1882 - 1926 in the Journal of Sociological Research ISSN 1948-5468 2012, Vol. 3, No. 2 accessed at www.macrothink.org/jsr 84 on the 7/1/2014

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school curriculum to include reading, writing, English Language, Arithmetic and Needlework for girls etc⁴ and the evaluation of students annually was introduced.

The 1887 Education Ordinance

The separation of the Colony of Lagos from the Gold Coast Colony in 1886 necessitated the promulgation of the 1887 Education Ordinance⁵. This Ordinance provided for the Constitution of a Board of Education, which was made up of the Governor who was the chairman, members of the Legislative Council, four nominees of the Governor and the Inspector of schools. It provided for the appointment of an Inspector of schools and a sub-Inspector of schools and other education officers to monitor schools. The law further extended grants-in-aids to teacher training colleges and empowered the Governor to open up and maintain schools. It prescribed conditions for granting grant-in-aids to infant schools, primary schools, secondary schools and industrial schools, based partly, on the subjects taught as well as the degree of excellence in the schools. It is also known for safeguarding religious and racial freedom; issuance of certificate to teachers; admission of pauper and alien children into schools; establishing of scholarships for secondary and technical education among others⁶.

1916 Education Ordinance

After the Northern and the Southern parts of the country were amalgamated in 1914, the Governor-General saw the need to regulate the educational system in the country considering the different educational emphasis between the North and the South. The 1916 Ordinance therefore was borne out of the need to regularise this. The Ordinance had five major objectives, which were expressed as codes. These included the need to promote character training and the discipline of habits; to ensure cooperation between Government and the mission schools; to encourage rural and urban educational initiatives; to increase the number of literate Nigerians to meet the increasing demands for clerks and other officials; and to increase Government control over all schools including non-assisted schools and others⁷. The Ordinance tried to reorganise the school system in Nigeria by recommending grant-in-aid in the following percentages: (i) Type of

⁴ ibid

⁵ ibid

⁶ ibid

⁷ Dr. Abdulrahman Yusuf Maigida: HISTORY OF NIGERIAN EDUCATION; The Colonial Government's Educational Involvement and The Phelps Stokes Commission. Accessed at <http://yusufmaigida.com.ng/scholastic/colonial-education-involvement-the-phelps-stokes-commission/> on the 7/01/2014

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the school, discipline, organisation and moral instruction – 30% (ii) Adequacy and efficiency of the teaching staff – 20% (i) Periodical examination and general progress – 40% (ii) Buildings, equipment, sanitation – 10%⁸.

The major achievement of this Ordinance to the educational development in Nigeria was the increased financial participation of Government in the Mission schools as well as the increase in Government control over education in general⁹. It prescribed an age limit for infant classes as well as for the elementary school system¹⁰. The code further permitted religious instruction as an examinable subject, which was very much welcomed by the missionary bodies.

In 1919, the Ordinance was amended to give more powers to the Inspectors and the Education Board by allowing them to inspect any school, whether assisted or non-assisted and upon the recommendation of these Inspectors, to close non-performing schools. Basically, the 1916 Ordinance was known for its five major highlights otherwise referred to as codes¹¹.

1926 Education Ordinance

The emergence of uncontrolled and unregulated mushroom education institutions springing up all over British West Africa necessitated the promulgation of the 1926 Education Ordinance. The Government felt that this was not healthy and should be regulated. In March 1925, a Memorandum on Education Policy in British Tropical Africa was dispatched to the colonies as the British Colonial Education Policy and future educational guide in the colonies. This policy framework defined the very content of the 1926 Ordinance. It should be pointed out here that the 1925 policy framework was as a result of the recommendations of the 1920 Phelps-Stoke Commission on Education. The Commission's terms of reference were: (a) to inquire into the existing educational work in each of the areas to be studied; (b) to investigate the educational needs of the people in their religious, social, hygiene and economic conditions; (c) to ascertain the extent to which these needs were being met; and (d) to make available in full the result of the study. The report of this Commission geared the British Colonial Administration to demonstrate increased interest in African education and to issue the first educational policy in 1925.

This 1925 memorandum thus consisted mainly of the recommendations of the Phelps-Stoke Commission, which include: -

⁸. Osokoya, I. O. (2002): History and Policy of Nigerian Education in World Perspective. Ibadan: AMD Publishers.

⁹ ibid

¹⁰ ibid

¹¹ ibid

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- (i) Establishment of advisory boards of education that will assist in the supervision of educational institutions
- (ii) Adaptation of formal education to local conditions
- (iii) Study of vernaculars in schools
- (iv) Thorough supervision and inspection of schools
- (v) Education of women and girls
- (vi) Emphasis on religious training and moral instructions¹².

It was these recommendations that were adopted in 1926 Education Ordinance and promulgated with the emphasis that the registration of teachers should become a pre-condition for teaching in any school in Southern Nigeria; that no school should be open without the approval of the Director of Education and the Board of Education; that any school which conducts its educational activities in a way that was in conflict with the interest of the people or the host community should be closed down. The 1926 Ordinance further specified the functions and duties of supervisors or mission school inspectors; expanded and strengthened the existing Board of Education by including the Director and the Deputy Director of Education, the Assistant Director, ten representatives of the mission and other educational agencies and to regulate the minimum pay for teachers who were employed in an assisted school¹³.

