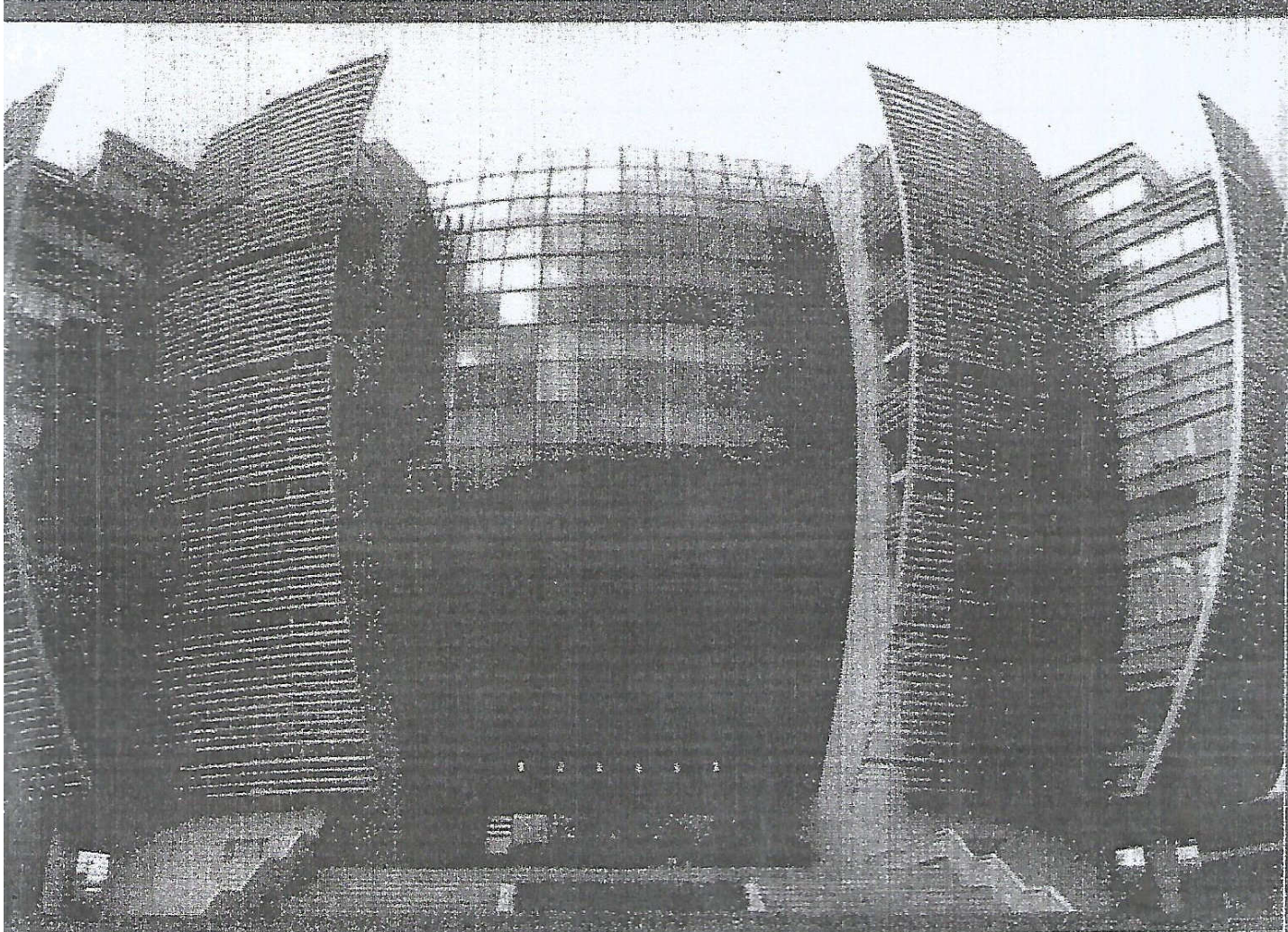


LAW AND PRACTICE OF UNIVERSITY GOVERNANCE IN NIGERIA

IN HONOUR OF
PROFESSOR SABURI
ADEJIMI ADESANYA



Edited by:
Professor Olusesan Oliyide

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Appraisal of Access to University Education in Nigeria*

1.0 Introduction

Despite the laudable declaratives of commitment to human development, globally and domestically, the legitimate aspirations of Nigerians to University education has continued to suffer from the interplay of several factors, ranging from inadequate number of Universities, to corruption, and to funding. Reports indicate that less than 10% of applicants to Nigerian Universities gain admission each year.¹ In May 2017, reports from Joint Admissions and Matriculation Board ("JAMB") indicated that the more than 1.8 million candidates who registered for the Unified Tertiary Matriculation Examination ("UTME") jostled for about 850, 000 admission spaces, leaving the needs of a whopping 950, 000 candidates, representing 55.77%, unmet.² Unfortunately, this number continues to increase, yearly, while the quota for admission remains static. This is only as far as admissions or enrolment goes. However, an in-depth conceptualization would involve the underlying determinants of access, which are the conditions that do not promote full, and equal opportunity for all to attain University education. Certainly, access to education cannot be considered, merely, superficially. Acknowledging the danger in such superficiality, therefore, this work seeks to examine access to University education beyond enrolment and to address the determinants of

* Oluwakemi Mary Adekile; LL.B., LL.M., PG.D. (Theology), PhD; Senior Lecturer, Department of Private and Property Law, Faculty of Law, University of Lagos, Nigeria; E-mail: oadekile@unilag.edu.ng; kemiadekile@gmail.com;

1. JAMB Report 2009; <https://www.informationng.com/tag/jamb>, accessed on 23 October, 2017.

2. Adefulu, D., "1,736,571 Candidates Registered for 2017 UTME", *Vanguard Newspaper* 17 May, 2017; <https://www.vanguardngr.com>, accessed on 23 October, 2017.

disparities, from primary and secondary education levels, that underpin inequity in access to University education.

The objective of this chapter is to identify the challenges, significance and consequences of disparities in University education opportunities, investigate the attempts of Nigeria to expand access to University education and offer concrete recommendations for widening access to University education. Accordingly, it examines the determinants of access, the policy frameworks and codes of practice for widening participation for underrepresented groups in University education in Nigeria, drawing analogy from standard settings, namely, international treaties for protecting the right to education. Towards this objective, the chapter concretizes the significance and objective of University education, the expanded meaning of access to University education, the challenges of access and then recommend modalities for surmounting these challenges.

1.1 Understanding Access

"Access to University education" is the bridled freedom and equal opportunity with others, of a person, who has met the requirements for admission into the University; to gain admission, matriculate and eventually graduate, having optimized the components of a University education towards the development of the person for successful assimilation into the working world. An applicant must have unbiased and robust educational opportunities, at every stage, for the polishing of knowledge, skills and ability to participate in the improvement of society.³ Inability to access education may be due to several factors, including the following: (i) failure to secure admission; (ii) lack of basic opportunity to attend pre-conditional school; (iii) non-completion of the programme of study; and (iv) lack of opportunities to attain desired objectives; for instance, discipline of choice.⁴ It has been asserted that there are limitations and weaknesses inherent in the piecemeal strategies that focus only at the point of admission to

3. Meyer, N. and Bradley, D., "Collaboratively Teaching Intellectual Freedom to Education Students" Vol. 36, No. 1 *Education Libraries*, 24 - 30n.

