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**LEGAL AND POLICY FRAMEWORKS FOR EDUCATION IN
NIGERIA: A CRITICAL ANALYSIS OF NATIONAL, REGIONAL,
AND INTERNATIONAL INSTRUMENTS AND THEIR
IMPLEMENTATION**

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Abstract

Education is a fundamental human right and a cornerstone of sustainable development. This article critically examines the legal and policy frameworks governing education in Nigeria, drawing on constitutional provisions, statutes, policy documents, regional human rights instruments, and international treaties. It evaluates the extent to which these instruments guarantee equitable access to quality education and identifies the principal barriers to effective implementation. The study finds that Nigeria possesses a comprehensive normative framework, but educational outcomes remain constrained by weak implementation, inadequate financing, insecurity, institutional fragmentation, and limited accountability rather than legislative deficiencies. It argues that meaningful reform requires constitutional recognition of the right to education as an enforceable right, improved educational financing, stronger institutional coordination, transparent governance, enhanced judicial protection, and sustained political commitment. Implementing these measures would strengthen compliance with domestic and international obligations and advance inclusive, equitable, and quality education consistent with Sustainable Development Goal 4. The study adopts a qualitative documentary research design based on the systematic analysis of relevant legal and policy documents.

Keywords: Education law; National Policy on Education; Universal Basic Education; Human Rights; Nigeria; SDG 4; Educational Policy.

Introduction

Education is widely recognised as a cornerstone of national development, democratic governance, social justice, and economic transformation. Beyond imparting knowledge and vocational skills, it promotes innovation, citizenship, social mobility, and the effective enjoyment of other human rights. Consequently, national governments and international organisations increasingly regard education as both a developmental priority and a legally protected right.

Nigeria has demonstrated sustained commitment to educational development through constitutional provisions, statutory enactments, and policy reforms. Notable initiatives include the Universal Primary Education Scheme (1976), the National Policy on Education, the Universal Basic Education Programme (1999), and the Universal Basic Education Act 2004. Nevertheless, Abdulkadir, Garba, and Bokko (2025) think that these domestic measures are reinforced by Nigeria's obligations under international and regional instruments such as the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights, and the African Charter on the Rights and Welfare of the Child.

Despite these commitments, Nigeria continues to experience poor educational outcomes characterised by inadequate infrastructure, insufficient funding, teacher shortages, insecurity, gender disparities, and one of the world's largest populations of out-of-school children. The persistence of these challenges raises concerns regarding the effectiveness of existing legal and policy frameworks. Aja et al., (2014).

This article critically evaluates Nigeria's educational legal architecture by examining constitutional provisions, statutory enactments, national education policies, and relevant regional and international instruments. It argues that Nigeria possesses a robust normative framework but has achieved only limited educational progress because of weak implementation, poor institutional coordination, inadequate funding, and insufficient political commitment.

Historical Evolution of Educational Policy in Nigeria

Nigeria's educational system has evolved through colonial administration, missionary activities, constitutional reforms, and post-independence policy initiatives.

Western education was introduced during the nineteenth century by Christian missionary organisations whose primary objective was religious instruction. Although these schools expanded literacy, educational opportunities remained uneven, with southern Nigeria developing more rapidly than the northern regions.

Colonial intervention gradually increased through successive Education Ordinances, particularly the Education Ordinance of 1926, which introduced government inspection, teacher certification, and minimum educational standards. Nevertheless, education remained largely dependent on missionary institutions.

Following independence in 1960, regional governments expanded access through free primary education programmes. However, disparities in funding and quality persisted, while the Civil War further disrupted educational development.

A major policy shift occurred in 1976 with the Universal Primary Education Scheme, which represented the Federal Government's first nationwide effort to guarantee free primary education.

Although enrolment increased significantly, inadequate planning, shortages of qualified teachers, and poor infrastructure undermined its long-term effectiveness.

The adoption of the National Policy on Education in 1977 established Nigeria's first comprehensive educational blueprint by defining educational philosophy, governance structures, curriculum, financing, and quality assurance mechanisms. Subsequent revisions, particularly the 2014 edition, aligned educational policy with technological development, inclusive education, and global best practices.

The return to democratic rule in 1999 brought renewed reforms through the Universal Basic Education Programme and the Universal Basic Education Act 2004, reinforcing Nigeria's commitment to Education for All and Sustainable Development Goal 4.

National Legal and Policy Frameworks for Education in Nigeria

Nigeria's legal framework for education comprises constitutional provisions, statutory enactments, and policy instruments that collectively regulate educational administration, financing, quality assurance, and access. While these instruments provide a comprehensive normative foundation, their effectiveness has been undermined by weak implementation, inadequate funding, and institutional inefficiency.

