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Editorial

This issue of NIU *Journal of Legal Studies* touches on the Issues such as Child Abuse, Anti Corruption and Immigration Laws.

One of the papers, in this edition, argues that public procurement process has been deeply undermined by entrenched corruption, resulting in waste, inefficiency, and diversion of resources. It recoomends therefore that the Bureau of Public Procurement (BPP) must be empowered and supported to fully discharge its statutory functions

Another paper examines the effects of parental incarceration on the welfare of their children in Benin City, Edo State, Nigeria, focusing specifically on their educational continuity and health status. The paper therefore concludes that parental incarceration and the resultant loss of a breadwinner significantly disrupt the educational continuity and health status of their children in Benin City. It is recommended that policy interventions like establishing emergency welfare funds to cover school fees and healthcare, integrating child support mandates into the criminal justice system, and implementing community support programmes such as expanded counselling services and microfinance loans for extended family caregivers.

In sum, this issue of *NIU Journal of Legal Studies* features many empirical and theoretical based articles which can be of great benefit to every reader.

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Preventing and Combating Corruption in Nigeria's Public Procurement: The Pivotal Role of the Bureau of Public Procurement (BPP)

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Abstract. Public procurement is one of the most significant avenues through which government provides goods, works, and services to its citizens. It constitutes the primary channel for delivering development and public welfare projects in Nigeria. However, the procurement process has been deeply undermined by entrenched corruption, resulting in waste, inefficiency, and diversion of resources. In an attempt to address these challenges, the National Assembly enacted the Public Procurement Act (PPA) 2007, designed to harmonize procurement practices, promote transparency, and strengthen accountability. The Act further established the Bureau of Public Procurement (BPP) as the regulatory authority mandated to oversee and enforce compliance with its provisions. The PPA incorporates progressive mechanisms aimed at preventing corruption, enhancing competitiveness, and ensuring value for money in public contracting. Yet, despite these frameworks, corruption in public procurement remains pervasive. Institutions such as the Federal Executive Council (FEC), which also functions as a procurement entity, frequently disregard statutory provisions by awarding contracts without due process. Worryingly, members of the FEC who also sit on the National Council on Public Procurement, including the Attorney-General of the Federation and the Minister of Finance, often fail to enforce compliance. Moreover, the National Assembly, vested with constitutional oversight responsibilities, has not consistently exercised its powers to check these infractions. To achieve meaningful reform, the BPP must be empowered and supported to fully discharge its statutory functions. Strengthening its regulatory role is pivotal not only for curbing corruption in procurement but also for advancing Nigeria's broader anti-corruption agenda.

Keywords: Public Procurement, Bureau of Public Procurement, Public Procurement Act 2007, Corruption, Transparency, Accountability, Nigeria, Governance

1. Introduction

Governance is essentially a business of public administration regulated by law, and one of its principal mechanisms is public procurement. Public procurement is indispensable to the delivery of goods, works, and services to citizens, and thus constitutes a cornerstone of governance in Nigeria. Recognizing this, the National Assembly enacted the Public Procurement Act 2007[1] to regulate procurement processes, ensure accountability, and promote transparency in the management of public resources. The Act established the National Council on Public Procurement and the Bureau of Public Procurement (BPP), with the latter vested with the day-to-day administration of the Act, while the Council provides oversight and policy direction.

The abuse of public procurement processes has long been identified as a major source of corruption in governance[2]. Indeed, corruption in Nigeria transcends

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[1] Cap. P44, Laws of the Federation of Nigeria (LFN) 2004 (as Revised).

[2] Chinua Achebe, *The Trouble with Nigeria* (Enugu: Fourth Dimension Publishers, 1983), 37- 43. On page 38 of the book, Achebe replied to the comments on page 37 credited to the former President, Shehu Shagari in 1983, to the effect that "there was corruption in Nigeria but that it had not yet reached alarming proportions," to which he replied

the public sector, as the private sector—being a primary supplier of goods and services—often facilitates and perpetuates corrupt practices. The Supreme Court of Nigeria in Attorney-General of Ondo State v. Attorney-General of the Federation[3] underscored that corruption is not limited to public officers but afflicts every segment of society, demanding comprehensive solutions that cut across both public and private spheres. As Katsina-Alu, JSC, observed in the same case, corruption and abuse of power permeate society, and efforts to eradicate them must bring every participant in corrupt practices to justice.

Corrupt practices and abuse of power spread across and eat into every segment of society. It is lame argument to say that private individuals or persons do not corrupt officials or get them to abuse their power. It is good sense that everyone involved in corrupt practices and abuse of power should be made to face the law in our effort to eradicate this cankerworm. This I believe is the intention of the framers of our constitution.[4]

Despite the enactment of the Public Procurement Act, weekly meetings of the Federal Executive Council (FEC) remain dominated by the award of contracts, often with limited recourse to the Bureau or Council as mandated by law. This raises questions about the effectiveness of the legal framework in curbing entrenched practices.[5] For clarity, the Act defines "goods" as all objects of every kind and description, "works" as activities relating to construction, renovation, and related services.

> … all works associated with the construction, reconstruction, demolition, repair or renovation of a building, structure or works, such as site preparation, excavation of a building, installation of equipment or materials, decoration and finishing, as well as service incidental to construction such as drilling, mapping, satellite photography, seismic investigation and similar services pursuant to procurement contract, where the value of such services does not exceed that of the construction itself.[6]

and "services" as the rendering of effort and expertise not falling under goods or works.[7]

Adherence to the rule of law remains central to preventing and combating corruption in public procurement. Procurement processes must therefore be conducted transparently, within the bounds of legality, and subject to scrutiny. Ultimately, the rule of law ensures justice—justice for the offended, for the offender, and for society at large.[8]

This article examines the pivotal role of the Bureau of Public Procurement in preventing and combating corruption in Nigeria, evaluates the successes and shortcomings of its implementation, and offers recommendations for strengthening the Bureau to achieve optimal performance and minimize corruption in public procurement.

2. Legal Framework on Public Procurement

Public procurement of goods and services constitutes a critical component of public administration in Nigeria. Public procurement means the acquisition by any means of goods, works, or services by the government [9] No government can function effectively without engaging the private sector to obtain the goods and services necessary for delivering the dividends of democracy to its citizens. Accountability and transparency in public expenditure remain the cornerstones of good governance.

Confronted with the pervasive challenge of corruption in public procurement, the National Assembly enacted the Public Procurement Act, 2007, which was passed on 4 April 2007 and assented to by President Umaru Musa Yar'Adua on 4 June 2007.[10] The Long Title of the Act provides:

"An Act to establish the National Council on Public Procurement and the Bureau of Public Procurement as the regulatory authorities responsible for the monitoring and oversight of public procurement, harmonizing existing government policies and practices by regulating, setting standards and developing the legal framework and professional

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that "corruption in Nigeria has passed the alarming and entered the fatal stage; and Nigeria will die if we keep pretending that she is only slightly indisposed." This was in 1983. More than three decades after that altercation, can anyone in Nigeria still doubt the fatal stage of corruption in the country?

[3] (2002) 9 NWLR [Pt. 772] 222 at 306.

[4] Ibid, 364.

[5] Public Procurement Act 2007, s. 60.

[6] Ibid.

[7] Ibid

[8] *Josiah v. State* (1985) 1 NWLR [Pt. 1] 125 at 141 per Oputa, J.S.C. (as he then was).

[9] Public Procurement Act 2007, s. 60.

[10] Public Procurement Act 2007, Cap P44, Laws of the Federation of Nigeria (LFN) 2010.

capacity for public procurement in Nigeria; and for related matters."[11]

By virtue of this Act, the National Council on Public Procurement (NCPP) and the Bureau of Public Procurement (BPP) were formally established. The establishment of the Bureau of Public Procurement aligns with Nigeria's international obligations to adopt legislative and other measures to criminalize corrupt practices, as provided in Article 4(1) of the African Union Convention on Preventing and Combating Corruption (2003).[12] Similar provisions appear in the United Nations Convention against Corruption (2004)[13] and the ECOWAS Protocol on the Fight against Corruption (2001).[14] These obligations are rooted in the international law principle of pacta sunt servanda, as enshrined in Article 26 of the Vienna Convention on the Law of Treaties (1969), which provides that every treaty in force is binding upon the parties and must be performed in good faith.[15] A follow-up rule to the above is that "a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty."[16] *Pacta sunt servanda* is the principle that international agreements are binding on the parties to them.[17]
Article 27 further stipulates that a party may not invoke its internal law as justification for failing to perform a treaty.[18] Thus, Nigeria's legislative action under the Public Procurement Act reflects its adherence to the principle that treaties and conventions impose binding obligations on state parties.
The Public Procurement Act, 2007 contains sixty-one sections divided into thirteen parts.

Part I establishes the National Council on Public Procurement, outlining its membership and functions.[19]

Part II establishes the Bureau of Public Procurement, setting out its objectives, functions, powers, staffing structure, and operational procedures.[20]

Part III defines the scope of application of the Act.[21]

Part IV lays down the fundamental principles of public procurement.[22]

Part V details the procedures and processes governing procurement.[23]

Part VI provides the methods for procuring goods and services.[24]

Part VII prescribes special and restricted methods of procurement.[25]

Part VIII governs the procurement of consultancy services.[26]

Part IX introduces procurement surveillance and review mechanisms.[27]

Part X provides for the disposal of public property.[28]

Part XI establishes a code of conduct for public procurement.[29]

Part XII sets out offences and penalties relating to public procurement.[30]

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[11] Ibid, Long Title to the Public Procurement Act 2007.

