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THE IMPLEMENTATION AND PROTECTION OF THE RIGHT TO EDUCATION IN NIGERIA

Author:	Taiwo, Elijah Adewale (Prof)
Publishers:	Lap Lambert Academic Publishing, Germany
Year and Date of Publication:	December, 2012
Number of Pages:	592 pages
Price:	79 Euro

1. PREAMBLE

The publication of the book titled: "*The Implementation and Protection of the Right to Education in Nigeria*" is a great accomplishment to books' industries, intellectual community, educational sector, academics and the legal profession in Nigeria, Africa and globally. Written by Elijah Adewale, Taiwo, a Professor of Law at the Afe Babalola University, Ado-Ekiti, Nigeria, gleaned from the acknowledgment, the book is a product of research from four reputable institutions namely, the Nelson Mandela Metropolitan University (NMMU), Port-Elizabeth, South Africa (where the author conceived and nurtured the idea of writing the book as a doctoral student carrying out a comparative study on the right to education in South Africa and Nigeria); the Netherlands Institute for Advanced Studies in the Humanities and Social Sciences (NIAS), Wasseenaar, the Netherlands under a Fellowship sponsored by the European Institutes for Advanced Study (EURIAS), Paris during the 2011/2012 academic year. It was at NIAS that the author carried out an extensive research which culminated in this book. Upon his return to Nigeria, the author continued his research on the book at two other institutions to wit: the University of Ibadan, Ibadan, Nigeria and Afe Babalola University, Ado-Ekiti, Nigeria.

2. THE BOOK

That education is the essence of the society is not an understatement. It is the bedrock that lays a solid foundation for the future of any society and a mirror by which the past is not only gauged but improved upon. Therefore, the issue of education cannot be over emphasized in any nation of the world, particularly in Nigeria. Professor Taiwo's book, therefore, covers sensitive issues that touch all and every level of education in Nigeria. It deals with important issues that affect the present and the future of Nigeria as a country. Despite the universal acknowledgement of the importance of education, if it is not crystallized into a right, particularly in developing countries like Nigeria, its realisation may fall short of expectations. The book is very timely and relevant to the contemporary needs of Nigeria, Africa and the world over.

With a sequential narration of history of Nigerian educational policies flavoured with comprehensive analysis of Nigerian laws dealing with the subject matter and a comparative appraisal of the law of other nations, *the book can be described as encyclopedia of educational law and policies in Nigeria*. It has 13 chapters with specific educational issues adequately addressed. Chapter one is a general introduction, introducing the subject of the research and providing a background on which the discussion in the subsequent chapters is based. It is divided in to eight sections. Sections 1 discuss extensively the international conventions to argue that everyone has a right to education.¹ The argument is anchored on the ratification and incorporation of those Conventions into the Nigerian domestic law in consonance with section 12 of the Constitution of the Federal Republic of Nigeria, 1999. Section 2 of the chapter discusses the issue of classification of the right to education into socio-economic rights while admitting the fact that education cuts

¹ See art 26, UDHR; arts 13 & 14, ICESCR, art 19(2), ICCPR18 See arts 28, 29, 30 & 31 of the CRC, Art 17 of the ACHPR etc.

agencies such as UNESCO, UNICEF, among others, across other generational rights. Section 3 explains the significance of the right to education while section 4 dwells on the universal problem of inaccessibility of children to education all over the world. Sections 5, 6 and 7 respectively focus on the methodology employs for the research, definition of some conceptual terms in the book, and scope of book while section 8 concludes.

Chapter two traces the historical development of education in Nigeria. It identifies three types of education in Nigeria namely, traditional or indigenous education; Muslim or Islamic education; and Western cum Christian education and discusses their origin and influence in Nigeria. Chapter three flows from the preceding chapters to discuss laws and policies regulating the right to education in Nigeria. In this regard, domestic law of Nigeria, regional and international conventions and instruments are comprehensively discussed. Chapter four examines the right to primary education, its intent, contents, concepts and challenges for its application in Nigeria. Similarly, chapters five and six discuss the right to secondary education and higher/tertiary education respectively. The meaning of the right and the problems associated with its application are addressed in those chapters. Academic freedom and the issue of institutional autonomy which are controversial in Nigeria are the subject matters of chapter seven. The author argues that the institutional autonomy of higher institutions is compromised in Nigeria and recommends for adoption, the position in South Africa where the Constitution provides for autonomy and academic freedom.² Chapter eight deals with the rights in education; this chapter establishes the fact that the right to education is an empowerment right which intersects with other fundamental human rights guaranteed in the Nigerian Constitution. Chapter nine examines the right of the disabled and physically

² See Sec 16 of the Constitution of the Republic of South Africa, 1996 (as amended).

challenged to education. The author observes that most international instruments protecting the disabled are not domesticated in Nigeria and education of the disabled is segregated from those of their peers who are not disabled. In addition, he makes some recommendations which, if implemented, will enhance education of the disabled in Nigeria. Chapter ten is a discourse on corporal punishment and discipline in schools. Chapter eleven deals with the issue of implementation and protection of the right to education in Nigeria, while chapter twelve deals with human rights education. Chapter thirteen is the conclusion.

In summary, the book presents the right to education as "a right which is given a wide recognition in a number of important international human rights instruments." It posits that Nigeria has the duty to protect the right to education as part of her obligations and that it is a breach of her international obligations to do otherwise. The author calls for implementation of all the laws and policies which have been put in place to protect the right to education in the country.

3. UNIQUENESS OF THE BOOK

Professor Taiwo's book has made great and substantial contribution to knowledge in the area of education law; it is the first of its kind in the country in its uniqueness, style of presentation, comprehensiveness and its approach to details. No doubt, the issues discussed by the author are too broad that a perfunctory reader may wonder if there is any relationship or nexus between freedom of association and education etc., but excellent analyses of the link between what could be considered as fragmented issues as done in the book clears the air of ambiguity and complexity.

The book is a must-have for all. It is recommended for everyone, policy makers, federal and state governments, federal and state ministries of education, United Nations' specialised

agencies such as UNESCO, UNICEF, among others, legal practitioners, human rights organisations, NGOs, law students and academics in general. It is a must-read for all.

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