3.1 National Policy on Education

The National Policy on Education (NPE) is the principal policy document guiding educational development in Nigeria. First adopted in 1977 and revised periodically, the current 2014 edition sets out the philosophy, objectives, governance structure, curriculum, financing, and administration of education. Although not a statute, it serves as the foundation for educational legislation and policy implementation.

The policy promotes equality of educational opportunity, national integration, scientific advancement, technological innovation, self-reliance, and democratic values. It adopts the 6-3-3-4 educational structure while recognising Early Childhood Care Development and Education as an integral component of basic education.

A significant strength of the NPE is its emphasis on inclusive education. It provides for the educational needs of children with disabilities, nomadic populations, migrant communities, adult learners, and other disadvantaged groups. The policy also encourages technical and vocational education, open and distance learning, lifelong learning, and girl-child education, thereby aligning closely with Sustainable Development Goal 4.

The policy further recognises teachers as the foundation of educational quality. Accordingly, it prioritises teacher education, continuous professional development, and professional regulation through the Teachers Registration Council of Nigeria (TRCN). Despite these objectives, many public schools continue to experience acute shortages of qualified teachers, particularly in rural and conflict-affected communities.

Although the NPE presents a comprehensive vision for educational development, implementation has remained inconsistent due to policy discontinuity, inadequate financing, political interference, and weak monitoring mechanisms.

3.2 Constitutional Framework

The Constitution of the Federal Republic of Nigeria 1999 (as amended) constitutes the supreme legal framework governing education. Section 18 obliges government to provide equal educational opportunities and, where practicable, free and compulsory primary education, free secondary education, free university education, and adult literacy programmes.

The principal weakness of this constitutional framework lies in the placement of educational rights within Chapter II, which contains the Fundamental Objectives and Directive Principles of State Policy. Under section 6(6) (c), these provisions are generally non-justiciable, preventing citizens from directly enforcing educational rights before Nigerian courts.

This limitation has attracted sustained academic criticism because it weakens governmental accountability despite Nigeria's extensive international obligations concerning the right to education. Nevertheless, judicial developments have partly strengthened educational rights. Through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, the African Charter forms part of Nigerian law. In *Abacha v. Fawehinmi* (2000) 6 NWLR (Pt. 660) 228, the Supreme Court affirmed that the Charter is enforceable in Nigerian courts provided it does not conflict with the Constitution. Consequently, Article 17 of the Charter, which guarantees the right to education, offers an alternative legal basis for protecting educational rights.

Although this judicial approach represents significant progress, constitutional reform remains necessary to transform education from a policy objective into an enforceable fundamental right.

3.3 Universal Basic Education Act 2004

The Universal Basic Education Act 2004 provides the principal statutory framework for compulsory education in Nigeria. It guarantees every Nigerian child nine years of free and compulsory education comprising six years of primary education and three years of junior secondary education.

The Act imposes legal duties on parents and guardians to ensure school attendance and establishes penalties for non-compliance. In practice, however, enforcement remains weak because poverty, insecurity, child labour, early marriage, and cultural barriers continue to prevent many children from attending school.

The Act established the Universal Basic Education Commission (UBEC), State Universal Basic Education Boards (SUBEBs), and Local Government Education Authorities to coordinate educational administration across Nigeria's federal structure. While this decentralised framework promotes shared responsibility, it has also created coordination challenges and uneven implementation among states.

In the mind of Fafunwa (2004), to improve financing, the Act established the Universal Basic Education Fund, financed through at least two per cent of the Consolidated Revenue Fund of the Federation. States may access these resources upon providing counterpart funding. However, many states have failed to meet this requirement, leaving substantial allocations unutilised and limiting programme effectiveness.

3.4 Child Rights Act and Other Educational Legislation

The Child Rights Act 2003 significantly strengthens children's educational rights by guaranteeing every child free and compulsory basic education. It also prohibits exploitative child labour, protects children from abuse and neglect, and addresses harmful practices, including child marriage, that interfere with school attendance.

Other important statutes complement this framework. The Education (National Minimum Standards and Establishment of Institutions) Act prescribes minimum standards for educational institutions, while the Tertiary Education Trust Fund (Establishment) Act 2011 provides sustainable funding for public tertiary institutions through an education tax on corporate profits. TETFund has substantially improved infrastructure, research, staff development, and institutional capacity within higher education.

However, Ladan (1999) states that quality assurance is further supported by regulatory bodies including the National Universities Commission, National Board for Technical Education, National Commission for Colleges of Education, and the Teachers Registration Council of Nigeria. Despite their contributions, these agencies continue to face funding constraints, bureaucratic inefficiency, overlapping mandates, and political interference.