[12] African Union Convention on Preventing and Combating Corruption (adopted 11 July, 2003, entered into force 5 August 2006) Art 4(1).
[13] United Nations Convention against Corruption (adopted 31 October 2003, entered into force 14 December 2005) 2349 UNTS 41.
[14] ECOWAS Protocol on the Fight against Corruption (adopted 21 December 2001, entered into force 14 June 2006).
[15] Vienna Convention on the Law of Treaties (adopted 23 May 1969, entered into force 27 January 1980) 1155 UNTS 331, Art 26.
[16] Ibid, art. 27.
[17] Malcolm N. Shaw, *International Law* 5th ed. (Cambridge: Cambridge University Press, 2003), 10.

[18] Ibid, Art 27.
[19] Public Procurement Act 2007, ss. 1-2.
[20] Ibid, ss. 3-14.
[21] Ibid, s. 15.
[22] Ibid, s. 16.
[23] Ibid, ss. 17-23.
[24] Ibid, ss. 24-38.
[25] Ibid, ss. 39-43.
[26] Ibid, ss. 44-52.

[27] Ibid, ss. 53-54.
[28] Ibid, ss. 55-56.
[29] Ibid, s. 57.
[30] Ibid, s. 58.

Part XIII contains miscellaneous provisions, including interpretation and the short title.[31]

Accordingly, the Public Procurement Act, 2007, provides the most comprehensive legal framework for the regulation of public procurement of goods, works, and services at the federal level in Nigeria. The Public Procurement Act 2007 identifies certain acts as constituting corruption and infractions of the Act which include inflation of contract sums; conducting or attempt to conduct procurement fraud by means of fraudulent and corrupt acts, unlawful influence, undue interest, favour, agreement, bribery or corruption; attempting to influence the procurement process to obtain an advantage in the award of a procurement contract; splitting of tenders to enable the evasion of monetary thresholds; bid-rigging; altering any procurement document with the intent to influence the outcome of a tender proceeding; uttering or using fake documents or encouraging their use; and willful refusal to allow the Bureau or its officers to have access to any procurement records.[32] In addition, several state governments have enacted their own public procurement laws, modeled after the federal legislation, to strengthen accountability, promote transparency, and combat corruption in state-level procurement processes.

The acts of corruption, especially in the public service, have been identified by several international bodies including the African Union (AU). The African Union Convention on Preventing and Combating Corruption 2003 has identified nine instances of corruption of which the full spectrum can be distilled from its scope of application thus:
This Convention is applicable to the following acts of corruption and related offences:

The solicitation or acceptance, directly or indirectly, by a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
The offering or granting, directly or indirectly, to a public official or any other person, of any goods of monetary value, or other benefit, such as a gift, favour, promise or advantage for himself or herself or for another person or entity, in exchange for any act or omission in the performance of his or her public functions;
Any act or omission in the discharge of his or her duties by a public official or any other person for the purpose of illicitly obtaining benefits for himself or herself or for a third party;
The diversion by a public official or any other person, for purposes unrelated to those for which they were intended, for his or her own benefit or that of a third party, of any property belonging to the State or its agencies, to an independent agency, or to an individual, that such official has received by virtue of his or her position;
The offering or giving, promising, solicitation or acceptance, directly or indirectly, of any undue advantage to or by any person who directs or works for, in any capacity, a private sector entity, for himself or herself or for anyone else, for him or her to act, or refrain from acting, in breach of his or her duties;
The offering, giving, solicitation or acceptance directly or indirectly, or promising of any undue advantage to or by any person who asserts or confirms that he or she is able to exert any improper influence over the decision making of any person performing functions in the public or private sector in consideration thereof, whether the undue advantage is for himself or herself or for anyone else, as well as the request, receipt or the acceptance of the offer or the promise of such an advantage, in consideration of that influence, whether or not the influence is exerted or whether or not the supposed influence leads to the intended result;
illicit enrichment;
The use or concealment of proceeds derived from any of the acts referred to in this Article; and
participation as a principal, co-principal, agent, instigator, accomplice or accessory after the fact, or on any other manner in the commission or attempted commission of, in any collaboration or conspiracy to commit, any of the acts referred to in this article.[33]
The list of what amounts to corruption is very long as can be deduced from the above provisions.

Secondly, the United Nations Convention Against Corruption (UNCAC) 2004 has specifically identified lapses in public procurement and management of public finances as major causes of corruption in both the public and private sectors of the economy.[34] In order to entrench a culture of accountability and transparency into public procurement and

[31] Ibid, ss. 59-61.
[32] Ibid, s. 58 (4) (a)-(h).
[33] African Union Convention on Preventing and Combating Corruption 2003, art. 4.
[34] United Nations Convention Against Corruption (UNCAC) 2004.

management of public finance, the UNCAC provides thus:

1. Each State Party shall, in accordance with the fundamental principles of its legal system, take the necessary steps to establish appropriate systems of procurement, based on transparency, competition and objective criteria in decision-making, that are effective, *inter alia*, in preventing corruption. Such systems, which may take into account appropriate threshold values in their application, shall address, *inter alia*:

(a) The public distribution of information relating to procurement procedures and contracts, including information on invitations to tender and relevant or pertinent information on the award of contracts, allowing potential tenderers sufficient time to prepare and submit their tenders;

(b) The establishment, in advance, of conditions for participation, including selection and award criteria and tendering rules, and their publication;

(c) The use of objective and predetermined criteria for public procurement decisions, in order to facilitate the subsequent verification of the correct application of the rules or procedures;

(d) An effective system of domestic review, including an effective system of appeal, to ensure legal recourse and remedies in the event that the rules or procedures established pursuant to this paragraph are not followed;

(e) Where appropriate, measures to regulate matters regarding personnel responsible for procurement, such as declaration of interest in particular public procurements, screening procedures and training requirements.

2. Each State Party shall, in accordance with the fundamental principles of its legal system, take appropriate measures to promote transparency and accountability in the management of public finances. Such measures shall encompass, inter alia:

(a) Procedures for the adoption of the national budget;

(b) Timely reporting on revenue and expenditure;

(c) A system of accounting and auditing standards and related oversight;

(d) Effective and efficient systems of risk management and internal control; and

(e) Where appropriate, corrective action in the case of failure to comply with the requirements established in this paragraph.

3. Each State Party shall take such civil and administrative measures as may be necessary, in accordance with the fundamental principles of its domestic law, to preserve the integrity of accounting books, records, financial statements or other documents related to public expenditure and revenue and to prevent the falsification of such documents.[35]

The sub-regional body of the Economic Community of West African States (ECOWAS) has also identified public procurement as a source of corruption in public governance and has, therefore, made provisions for transparency in public procurement as one of the preventive measures against corruption, thus:

In order to realize the objectives, set out in Article 2 above, each State Party shall take measures to establish and consolidate:

(a) …

(b) transparency and efficiency in the procurement and disposal of goods, works and services and in the recruitment of personnel into the public service.[36]

Corruption in public procurement is a very sad reality in governance in Nigeria in particular and all over the world in general. Every person in Nigeria, especially public office holders, cannot claim ignorance of the existence of corruption in the country and the adverse effects it has in the polity. This is important because shying away from the virus will inflict more harm on Nigeria and Nigerians. We have already alluded to comments made to the effect that corruption in Nigeria had not yet reached alarming proportions.[37] We do not need corruption to reach alarming proportions before embarking on curbing it. Incidentally and most unfortunately, corruption in Nigeria has even passed the fatal stage. In *Hon. Minister for Environment, Housing and Urban Development & Anor v. County & City Bricks Development Company Ltd,*[38] the case concerned grant of Certificate of Occupancy (C of O) to private individuals after the said land had been reclaimed by the CCBD Co. Ltd. These individuals went to Court and obtained judgement against the CCBD Co. Ltd and the then Attorney-General of the Federation, Michael Aandokaa SAN, refused to appeal the judgement but instead advised the CCBD Co. Ltd to go into negotiations with the trespassers. A new Attorney-General of the Federation came in and decided to appeal the matter in the interest of justice. The Court of Appeal held that the application was meritorious and granted the prayers of the appellant. The Court, per Saulawa JCA, lamented the existence

[35] Ibid, art. 9.

[36] Economic Community of West African States (ECOWAS) Protocol on the Fight against Corruption 2001, art. 5 (b).

[37] Achebe, *The Trouble with Nigeria*, 37.

[38] (2002) All FWLR [Pt. 644] 66.

of corruption in the public service and the need for its aggressive eradication.[39]

However, it would be impossible for any government to function efficiently and effectively without engagement with the private sector in obtaining the goods and services required for delivering the dividends of democracy to the people. Accountability and transparency in government business are the cornerstones of good governance.