4. Ebissine, S.S., "Academic Quality Assurance in the Colleges of Education: Challenges and Way Forward for Future Development" Vol. 2, No. 9 (2014) *International Letters of Social and Humanities Sciences*, 1 - 9.

University education.⁵ Because access issues are not merely enrolment issues, it cannot be sufficient to use affirmative action to improve admission in order to solve access issues. The World Bank has cautioned that equity and access should not only be evaluated by superficial means, such as access to schools and technology but should delve, deeply, into the nature of the knowledge being transferred by the schools attended, their overt and covert curriculum and the technology being used.⁶

'Access', therefore, involves streaming of, not only how many students attend University but what kind of institution and what labour market opportunities various degrees offer graduates. In developing countries, Nigeria inclusive, access challenges are recognized challenges involving non-inclusivity due to gender, disability, poverty, geographical location and many other similar factors.

1.2 Education as a Right

Article 26 of the *Universal Declaration of Human Rights, 1948* ("UDH") states that "everyone has the right to education."⁷ Article 1 of the *World Declaration on the Right of the Child to Education* recognizes that every child, youth and adult shall be able to benefit from educational opportunities designed to meet basic learning needs. At the World Conference on Education in 1990, the world adopted the agenda: "Education for All by the Year 2000" ("EFA"). By this agenda, governments and all other EFA partners are to work together to ensure basic education of quality for all, regardless of gender, wealth, location, language or ethnic origin. The world underscored access and successful education programmes to include the following:

- (i) healthy, well-nourished and motivated students;
- (ii) well trained teachers and active learning techniques;
- (iii) adequate facilities and learning materials;

5. Bunyi, G. W., "Interventions that Increase Enrolment of Women in African Tertiary Institutions." Case Study Prepared For A Regional Training Conference on Improving Tertiary Education in Sub-Saharan Africa: Things That Work; held in Accra, Ghana 23 - 25, September, 2003.

6. World Bank, "Literature Review on Equity and Access to Tertiary Education in the African Region", 2009; https://www.siteresources.worldbank.org/EDUCATIONAL/WorldBank_AFR_, accessed on 17 January, 2018.

7. See also, Article 17, *African Charter on Human and People's Rights, 1986*.

- (iv) a relevant curriculum that can be learnt and taught in local language and that builds upon knowledge and experience of the teachers and learners;
- (v) an environment that, not only encourages learning, but is welcoming, gender-sensitive, healthy and safe;
- (vi) a clear definition and accurate assessment of learning outcomes, including knowledge, skills, attitudes and values;
- (vii) participatory governance and management; and
- (viii) respect for and engagement with local communities and cultures.⁸

There are many other international treaties that are committed to the understanding of the right to education.⁹ *Article 27 (1) of the African Charter* states thus:

“Everyone has the right to education. Education shall be free, at least in the elementary stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and *higher education shall be equally accessible to all on the basis of merit*.”¹⁰

The United Nations Educational, Scientific and Cultural Organisation (“UNESCO”) has made significant progress in the creation of an international platform for the recognition of education as a right, towards the attainment of equal educational opportunities for all, without discrimination or exclusion. This human rights approach is setting standards for an inclusive approach to the right to education. Accordingly, the implementation of the *1960 UNESCO Convention and Recommendation Against Discrimination in Education* (“CARED”). CARED provides an international legal framework for the protection of the right to education. The right to education has been internationally recognized as an overarching right. It is a human right in itself and is indispensable for the exercise of other human rights. A number of international standard-setting instruments protect the

8. UNESCO, 2001; <https://www.hpod.org/pdf/unesco.pdf> accessed 5 January, 2018.

9. See, *Article 17, African Charter on Human and People's Rights*, 1986 *Article 26 UDHR* and *Article 28, Convention on the Rights of the Child*.

10. Emphasis added.

fundamental human right to education, which prohibit any form of discrimination, including any distinction, exclusion, limitation or preference.¹¹

CARED, which has been recognized as a key pillar in the EFA process, became the first legally binding international instrument that lays down core elements of the right to education. This Convention prohibits any discrimination in the field of education and expresses the principle of equality of educational opportunities. *Article 1(a) of the Convention* specifies that, depriving any person or group of people access to education of any type or at any level, counts as an act of discrimination. It is noteworthy that the standard is for education at any level to be available to all, on equal basis. This is the constitutional mandate of UNESCO; to ensure "full and equal opportunities for education for all" and aims at guaranteeing the right to education for all, particularly for marginalized and vulnerable groups, including people with disabilities.¹² Under *Article 4*, State Parties are legally committed to formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education. These provisions account for the expansion of the right to education for all, on a national level, by engaging State Parties to make their respective education systems more inclusive, in particular, by providing access to education, at all levels, without discrimination, especially for the most vulnerable groups.¹³

The constitutional mandate of UNESCO has propelled it to develop many standards setting treaties, including one convention¹⁴ and seven

11. UNESCO, Monitoring the Implementation of CARED (8th Consultation) The Right of Persons with Disabilities, Overview of the Measures Supporting the Right to Education of Persons with Disabilities Reported by Member States.

12. UNESCO, Monitoring the Implementation of CARED (8th Consultation) The Right of Persons with Disabilities, Overview of the Measures Supporting the Right to Education of Persons with Disabilities Reported by Member States, op. cit.

13. *Ibid.*

14. *Articles 2 and 4 of UNESCO's Convention on Technical and Vocational Education, 1989*, state that "the contracting States shall pay attention to the special needs of the handicapped and other disadvantaged groups and take appropriate measures to enable these groups to benefit from technical and vocational education".

recommendations,¹⁵ which further develop various dimensions of the right to education.

At the level of the United Nations, ("UN"), Article 13 of the *International Covenant on Economic, Social and Cultural Rights*, 1966 draws, extensively, on UNESCO's *CARED*, and like the Convention, covers the right to education, comprehensively. In Articles 28 to 30 of the *UN Convention on the Rights of the Child*, 1989 ("CRC"), the right to education is recognized as a right of the child;¹⁶ and Article 23, specifically, addresses education of children with disabilities. Article 23 (3) specifies that State Parties shall encourage and ensure extended assistance that shall be designed to ensure that the disabled child has effective access to and receives education and training, among others. Article 10 of the *Convention on the Elimination of Discrimination Against Women* ("CEDAW") commits State Parties to take appropriate measures to eliminate discrimination against women in order to ensure that they have equal rights with men in the field of education, and in particular, to ensure, on the basis of equality of men and women, the same conditions for access to studies which equality shall be ensured in all schooling and vocational training and higher technical education.¹⁷ CEDAW demands the elimination of any stereotyped concept of the roles of men and women at all levels in all forms of education.¹⁸ The reduction of female drop-out rates and the organization of programmes for girls and women who have left school prematurely,¹⁹ must be pursued.²⁰

Article 24 of the *Convention on the Rights of Persons with Disabilities* ("CRPD") protects the right to education of persons with disabilities. It

15. These are: (i) *CARED*, 1960, (ii) the Recommendation Concerning the Status of Teachers 1966, (iii) the Recommendation Concerning Education for International Understanding, Cooperation, Peace and Education Relating to Human Rights and Fundamental Freedoms, 1974, (iv) the Recommendation on the Development of Adult Education, 1976, (v) the Recommendation on the Recognition of Studies and Qualifications in Higher Education, 1993, (vi) the Recommendation Concerning the Status of Higher-Education Teaching Personnel, 1997, and (vii) the Revised Recommendation Concerning Technical and Vocational Education and Training, 2001.