Overall, Nigeria's domestic legal framework demonstrates a strong commitment to educational development. Its greatest weakness lies not in legislative inadequacy but in weak implementation, insufficient financing, and limited institutional accountability, as stated by International Directory of Company Histories published in 2004.

Regional and International Legal Frameworks Governing Education in Nigeria

Nigeria's educational system is shaped not only by domestic legislation but also by regional and international human rights instruments. As a member of the United Nations-1948, 1966, 1989 and 2015, African Union (AU), ECOWAS, and the Commonwealth, Nigeria has undertaken legal and policy obligations to provide equitable, inclusive, and quality education. These commitments have significantly influenced constitutional reforms, educational legislation, and national policy. However, Amaele (2013) is of the opinion that implementation remains constrained by inadequate funding, insecurity, weak institutions, and socio-economic inequalities.

4.1 Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) 1948 provides the foundation of the modern right to education. Article 26 recognises education as a fundamental human right and requires free and compulsory elementary education directed towards the full development of the human personality, respect for human rights, and the promotion of tolerance and peace.

Although the UDHR is not legally binding, its principles have influenced Nigeria's constitutional provisions and educational policies, particularly the Universal Basic Education Act 2004 and the National Policy on Education. Nevertheless, persistent challenges; including poverty, insecurity, child labour, and inadequate infrastructure, continue to hinder the practical realisation of these ideals.

4.2 International Covenant on Economic, Social and Cultural Rights

Nigeria ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), thereby accepting legally binding obligations to progressively realise the right to education. Articles 13 and 14 require states to provide free compulsory primary education, expand access to secondary and higher education, improve teachers' welfare, and ensure educational quality.

The Committee on Economic, Social and Cultural Rights (1999) further developed the internationally recognised "4-A Framework," requiring education to be available, accessible, acceptable, and adaptable. In the mind of Fafunwa (2004) While Nigeria has expanded enrolment through the Universal Basic Education Programme, deficiencies in infrastructure, teacher quality, educational financing, and regional equity continue to impede full compliance with these obligations.

4.3 Convention on the Rights of the Child and UNESCO Instruments

The Convention on the Rights of the Child (CRC), ratified by Nigeria in 1991, guarantees every child's right to free primary education and requires measures to reduce school dropout rates, promote regular attendance, and ensure education develops children's talents, dignity, and respect for human rights. These obligations were substantially incorporated into domestic law through the Child Rights Act 2003.

Similarly, the UNESCO-1960, 2015 and 2023 Convention against Discrimination in Education prohibits discrimination based on sex, religion, race, language, or social origin and promotes equal educational opportunities for all learners. These instruments have influenced Nigeria's policies on

inclusive education, gender equality, and access for persons with disabilities. However, disparities affecting girls, children with disabilities, internally displaced children, and learners in rural communities demonstrate that implementation remains uneven.

4.4 African Human Rights Framework

Regional protection of educational rights is principally provided by the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child. Article 17 of the African Charter guarantees every individual's right to education, while Article 11 of the African Children's Charter specifically requires African states to provide free and compulsory basic education and eliminate barriers such as child labour and early marriage-(Oyepho 2024).

Unlike many international treaties, the African Charter has been domesticated through the African Charter (Ratification and Enforcement) Act and is directly enforceable in Nigerian courts. The Supreme Court's decision in *Abacha v. Fawehinmi* confirmed its status within Nigerian law, thereby strengthening judicial protection of educational rights.

4.5 Sustainable Development Goal 4

The adoption of the 2030 Sustainable Development Goals reinforced Nigeria's commitment to ensuring inclusive and equitable quality education and lifelong learning opportunities for all. SDG 4 promotes universal access to primary and secondary education, early childhood development, technical and vocational education, gender equality, literacy, and qualified teachers.

Nigeria has incorporated these objectives into the National Development Plan and educational reform programmes. Nevertheless, achieving SDG 4 remains difficult because of rapid population growth, insecurity, inadequate financing, governance challenges, and persistent inequalities in educational access and quality. This view was supported by Surattana & Rattanawadee (2022).

Comparative Assessment of National, Regional and International Frameworks

A comparative analysis demonstrates substantial convergence between Nigeria's domestic legal framework and its regional and international obligations. Constitutional provisions, the Universal Basic Education Act, the Child Rights Act, the National Policy on Education, and sectoral legislation broadly reflect commitments undertaken under the UDHR, ICESCR, CRC, the African Charter, and other international instruments.