The Public Procurement Act 2007, therefore, provides the basic and most comprehensive legal framework for the regulation of public procurement for goods, works and services involving the Federal Government of Nigeria. The State governments have also enacted their laws, along the same line with the Act, to prevent and combat corruption in the State procurement of goods, works and services.

The National Council on Public Procurement (the Council) and the Bureau of Public Procurement (the Bureau)

The two regulatory institutions, also known as regulatory authorities, in public procurement established by the Act, are the National Council on Public Procurement (the Council) and the Bureau of Public Procurement (the Bureau).

The Council on Public Procurement (the Council): The Council is the apex regulatory authority in public procurement of goods, works and services involving the Federal Government of Nigeria.[40] The membership of the Council consists of the following persons and office holders:

the Minister of Finance as Chairman;
the Attorney-General and Minister of Justice of the Federation;
the Secretary to the Government of the Federation;
the Head of Service of the Federation;
Economic Adviser to the President;
Six part-time members to represent:
(i) Nigeria Institute of Purchasing and Supply Management;
(ii) Nigeria Bar Association;
(iii) Nigeria Association of Chambers of Commerce, Industries, Mines and Agriculture;
(iv) Nigeria Society of Engineers;
(v) Civil Society;
(vi) the Media; and
the Director-General of the Bureau who shall be the Secretary of the Council.[41]

The Act further provides that the Council may co-opt any person to attend its meeting but the person so co-opted does not have a casting vote or be counted for the purpose of forming a quorum.[42] This provision takes care of any person that may be invited as a professional, expert or in any other relevant capacity basically to give full effect to the functions of the Council and for the effective implementation of the provisions of the Act.

The functions of the Council are admirably captured in the Act as follows:

The Council shall:
consider, approve and amend the monetary and prior review thresholds for the application of the provisions of this Act by procuring entities;
consider and approve policies on public procurement;
approve the appointment of the Directors of the Bureau;
receive and consider, for approval, the audited accounts of the Bureau of Public Procurement;
approve changes in the procurement process to adapt to improvements in modern technology; and
give such other directives and perform such other functions as may be necessary to achieve the objectives of this Act.[43]

The major functions of the Council are the supervision of the Bureau, act as the approving authority for the decisions of the Bureau and be the apex regulatory authority in public procurement in accordance with the provisions of the Act. This will be enough on the Council since our major concern is the Bureau.

The Bureau of Public Procurement (BPP) (the Bureau): The Bureau, on the other hand, is also established by the Act as the agency that performs the day to day regulatory administrative functions of the Act and reports to the Council.[44] The outstanding features of the Bureau are that it is a separate corporate entity with perpetual succession and a common seal; may sue and be sued in its corporate name; and has the legal capacity to acquire, hold or dispose of any property, movable or immovable, for the purpose of carrying out its functions under the Act.[45]

The Objectives of the Bureau: The objectives of the Bureau, as enunciated in the act, are the following:
the harmonization of existing government policies and practices on public procurement and ensuring probity, accountability and transparency in the procurement process;

[39] Ibid, 95-96.
[40] Ibid, s. 1 (1).
[41] Ibid, s. 1 (2).
[42] Ibid, s. 1 (3).
[43] Ibid, s. 2.
[44] Ibid, s. 3 (1).
[45] Ibid, s. 3 (2).

the establishment of pricing standards and benchmarks;
ensuring the application of fair, competitive, transparent, value-for-money standards and practices for the procurement and disposal of public assets and services; and
the attainment of transparency, competitiveness and professionalism in the public sector procurement system.[46]

The objectives of the Bureau are in line with the objectives of the Act especially the Long Title earlier referred to in this article.

The Functions of the Bureau: the functions of the Bureau are such that they are geared towards attaining the objectives of the Act and the Bureau. Accordingly, the functions of the Bureau, nineteen in number, are the following:

- formulate the general policies and guidelines relating to public sector procurement for the approval of the Council;
- publicize and explain the provisions of this Act;
- subject to thresholds as may be set by the Council, certify public procurement prior to the award of contract;
- supervise the implementation of established procurement policies;
- monitor the prices of tendered items and keep a national database of standard prices;
- publish the details of major contracts in the procurement journal;
- publish paper and electronic editions of the procurement journal and maintain an archival system for the procurement journal;
- maintain a national database of the particulars and classification and categorization of federal contractors and service providers;
- collate and maintain in an archival system, all federal procurement plans and information;
- undertake procurement research and surveys;
- organize training and development programmes for procurement professionals;
- periodically review the socio-economic effects of the policies on procurement and advise the Council accordingly;
- prepare and update standard biding and contract documents;
- prevent fraudulent and unfair procurement and, where necessary, apply administrative sanctions;
- review the procurement and award of contract procedures of every entity to which this Act applies;
- perform procurement audits and submit such report to the National Assembly bi-annually;
- introduce, develop, update and maintain related database and technology;
- establish a single internet portal that shall, subject to section 16 (21) to this Act, serve as a primary and definitive source of all information on government procurement containing all public sector procurement information at all times; and
- co-ordinate all relevant training programmes to build institutional capacity.[47]

The functions of the Bureau so spelt out above are comprehensive enough to prevent and combat corruption in public procurement and in the disposal of public property in Nigeria.

The Powers of the Bureau: By powers, the Act refers to what the Bureau is allowed to do under the Act especially in aid of fulfillment of the provisions and the realization of the aims and objectives of the Act. The Act provides that the Bureau has the power to do the following:

- enforce the monetary and prior review thresholds set by the Council for the application of the Act by the procuring entities;
- subject to paragraph (a) of this subsection, issue certificate of "No Objection" for Contract Award within the prior review threshold for all procurements within the purview of this Act;
- from time to time stipulate to all procurement entities, the procedures and documentation pre-requisite for the issuance of certificate of "No Objection" under this Act;

where a reason exists:
(i) cause to be inspected or reviewed any procurement transaction to ensure compliance with the provisions of this Act;
(ii) review and determine whether any procuring entity has violated any provision of this Act;

[46] Ibid, s. 4.

[47] Ibid, s. 5.

debar any supplier, contractor or service provider that contravenes any provision of this Act and regulations made pursuant to this Act;
maintain a national database of federal contractors and service providers and, to the exclusion of all procuring entities, prescribe classifications and categorizations for the companies on the register;
maintain a list of firms and persons that have been debarred from participating in public procurement activity and publish them in the procurement journal;
call for such information, documents, records and reports in respect of any aspect of any procurement proceeding where a breach, wrongdoing, default, mismanagement and/or collusion has been alleged, reported or proved against a procuring entity or service provider;
recommend to the Council, where there are persistent breaches of this Act or regulations made under this Act, for:
(i) the suspension of officers concerned with the procurement or disposal proceeding in issue;
(ii) the replacement of the head or any of the members of the procuring of disposal unit of any entity or the chairperson of the Tenders Board as the case may be;
(iii) the discipline of the Accounting Officer of any procuring entity;
(iv) the temporary transfer of the procuring or disposal function of a procuring or disposing entity to a third-party procurement agency or consultant; or
(v) any other sanction that the Bureau may consider appropriate;
call for the production of books of accounts, plans, documents and examine persons or parties in connection with any procurement proceeding;
act upon complaints in accordance with the procedures set out in this Act;
nullify the whole or any part of any procurement proceeding or award which is in contravention of this Act; and
do such other things as are necessary for the efficient performance of its functions under this Act?[48]

The Bureau serves as the secretariat for the Council.[49] Subject to the approval of the Council, the Bureau also has power to do the following:

enter into contract or partnership with any company, firm or person which, in its opinion, will facilitate the discharge of its function;
request for and obtain from any procurement entity information including reports, memoranda and audited accounts, and other information relevant to its functions under this Act; and
liaise with relevant bodies or institutions, national or international, for the effective performance of its functions under this Act.[50]

The provisions on the powers of the Bureau are innovative and have the capacity, where they are meticulously implemented, to prevent and combat corruption in public procurement and in the disposal of public property in Nigeria.
Scope of Application of the Act:
The Act applies to all procurement of goods, works and services carried out by:

- the Federal Government of Nigeria and all procurement entities;[51] and
- all entities outside the foregoing description which derive at least 35% of the fund appropriated or proposed to be appropriated for any type of procurement described in this Act from the Federation share of the Consolidated Revenue Fund.[52]

The provisions of the Act do not apply to the procurement of special goods, works and services that involves national defence or national security. The exclusion is, however, not absolute as the provisions of the Act can apply where the express approval of the President is first sought and obtained.[53]

The scope of application of the Act affirms our position that the full implementation of the Act, *via* the Bureau, has the capacity to prevent and combat corruption in public procurement in Nigeria. This is even so as the Act applies to all government Ministries, Departments and Agencies (MDAs). On the other hand, the exclusion of the Act from the purview of public procurement involving national defence or national security does not imply freedom to violate the basic principles of procurement in those areas. Recent revelations concerning unbridled

[48] Ibid, s. 6 (1).
[49] Ibid, s. 6 (2).
[50] Ibid, s. 6 (3).
[51] Procurement entity means any public body engaged in procurement and includes a Ministry, Extra-Ministerial Office, government agency, parastatal and corporation.
[52] Ibid, s. 15 (1) (a) and (b).
[53] Ibid, s. 15 (2). By section 60 of the Act, special purpose goods means any objects of armaments, ammunition, mechanical, electrical equipment or other thing as may be determined by the President needed by the Armed Forces or Police Force as well as the services incidental to the supply of the objects.