The 1948 Education Ordinance

The global depression, which trailed World War II, ignited the clamour by Nigerian nationalists' for more educational relevance and independence. This clamour gained considerable momentum between 1944 and 1960. Thus, the period between 1944 and 1960 was significant in the history of Nigeria as the period for self-determination and educational expansion. This development led the Colonial Government to review her ten year educational plan for Nigeria by appointing a Director of Education to map out a clear cut procedure for assessing grants-in-aid by mission schools¹⁴. The procedure for assessing grants-in-aid particularly for 1948 therefore formed one of the major reasons for the promulgation of the 1948 Education Ordinance. This Ordinance

¹² Ibid Osokoya (2002)

¹³ Fabunmi, M. (2003). Social and Political Context of Educational Planning and Administration, Ibadan: Distance Learning Centre, University of Ibadan, Ibadan.

¹⁴ See Hauwa Imam (2012) educational Policy in Nigeria from the Colonial Era to the Post-Independence Period in ITALIAN JOURNAL OF SOCIOLOGY OF EDUCATION. P. 182. See also Fabunmi, M. (2005). Historical Analysis of Educational Policy Formulation in Nigeria: Implications for Educational Planning and Policy in *International Journal of African and African American Studies*, 4(2), 1-7

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further created a Central Board of Education and four Regional Boards, that is, those of East, West, Lagos and North. It recommended the establishment of Local Education Committees and Local Education Authorities in the regions according to hierarchies, which led to the decentralisation of the educational system in the regions under the 1948 ordinance. This Ordinance therefore indirectly induced the regions to choose different educational systems. For instance, in the south, the system comprised of a four year junior primary education, four year senior primary education and a six year secondary education, while in the more established secondary schools, the School Certificate examination was taken in Class 5¹⁵, in the North, the school system comprised of four years of junior primary schooling, three-year middle school and 6 years in secondary classes and in some places, middle school classes 1 to 6.

1952 Education Ordinance

In 1952, a new Ordinance was promulgated. Following the creation of three regions (Eastern, Western and Northern) in 1946, the 1952 Education Ordinance was passed to strengthen the educational developments in the regions. The Ordinance empowered each of the regions to develop its own educational policies and systems. It abolished the Colonial Education Board under the previous Ordinance and modified the central and regional educational boards¹⁶. It encouraged the three regions to develop their own educational policies and systems. The Ordinance became the Federal Education Law for the country in later years. All schools, whether public or private, were henceforth to be subjected to inspection by The Regional Director or his representatives and the Inspector General or his representatives. The Ordinance emphasised the overall responsibility of the central Government to education.

During this period, the continuous clamour by Nigerians for self-independence resulted in two Constitutional Conferences in 1951 and 1954. The deliberations of these conferences resulted in the drafting of a new Federal Constitution in 1954¹⁷. As a result of this Constitution, Nigeria became a Federation of three regions (i.e. the Eastern, Western and Northern regions) and the Federal Capital of Lagos. The Constitution gave each region the power of making laws for its territory, citizens and for its own educational policies. The Constitution contained three legislative lists: the Exclusive legislative list, which contained items upon which only the Federal Legislature or Parliament could make laws; the Concurrent Legislative List, which consisted of

¹⁵Ibid. see also Taiwo, C.O. (1980). *The Nigerian Educational System*. Lagos: Thomas Nelson Nigeria Limited.

¹⁶ ibid

¹⁷ Ibid. see also Dike, K.O. (1980). 100 Years of British Rule in Nigeria, 1851-1957. In I. Obaro (Ed.), *Groundwork of Nigerian History*. Ibadan: Heinemann

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items upon which both the Federal and Regional Legislatures could make laws and lastly, the Residual Legislative List which comprised of items on which only the region can legislate.

As a result of this Constitutional arrangement, the regions took advantage of it to enhance their educational system. For instance, the Western Region enacted the Education Law of 1955; the Education Laws of 1956 in the Eastern and Northern Regions and the Lagos Education Ordinance was enacted in 1957¹⁸ respectively. The Western Region also furthered her educational plans by introducing the Universal Primary Education in 1955, which was subsequently followed by the Eastern Region of Nigeria in 1957¹⁹. Considerable efforts were made to develop and expand educational facilities in the Northern part of the country also, but despite the fact that pupils were not made to pay school fees in Government schools, the educational apathy towards western education was not ameliorated. The people still preferred to send their children to the Qur'anic school and viewed western education with suspicion²⁰.

The Ashby Report of 1959

In April 1959, the Federal Government of Nigeria set up the Sir Eric Ashby Commission to map out a future plan for the manpower needs of the country for the next twenty years: between 1960-1980. The efforts of this Commission became a landmark in the history of Nigeria's educational system being the first ever body to examine the role of higher educational structure in the light of the needs of the country. The Commission observed the imbalance between one level of education and the other, the limited admission opportunities for primary school leavers; few qualified and certified teachers and the imbalance between the educational development between the North and the South. It therefore recommended that Primary and Secondary education should be improved and expanded in addition to the University College at Ibadan, which should be upgraded to a full-fledged university. It also recommended the establishment of three other Universities at Nsukka, Ife and Zaria for the purpose of reflecting Federal presence. This project became one of the inducing factors for the enthronement of federal character till date. Also, it recommended the establishment of the National University Commission for the purpose of maintaining uniform academic standards. Post-secondary school system was therefore expected to be the means of meeting this high-level manpower need through the Universities²¹.