16. Articles 28 to 30, *CRC*.

17. Article 10 (a), *CEDAW*.

18. *Ibid*, Article 10(c).

19. *Ibid*, Article 10(f).

20. Other protections can be found in Articles 12, 30 and 45 of the *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*, 1990.

states that with a view to realizing this right without discrimination and on the basis of equal opportunity, State Parties shall ensure an inclusive education system at all levels and lifelong learning. In *Article 24(2)*, the Convention provides that "in realizing this right, State Parties shall ensure that: (a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of their disability; (b) Persons with disabilities can access an inclusive, quality and free primary and secondary education on an equal basis with others in the communities in which they live."²¹ In explicitly referring to inclusive education, *CRPD* requires States to go beyond simply mixing students from different backgrounds within general education. *CRPD* seeks to incorporate difference into the education system so that persons with disabilities learn the skills to participate effectively in a free society while enabling learners without disabilities to benefit from the experiences of students from diverse backgrounds. In order to achieve this, it requires States to employ teachers with the required skills to provide inclusive education.

CRPD also requires "reasonable accommodation" of the individual learners' needs, which means, among other things, that the school environment must be accessible - for example, through constructing ramp access rather than stairs, providing educational material in accessible formats, facilitating the learning of braille and sign language, and so on.

Nigeria has attempted to meet its obligations with respect to education by an array of policies, legislation and programmes as well as plans of action.²² *Section 18 (1), Constitution of the Federal Republic of Nigeria, 1999* states that the government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels. *Section 18 (3)* states thus:

"The government shall strive to eradicate illiteracy; and to this end Government shall as and when practicable provide free, compulsory and universal primary education;

21. *Article 24 (2), ibid.*

22. Nigeria published its *First National Policy on Education* in 1977 and revised the Policy in 1981 and 1990. The current Policy was published in 2004.

free secondary education; free university education and free adult literacy programme".²³

Laws that entrench universal free basic education are also in place.²⁴ While there are constitutional disputations of this right in Nigeria, it is trite law that the government has strived to achieve universal free basic education.²⁵ In the light of the above international and domestic legal framework, education, in terms of meaning, enrolment, content, methodology and inclusiveness, at any level, is not to be taken with levity.

2.0 Significance and Purpose of University Education

Access to University education is a critical vehicle to bring about a modernized Africa and Nigeria. The content of education, particularly University education, continues to evolve to meet technological advancements. This has brought equity and access, which is now defined on the basis of the individual's access to technologically driven skills, at the front-burner of development goals.

Education is a development initiative, recognized globally and domestically as the right of everyone.²⁶

Education develops the human person; it enlarges and optimizes life choices and opportunities and illuminates social values.

According to Africa Higher Education Collaborative ("AHEC"), increased access to quality higher education increases the capacity of the African continent to create future prosperity, improve public health, advance sustainability and much more. AHEC presents the focus of addressing equity and access in tertiary education in Africa in the following words:

23. Emphasis added.

24. For example, *section 15 of the Child Rights Act, 2003*, which states that every child has the right to free, compulsory and universal basic education and it shall be the duty of the government in Nigeria to provide such education. Also, *section 2(1) Universal Basic Education Act, 2014* states that every government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age.

25. See, *Socio-Economic Rights and Accountability Project (SERAP) v. Federal Government of Nigeria* (Unreported Suit No. ECW/ CCJ/APP/08), *Registered Trustees of the Socio-Economic Rights and Accountability Project and Others v. Attorney-General of the Federation* (Unreported Suit No FHB/ABJ/CS/640/2010), delivered on 29 November, 2012; *Attorney-General, Ondo State v. Attorney-General of the Federation*.

26. *Rome Declaration on the Right to Development, 1986 of the UN.*

"The result is a pressing need for quality higher education equity and access on the African continent and beyond; for identifying viable and practical solutions that addresses the sources of inequality; for designing financial mechanisms and funding options to improve access; and for improving delivery systems of education in an effort to alleviate the most serious inequities in the quality of higher education".

University education is a core aspect of development initiatives as the products provide the middle and high level manpower of each nation as well as the status of intellectual repository.²⁷ Furthermore, it is a critical component of human development, globally.

At the domestic level, *Nigeria's National Policy on Education, 2004* recognizes education as a tool for the country's development. Furthermore, the objects of University education can be gleaned from the *Education (National Minimum Standards and Establishment of Institutions) Act, 2004 ("EMSA")*²⁸ and some of the establishment Acts for each public University in Nigeria.²⁹ *EMSA* articulates the purpose of higher education in Nigeria³⁰ as follows:

- (a) the acquisition, development and inculcation of the proper value-orientation for the survival of individuals and society;
- (b) the development of the intellectual capacities of individuals to understand and appreciate their environment;
- (c) the acquisition of both physical and intellectual skills to enable individuals to develop into useful members of the community;
- (d) the acquisition of an objective view of local and external environment;

27. Oliyide, O. and Odeku, K., "Rights of University Staff and Students", Oliyide, O. and Awolowo, O. (eds.), *Rights* (Throne of Grace Ltd., Lagos, 2006), 98.

28. Cap. E3, Laws of the Federation of Nigeria, 2004.

29. See, for example, *University of Lagos Act, No. 3, 1967*, Cap U9, Laws of the Federation of Nigeria, 2014 (Appendix 8 to this book), *University of Ibadan Act, 1962*, Cap. U6, Laws of the Federation of Nigeria, 2004 (Appendix 4 to this book) and *University of Abuja Act, 1988*, Cap. U2, Laws of the Federation of Nigeria, 2004.

30. "Higher education" is defined in section 25 of the Act.

- (e) the making of optimum contributions to national development through the training of higher level manpower;
- (f) *the promotion of national unity by ensuring that admission of students and recruitment of staff into universities and other institutions of higher learning shall, as far as possible, be on a broad national basis;*³¹ and
- (g) the promotion and encouragement of scholarship and research.

The *Universal Basic Education Act (UBEA)* of Nigeria is in appreciation of education as a vehicle for development and political socialization. It came about in the light of *EFA*³²

3.0 Inequities in Access to University Education

According to the World Bank, there are both non-monetary and monetary barriers to entry into tertiary education. Information access, motivation and inflexibility of University admission processes, family environment, inadequate number of Universities leading to poor carrying capacity, gender inequality, disability, poor funding and corruption, are some of the causes research has shown to be barriers to access, particularly, in developing countries. These are some particularly notorious ones in Nigeria.