corruption in the purchase of military hardware in Nigeria are causes for concern.[54]

3. Other Innovative Provisions of the Act

3.1 Fundamental Principles for Procurement

Fundamental principles for public procurement are the guidelines that must be adhered to and kept in focus when dealing with the processes, actual awards and performance of contract for goods, works and services involving public procurement in Nigeria. The fundamental principles enhance transparency and also provide the safeguards against corruption in public procurement. Some of the fundamental principles, as captured in section16 of the Act, include the following:

Public procurement must be conducted subject to the prior review thresholds as set from time to time by the Bureau. By threshold, the Act is referring to the monetary limits above which the procurement authority cannot award such contract for the public procurement. In the case of *Chief Olubode George & 5 Ors. V. Federal Republic of Nigeria*[55], one of the issues for determination involved the award of several contracts by the Board of the Nigerian Ports Authority (NPA) without due process and above the prior review threshold for the Board. Evidence as led by the prosecutor sustained the charge; and the members of the Board who were involved in the negotiation and award of the contract were convicted. On appeal, the Court of Appeal affirmed the conviction and further held that by not adhering to the prior review threshold, the accused had committed a crime punishable by law. The Court of Appeal specifically stated that "a man is presumed to intend the natural and probable consequences of his actions"[56] as the members of the Board of NPA were involved n contract splitting to evade the authorized monetary threshold.

Public procurement must be based on procurement plans supported by prior budgetary appropriations; funds must be available to meet the obligation before procurement proceeding is formalized; and the procuring entity must obtain a "Certificate of 'No Objection' to Contract Award" before the proceeding is formalized.

Every procurement contract must be done by open competitive bidding.

The open competitive bidding must be in a manner that is transparent, timely, equitable for ensuring accountability and conformity with the Act and regulations therefrom.

Every procurement contract must be with the aim of achieving value for money and fitness for purpose.

Every procurement contract must be done in a manner which promotes competition, economy and efficiency.

Every procurement contract must also be in accordance with the procedures and timelines laid down in the Act and as may be specified by the Bureau from time to time.

No fund is to be disbursed from the Treasury of the Federation Account of any bank account of any procuring entity for any procurement falling above the set thresholds unless the request for payment is accompanied by a "Certificate of 'No Objection' to Contract Award" duly issued by the Bureau.

All bidders must possess the necessary:

(a) professional and technical qualifications to carry out particular procurements;

(b) the financial capability;

(c) equipment and other relevant infrastructure;

(d) shall have adequate personnel to perform the obligations of the procurement contracts.

The fundamental principles for public procurement are codified in twenty-eight sub-sections with several paragraphs and sub-paragraphs in the Act. They are, therefore, exhaustive and capable of delivering on the mandate to prevent and combat corruption in public procurement in Nigeria.

3.2 Organization of Procurements

This part of the Act deals with the procedures for and the bodies involved in the procurement contracts for the purpose of an orderly exercise aimed at fulfilling the purposes of the Act. This part makes provisions for the approving authority for the conduct of public procurement: in the case of a government agency, parastatal, or corporation, the Parastatal's Tender Board is the approving authority. In the case of a Ministry or extra-ministerial entity, the Ministerial Tender Board is the approving authority.[57] It must be emphasized that the two Tender Boards work in conjunction with the Bureau and must always keep in mind the mandatory monetary threshold provisions of the Act or regulation made pursuant to the Act.

[54] We are referring to the so called Dasuki Gate of 2015.

[55] (2011) All FWLR [Pt. 587] 664.

[56] Ibid, at 742-743.

[57] Public Procurement Act 2007, s. 17.

Every public procurement must be done only after careful procurement planning which includes preparing the needs assessment and evaluation; identifying the goods, works or services required; an analysis of the cost implications of the proposed procurement *via* market and statistical surveys; integrating the procurement expenditure into its annual budget, etc.[58]

Public procurement plan also has its methods of implementation which include advertisement and solicitation for bids; two external observers in every procurement process; receive, evaluate and make a selection of the bids received; obtain the approval of the approving authority before making an award; resolve complaints and disputes if any; obtain the "Certificate of 'No Objection' to Contract Award" from the Bureau; execute all contract agreements; and announce and publicize the award in the stipulated format.[59]

This part also names the accounting officer of the procuring entity as "the person charged with line supervision of the conduct of all procurement processes."[60] The accounting officer in Ministries is the Permanent Secretary while that in the extra-ministerial departments is the Director-General or officer of a co-ordinate responsibility. The direct import of this provision is that the Ministers have no power to undertake any process for the award of contracts in their Ministries. The irresistible conclusion is, therefore, that the government of Nigeria has always operated in contravention of and total disregard for the law in public procurement. The Procurement Planning Committee and the Tenders Boards are established and the provisions for pre-qualification of bidders are also made in this part of the Act.[61]

4. Procurement Methods

One of the cardinal innovations of the Act is the entrenchment of transparency, through open competitive bidding, in public procurement processes in Nigeria.[62] This part has a total of sixteen procurement methods that encompass all aspects of openness, devoid of secrecy, in the process of public procurement.

4.1 Procurement Surveillance Review

The Bureau has the power to review and recommend for investigation any procuring contract if it considers that a criminal investigation is necessary to prevent or detect a contravention of the Act.[63] The bidder equally has the right to seek administrative review for any omission or breach of the Act by a procuring or disposing entity.[64]

4.2 Code of Conduct for Public Procurement[65]

Public procurement and disposal of public property are highly regulated activities through the Act. The code of conduct for public procurement dispels any doubt about the purpose and intendment of the Act with regard to the conduct of every person, especially public officers and corporate bodies, involved in the operation of the Act. The bottom-line is to inject accountability, probity and transparency into all the processes of public procurement so as to rid them of corruption and corrupt practices.

4.3 Penal Sanctions for Offences Relating to Public Procurement[66]

The Act reels out some of the criminal responsibilities that relate to the offences that it frowns at and for which every person who violates the provisions shall be liable to in terms of fines, imprisonment, both fines and imprisonment, summary dismissal from government services, debarment from all public procurement, etc.

The Federal High Court is the court vested with the jurisdiction to try offenders while the Attorney-General of the Federation is the prosecuting authority for the offences in the Act.[67]

The Act is a comprehensive, innovative, forward-looking and result-oriented piece of legislation aimed at injecting transparency and accountability into public procurement thereby preventing and combating

[58] Ibid, s. 18.

[59] Ibid s. 19.
[60] Ibid, s. 20 (1).
[61] Ibid, ss. 21-23.
[62] Ibid, Part VI: ss. 24-38.
[63] Ibid, s. 53.
[64] Ibid, s. 54.
[65] Ibid, s. 57.
[66] Ibid, s. 58 generally.
[67] Ibid, s. 58 (2) and (3).

corruption and corrupt practices in the system and process of public procurement in Nigeria.

5. Critical Analysis of the Legal Framework

We have identified the Bureau as the democratic institution that has the greatest capacity to prevent and combat corruption in public procurement in Nigeria. This is because most of the corruption cases emanate from and are fueled by manipulations in public procurement through the awards of contracts for goods, works and services. The question that keeps agitating our minds is, why does corruption persist in public procurement despite the innovative and legislative safeguards in the Public Procurement Act 2007? Several answers come to mind: the government of Nigeria has no respect for the rule of law. Government appointees, especially Ministers and Heads of Departments and Agencies, have a deliberate propensity to subvert the law. The Bureau does not appreciate the extent of her responsibilities under the Act. Government prioritizes politics of development instead of politics in development. All the above are happening in Nigeria and can be sum up as being the direct result of the emasculation of the familiar concept of the rule of law in governance.

The Act provides that the provisions of the Act shall apply to all procurement of goods, works and services carried out by the Federal Government of Nigeria and all procurement entities except procurement of special goods, works and services involving national defence or national security unless the express approval of the President is first sought and obtained.[68] The above provision is reinforced by the fact that the Council and the Bureau are the regulatory authorities responsible for the monitoring and oversight of public procurement, which involves the Federal Government, in Nigeria.[69]

A practical example of the subversion of the law on public procurement is the weekly awards of contracts by the Federal Executive Council (FEC) without recourse or any input from the Bureau. This is even happening when the Chairman of the Council, who is the Minister of Finance, Attorney-General of the Federation and Minister of Justice, and the Secretary to the Government of the Federation are all members of the Council and also members of the FEC. This is even more worrisome when the Attorney-General of the Federation is the Chief Law Officer of the Federation and also the prosecuting authority of the Act.

Other challenges that undermined the Art effectiveness includes but not limited to the challenges are:

Weak Enforcement and Institutional Capacity

Although the Act provides for robust oversight through the Bureau of Public Procurement, enforcement remains weak. Many procurement infractions are overlooked, and sanctions are rarely imposed. Limited staffing, inadequate funding, and bureaucratic bottlenecks hinder the BPP's operational capacity.

Political Interference

Procurement processes are often compromised by undue political influence. High-level government officials sometimes override due process, awarding contracts to political allies or cronies in violation of procurement rules. This erodes public confidence in the system.