This report later gave birth to the establishment of three premier universities in Nigeria and others as institutions of learning.

¹⁸ ibid

¹⁹ Ibid. see also Fafunwa, A. B. (2004). *History of Education in Nigeria*. Ibadan: NPC Educational Publishers Ltd.).

²⁰ ibid

²¹ Fagbunmi op cit .

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Hence, the pre-independence position of law in Nigeria's educational movement can be summarised as follows:

- (a) The gradual deployment of law to diversify the educational objectives. From the training of natives for missionary work to meeting the manpower need of the nation.**
- (b) The stimulation of educational activities by the provisions of grants-in-aid, scholarships and the criteria for the grant of financial aid.**
- (c) The establishment of a regulatory board for education with powers of supervision, regulations and sanctions. This laid the foundation for subsequent regulatory bodies as existing today.**
- (d) The prescription of certifications and the issues of minimum wage were established during this era by the instrumentality of the law.**
- (e) Universal Primary Education, which was introduced in Western Region as a result of the 1954 Constitution and the empowerment of the regions gradually, became the foundation for other universal basic education schemes.**
- (f) The gradual deployment of the law to correct educational imbalance between the North and the South through deliberate policies of the Government.**
- (g) The law became an effective instrument in policy formulations etc.**

POST INDEPENDENCE EDUCATIONAL LAWS AND POLICIES

Nigeria's post independence educational policies were mostly borne out of the need for manpower development, the Nigerianisation of the Civil Service and the rectification of the educational imbalance between one part of the country and the other. The gradual departure of the British left behind a shortage of manpower to effectively continue the administration of the Government, which as at this period was still budding. Hence, Government's focus was primarily on manpower development, stabilising the polity and reducing the political acrimony between the North and the South in terms of the competition for the control of the civil service. This situation eventually led to the first Military Coup of 1966 and three counter coups in succession: education thus became a victim as Military Decrees and Edicts became the operational framework for the regulation of education in the country²². For instance, the creation of twelve States out of the original four regions by Decree No. 14 of 1967 had a strong effect on the educational policies of the new States. The effect was that each State had to promulgate her own Educational Edict or adopt the previous regional educational laws for the regulation of her

²² See Hauwa op cit.

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education and its management. For instance, the States created out of the former East Central State adopted the old education law of the region as Public Education Edict No. 5 of 1970; Lagos State has the Education Law (Amendment) Edict No. 11 of 1970; the South Eastern States adopted theirs through the South Eastern State's Education (School's Board) Edict No. 20 of 1971 while the Western-States and Mid-Western States had the Western Region Education Edict, No. 5 of 1973 while each States had the capacity to further amend its education laws when necessary. The effect of this was that all the States' laws ended up having similar features. All of them had provisions for States' take-over of schools from individuals and voluntary agencies; all of them established school management boards and a unified teaching service. They contained provisions unifying the educational system based on the 7-5-2-3 educational policy: 7 years of primary education, 5 years of secondary school, 2 years Higher School Certificate Levels, and 3 years of university education instead of the 8-5-2-3 of the British educational policy: 8 years of primary education, 5 years of secondary school, 2 years of Higher School Certificate Levels, and 3 years of University education. Also, at the terminal stages, candidates sat for external examinations and were certified based on their performances.

This era in the educational history of Nigeria was equally important because of the large-scale Government financing of education which included tuition free university education and the introduction of the National Policy on Education across the country, although these were later suspended because of shortage of Government revenue from the sale of crude oil in the world market.

THE SECOND REPUBLIC (1979-1983)

The 2nd Republic was unique because of the Presidential system of Government and the adoption of the 1979 Constitution. The 1979 Constitution became the main legal framework for education during this period. Section 18 (1-3) of the 1979 Constitution contained the educational objectives of the nation and it provides as follows:

- (i) That Government policy shall be directed towards ensuring equal and adequate educational opportunities at all levels.**
- (ii) The Government shall promote science and technology,**
- (iii) The Government shall strive as and when practicable, to provide**
 - (a) Free, compulsory and universal primary education**
 - (b) Free secondary education, and**
 - (c) Free adult literacy programme**

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The provision of Section 18 is the Constitutional recognition of the nation's educational needs requiring Government to direct its efforts towards ensuring the availability of education at no cost to the people. This Constitutional provision delineated the levels and the nature of education instructions, which should be the focus of Government policies. Alas, this provision was gagged by section 6 (6) (c) of the same Constitution, which renders it non-justiciable.

The educational policy direction of the Government was expected to cover Primary, Secondary and Tertiary education with emphasis on Science and Technology based education. While the Federal Government had wider jurisdiction than the States in the areas of Post Primary, Professional, Technological and University education, the States had total control over Primary; Post Primary, Technical, Technological, University and other forms of education within their territories. In States like Ogun and old Bendel, now Edo and Delta States, the organization and administration of primary education was somehow different as these were transferred to their respective Local Government Councils but in others, the State Government retained control over education. The educational provisions in the 1979 Constitution led to the adoption of the first National Policy on Education (NPE) which subsequently gave birth to the Universal Basic Education project of the Federal Government.