3.1 Inadequate Carrying Capacity or Insufficient Number of Universities

Statistics from the National Bureau of Statistics and JAMB show that, between 2010 and 2015, of the 10 million applicants to tertiary institutions in Nigeria, only 26% gained admission. JAMB also reports that, on the average, only 400,000 of the 1.5 million candidates that write the UTME every year gain admission to Nigerian Universities.³⁴ Why this is the case is because there are inadequate number of Universities in the country and the ones available do not have sufficient carrying capacity. NUC has assigned quotas to each University, reflecting the University's carrying capacity. The carrying capacity of

31. This serves as the basis of quota system in enrolment to Nigerian public Universities; see *infra*.

32. UNESCO, *ibid*.

33. OAU Doc. CAB/LEG/24.9/49 (1990), entered into force on November 29, 1999.

34. JAMB Report 2009, *ibid*.

Universities, clearly, shows that they cannot meet the University education needs of Nigerians.³⁵ Unfortunately, the government appears to be doing little to upgrade the carrying capacity through infrastructural development of old Universities and the establishment of new public Universities. Over the years, Nigeria has used different policies to address the challenge of carrying capacity. This attempt is, however, not unique to Nigeria.

Moreover, the massive efforts put in place to attain UBE under section 18 of the UBE Act has not been met with commensurate efforts to make available sufficient Universities to assimilate the fruits of UBE through the provision of adequate and quality number of Universities and other tertiary institutions in Nigeria. Thus, while there is now over 80% achievement in primary and secondary school enrolment, there is no carrying capacity in the University system to assimilate the products.³⁶

There is no disaggregated data that suggests the number of Universities that Nigeria should have, as a definite development plan of action. However, this ought to be done and must be done in consonance with the number of prospective University applicants. Most public Universities have been forced to admit beyond their carrying capacity.³⁷

One of the aims of any effort to increase access to University education in Nigeria is to reduce inequities in education outcomes across geographic, income, age, gender and other groups. Such inequities must not be focused on enrolment only but also address completion issues. Responses to the challenges of carrying capacity in Nigeria include the following:

35. NUC has assigned quotas to Universities reflecting their carrying capacity. For example the quota for University of Lagos in 2015/16 was: 8,970, with the following as its breakdown: Arts: 754; Business Administration: 975; Education: 1,547; Engineering: 988; Environmental Sciences: 671; Law: 400; Medicine: 577; Pharmacy: 367; Sciences: 1,799; and Social Sciences: 892.
36. As of August, 2017, Reports in the print media show that NUC is currently processing 200 applications for new private Universities.
37. In 2015/16, for example, University of Lagos with a carrying capacity of 8,970, admitted 9,908 candidates.

3.1.1 Liberalization of Education

By constitutional arrangement, Nigeria has placed the power to make laws on University education on the Federal and State Governments.

Constitution of the Federal Republic of Nigeria, 1999, Paragraph 27, Second Schedule, Concurrent Legislative List - the Federal Government, through the National Assembly, has power to make laws for the Federation or any part thereof, with respect to University education, technological education or such professional education as may, from time to time, be designated by the National Assembly. The power conferred on the National Assembly under Paragraph 27 of this item includes power to establish an institution for the purposes of University, post-primary, technological or professional education. By Paragraph 29, subject as therein provided, a House of Assembly has power to make laws for the State with respect to the establishment of an institution for purposes of University, technological or professional education.³⁸

By the exercise of these powers, government has made room for the establishment of private Universities to support public institutions.³⁹ Liberalization of education in Nigeria also reflects the trend in other countries as seen in the World Bank Report on Education in Sub-Saharan Africa whereby private enterprise into education has assisted in meeting the needs of insufficient public Universities. However, the outcome has been the expansion of equity issues as these Universities are only options for the very rich due to their exorbitant fees. At present, Nigeria has about forty (40) Federal Universities, Forty-Five (45) State Universities and sixty-eight (68) private Universities. It is noteworthy, however, that licensing private Universities without regulating the tuition and promoting bursary opportunities may not yield the needed returns on accessing University education.

38. Note, however, that nothing in the foregoing paragraphs of this item shall be construed so as to limit the powers of a House of Assembly to make laws for the State with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education; Paragraph 30.

39. See, sections 18 and 19, *Education (National Minimum Standards and Establishment of Institutions) Act, 2004*, *ibid.*

3.1.2 Reassignment

One of the recent policy interventions in the case of access to University education is that of reassignment. In 2015, JAMB, under the leadership of Professor Ishaq Oloyede, reassigned candidates from Universities of choice to "needy Universities" which did not have sufficient number of candidates. JAMB argued that this was meant to secure admission for the reassigned candidates and prevent them from wasting a year. The policy was widely criticized, especially, by parents and candidates, particularly, because the Universities they were reassigned to were private Universities with severe cost implications. The attempt calls into question the policy of restriction of candidates to the choice of one University in the first place. There may be need to revisit this policy vis-a-vis the old policy of the choice of three Universities.

The challenge of carrying capacity should be pursued, not only through liberalization of education for private Universities to emerge but also, through self-sponsored programmes in public institutions, diversity of course offerings as well as flexible scheduling and innovative delivery methods, such as the use of ICTs. Expansion of carrying capacity of existing public Universities through commitment of funds to massive infrastructure development is, also, most imperative; so also is the need for more public Universities, in order to realize the benefits of education.

3.2 Access and Gender

Issues of gender access to University education relate to equity of enrolment due to challenges of socio-cultural and other factors; streaming of girls into certain types of institutions, focusing on certain types of disciplines for girls, inconducive reading environment due to sexism and other factors, *etcetera*. Concerning enrolment, gender stereotypes, social and cultural norms (for example harmful traditional practices) affect female enrolment and completion of education at all levels of schooling. Accordingly, access and gender issues in admission relate more to underlying socio-cultural issues that do not give boys and girls equal opportunities for University education; these issues touch on the challenges of the girl child to education from basic education level. They range from early marriage, pregnancy, violence and child labour. Social isolation caused by or resulting from restrictive freedoms, domestic duties and cultural perception of the status of the

girl child in the future role of wife and mother have meant that parents either consider it unnecessary to educate the girl child, or where there is inadequacy of resources, prefer the education of the male-child. Gender discrimination, therefore, inhibits the access of the girl-child to University education as an outcome of exclusion from basic education.⁴⁰

It was discovered in the 2004/05 EFA Global Monitoring Report that, in general, Sub-Saharan Africa has low enrolment rates and strong gender disparities and inequalities.⁴¹ For instance, in tertiary education, the Gender Parity Index ("GPI") indicates a disparity of 40% in favour of males with an enrolment rate of 2.5 percent.⁴² This meant that women are less represented than men. In fact, fewer than five women to ten men. The Report also states that the few women who have access to University education are confined to what is traditionally called feminine fields, such as social sciences, humanities, services, health related areas of study, and so on.⁴³

Disparities exist, generally, in girl child/boy child education in Nigeria. As of 2015, female adult literacy rate⁴⁴ for Nigeria was 49.7% while male was 69.2% with a gender difference of 19.5%. The country could not attain Goal 2 target of the Millennium Development Goals ("MDGs").⁴⁵

Underlying root causes of insufficient access is more critical in gender. It relates to underlying socio-economic issues that do not give boys and girls equal opportunities for University education. These issues touch on the challenges of the girl-child, to education: (i) early

40. See further Mukoro, "The Phenomenon of Gender Inequality in Access to and Equity in University Education" Vol. 4, No.7 (August, 2013) *Mediterranean Journal of Social Sciences*, 4.