Delayed Constitution of the National Council on Public Procurement

Despite the Act's clear provisions, successive governments have delayed the formal constitution of the NCPP. This has left the BPP to function without the full institutional backing of the Council, weakening its authority and independence.

State-Level Variations

While many states have enacted procurement laws modeled on the federal Act, the degree of compliance varies widely. Some states fail to operationalize their laws effectively, while others lack the political will to enforce procurement discipline.

Procurement Fraud and Loopholes

Practices such as contract splitting, inflated contract sums, and the use of emergency procurement provisions without genuine justification remain widespread. These undermine the integrity of the procurement system.

Lack of Public Awareness and Participation

[68] Ibid, s.15.

[69] Ibid, Long Title to the Act.

The role of civil society and citizens in monitoring procurement is weak. The absence of effective whistleblower protection and limited access to procurement information discourage public participation in oversight.

6. Recommendations

The challenges listed above give us an idea of what is hampering the full implementation of the Act. Without the honest and full implementation of the provisions of the Act by the Bureau, corruption will persist in public procurement in Nigeria. The Bureau must, therefore, as a matter of urgency re-calibrate itself and assume the full extent of her powers under the Act and do her work with honesty, integrity and transparency.

Members of the Council who are also members of the Federal Executive Council must stick with the Constitution of the Federal Republic of Nigeria to which they swore to uphold. They must be ready to advise the President on the provisions of the law on public procurement in Nigeria. The President should be ready and willing to listen to legal advice given by the insider Council members who are also members of his cabinet. This is captured in the popular concept always referred to as the rule of law. The rule of law is supreme and is even in aid of the development of democracy and democratic practices. In *Peoples' Democratic Party v. Sheriff*, the Supreme Court of Nigeria, per I. T. Muhammad, JSC (as he then was) reiterated the need for the interest of citizens to be first and foremost in the minds of politicians.[70]

The Minister of Finance should work with the provisions of the Act by refusing authorization for payment for any contract that is not in line with the provisions of the Act. Otherwise, the Minister should be sanctioned under the provisions of the Act.
The Attorney-General should take his or her pride of place and perform his or her role within the provisions of the law with regard to the Constitution and the Act. He has enormous powers to prosecute under the Constitution[71] and is also the prosecuting authority under the Act. Nothing must be left undone.

The prosecuting powers of the Attorney-General of the Federation do not encumber the powers of the Economic and Financial Crimes Commission (EFCC)[72] and the Independent Corrupt Practices Commission (ICPC) especially if the offenders are public officers of the federation.[73]

Above all, the two Arms of the National Assembly have to rise up to their constitutional responsibilities of over-sight functions of the MDAs as they relate to public procurement as enshrined in the Constitution.[74]

7. Conclusion

Public procurement is one of the most critical mechanisms through which government delivers essential goods, works, and services to its citizens. Unfortunately, it has equally become one of the most entrenched avenues for corruption and the mismanagement of public resources in Nigeria. The enactment of the Public Procurement Act (PPA) 2007, and the establishment of the Bureau of Public Procurement (BPP), were deliberate steps to promote transparency, accountability, and efficiency in the procurement process. The Act contains innovative provisions capable of transforming the system, ensuring value for money, and eliminating corruption, provided they are fully implemented and enforced.

Yet, corruption in procurement continues to thrive, largely because institutions and officials entrusted with oversight often circumvent or neglect statutory requirements. The persistent disregard for the law whether by the Federal Executive Council, the National Assembly, or even high-ranking members of the National Council on Public Procurement undermines the objectives of the Act and entrenches impunity.

Meaningful reform demands a firm commitment to the transparent implementation of the law. The Bureau must be empowered and allowed to discharge its statutory responsibilities without interference. Effective enforcement of the Act remains the only pathway to curbing corruption in procurement, restoring accountability, and reinforcing Nigeria's wider anti-corruption agenda. If faithfully implemented, the PPA 2007 can usher in a culture of integrity and a corruption-free public procurement system in Nigeri

[70] (2017) 15 NWLR [Pt. 1588] 219 at 291-292.
[71] CFRN 1999 (as Amended), s. 174 (1).
[72] Economic and Financial Crimes Commission (Establishment) Act, Cap. E1, LFN 2004 (as Revised).
[73] Corrupt Practices and Other Related Offences Act, Cap. C31, LFN 2004 (as Revised).
[74] CFRN 1999 (as Amended), s. 4.

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NELFUND *Albatross*: Legitimizing the Frontiers of Students' Legitimate Expectation in Nigeria's Higher Education System

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Abstract. This paper interrogates the emerging legal and policy implications of the Nigerian Education Loan Fund (NELFUND)), a scheme established to make higher education affordable and more accessible, but which has also become a concern for students because of the repayment terms it imposes, perceived stringent, deepened by the decrepit state of the educational settings. The doctrine of legitimate expectations, a protected principle in administrative law, is leveraged to show that NELFUND's terms gives students, paradoxically, a legal framework to enforce their entitlements. The paper contends that the commonly perceived notion of the NELFUND loan as a burden highlights students' legitimate expectations of certain rights and protection from Nigerian higher education authorities. NELFUND constructs a clear consumer-provider dynamics in which higher institutions in Nigeria are obligated to deliver quality education, commensurate with the charges indirectly paid through loan financing. It further positioned students as consumers, with legitimate grounds to question institutional accountability within the NELFUND operational structure. The paper proposes a standardising framework for integrating legitimate-expectation principles into higher-education regulations to enhance student protection while balancing institutional autonomy. In conclusion, this paper reframes the NELFUND *albatross* and proposes that the scheme is a catalyst for legitimizing students' legitimate expectations in Nigeria's education system.

Keywords: NELFUND; University Accountability; Consumer Protection; Higher Education Policy; Legitimate Expectation; Students Loans.

1. Introduction

The notion that higher education constitutes a fundamental right in Nigeria prevails,[1] yet financial constraints often hinder students access from pursuing their academic aspirations. In a bid to bridge this gap, government established the Education Loan Fund (NELFUND),[2] pursuant to the enactment of the Students Loan (Access to Higher Education) Act,

[1] This is true albeit with certain caveats and contextual considerations. Section 18(1), 1999 Constitution (as amended) does not explicitly mention education as a fundamental right, but it does state that 'government shall direct its policy towards ensuring equal and adequate access to educational opportunities at all levels. However, international instruments ratified by Nigeria, like the African Charter on Human and Peoples Rights (ACHPR) recognise the right to education. Article 17(1) of the ACHPR states, 'every individual shall have the right to education'. The phrase is also supported by international law and judicial interpretations.

[2] A transformative shift in the financing architecture of higher education in Nigeria. The Nigerian Education Loan Fund (the NELFUND) is a body established by law to carry out the day-to-day activities of the FUND approved pursuant to the enactment of The Act, 2024, in Nigeria. It is headed by a Managing Director, appointed by the President of Nigeria. See: https://baice.ac.uk/hub/the-nigerian-education-loan-fund-a-path-to-inclusion-or-a-debt-trap/ accessed 1st December 2025

2024 (the Act).[3] An Act of Parliament, with responsibility to provide zero interest loans to Nigerian students in public higher institutions who demonstrate financial need. The fund is designated to pay students institutional charges, upkeep or living expenses, in any higher institution of their choice within Nigeria. In this context, NELFUND is not only a financing mechanism but also a regulatory instrument capable of reshaping accountability relationships within higher education system.

While the initiative is a welcome development, the repayment terms attached to the loans have created uncertainty among students, rendering the loan a perceived 'albatross' around their necks. A situation aptly captured by the analogy of being 'caught between the devil and the dark blue sea, where students are torn between accepting unfavorable loan terms and abandoning their academic pursuits.[4] NELFUND creates high expectations for students, yet places a potential burden on them. In addition, there is limited scholarly engagement with the scheme's legal implications, especially regarding students' legitimate expectations.[5]

The paper addresses protecting students' legitimate expectations within the precipice of NELFUND. It argues the NELFUND framework has the propensity to empower students to hold university authorities accountable using the principles enunciated in the doctrine of legitimate expectation.[6] In recent past, the principles in the doctrine of legitimate, conceptually, were not extensively recognized in Nigeria's administrative justice system.[7] However, this position has changed with the Supreme Court decision in *Stitch v. A.G. Federation*.[8] This case birthed the doctrine in Nigeria. Though legitimate expectations are not right per se, breached expectations are now actionable in public administrative law, obliging institutions to honor the services they promised.[9] The doctrine is now protected, making it mandatory for public institutions, inclusive of higher-education authorities, to deliver on their commitments to students. In these circumstances, what students perceive as a burdensome albatross provides a legal framework that can be invoked to protect their expectations.[10]

Higher institutions in Nigeria are however confronted with issues ranging from underfunding, inadequate institutional, instructional and municipal facilities, standard service delivery, and so on, thus raising the questions, whether the institutions will be able to meet their statutory obligations of teaching and providing welfare services to students as promised? This was the focus of the Federal Government of Nigeria Committee on Needs Assessment of Public Universities, 2013. The NEEDS Report,[11] entailed a detailed appraisal of the existing situation in the

[3]The Students Loan (Access to Higher Education) (Repeal and Re-enactment) Act, 2024 (the Act 2024). Like United Kingdom Students Loan Act, directed to expand students access to education and reduce financial exclusion. See *https://nefl-public-assets.s3.eu-westlamazonaws.com / 1.amazonaws.com/PUBLIC+GUIDELINES+FOR+APPLICANTS+FUND+UNDER+THE+STUDENTS+LOANS+ACT+2024.pdf*
https://www.gov.uk/government/news/student-finance-to-be-radically-transformed-from-2025?utm_source=chatgpt.com, accessed 1st December 2025.