During this same period, the issue of human rights was gradually gaining momentum at the regional level in the African Union (formerly the OAU). At the regional level, the AU finally in 1981 came up with their own Afro centric perspective on human rights, which for all intent, and purposes, recognised education as a basic human right. The instrument of adoption, was the African charter on Human and Peoples Right adopted by OAU in 1981. This was a unique perspective to the issue of education because prior to the decision, education was discretionary and could not be claimed in any court of law as a basic human right in Sub-Sahara Africa especially. The concept of education as a right therefore implies that the people can lay claim to it and the Government is expected to provide it. Interestingly, this instrument was adopted by Nigeria in 1983 through a ratification Act.

In 1983 when the military took over the Government again, the educational sector entered into another phase of military regulation by Decrees. For instance Decree No. 16 of 1985 was promulgated to regulate the National Minimum Standards and Establishment of Institutions, Decree No. 20 of 1986 changed the school calendar from January to December to October to September. Decree No. 26 of 1988 proscribed and prohibited the Academic Staff Union of Universities (ASUU) for participating in trade union activities while Decree No. 36 of 1990 revoked the proscription of ASUU. These and many other decrees were education laws marking this era in the educational history of the country.

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In 1999, the country returned to civilian rule. This necessitated the adoption of a new Constitution. Section 18 of the 1999 Constitution of the Federal Republic of Nigeria re-affirms the objectives of education as contained in the 1979 Constitution and the erstwhile National educational policy. The Constitution provides that the “Government shall direct its policy towards ensuring that there are: -

- i. Equal and adequate educational opportunities for all at all levels of the educational system;**
- ii. Promotion of science and technology;**
- iii. Eradication of illiteracy through the provision of**
 - a) Free compulsory universal primary education, and**
 - b) Free university education, and**
 - c) Free adult literacy programme.**

In 2004, the National Policy on Education was revised. It provides that the national Policy on education shall be in accordance with Constitutional allowance, national need and social economic realities, which shall be to; -

- 1) Set specific objectives for the nation and its education;**
- 2) Address the problem of unity and lay foundation for national integration;**
- 3) Ensure the realization of a self-reliant and self-sufficient nation capable of meeting her developmental needs.**
- 4) Formulate a comprehensive structure of educational system and lay the foundation for the 6-3-3-4 system of education in Nigeria (i.e. six years primary schooling, three years junior secondary education, three years senior secondary school and four years university education);**
- 5) Make education in Nigeria the Government’s responsibility in terms of centralised control and funding;**
- 6) Have a broad curriculum which aimed at creating learning opportunity for all children, irrespective of their sex, peculiar background or ability; and**
- 7) Specify the functions of adult education, non-formal education, special education and open and distance learning etc.**

The 2004 Policy on education was the fourth edition and the most current. This edition became necessary in the face of the socio economic realities and policy changes of the time. These

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innovations and changes include the lifting of the suspension order on Distance learning programs; the revitalization and expansion of the National Mathematics Center; the establishment of Teachers Registration Council (TRC); the introduction of Information and Communication Technology (ICT) into school curriculum; the prescription of French language in the primary and secondary school curriculum as an official language; the prescription of the minimum number of subjects to be taken by SSCE candidates; the integration of basic education in the program of Qur'anic school in order to ensure equality of opportunity and the effective implementation of the UBE program and others²³. Unfortunately, these changes have to be reflected fully in the new activities of policy makers in the country. The National Policy on Education was therefore designed to recognise and reflect these and also to make education available, accessible and relevant²⁴.

From independence to date, Government's efforts at promoting education can be modestly described as commendable. The establishment of relevant administrative bodies such as the Nigerian Education Development and Research Centre (NEDRC), The West African Examination Council (WAEC), National University Commission (NUC), National Examination Council of Nigeria (NECO), Joint Admission and Matriculation Board (JAMB), Universal Basic Education Commission (UBEC), National Board for Technical Education (NBTE), National Library of Nigeria and many others are some of the institutions that law has been used to midwife at different levels of education in Nigeria.

Today, the astronomical increase in the rate of enrolment into both Government and Private schools attests to the effectiveness of the law as an instrument of educational enhancement. This increase in the enrolment rate had a correlative effect on the number of Primary and Secondary Schools, Polytechnic, Universities and other Tertiary Institutions in the country. From about three or four Universities at Independence, Nigeria's Universities have increased to over one hundred and thirty as at December 2013 excluding Colleges of Education, Colleges of Technology, Polytechnics and Monotechnics.

Despite the increase in educational institutions and the enrolment rate, the adult illiteracy rate in is also on the increase. From an average estimate of about 25 million as at 1997, adult illiteracy

²³

²⁴ Ibid. see also the Federal Government of Nigeria National Policy on Education of 1977; 1981, 1998 and 2004

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increased to about 35 million in 2013 alone²⁵ while 10.5 million children are out of school in the same year²⁶.