41. UNESCO, "Gender Education for All: The Leap to Equality Overview: Sub Saharan Africa" (Paris: UNESCO). *EFA Global Monitoring Report 2004/05 Regional (Paris: UNESCO, 2005)*

42. GPI is ratio of female to male value of a given indicator.

43. Women are gender streamed into some specific types of non University types of institutions and or specific disciplines leading to low paying occupations. Females are over-represented in teaching institutes, nursing and secretarial schools. They are over-represented in the humanities, and under-represented in courses like Agriculture, medicine, business, science and Engineering programmes. They also have minimal roles in the leadership of educational institutions.

44. Ages 15 and above.

45. UNICEF, "Children Education in Nigeria" UNICEF reported that as of 2015, 40% of Nigerian children, aged 6- 11 do not attend any primary school. The Northern part of the country recorded the lowest in school attendance for girls.

marriage; (ii) pregnancy; (iii) violence; and (iv) child labour. Gender discrimination, therefore, inhibits the education of the female-child to University education.

Responses to gender issues are domestic, regional and global. At the international conference to commemorate the 40th anniversary of the Economic Commission for Africa,⁴⁶ with the theme: "African Women and Economic Development: Investigating our Future", which was very relevant to tertiary education, the group meeting with the sub-theme: "Changing Formal and Informal Education and School Programmes for the Promotion of Gender Equality", identified the following strategic actions and interventions and identified institutions and bodies that have the capacity to undertake the strategic action aimed at the education of the girl-child, for the purpose of achieving gender equality in education. It recognized that political will is needed to facilitate the creation of policies, such as affirmative action, that will increase access of girls to tertiary education and also increase the budget for education.

It identified the need for Governments, through the Ministries of Education, to do curriculum review with a view to incorporating skills, sexual and reproductive information, as well as human rights and peace education. It also emphasized that teacher training should also incorporate sensitization on gender issues, that teaching and learning materials which are gender-sensitive must be developed and that socialization process for boys and girls must create a sense of equality and co-operation. The media was also enjoined to sustain the debate on the girl-child education through advocacy, marketing, at national the level, for different audiences, including policy makers. Governments were also to ensure the link between labour saving activities, such as provision of water points, health centres, grinding mills and child care centres with education programmes as well as institute measures that would reduce household burdens and poverty, such as bursary schemes for girls. The recommendations were underscored by the premise that socio-cultural factors that affect the girl-child's educational opportunities are also contributory to the challenges of access to University education.

46. Held on 28 April - 1 May 1, 1998.

One critical response theme to the issue of gender access to education is gender mainstreaming. In 2006, the Association of African Universities produced a training tool, which contained nine modules, including the following: (i) student access and retention; (ii) gender violence and sexual harassment law; and (iii) disaggregated data and resource mobilization for equity control. Gender mainstreaming is also part of the policy regarding admissions aimed at 50-50 enrolment ratio for males and females.⁴⁷

Nigeria, like other African countries, has tried to use affirmative action policies to address access issues, based on gender. However, gender consideration plays no role in the merit-based system of admission in public Universities.

Within several policies and laws, great initiatives towards the cancellation of imbalance in girl/boy education, to provide equality of access, has been put in place.⁴⁸ which projects the value of education as a development tool for Nigeria; National Policy on Gender in Basic Education, 2007, aimed at equal participation in the girl/boy child school enrolment, attain retention in school and successful completion; National Framework on Girls and Women in Education, with the objective of increasing the quality of education that is accessible to girls through a rights' based approach, among other

47. For instance, countries like Ghana, Kenya, Uganda, Tanzania, and Zimbabwe had to lower the cut-off points for admission of female candidates. As a result, between 1990 and 1999, female enrolment in Ghana grew by six percent and at Makerere University, in Uganda, grew by seven percent; between 1997 and 1999, the University of Dar Es Salaam, Tanzania, witnessed an increase from 19 percent to 27 percent, in female enrolment.

48. See, for example, the Blueprint on Women's Education Programme, 1986; National Commission for Women created in 1989 to formulate National Policy for Women and Development; National Commission for Mass Literacy, Adult and Non Formal Education, 1991; Family Support Basic Education Programme, aimed at improving access of girls in the rural areas to education; the UBEA, 1999, revised to reduce the inequities in education relating to gender and geography; UBEA, 2004, to ensure free, compulsory and qualitative education for all children and birthing the UBE Commission; Gender Education Programme (GEP) started in 2004, to reduce gender disparity, instituting programmes like Students' Tutoring, Mentoring, and Counseling; National Policy on Education, 2004 (STUMEC), revised 2007, which projects the value of education as a development tool for Nigeria; National Policy on Gender in Basic Education, 2007, aimed at equal participation in the girl/boy child school enrolment, attain retention in school and successful completion; National Framework on Girls and Women in Education, with the objective of increasing the quality of education that is accessible to girls through a rights' based approach, among other techniques; National Gender Policy, 2006. Some States have also passed equal opportunities laws; see for instance, (i) *Imo State Equal Opportunities Law*, No. 7, 2007 (repealed); (ii) *Anambra State Gender and Equal Opportunities Law*, 2007; (iii) *Kogi State Gender and Equal Opportunities Law*, 2013; and (iv) *Ekiti State Equal Opportunities Law*, 2013.

techniques; National Gender Policy, 2006. Some states have also passed equal opportunities laws; see for instance,

Nigerian government, in conjunction with development partners like UNICEF, undertook development initiatives like the Girl Education Programme ("GEP"). GEP was inspired by the African Girl Education Initiative ("AGEI") delivered through the Norwegian Government. AGEI, itself, was an output of the earlier UN Girls Education Initiative ("UNGEI") leading to NGEI with the aim of improving the quality of life of girls in Nigeria.⁴⁹ The realization of the objectives of these platforms meant to attain equality while recognizing the differences in the experiences of men and women, is another issue.

After AGEI came the Strategy for the Acceleration of Girls' Education in Nigeria ("SAGEN") which was developed to achieve gender parity in terms of access, retention, completion and achievement in basic education by 2015 in Nigeria.⁵⁰ This came against the backdrop of Nigeria's inclusion in the UNICEF supported "25 by 2005" Global Initiative in 2003.

GEP arose from this background. Its initiative was a tripartite relationship by DFID, the Government of Nigeria and UNICEF. It is the largest DFID/UNICEF partnership in the world with the aim of boosting girls' participation in Northern Nigeria where it is being implemented. GEP is a sectoral approach including intervention in the field of health, water and promoting income generation activities to support girls in school, to accelerate progress towards the goal of inclusive education for all.⁵¹

Unfortunately, as Adeyemi noted,⁵² despite the great efforts, there is considerable gap existing between female and male in University enrolment in all aspects of the Universities. Specifically, there was wide gap in the sciences and science-based disciplines; and also between the Northern and Southern zones, with higher female enrolment in the south than in the north.