[4] Imoedemhe, W., A Review of the Students' Loans (Access to Higher Education) (Repeal and Re – Enactment) Act, 2024, *NILDS-Legal Issue Brief,* Issue 4, May 2024, https://ir.nilds.gov.ng/handle/123456789/1558.

[5] Imoedemhe, W, *The Legitimate Expectations of Students of Nigerian Higher Institutions: Issues, Challenges and Pathway*, (2025), Tertiary Education Trust Fund (TetFund) Sponsored Book, Abuja, Nigeria, pp 1-297, cover extensively issues of students' legitimate expectations in Nigerian Higher Institutions.

[6] The doctrine was first introduced into public law by Lord Denning, MR in the case of *Schmidt v. Secretary of State for Home Affairs* (1969) 1 Ch 149

[7] Ibid, (fn.5). University authorities do not seem to recognise the concept in administering students' disciplinary rules and its application in the judiciary is episodic.

[8] (1986) 5 NWLR (Pt. 46), 941

[9] Ibid. (fn. 4). See also *Schmidt* (fn. 6)

[10] Imoedemhe, ibid, (fn. 5)

[11] See the Report of the Committee on Needs Assessment of Nigerian Public Universities, 2013. One of the issues addressed in the Report was the Needs Assessment of Nigerian Universities. Its first term of reference was to carry out a detailed appraisal of existing physical facilities for teaching and learning in the universities, particularly their capacity and functionality. At this time, Nigeria had 74 public universities in Nigeria (37 federal, 37 private). The

universities and what was needed for their transformation. The Committee's Report found that physical facilities for teaching and learning in Nigeria universities are inadequate, dilapidated, overs-stretched and overcrowded and improvised.[12] The question that arises then is, when universities are unable to deliver on their obligations and representation to students, what is the remedy for the student, having committed to the NELFUND loan? Should students therefore pay for what *happens only* when the *paid-for services* are inadequate, or absent? The situation appears further undermined with NELFUND guidelines which focus more on regulatory penalties when students default on repayment, with a lesser emphasis on remedying failure of university authorities to fulfil their obligations or meet service delivery standards promised the students.

It is however argued that students' new role of committing to their educational resources, facilitated by NELFUND loans, now entitles them to enforceable remedies in three ways. First, students' income-contingent loans affirm their entitlement to certain legitimate expectations. This is without prejudice to the prevailing circumstances in Nigerian public universities, where university authorities renege to provide essential instructional facilities,[13] exemplified in *Chima v. University of Benin*.[14] Here, certain students had protested, requesting for the upgrading of their lecture theatres, a statutory obligation of the university, yet the students were expelled. Second, where institutions default to fulfil promised obligations, it causes students' untold hardship. Relying on the principles of legitimate expectations, students ought to be protected against harm caused from no fault of theirs. This was the situation in *Ottah v. Rivers State University of Science and Technology*.[15] A student was unilaterally expelled from school, following discovery of her partial hearing impairment after admission. Thirdly, NELFUND's role as a financial intermediary obligates it to ensure institutional compliance to published assurances. In this respect, the Federal Competition and Consumer Protection Act (FCCPA) 2018,[16] affords protection for unfair institutional practice or violation of students' rights, fees and even services.

This paper is organised into six sections. The first is the introduction, which outlines the central focus of the study: an analysis of income-contingent loans provided to eligible students in Nigerian higher institutions and their implications. It examines the obligation of higher institutions to deliver the educational services they promise and highlights the consequences of failing to meet these commitments. The second section contextualises the key concepts that shape the evolving regulatory framework for higher education financing and students' rights in Nigeria, including NELFUND, university accountability, legitimate expectations, and student consumer protection. The third section sets out the theoretical framework underpinning the study, forming the basis of the argument that university authorities must honour their commitments and that NELFUND has a critical role in ensuring the protection of students' expectations. The fourth section interrogates the perception of NELFUND as an 'albatross,' which leads into the fifth section that affirms the enforceability of legitimate expectations under NELFUND, underscoring its relevance and importance in safeguarding students' rights. The sixth section addresses the core question of the paper: whether the provisions of NELFUND legitimise students' legitimate expectations. The final section concludes by arguing that NELFUND is not a burden, but rather a mechanism that supports what students are reasonably entitled to expect.

2. Conceptual Clarification

As stated earlier, this section clarifies the key concepts that support the analysis in this paper. Barak asserts correctly that 'interpretations in law has different meanings'.[17] Together, these concepts help describe the new rules and expectations proposed in this paper

work of the Committee covered 61 universities: 27 Federal and 34 State.

[12] Ibid, see findings on physical infrastructure and learning resources.

[13] Ibid.

[14] (1997) 2 NPILR, 454

[15] Reported in the Nigerian *Global Disability Watch*, 2nd March, 2016, 8; See *Doe v. Francisco Unified School District*, No. 653, 312 (Supreme Court) in: *The Rights of Students: American Civil Liberties Union Handbook*, Avon Publishers, 19. Here, an American court held that physically challenged students have the right to a publicly supported education suited to their needs.

[16]The Federal Competition and Consumer Protection Act (FCCPA) 2018, Sections 17, 123-127 protects promised benefit or policy unless there is an overriding public interest.

[17]Barak, A. (2005). Purposive Interpretation in Law. Princeton University Press, p.3 https://doi.org10.1515/9781400841264, accessed 20th December

to shape how higher-education financing should work in Nigeria, and what rights students should have.

2.1 NELFUND

NELFUND,[18] is a financial institution established under the Act,[19] as a statutory body responsible for administering interest-free loans to students enrolled in public higher institutions in Nigeria.[20] NELFUND powers includes ensuring students and institutions compliance with conditions for disbursement of loans, eligibility and data reporting.[21] It is conceptualised in this paper both as a public-finance instrument and a governance mechanism, critical in reshaping administrative norms within Nigerian higher education. By ensuring that the various institutions provide accurate students enrolment data, tuition information, and academic records stipulated as prerequisites for participation and accessing approved loans, the Scheme fulfils its mandate to drive institutional transparency and the adoption of best practices consistent with accountability and fairness.[22] NELFUND is also obligated to ensure that the loans are repaid by students within stipulated period and defaulters sanctioned and restricted from further credits in line with the Global Standing Instruction (GSI).[23] In sum, it is particularly a significant initiative to expand access to higher education for indigent students.

2.2 University Accountability

Accountability in this paper connotes accepting responsibility. This could be personal or public. Earlier, it was stated that NELFUND activities relates only to students in public higher institutions in Nigeria.[24] The reference to public universities in this paper is a representation for other higher institutions in Nigeria identified in the Act.[25] Public university accountability is the obligation of the authorities to be responsible for their published statements, representations, practices and decisions made to regulators and the public, and particularly to students.[26] These assurances, given by university authorities and relied on by students constitute students legitimate expectations.[27] The students' having invested financially in these promises, the university cannot be seem to default in fulfilling them. In *Eze v. A-G. Anambra State*[28], the court held that the payment of fees entitled the student to challenge the acts of the school.

The legal framework that enshrines accountability threshold in the operations of higher institutions in Nigeria is multifaceted. These frameworks include the CFRN, 1999, as amended,[29] the various enabling Acts establishing higher education institutions in Nigeria,[30] the National Universities Commission (NUC),[31]

[18] Ibid, (fn.1). see https://nelf.gov.ng, accessed 20th December 2025

[19] Ibid, (fn. 2)

[20] Ibid, Sections 3-5. The Act provides the Fund should cover students from public universities, polytechnic, college of education and vocational institutions.

[21] Ibid, Section 4

[22] Ibid, (fn.2). Section 5(1)-(3) mandates NELFUND to ensure higher institutions participating in the Scheme accurate students'

[23] GSI is a system that allows payments to be made real-time. It is efficient and ensures secure transactions. It is used by the Central Bank of Nigeria (CBN) to restrict access to further interbank transaction when customers default. This will be applied to students who default. A great concern to students in higher institutions in Nigeria.

[24] Ibid, (fn.2)

[25] Ibid

[26] https://www.google.com/search?q=university+accountability+means&oq=university+accountability+means

[27] *Schmidt v. Secretary of State for Home Affairs* (1969) 2 Ch. 149; (1969) 1 AII ER 904. This administrative liability for representations made by a public body and relied on, was established in this case.

[28] (1985), HCNLR, 1282

[29] CFRN, 1999 as amended.

[30] Universities (Miscellaneous Provisions) (Amendment) Act 2012, Sections 1-5, specify governing powers, financial management rules, oversight responsibilities, etc.