Appraising this puzzling phenomenon, one cannot but be critical of the comparative effect of the law and its implementation on the educational advancement of the nation. For it stands to reason that in spite of the availability of relevant laws as mentioned above and new ones like the Child's Right Act, the African Charter on Human Rights, Universal Basic Education Act and the proliferation of Universities and other institutions of learning all over the country, including the adoption of quota system and the humongous financial contribution of Government to education, it can still be said that illiteracy is still be on the rise, then, something somewhere is very wrong. This situation indicates the reality of the limit of the law. The reality is that a multitude of laws is not a total guarantee for advancement of education in a nation. Laws alone are not sufficient guarantee of qualitative education. The reality is that there are other factors that are equally important in the advancement of the nation but especially necessary for law to be effective. Recently, the UNESCO Monitoring Committee on Education for all rated Nigeria as one of the countries with the highest illiteracy rate²⁷. Last year, the United Nation Development Programme (UNDP) ranked Nigeria amongst the countries with the lowest development index at 153 out of 186 countries²⁸. If these reports are anything to go by, then, we should examine the cause of this downward trend.

CHALLENGES FACING THE EDUCATIONAL SYSTEM

The effectiveness of using education as a means of national development is hinged on both the enactment of relevant laws and the sincere commitment of Government to implement them. No nation can effectively harness her educational benefits without these two functions running concomitantly. Looking at Nigeria's educational system, it is obvious that the nation has no challenge with the law but with other critical issues and implementation. These include policy inconsistency, poverty, weak or inadequate public enlightenment, lack of funding, poor infrastructure, lack of science and laboratory equipment, the application of the quota system, the negative effect of section 6(6)(c) of the Constitution, inadequate number of teachers, motivation

²⁵ This was stated by the Minister of states for Education, Chief Wike Nyesom in Abuja on the 11th of September, 2013.

²⁶ See Laide Akinboade: 35m Nigerians adults are illiterate-Minister. Accessed at Online Vanguard accessed at <http://www.vanguardngr.com/2013/09/35m-nigerian-adults-are-illiterates-minister/> on the 12/01/2014

²⁷ *ibid*

²⁸ See Daily Times: UNDP rates Nigeria Human Development Index low accessed at www.dailytimes.com.ng/article/undp of 19 March, 2013

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of teachers, religious and cultural indoctrination, recent impact of terrorism and most of all, debilitating effect of corruption. These are discussed briefly below.

i. Policy inconsistency.

A major challenge of education in the nation today is policy inconsistency. While one acknowledges the fact that the policy of the Government for education must be driven by and reflective of the emerging social-cultural, economic and technological realities, the consistent change of policy without any correlative basis has been a great disservice to the nation's education. Sometime late last year, the erstwhile Minister of Education proposed a review of the nation's educational policy from the previous 9; 3; 4 to a new system of 1:6:3:3:4 to make allowance for children between 1-5 years old.²⁹ It will be noted that the 9:3:4 system was a modification of the 6:3:3:4 system which came from the rubrics of the 6:5:4 system of the early 80s. Accepted, if the universal and truly basic education needs to include early starters taking into consideration the fact that in the more educationally developed society, children start school earlier, nevertheless, this will not be to the prejudice of consistency and predictability in educational planning. The constant changes in policy discourage long educational plans, financial investment and the prioritisation of education, while we agree that educational policies should be uniquely planned and be reflective of socio-economic realities, it must also be relatively fixed to enhance predictability because Government needs the cooperation of others for new policies to succeed. We have the ten-year plan of the 1948 Educational Ordinance and the Twenty Year plan of the Ashby Commission as examples of policies that contributed meaningfully to the educational development of the nation in the past. Educational policies should not be subjected to change at will without detailed planning. At the state level it is noted with regret that policies also change as the Governments change or as different political parties assume office. Such changes ought to be with minimum disruption to education.

ii. Quota system/Federal character.

This may sound contradictory because the essence of this policy was to encourage and promote equal educational opportunity across the country. It is akin to the affirmative action in the United States, South Africa and the UK Race Relations and Sex Discrimination Act for the purpose of ameliorating historical disadvantages. However, the Nigerian quota system has been the subject

²⁹ See SAMUEL AWOYINFA: Policy somersault as FG dumps 9-3-4 for 1-6-3-3-4 published in the Punch Newspaper of 9th August, 2013. Accessed at <http://www.punchng.com/education/policy-somersault-as-fg-dumps-9-3-4-for-1-6-3-3-4/> on the 13/1/2014