49. Abdula, U. A., "Strategies for Acceleration of Girl Child Education in Nigeria", commissioned paper delivered at the Seminar on the Acceleration of Girl Child Education in a Democratic Dispensation in Nigeria", organized by Women Development Network (WODEN) held in Kano, Nigeria, 8 and 9 Oct., 2003.

50. *Ibid.*

51. *Ibid.*

52. Adeyemi, K., "Gender Analysis of Students Enrolment in Nigerian Universities" Vol. 48, Issue 3 (October, 2004) *Higher Education*, 361 - 378.

In articulating the constraint of female access to University education, it must be borne in mind that the issues exceed enrolment at the University. Lower enrolment at primary and secondary education levels, and in science, mathematics and technology subjects culminating in inadequate qualified female candidates for University education. Furthermore, low carrying capacity of Universities, women unfriendly University environment, insufficient female role models, socio-cultural values, beliefs and practices that militate against the education of girls and high rates of employment of University graduates are underlying factors to inaccessibility of University education.⁵³

3.3 Corruption

The low carrying capacity has resulted in a lot of corrupt practices in the process of admission. Many, within and outside the University system have perfected the art of fake results, manipulation of admission processes of Universities, falsification of credentials and other vices, which give a distorted view of merit admission.

The desperation for University admission has also resulted in rampant fraudulent claims by applicants as to age, results, state of origin, *etcetera*. Result verification exercises by Universities often reveal that students had used fake certificates, sometimes when students are already in the final stages of the University education. Consequently, unqualified candidates who were admitted in error inhibit the access of properly qualified candidates and may even distort the efficiency rate of Universities, as they may have low completion rates.

3.4 Over-subscription to Professional Disciplines

A proper definition of access includes securing enrolment to desired or choice discipline. A situation where an applicant is forced to choose an undesirable course purely in order to gain enrolment, raises equity of access issues.⁵⁴ Access to University is also constrained by over-subscription to disciplines of choice. In most Universities, usually, there

53. Bunyi, G., *op. cit.*

54. While it is not in doubt that in some of such cases, the applicant may discover his true potential and make an eventual successful career out of the choice, this is not necessarily so in some other cases, as some still have to go through the stress of obtaining a second degree in the preferred field.

is over-subscription to some courses at the expense of others. Experience has shown that courses like Medicine, Law, Engineering, Mass Communication, Architecture, Accounting and other professional courses are, usually, over-subscribed and this has deprived otherwise suitable candidates admission because they do not meet the cut-off marks for courses of their choice.

For example, at the University of Lagos, in the 2015/16 Session, a course like Fisheries had only three candidates compared with Law which, with a quota of 400 students, had 3,861 applicants. In that same University, for example, the ratio of admission was 53:47 for Arts:Science. Over-subscription to courses could have been addressed by Government's 60:40 Science:Arts ratio policy, but this is not reflected in the applications pattern. A lot must be done at lower education level to tilt the balance in favour of this Government policy. This will improve access, to an extent. Presently, one of the ways of addressing over-subscription is through the change of course process in some Universities.

3.4 Persons with Disabilities

According to the World Health Organization⁵⁵ and the World Bank, it is estimated that more than one billion people around the world have some form of disability,⁵⁶ with over four out of five persons living in developing countries.⁵⁷ These rough numbers demonstrate that there is a severe lack of concrete and accurate data showing the true scale of discrimination worldwide and at the national level. This is even more of the case in relation to education-related data, as there is only little information regarding persons with disabilities in this area.⁵⁸

55. World Health Organization and World Bank, *World Report on Disability*, 2011; <https://www.who.int/publications/2011>, accessed on 20 October, 2017.

56. Persons with disabilities are individuals with one or more physical, sensory, intellectual or mental health impairments World Health Organisation;

57. International Labour Organization, 2007, Geneva; <https://www.ilo.org>, accessed on 12 October, 2017.

58. UNESCO, "Education for All Global Monitoring Report 2013/14"; <https://www.efareport.unesco.org>, accessed on 20 October, 2017.

To address this gap, the Federal Government of Nigeria included in the National Policy on Education, a commitment to carry out a census of all physically or emotionally challenged children. However, this is yet to be done.⁵⁹

UNESCO reports that people with disabilities face specific challenges in the pursuit of their right to education, resulting in a reduced access to mainstream education. Specific efforts must be put in place to secure their enrolment and, stay until completion, at all levels of education. Nigeria is yet to make its educational system inclusive in this respect to guarantee the right to education of disabled people. The *United Nations Convention on the Rights of Persons with Disabilities, 2006* ("UNCRPD") is the only United Nations human rights instrument that comprehensively protects the rights of persons with disabilities, including the right to education.

By virtue of Article 24 of UNCRPD, education must achieve the defined goal of full and equal access to education, if State Parties are fully committed.⁶⁰ Article 24 states thus:

1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, State Parties shall ensure an inclusive education system at all levels and life long learning directed to:
 - a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
 - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;
 - c. Enabling persons with disabilities to participate effectively in a free society.
2. In realizing this right, State Parties shall ensure that:
 - a. Persons with disabilities are not excluded from the general education system on the basis of disability, and that children

59. The Report of the 2006 Nigerian census is to the effect that there are 3,253,169 people with disabilities, representing 2.32 % of the total population of the country.

60. Nigeria is signatory to this Convention.

with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

- b. Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;
 - c. Reasonable accommodation of the individual's requirements is provided;
 - d. Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;
 - e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.
3. State Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, State Parties shall take appropriate measures, including:
- a. Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;
 - b. Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;
 - c. Ensuring that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.
4. In order to help ensure the realization of this right, State Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. State Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, State Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

The Sustainable Development Goals (SDGs) offer targets for the protection of the educational rights of the disabled.⁶¹ The education Goal 4.5 is specific in the aim that, by 2030, there must be elimination of gender disparities in education as well as equal access to all levels of education and vocational training for the vulnerable, including all persons with disabilities, indigenous people and children in vulnerable situations.

From the foregoing, inclusive education, at all levels, is a critical equity issue for the disabled, in order for them to develop their full potential. The principle of full and effective learning, effective individual support measures and the idea of full and equal participation are encouraged under the UNCRPD. Nigerian Universities have policies in place that should secure enrolment of the disabled but the principle of effective, full and equal education may be a far cry due to inadequate infrastructure. Resources that provide the optimal efficiency support and mentoring are hardly available on University campuses for students with disability.

3.5 Inflexible Admission Process

Hitches in the admission process also constrain access to education. For example, late release of results of Ordinary Level Examinations may deny applicants admission in the year of graduation, as seen in 2016/17 when results of National Examination Council of Nigeria ("NECO")⁶² were not released in time for deadline set by JAMB Policy

61. There are five goals that make explicit reference to the disabled. These are: Goal 4 Quality (on Education); Goal 8 (on Employment); Goal 10 (on Inequality); Goal 11 (on Sustainable Centres); and Goal 17 (on Goal Partnerships); see, "United Nations Sustainable Development Goals;" <https://www.un.org/sustainable-development/sustainable-development-goals>, accessed on 5 January, 2018.