[31] National Universities Commission Act (Cap N81 LFN 2004), Sections 4-7. It ensures accountability by regulating programmes, accrediting courses, monitoring quality, regulating fund allocations, etc.

Internal Governing Structures,[32] Professional[33] and Financial Regulations guiding the operations of universities.[34] These structures collectively ensures that university authorities provide among others, the necessary institutional and instructional resources, adhere to required academic standards, and fulfilling the promises made to students in the various university marketing tools.[35]

The NEEDS Report[36] exacerbate the concern whether Nigerian universities can adequately meet their obligations to students. The Report triggers a wake-up call on university accountability to students following the establishment of NELFUND, the focus of this paper. As will be further discussed in the following section, students' legitimate expectations is conceived on a pattern of conduct, or representations, or promises and so on, by university authorities, thus, makes it unfair for the public authorities to disregard the expectations which such conduct, representations or promises creates.[37]

2.3 The Doctrine of Legitimate Expectation

The phrase, 'legitimate expectation', was first introduced into the English legal jurisprudence in 1969 when Lord Denning, MR in *Schmidt v. Secretary of State for Home Affairs*[38], stated *obiter* that process rights or natural justice principles should be applied to legally protect not only individual rights, interests as prevalent under common law but also breached legitimate expectations under public law. The pronouncement in *Schmidt*[39] conceptualized breached individual expectations and made it a particular concern, actionable in law. It is now widely applied as an administrative law doctrine that protects individuals from arbitrary or unfair changes in policy, procedure and representations made by public authorities.[40] In *Oghenekome v. Federal University of Technology, Akure,*[41] the court stated that it is settled law that the rules of natural justice enshrined in section 33(1) of the1979 CFRN, now section 36(1) of the 1999 CFRN, as amended, extends to any decision-maker who determines questions affecting the right or legitimate expectations of an individual.[42] The doctrine is comprehended on a pattern of conduct, or representation, or a promise. It arises, for example, not because of the breach of an enforceable legal right, but the right which becomes accruable to the individual following the breach of the assurance given, or representation made by the authority in its various documents guiding the conduct of individuals.[43] Generally, legitimate expectations simply embody non legal rules.[44]

In this paper, a student's legitimate expectation mean, 'the right, interest or remedy a student might reasonably be entitled to expect or hold following from the representations or assurances given by a university authority about the quality of teaching, learning and living environment or conditions, and other support services of the university; the student, having complied with the university requirements,

[32] For instance, Governing Councils, Senate, Internal Audit Units, Quality Assurance Directorates, etc.

[33] For instance, Council of Legal Education (Law), Medical and Dental Council (Medicine), and COREN (Engineering).

[34] For instance, Financial Regulations of the Federal Government, Public Procurement Act 2007, Sections 15-18, Fiscal Regulations Act (2007), etc.

[35] The various university documents, for instance, prospectus, circulars, handbooks, public advertisements particularly those stipulating admission requirements and university standards. Reliance on these create expectations in students which they are legally entitled to in law.

[36] Ibid, (fn.11). The findings were most deplorable. It is critical to note that the Report was published before the establishment of NELFUND raising fundamental concern on Higher institutions meeting the promises they made, the students having committed to repayable loans to satisfy admission requirements.

[37] Ibid. Imoedemhe, (fn. 5)

[38] Ibid. (fn. 6)

[39] Ibid. (fn. 6)

[40] The doctrine is applied in many jurisdictions to protect procedural legitimate expectations (as applied in *Schmidt*, ibid (fn. 6), and substantive legitimate expectations (as applied in *R. v. North and East Devon Health Authority, ex parte Coughlan*, (2001) QB 213 (CA), where an oral assurance to a disabled patient to remain in her nursing home for life was held to be binding against the public authority in the absence of an overriding public interest

[41] Suit No. FHC/B/101/M2/95 in 2 NIPLR 1017 at1022

[42] Ibid.

[43] This is without prejudice to the discretionary exercise of authority by public authorities. See *Adejumo v. Ayanntegbe* [1989] 3 NWLR (Pt. 110) 417 (SC). However, in *Stitch,* ibid (fn. 8), 941-1077, the Nigerian Supreme Court affirmed public authority cannot renege from the promise it made.

[44] Ahmad, F., & Perry, A., The Coherence of the Doctrine of Legitimate Expectations, *Cambridge Law Journal*, 73 (1) (2014), 63

practices and policies as expressed in the various universities' documents (prospectus, course and departmental handbooks, students' admission brochures, rules and regulations, circulars, web publications and other institutional guide), the breach of which will give the student a *locus standi* to seek a review.[45]

A university authority should be accountable for the breach of the trust reposed on it because of the promises made to the students in its published policies. This was the position of the Nigerian Court of Appeal in *Carlen (Nig) Limited v. University of Jos,*[46] that a university Registrar is accountable for promise made to students.

In this paper, students' legitimate expectations otherwise, accountability and quality assurance rights commonly arise from published university documents; students' prospectus and handbooks, administrative practices and communication relating to institutional procedures relating to, for instance, fees and payment schedules, a right to know how the fees and other charges are determined, academic policies and timelines, standards of teachers and course resources.[47] Thus, when NELFUND loans are secured to meet published university conditions, students' reliance on such, strengthens the normative and legal force to protect their expectations under public law.[48] The principles in this concept now have a general application to foster promised assurances by public establishments. For instance, under public service system, the court held in *Attorney-General of Rivers State v. Attorney-General of Akwa Ibom State*,[49] that reliance on unambiguous representation by government constituted a legitimate expectation.

2.4 Student Consumer Protection

The concept of consumer protection generally constitutes the body of legal and policy norms that safeguard students as consumers of educational services. The term student consumer protection is used in this paper to highlight the intersection of NELFUND with students' legitimate expectations, conceptualised as a public law principle which obligates universities to act fairly, honour their published representations, and to avoid conduct that undermine students' reliance on institutional financial and academic commitments. In another sense, NELFUND operates to protect students' rights by requiring accurate and non-misleading fee information from higher institution authorities, protection from sudden arbitrary fee hikes, access to administrative remedies, transparency in delivery academic services for which the loans are obtained.

This term, now universal is not very recognisable in Nigeria, comparable to climes like the UK where the office for Students (OIS), and the Competition and Markets Authority (CMA) act as the main regulatory bodies overseeing students' protection as it relates to the services institutions are obligated to provide for students. Notwithstanding, Nigeria's Federal Competition and Consumer Protection Act, 2018 (FCCPA), provides broad protections against unfair, misleading conduct in providing of services.[50] Provision of educational services by higher institutions in Nigeria fall within this category.[51] Thus, students derive protection from the National Universities Commission (NUC) through its statutory responsibility to ensure quality control and assurance delivery of programs, academic and financial conducts in the Nigerian university system. Arguably, the legal relationship between students and higher institutions authorities in Nigeria is statutory,[52] the argument that it is contractual and therefore only guided by the internal rules of the university are no longer tenable.

3. Theoretical Framework for the Study

This section highlights three theoretical frameworks that constitutes the basis for the argument in this paper, that NELFUND, a perceived albatross by students, is paradoxically, a transformative mechanism for university governance, capable of strengthening the enforcement of students' legitimate expectations within Nigeria's higher education system which hitherto appears unrealisable compared to other climes.[53] In other words, together, they provide the analytical lens through which the paper examines NELFUND's impact on higher education governance.

[45] Ibid, Imoedemhe, (fn. 5)

[46] (1994) 1 NWLR (Pt. 323), 631 (CA).
[47] Ibid, (fn. 33)
[48] Ibid, Eze (fn.28)
[49] (2011), 8 NWLR (Pt. 1248) 31
[50] Universities (Miscellaneous Provisions) (Amendment) Act 2012, Sections 1-5

[51] Ibid, Section 167 under Services
[52] Ukhuegbe S.O., *Public Law and the Disciplinary Powers of Universities in Nigeria*, *The Jurists*, Journal of Law Students Association of University of Benin, 4, March 1993, 16. Also established by the Nigerian Supreme Court in *Garba v. University of Maiduguri*, (1986) 1 NWLR (Pt. 18) at 610
[53] Ibid. Imoedemhe (fn. 5)

The theories lend credence to the argument why higher education authorities in Nigeria should function within the regulatory environment emerging with the establishment of NELFUND, and how the rights of students' can now be protected within the university setting. They are the administrative justice theory, the public accountability theory and the consumer protection theory in higher education.

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The administrative theory is examined here as a legal principle to protect negation of students' legitimate expectations. It is a fundamental principle that government at all levels and in all its manifestations should act justly in its dealings with the public.[54] For Cane, it concerns the fairness, reasonableness, and lawfulness of decisions made by public authorities.[55] The theory relates to the values placed on administrative procedural fairness, rational decision-making, legality and respect for legitimate expectations. In Nigeria, administrative justice is grounded in the constitutional guarantee of fair hearing under Section 36, CFRN, 1999 as amended and has developed further through judicial precedents. The doctrine of legitimate expectation is a central pillar of the administrative justice system in Nigeria. This was emphasised in *Stitch*[56] case, which birthed the doctrine in Nigeria. In *Attorney-General of Rivers State v Attorney-General of Akwa Ibom State*,[57] the court affirmed that public authorities are bound by their representations where individuals have relied upon them. Likewise, in the educational context, the court in *Bamgboye v University of Ilorin*, [58] held that universities must adhere to established administrative procedures, reinforcing the requirement of fairness and consistency. It is therefore argued that within the NELFUND framework, administrative justice theory is in tandem with the arguments canvassed in this paper that universities owe students a duty of fair dealing in the disclosure of fees, academic process, timelines, and compliance practices or published services. The breach of these assurances given to students amount to breaches of students' legitimate expectation which ordinarily are now actionable in law.