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of intense criticism from every corner of the country since its introduction. Not just for being discriminatory but more importantly for entrenching mediocrity at the expense of competence and merit. Regrettably, it has stood the test of time to the detriment of the “less privileged” from the seeming “educationally advanced States”. Candidates from such States have had to sacrifice their educational opportunity for others not so brilliant from other parts of the country based on tribal and ethnic affiliation. For instance, in 2013 the cut off marks as released by the Federal Ministry of Education for admission into Unity Schools in the country revealed the extent to which the nation is willing to compromise ability for national representation: While male and the female students from Abia state must score 130 each for them to be considered for admission in a unity school, their male and female counterparts from Jigawa are expected to score only 44 each. Students from Kebbi State have the benefit of the cut-off point reduced in their favour to as low as 9 and 20 for male and female respectively, but their counterparts from Ogun State are not so fortunate, they must score as high as 131 each else they will have to write the qualifying exam the following year. The yet unbelievable is the requirement of just 4 and 2 marks for candidates from Zamfara for male and female respectively while candidates from Anambra were expected to score 139 marks each before they may be considered for admission³⁰. This is a nation that is supposedly committed through her laws and policies to ensuring that education is available for “all”. If the selective policy of allowing candidates from States such as Yobe, Zamfara, Taraba, Sokoto, Kebbi, Jigawa, Kano, Kaduna, Niger, Borno, Bayelsa, Adamawa, Bauchi, Gombe and FCT Abuja to be admitted on any platform but “MERIT” and others disqualified is anything to go by, the prospect of the nation’s educational policies to encourage her citizens to be the best and to compare with peers is seriously in doubt³¹.

³⁰ Others are Adamawa – Male(62) Female(62); Akwa-Ibom – Male(123) Female(123); Bauchi – Male(35) Female(35); Bayelsa – Male(72) Female(72); Benue – Male(111) Female(111) Borno – Male(45) Female(45); Cross-Rivers – Male(97) Female(97); Delta – Male(131) Female(131); Ebonyi – Male(112) Female(112); Edo – Male(127) Female(127); Ekiti – Male(119) Female(119); Enugu – Male(134) Female(134); Gombe – Male(58) Female(58); Imo – Male(138) Female(138); Kaduna – Male(91) Female (91); Kano – Male(67) Female(67); Kastina – Male(60) Female(60); Kogi – Male(119) Female(119); Kwara – Male(123) Female(123); Lagos – Male(133) Female(133); Nassarawa – Male(58) Female(58); Niger – Male(93) Female(93); Ondo – Male(126) Female(126); Osun – Male(127) Female(127); Oyo – Male(127) Female(127) Plateau – Male(97) Female(97) Rivers – Male(118) Female(118); Sokoto – Male(9) Female(13) Taraba – Male(3) Female(11); Yobe – Male(2) Female(27); FCT Abuja – Male(90) Female(90). See <http://www.cknnigeria.com/2013/06/unity-school-cut-off-markzamfara.html> accessed on the 13/01/2014

³¹ See The Scandalous Cut-Off Marks for Unity Schools - FEDERAL CHARACTER in Nigeria accessed at <http://www.proshareng.com/news/20169> on the 13/01/2014

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Another dimension of the application of quota system in the educational sector is the apportionment of school fees particularly in state Universities. Non-indigenes bear the brunt of funding the schools because they are made to pay higher fees than the indigenes. This is however without prejudice to the admission requirements like in the unity schools. For the cut off marks for indigene and non-indigene are different and non-indigenes must score higher than indigenes before being considered for admission. For every non-indigene admitted, ten indigenes would have been admitted or considered for admission. The whole federal and state admission process is now a contradiction of the nation's commitment to national development and an indirect entrenchment of political and ethnic rivalry and acrimony amongst the people. Above all it is celebration of mediocrity. Where non-indigenes are made to pay higher school fees than indigenes just because they are not indigenes is a cog in the wheel of education and a dereliction of Government's duty to recognise, protect and promote the economic, social and cultural rights of all students.

iii. THE NON-JUSTICIABILITY OF EDUCATION

The non-recognition of education as a fundamental objective of state policy in the Constitutions of 1979 and 1999 is a contradiction of the nation's commitment to the Millennium Development Goals and the Education For All Policy of UNESCO. The Constitutional directives requiring Government to direct her policies towards the provision of equal and adequate educational opportunities for all at all levels of the educational system by promoting Science and Technology; the eradication of illiteracy through the systematic provision of free compulsory universal primary education; free university education, and free adult literacy program is a ridicule of the second most important objective in the MDG and the UNESCO EFA because the fundamental objective provision cannot be enforced in a court of law.

In the EFA policy framework of UNESCO, the organisation requires all member countries to;

- (i.) **Expand and improve comprehensive early childhood care especially for the vulnerable and the disadvantaged child;**
- (ii.) **Ensure that by 2015, all children, particularly girls, children in difficult circumstances and those belonging to ethnic minorities have access to, and completely free and compulsory primary education of good quality;**
- (iii.) **Ensure that the learning needs of all young people and adults are met through equitable access to appropriate learning and life-skill programmes;**
- (iv.) **Achieve a 50 percent improvement in levels of adult literacy by 2015, especially for women, equitable access to basic and continuing education for all adults;**

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- (v.) Eliminate gender disparity in primary and secondary education by 2005, and achieve gender equality in education by 2015, with the focus on ensuring girls full and equal access to and achievement in basic education of good quality and lastly;
- (vi.) Improving all aspects of the quality of education and ensuring excellence of all so that recognised and measurable learning outcomes are achieved by all, especially in literacy, numerical skills and essential life skills.