62. *National Examinations Council Act, 2002*. Section 1 established NECO with functions, *inter alia*, for the general control of the conduct of internal and external Senior Secondary School Certificate Examinations in Nigeria, without prejudice to the existing powers and functions of the West African Examinations Council.

Meeting.⁶³ There must be synergy between all relevant stakeholders in order not to deny access.

In modern times, ICT drives the process of admission and ability to apply may be determined, to a large extent, by its efficiency of the ICT platforms, the skill of the user and the geographical location. Nigeria is yet to attain optimal level in the use of ICT and these are core issues that may delimit access to University education.

3.6 Geopolitical Access (Quota, Catchment, ELDS)

Quota system is the minimizing of entry requirements of States as a result of Federal character. The use of merit and quota system for admission, is a norm in most African Universities. In Ghana, quota system is used to widen participation to include non-traditional students: mature students, people in full time employment, the disabled, the poor, female students and those from rural and deprived schools. These group of students are those that are the supply-chain of non-access to University education.

According to Clancy and Goastellec,⁶⁴ the trend, generally, is giving priority to "inherited merit" in the admission process through a committal to formal equality, towards the application of some modes of affirmative action for selected unrepresented groups. They argue that this convergence in African countries is accompanied by a growing appreciation of the complexity of social identity and complemented by significant national specificity in respect of the social categories, which are used to define social diversity. They further distinguished between expanding participation and widening access to higher education to previously underrepresented groups.

63. The Joint Admissions and Matriculation Board Act, 2004, Cap. Laws of the Federation of Nigeria, 2004, provides, in section 5 (1), that the responsibility of JAMB shall include the general control of the conduct of matriculation examinations into Universities, Polytechnics and Colleges of Education in Nigeria. The Board is responsible for determining matriculation requirements and conducting examinations leading to undergraduate admissions and also admissions to National Diploma and Nigerian Certificate in Education courses. By that section, however, JAMB shall not be responsible for examinations or any other selective process for postgraduate courses and any other courses offered by tertiary institutions. It is noteworthy, also, that each University has the power to regulate its own admission requirements; see, for example, section 12 of the University of Lagos Act, 1967, which gives the University of Lagos power to regulate admission of students and discipline. Accordingly, each University Governing Council determines its admission requirements.

64. See, Clancy, P and Goastellec, O., "Exploring Access and Equity in Higher Education: Policy and Performance in a Comparative Perspective" Vol. 61, No. 2 (2007) *Higher Education Quarterly*, 136 - 154.

The quota system includes the ratio of Arts to Sciences⁶⁵ and the ratio of UTME to Direct Entry.⁶⁶

It also forms part of policy on catchment⁶⁷ and Educationally Less Developed States ("ELDS") in particular. The quota system has been, consistently, criticized as impeding the access of better qualified candidates, thereby eroding the efficiency of Universities.⁶⁸ The application to ELDS⁶⁹ and catchment means admission is not purely merit-based. For UTME admission, a government University must admit based on the following: merit; 45%; catchment; 35%; ELDS:20%,⁷⁰ totaling 100%. The question arises as to what extent can policies on catchment and ELDS be justified in view of *section 42 (1) of the Constitution of Nigeria, 1999*, that no citizen of Nigeria may:

"(b) be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not accorded to citizens of Nigeria of other communities, ethnic groups, places of origin, sex, religions or political opinions".

There are justifications for saying that substantial equality is the aim of the policy on ELDS, which has been applied to other aspects of life.⁷¹ This can, therefore, be justified as the data on ground shows the

65. The ratio is Sciences; 60; Arts; 40; see, *ibid*.

66. UTME Quota is: UTME; 70; Direct Entry; 30.

67. Catchment is giving a percentage of admission to those in the geopolitical zone of the institution while ELDS gives percentage admission to those in the states with low education engagement.

68. Akpan, C.P and Undie, J. A. Ayeni, "Access to University Education in Nigeria: Issues and Problems", Ayeni, A. O. and Adedeji, S. O. (eds.) *Access, Equity and Quality in Higher Education, Nigerian Association for Educational Administration and Planning*, (Lagos, 2007), 75 - 78.

69. For example, for University of Lagos, the catchment states are: Ekiti, Lagos, Ogun, Ondo, Osun and Oyo States; see, Ukiwo, "Education, Horizontal Inequalities and Ethnic Relations in Nigeria" Vol. 27, Number 3 (2007) *International Journal of Educational Development*, 266 - 281.

70. ELDS States are: Adamawa, Bauchi, Bayelsa, Benue, Borno, Cross-River, Ebonyi, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Kogi, Kwara, Nasarawa, Niger, Plateau, Rivers, Sokoto, Taraba, Yobe and Zamfara States.

71. For example, as regards discrimination of women, CEDAW provides that, in order to accelerate women's actual equality in all spheres of life, States are permitted to use temporary special measures, for as long as inequalities continue to exist, in order to get equality of opportunities and equality of outcomes but this should be removed once equal status are attained; see, *Article 4 (1)*.

inaccessibility of some zones that are disproportionately represented in access to University education.⁷² However, it is doubtful if there is periodic review of the ELDS status of the states, using empirical research that focuses on the educational situation of such states. This is necessary in order to prevent another line of inequities.

The quota system is aimed at achieving substantial equality in access to education, in fulfillment of the right to education. It is, therefore, not against the vision of the anti-discrimination laws.

3.7 Curriculum Development

The incongruence of subjects with disciplines may constrain access in the sense that the nature of subjects offered by a candidate at Ordinary Level may differ from University departments entry level subjects. Candidates, sometimes, discover, too late, that their subjects-combination is at variance with University departments' curriculum, making them not registrable, even after being offered admission. Unless there is a standardization of WAEC and NECO subjects with University ones, this may continue to impede enrolment.

Furthermore, there is need to put in context, the World Bank parameters of access, which includes content of courses offered and assimilation of graduates into the labour market. As long as unemployment rate remains at its peak, enrolment at University may not be promising for the lower class to send their children. University curriculum must, therefore, provide the recipients with the skill for survival in contemporary times. The recipients must also acquire both physical and intellectual skills that enable them develop into useful citizens making optimum contributions to national development.

3.7 Poverty and Access

Human poverty is a state of deprivation with regard to the capabilities and opportunities that are essential for human development. Poverty may manifest itself as the lack of the capability to live beyond a certain age, the lack of the opportunity to participate in government decisions affecting one's life at the local or national level, and, of course, the lack of a sufficient level of income.⁷³

72. See, EMSA, *ibid.*, which provides that University admission should be on broad national basis.

73. Nigeria National Human Development Report 2015.

According to the World Bank, there are three recognized monetary barriers to tertiary education; namely: (i) the cost/benefit barrier; (ii) the cash-constraint or liquidity barrier; and (iii) the internalized liquidity constraint or the debt aversion barrier⁷⁴ The cost/benefit barrier occurs when an individual decides that the cost of attending University (including tuition and living expenses as well as opportunity cost of not working during the duration of the cost) outweigh the returns to their education. Liquidity barrier refers to a student's inability to gather the necessary resources to pursue tertiary education after having decided that the benefits do outweigh the cost. The debt aversion constraints occur when a student values the benefits of tertiary education to its costs and can borrow to access to financial resources, but despite these, chooses not to matriculate because he or she thinks the financial resources available to him or her includes loans.⁷⁵

Within these barriers, many candidates fail in their dream to gain admission. Financial standing affects access because financial and economic resources provide opportunity to the determinants of University admission requirements or by providing exposure to the possibilities and avenues for access including understanding of scholarship and bursary prospects.