The principal weakness of Nigeria's educational legal framework is therefore not legislative deficiency but ineffective implementation. Although education is recognised in numerous legal instruments, constitutional limitations, inadequate funding, weak institutional coordination, corruption, policy discontinuity, insecurity, and limited accountability have significantly undermined effective implementation.

Another notable challenge concerns the constitutional status of educational rights. While several international treaties recognise education as an enforceable human right, Nigeria continues to treat it principally as a Directive Principle of State Policy under Chapter II of the Constitution. Consequently, judicial enforcement remains limited except where litigants rely upon domesticated treaties such as the African Charter.

Furthermore, fragmented institutional responsibilities among federal, state, and local governments frequently produce inconsistent implementation and duplication of functions. Financing also remains inadequate, with public expenditure on education consistently falling below internationally recommended benchmarks.

Accordingly, Nigeria's educational challenge is essentially one of governance rather than legislation. Existing legal frameworks provide a sound normative foundation, but meaningful educational

development depends upon effective implementation, sustained political commitment, institutional accountability, adequate financing, and continuous monitoring of policy outcomes.

Recommendations

Although Nigeria has developed a comprehensive legal and policy framework for education, achieving meaningful educational outcomes requires stronger implementation, institutional reform, and sustained political commitment. The following measures are recommended.

First, constitutional reform should elevate the right to education from a non-justiciable directive principle to an enforceable fundamental right. Amending Chapter II of the Constitution or introducing an explicit justiciable right to education would strengthen governmental accountability and provide citizens with effective judicial remedies where educational rights are violated.

Second, governments at all levels should substantially increase public investment in education. Greater budgetary allocations should prioritise basic education, teacher recruitment and training, school infrastructure, instructional materials, digital learning technologies, and educational services for disadvantaged communities. In addition, state governments should promptly fulfil counterpart funding obligations required to access Universal Basic Education Commission (UBEC) intervention funds.

Third, institutional coordination among the Federal Ministry of Education, UBEC, State Universal Basic Education Boards (SUBEBs), Local Government Education Authorities, and relevant regulatory agencies should be strengthened. Clear delineation of responsibilities, improved intergovernmental collaboration, and effective monitoring mechanisms would reduce duplication, enhance policy consistency, and improve service delivery.

Fourth, accountability and transparency in educational governance should be reinforced. Independent monitoring, regular performance audits, public reporting of educational expenditure, and stronger anti-corruption measures are essential to ensure that allocated resources are used efficiently. Civil society organisations, professional associations, and community stakeholders should also participate more actively in monitoring educational programmes.

Fifth, government should intensify efforts to address barriers preventing vulnerable groups from accessing education. Targeted interventions are required for girls, children with disabilities, internally displaced persons, nomadic populations, and children living in conflict-affected or economically disadvantaged communities. Such measures should include school feeding programmes, conditional cash transfers, inclusive learning facilities, and strengthened protection against child labour and early marriage.

Sixth, teacher development should remain a national priority. Recruitment of qualified teachers, continuous professional development, improved remuneration, and effective regulation through the Teachers Registration Council of Nigeria are necessary to improve teaching quality and learner outcomes.

Finally, Nigeria should strengthen compliance with its regional and international obligations by integrating treaty commitments more effectively into domestic educational planning. Regular monitoring of progress towards Sustainable Development Goal 4, supported by reliable educational data and measurable performance indicators, will enhance policy evaluation and promote evidence-based reforms.

Conclusion

Nigeria possesses one of the most comprehensive legal and policy frameworks for education in Africa. Constitutional provisions, statutory enactments, national education policies, and regional and international human rights instruments collectively establish a robust normative foundation for guaranteeing equitable access to quality education. These instruments demonstrate the country's commitment to recognising education as both a developmental priority and a fundamental human right.

Despite this extensive framework, educational outcomes remain unsatisfactory. Weak implementation, inadequate financing, constitutional limitations, institutional fragmentation, insecurity, corruption, and policy discontinuity continue to undermine the effective realisation of educational rights. Consequently, the principal challenge confronting Nigeria is not the absence of legal standards but the failure to translate existing commitments into practical outcomes.

The analysis demonstrates that strengthening educational governance requires constitutional reform, increased and sustainable financing, stronger institutional accountability, improved coordination among all levels of government, enhanced judicial protection of educational rights, and consistent implementation of both domestic legislation and international obligations. If these reforms are pursued with sustained political commitment, Nigeria will be better positioned to fulfil its constitutional responsibilities, honour its international commitments, and ensure that education serves as a catalyst for inclusive national development, democratic governance, and sustainable socio-economic transformation.

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