The above UNESCO objectives perfectly “interpret” the provision of the Nigerian Constitution as regards the nation’s educational objectives. They are meant to promote education and the eradication of illiteracy. Nigeria, as a member and signatory to the UNESCO Charter obviously cannot be compelled to honour the above commitment because of the provision of section 6(6)(c) of the 1999 Constitution. The reason has always been that education is a fundamental principle of state policy and therefore is not justiciable. It is thus difficult to see how the provision of chapter 2 and section 6 (6)(c) of the 1999 Constitution can further the advancement of education in the country. On the contrary, these provisions are cogs in the wheel of education.

In the case between **SERAP v. Federal Republic of Nigeria and Universal Basic Education Commission**³²; the Economic Community of West African States (ECOWAS) court held education to be a right in Nigeria that can be enforced even within domestic courts. In this case, the respondents were alleged to have breached and frustrated the right to education by not making efforts to investigate the allegation of corruption and embezzlement of public funds from UBEC to States and local UBE branches. While responding to this allegation, the Respondents argued that education was not a right in Nigeria but “a mere directive policy of the Government and not a legal entitlement of the citizens.” The court held otherwise relying on Articles 1, 2, 17, 21 and 22 of the African Charter on Human and Peoples Rights which Nigeria ratified and domesticated that education is a legally enforceable right within the content of African Charter on Human Right and Peoples. This case is therefore a landmark judgment in the face of Government’s reticence to recognise education not just as a right but a “human right”.

This case is also important because earlier, the Courts had the opportunity in the case of **Badejo v Federal Ministry of Education**³³ to determine the Constitutionality of the quota system in the face of its discriminatory implications. However, the courts could not do so because as at the time of the final determination of the matter, it had already been overtaken by events. Admission

³² ECW/CCJ/APP/08/08

³³ (1996) 9-10 SCNJ 51

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had closed, students resumed, lectures commenced and exams concluded. Thus, Nigerians were deprived of the opportunity of knowing the actual position of the courts on this policy.

iv. Social-Economic Factors:

(a) Poverty

While it is conceded that law is a very useful tool in promoting, stimulating, restructuring, rebranding and repositioning education, nevertheless, it cannot be effective in the absence of other factors. Factors such as poverty, security, health, enlightenment etc. are also contributory factors in the enhancement of education. Educational sociologists have identified the role of poverty in the educational scheme of things as major. A person who has no food to eat cannot think effectively nor pursue formal education. A parent who has no roof over his head or clothes on his body will struggle first to have these essential needs met before thinking of educating children. The man who has no assurance of economic survival thinks less of the value of education. To such a one, education is for the healthy and comfortable living and not the dead. This is why poverty stricken areas of the country are likely flash points for school dropouts, high crime rate, early child pregnancy and other social vices.

I should mention here a personal observation of mine that certain young men from a part of this country seem to prefer not to go to school anymore but would rather go into apprenticeship to learn how to be an astute businessman. A considerable percentage of these young men have turned out to be quite successful in their various business ventures. On the other hand a lot have turned to crime as a much quicker money making venture.

(b) Lack of Enlightenment and Public Campaign

A major impediment to education today is the absence of adequate enlightenment and public campaign to those uneducated who are the primary target. This inadvertence has resulted in apathy, reluctance and withdrawal of support for the supposed beneficial policies. Western education for instance, at the initial stage of its introduction, was not the exclusive preserve of some parts of the country, but it was strongly resisted and restricted because of low public

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enlightenment. Today, the same fate is befalling the UBE nomadic education policy and similar initiatives, which are supposed to promote and ensure access to basic education at the grass roots at no cost to the people. Due to inadequate enlightenment and other factors, the benefit of these programmes is not being harnessed. Today, there are about 10.5 million Nigerian children out of school despite these noble initiatives of Government.

(c) Teachers certification and motivation

Teachers are a very fundamental stakeholder in the education sector in any country. They are, first and foremost, the medium through which knowledge is imparted; they are the conveyor of the nation's education ideology, philosophy and vision. They symbolise and embody the depth, dimension and expression of knowledge to the nation and to the students. Their responsibilities extend to even parenting and being guardians for their students. Some parents have covertly abdicated their responsibilities to teachers because of economic and social factors. As important as these class of people are, their effectiveness is affected by several factors. Chief of these are:

(a) Academic incompetence resulting from lack of proper educational training (certification)

(b) Lack of motivation due to many becoming teachers as alternatives;

(i) Teaching is an option and not a priority

(ii) Poor remuneration

(iii) Lack of effective and adequate teaching aids and materials

(iv) Overcrowding in classrooms, and

(v) Corruption amongst others problem.

(c) Lack of current and recurrent training particularly with respect to information and technology and exposure to modern and alternative ways of effective teaching; and

(d) Uncertainty about the future i.e. career prospects amongst other problems.

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v. Funding

Funding remains a major factor in advancing education. Ever since Government first committed itself by law to promote education in the 19th century, the nature of education, its scope, levels, and the beneficiaries have become a humongous national project. It is also a dilemma because inadequate resources have not allowed Government to fulfil its promise of education for national advancement. If one considers the increasing demand for more infrastructure, teachers, materials etc, due to increase in enrolment in schools and even the number of students annually denied educational opportunity, it is clear that Government alone cannot fund education; but most surprisingly Government has refused to come to terms with this reality in a way that would guarantee that the weak and the poor are educated while those who can afford education pay for it.