The wealthy are able to send their children to high-quality primary and secondary institutions where they obtain greater prospects of tertiary education. On the other hand, the low-quality education doled out in public schools, as a result of poor funding, continues to erode the prospects of attaining minimum entry level requirements for their admission into Universities. Ordinary Level results of public schools are not in the same class as those of their private counterparts.

While the State policy is that University education should be free, the modalities for manifestation are missing. The provision of *section 18 (3) (a), Constitution of Nigeria, 1999 (as amended)*, that government shall strive to eradicate illiteracy and to this end, government shall, as and when practicable, provide free University education is yet to be given a major policy thrust, as far as public Universities are concerned. While there are minimal tuitions in these institutions, the cost of staying

74. World Bank, World Bank Group, *Tertiary Education Overview*, World Bank; <https://www.worldbank.org/en/topic/tertiaryeducation>, accessed on 5 January, 2018.

75. World Bank, *Tertiary Education Overview* *ibid*.

within the University system to obtain a degree, is not within the reach of those below average.

3.7.1 Educational Financing

It is tempting to suggest that giving of scholarship to poor undergraduates would ensure enrolment completion. However, such would only add marginal improvement to access. Poverty may affect the quality of enrolment and teaching outcome. In their analysis of higher education financing in Kenya, *Muene and Otieno* enthused as follows:

“the policy of financial aid to all students may not necessarily lead to equity if the poor encounter other (c) barriers to access such as poor examination performance due to poor quality schools or lack of financial resources for high school”.⁷⁶

Financial resources, therefore, go beyond bursaries for undergraduates but must address underlying cause of poverty from the grassroots.

3.8 Poor Funding of University Education

The failure to properly fund and expand public Universities to give quality education to Nigerians is a reflection of the persistent poor budgetary allocation to education below the 26% of national budget recommended by UNESCO. NUC is responsible for advising on the need for additional Universities as well as funding. Under *the National Universities Commission Act*, the functions of the Commission are to:

- (a) advise the President and the Governors of the States, through the Minister, on the creation of new Universities and other degree-granting institutions in Nigeria;
- (b) prepare, after consultation with all the State Governments, the Universities, the National Manpower Board and such other bodies as it considers appropriate, periodic master plans for the balanced and co-ordinated development of all Universities in Nigeria and such plans shall include -

⁷⁶ Bunyi, *ibid.*

- (i) the general programmes to be pursued by the Universities, in order to ensure that they are fully adequate to meet national needs and objectives;
- (ii) recommendations for the establishment and location of new Universities as and when considered necessary, and in accordance with the Commission's approved guidelines;
- (iii) recommendations for the establishment of new academic units in existing Universities or the approval or disapproval of proposals to establish such academic units;
- (c) make such other investigations relating to higher education as the Commission may consider necessary in the national interest;
- (d) make such other recommendations to the Federal and State Governments, relating to Universities and other degree-awarding institutions as the Commission may consider to be in the national interest;
- (e) inquire into and advise the Federal Government on the financial needs, both recurrent and capital, of University education in Nigeria and, in particular, to investigate and study the financial needs of University research and ensure that adequate provision is made for this in the Universities.

NUC, therefore, needs to live up to its responsibilities for this purpose by properly advising government on the unmet needs in University education. Despite the national policy on education, which has ensured increase in school enrolment at the basic education level, majority are still unable to achieve their dream of University education.

4.0 Conclusion and Recommendations

In the light of the conceptualization of access to University education by various international bodies like the World Bank and UNESCO, in this chapter, the expanded meaning of access: enrolment, content/curriculum development to meet the recipient's labour market needs, access to technologically driven skills, inclusiveness of vulnerable groups like the girl-child and the persons with disability as well as those living in poverty; underlying socio-cultural factors as well as gender problems, has been articulated.

The development implications of access to University education for the individual and the society in which he or she lives has, also,

been underscored. Accordingly, through international treaties like CADE, UNCRPD, CEDAW and SGSs and domestic legislation in Nigeria, it has been concluded that access to University education is a right that must be protected. In the human rights formulation, it means full and equal access of all persons to education, without discrimination.

Available data shows that Nigeria is grossly deficient in providing access to University education. There are barriers to University education arising from inadequate number of public Universities, lack of infrastructure as a result of inadequate funding and corruption, poverty and gender discrimination as well as non-inclusiveness, especially, for the disabled. Access is also constrained by over-subscription to some disciplines at the expense of others as well as failure to standardize curriculum and geopolitical considerations. These and other factors, all combine to present a dismal picture of poor access to University education.

Also in the chapter, the various measures that the Nigerian government has used to address access, including liberalization of education by licensing private Universities, the use of quota system, involving ELDS and Catchment, reassignment to Universities not of first choice or to other disciplines, have been identified. The efforts made to introduce various equal opportunity policies for gender disparities, have also been examined.

Against the backdrop of the foregoing, the chapter proposes that there is need to address the carrying-capacity of Universities through massive infrastructure development. More public Universities must be established as the liberalization of education through licensing of private ones has failed to meet the needs of Nigerians. The present quota system is a minor contribution to the access issue and must be continued. Furthermore, expansion of number and carrying-capacity are just one alternative. It is necessary to review the modalities for education delivery and possibly involve the use of e-learning. At the worst, this must be a development plan for the future. E-learning is a solution to the ineffective carrying-capacity of Nigerian Universities, which may need to be pursued in the long run.⁷⁷ E-learning would

77. Mahabub, M.G., "The Challenges of Access to University Education in Nigeria", International Conference on Economics, Education and Humanities (ICEEH) held 10 - 11, Dec., 2014 at Ball, Indonesia.

separate schooling from education. However, this is not being oblivious of the underdeveloped nature of ICT facilities in Nigeria and, consequently, the likely insufficient infrastructural resources for e-learning and ICT as a strategy to combat lack of access in Nigeria.⁷⁸ In the chapter, it was found that Nigeria has, robustly, keyed-into the international framework for access to University education. However, implementing the commitments of the country through an inclusive regime is needed to cover gender discrimination, disability challenges, poverty and other disparities in access. This requires a sectoral approach in order to impact on the socio-economic and cultural inhibitors of access to University education. Viable and indigenous solutions would include expanding the existing modalities of access, for example including females, the poor and the disabled as ELDS Groups.

There is a pressing need for high-quality research on higher education equity and access in Nigeria and beyond; such must identify viable and practical policy solutions that address the sources of inequality; design financial mechanisms and funding options to improve access; and for improving delivery systems of education in an effort to alleviate the most serious inequities in the quality of University education in Nigeria.

78. Mason, S.E., Mastro, C. A. and Wirth, M.N., "Promoting Intergenerational Interaction through Collaborative Learning" Vol. 11, No. 40, *Growing and Aging Community Reading Programme: Journal of Intergenerational Relationships*, 444 - 448.