The issue of funding has divided stakeholders in this matter. The question has always been: should it be the Government or the parents that should bear the responsibility for funding education? To what extent should Government fund education? Some have argued that the Government should fund education because it is a right. This group believes that the country has enough resources to fund it, not just at the basic education level but also up to the university level. They argue that the problem is not that of lack of funds but of corruption, misplaced priorities, inequality and poor policy choices. They argue that education should not only be free but also compulsory. They are of the view that Government should bear all the cost because even if the direct costs of education are borne by Government, the indirect costs (such as uniform, transport and school meals) may be beyond the capacity of the family while the opportunity cost may be impossible to bear³⁴. On the issue of education as a right, these groups argue that no right could exist without corresponding Government obligation and that Government is obliged to make education available, accessible, acceptable and adaptable.

Others have argued that the parents should bear the cost of education. They believe that the Government should be relieved of the responsibility of funding education and channel the resources to other national needs. They are of the opinion that education should be subjected to the free market economy where the law of supply and demand determines the price. This group

³⁴ Tomasevski, K. (2003), Education Denied: Costs and Remedies. London, Zed Books. P72

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further argues that the responsibility of Government should just be the provision of enabling environment and not the active participation³⁵.

There is the third group, which believes that the funding of education should be on a cost-sharing basis. While Government should be responsible for the policies and framework towards advancing education as a right for every child, other stakeholders should also be committed within a defined framework.

I am of the considered view that schools like the Ibadan Grammar School that have been in existence for so long and who have a very strong and virile Old Students Association consisting of very distinguished Alumni should be allowed by the Government to participate in the administration of the school through the setting up of a trust fund which will assist a great deal in providing qualitative education for the students. This should provide some relief to Government and at the same time go a long way to improving the lot of the students. This has already been manifested in the almost N500 Million investment made in the school by the Old Students and Corporate bodies some examples of which are the Dr. Mike Adenuga Jnr. ICT Centre, The Chevron e-Library and the Emmanuel Alayande Hall all of which were provided by the Old students of the School. The question now arises who manages all these assets in the future when the schools are not funded to maintain these state-of-the-art facilities?

The argument on the issue of funding is a continuous one. One thing is certain, and that is, there is no way Government can divest itself absolutely from funding education. Government's financial participation in this sector is so fundamental that no matter how little the contribution is, it is still a basic leverage for the sector.

vi. Absence of Technological Facilities

While the promotion of Information and Communication Technology (ICT) in schools today constitutes a major policy drive of Government, it is however difficult to see the application of this policy achieving its desired aim. Most schools are not equipped and those, which are, lack

³⁵ See Financing Quality Basic Education in Nigeria By Otiye Igbuzor, PhD Country Director, ActionAid International Nigeria being a Keynote Address Delivered at A Roundtable Organised by the Commonwealth Education (CEF) AT Rockview Hotel, Abuja on 5TH September, 2006. Accessed at <http://www.gamji.com/article6000/NEWS6345.htm> on the 14/01/2014

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the manpower to use and maintain them³⁶. Understandably, the reason behind the introduction of ICT into the educational framework is for the purpose of harnessing the benefits of ICT for advancing education and national development. But the reality is this, there are more militating conditions to the success of ICT than enabling conditions. Consider the epileptic power supply; the lack of the basic ICT skills and personnel; abuse by students (using the laptop to watch films, play games, watch pornography etc.) affect the effective use of ICT in the nations educational system.

These and other issues like terrorism, political unrest like in the North East of Nigeria where children are terrified and cannot go to school, have affected the full benefit of education in the life of the nation today.

vii. CORRUPTION

The negative impact of corruption on the socio economic and development aspiration of the country is legendary and very well known. Corruption has bought Nigeria to its knees and no sector is sacred or is untouched by this demon. The wide gap between annual appropriation for education at both federal and state levels and the real impact of such paper budgets on the educational sector shows that something is fundamentally amiss. In 2005, some high level officials of UBEC and National Commission for Mass Literacy, Adults and Non ... Education were arraigned alongside some foreigners by EFCC for degrading those institutions by stealing over N1b (One Billion Naira)! Such reports are daily occurrences and symbolise the cancer that is killing the nation in general.

CONCLUSION

Having examined the relationship between law and education in Nigeria from the earliest time till date, the inference to be drawn from this is that, though law is a good tool for advancing educational frontiers, it is not sufficient. The efficacy of law in education is enhanced or hampered by other factors and the earlier these issues are addressed the better. As for now, the unique objectives of the nation's educational policy may still be far from reality.

³⁶ OSAKWE, Regina N (2012) : Challenges of information and communication technology (ICT) education in Nigerian public secondary schools in the Education Research Journal 2(12); pp. 388-391, December 2012 accessed at <http://www.resjournals.com/ERJ> on the 14/01/2014

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If our nation is to take its rightful position in the comity of nations then we must urgently address the challenges bedevilling our educational system. As the great Nelson Mandela said; “Education is the most powerful weapon which you can use to change the world.”

I thank you for your time and attention.

GOD BLESS IBADAN GRAMMAR SCHOOL, DEO ET PATRIAE

GOD BLESS NIGERIA.

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