The public accountability theory on the other hand highlights efficiency, responsiveness and transparency required in the conduct of public institutions.[59] The theory demands that higher institutions particularly public universities, must operate transparently and efficiently as argued in this paper, under the NELFUND obligations. This is more so as public higher institutions act as trustees of public resources whose duties and activities must be justified as aligning with statutory requirements.[60] Public universities are therefore not only accountable to NELFUND as a regulator, but they also account to the government as funder and the students as the beneficiaries. Thus, any negation of these responsibilities particularly to students is a failure of public accountability. Under the National Universities Commission Act for instance, accountability stems from the statutory and regulatory provisions that demand minimum academic and administrative standards from university authorities.[61] The students Loans (Access to Higher Education) Act 2023 as amended, also requires universities in Nigeria to supply accurate student data and financial information to NELFUND.[62] Arguably, this theory, just like the administrative justice theory, in conjunction with NELFUND will enhance institutional transparency, performance monitoring and students cantered governance in higher education in Nigeria.[63]

The consumer protection theory in higher education generally depicts the market like characteristics in which students act as consumers of educational

[54] Longley, D & James R., *Administrative* Justice, Central Issues in UK and European Administrative Law, (1999) Cavendish Publishing Limited. London. 3

[55] Cane. P., *Administrative Law*, 6th Edition (2024) OUP, Chap. 6

[56] Ibid, *Stitch* (fn.8)

[57] Ibid (fn. 49)

[58] (1999) 10 NWLR (Pt 622) 290

[59] Akinkugbe, J O., 'Transparency and Accountability in Nigerian Universities' (2019) 12, *Nigerian Journal of Educational Administration*, 45.

[60] Hood, C., A Public Management for All Seasons? (1991) 69 *Public Administration* 3.

[61] National Universities Commission Act. Cap N81 LFN 2010, ss 4–7.

[62] Students Loans (Access to Higher Education) (Repeal and Re-enactment) Act 2024, ss 3–5.

[63] Bovens M, Analysing and Assessing Accountability: A Conceptual Framework' (2007) 13 *European Law Journal* 447.

services.[64] In Nigeria, the existence of institutional charges, competitive admissions, quality assurance standards and students' grievance system all attest to this. Educational services fall within Section 167, Federal Competition Consumer Protection Act 2016 (FCCPA) which subsumes activities of public and private universities under the consumer protection obligations. The FCCPA prohibits misleading representations, unfair contractual terms and deceptive conduct in the provision of services.[65] This theory thus explains why students' reliance on payment of charges and services promised by university authorities should, if neglected, attract legal protection.

Overall, the evolution of the NELFUND marks a significant regulatory shift in accountability mechanisms in public institutions particularly public universities in Nigeria, which hitherto have been fragmented. Depending solely on the controls as imposed by the NUC on compliance with accreditation regulations and quality assurances among others, the internal university regulations including students' handbooks and senate regulations, and judicial decisions emanating from students' litigation from unfair administrative practices. The introduction of NELFUND now reframes university accountability systems and strengthens the obligations university authorities owed to students.[66]

When examined critically, NELFUND's regulatory effect now enhances accountability in university administration in several ways. First is, financial accountability. Section 5, Students Loans Act, 2024 [67] requires universities to provide accurate and up to date information on tuition fees, charges, enrolment data, academic status and programme duration for eligible students.[68] Arguably, this statutory requirement compels financial predictability, accurate disclosures to students and transforms fee disclosure from a discretionary administrative practice into a legally enforceable obligation. Second, it imposes a new administrative responsibility on higher institutions in Nigeria. As a condition for processing applications, institutions must maintain timely, accurate, and verifiable data reporting with NELFUND.[69] It reinforces academic accountability to programme reliability and students' rights. Failure to comply, may account for unfair administrative conducts from institutional authorities,[70] now subject to external oversight from NELFUND. Third. NELFUND has distinctly introduced data integrity obligations on higher institutions, demanding that universities must ensure the accuracy of data submitted for loan processing. Any falsification attracts suspension from NELFUND and a further administrative penalty under the FCCPA for misleading representations.[71] Fifth, it has expanded the landscape of students' rights. NELFUND leverages on students in Nigeria enforceable expectations rights regarding stability of institutional charges, administrative reliability and dissemination of accurate academic information by university authorities. It further makes institutional failures to provide promised services actionable. Thus, bringing institutional accountability in Nigerian institutions close to what is obtainable in the United Kingdom where individual legitimate expectations are protected, students' fees and transparency rules are enforced by the Office of the Independent Adjudicator or Office for Students.[72]

[64] Warnock, M., Students as Consumers: Reassessing Rights and Duties in Higher Education (Routledge 2019).

[65] Section 167, Federal Competition Consumer Protection Act 2016 (FCCPA). See also LeGrand, J., & Newby, D., Consumerism in Higher Education: Expectations and Realities (2015) 40 *Journal of Higher Education Policy and Management* 213

[66] Ojo, A, B., *Higher Education Governance in Nigeria: Issues and Perspectives* (Ibadan University Press 2018)

[67] Students Loans (Access to Higher Education) (Repeal and Re-enactment) Act 2024, s 5(1).

[68] Ibid s 5(2).

[69] This includes registration and academic status verification, progress report of continuing students, confirmation of graduations or withdrawals and so on.

[70] Ibid. *Bamgboye* (fn. 58) 290

[71] Federal Competition and Consumer Protection Act 2018, ss 123–127.

[72] Ibid, Imoedemhe (fn.5), 267. In the UK, students have the opportunity of bringing matters before the OIA or OS for review outside the regular judicial mechanism which is sometimes time wasting and cumbersome.

4. NELFUND, an Albatross?

An albatross depicts a heavy burden, a source of stress or something that holds some one back. Many Nigerians, particularly students of higher institutions perceived NELFUND is a burden. Arguably for some, it is a bridge to life opportunity, to others, a future financial weight. Students worry about graduating into a job market that may not support timely repayment of the loan, experiences of economies with high unemployment. This public scepticism, accentuated by confusion, distrust of government schemes and misinformation from viral social media posts, claimed students were being asked to start repaying loans immediately.[73] For instance, a fake circular attributed to the University of Benin intensified these fears.[74] UNIBEN later disowned the document, confirming it never came from the institution.[75] It is therefore not accurate to refer to NELFUND as an albatross based on the verified, up to date information. The Reports having been publicly debunked by NELFUND and multiple institutions in Nigeria, signifying that the panic that led to this perception was driven by misinformation rather than actual policy. The Scheme is still in its early stages. Implementation of the policy is ongoing, and repayment frameworks are still being finalised. The Fund is designed to expand access to higher education, reduce financial burden and support students from low-income backgrounds.

5. Enforceability of Legitimate Expectations Under NELFUND

What is examined in this section is the growing rights students now possess to demand the enforceability of reneged promised institutional assurances, heightened by the demands of accountability on institutions by NELFUND as conditions precedent to assessing approved students' loans directed at paying institutional charges and fees. NELFUND now helps students to facilitate funds needed to support their studentship and qualify them, at a cost, to fulfil the obligations set by the various institutions. It becomes arguable that the higher institution authorities ought to fulfil the promises made to the students, the students having committed repayable loans towards the funding of their studies. Any neglect of such promised obligations should be enforceable. This dynamics of administering higher institutions in Nigeria, and the conceptualisation of the rights of students account for the desirability of legal principles to safeguard students' legitimate expectations.[76] This emerging role of NELFUND as a financial enabler, positions it as a positive catalyst in the developing trend, administrative and judicial, to protect breaches of legitimate expectations which hitherto is not of particular concern to institutional authorities in Nigerian educational system.[77]

As, has been explained, breached expectations created through reliance on the representations, assurances and promises made by public institutions are now conceptualised as actionable in public law under the doctrine of legitimate expectations.[78] The doctrine obligates public authorities, to act fairly, predictably and consistently when individuals, as in this paper, students, rely on such published representations or established practices of the various institutions.[79] It thus protect persons who reasonably rely on the clear and unambiguous representation, established practice, or policy of a public authority.[80] The protection comes in two ways. Either procedurally, in which case, the individual must be consulted, given a hearing or treated fairly before a change is made by the authority,[81] or substantive protection, wherein the substantive benefit of the individual ought to be

[73] Joeseph Eruke, 'NELFUND Dismisses claims loans repayment rumours, assures students of protection Under law'. Available at NELFUND dismisses loan repayment rumours, assures students of protection under law - Vanguard News> (Accessed 27 January 2026).

[74] [UPDATED] Student loan: UNIBEN, NELFUND disown fake repayment circular (Accessed 27 January 2026).

[75] Ibid, (Accessed 27 January 2026)

[76] Ibid. Imoedemhe (fn. 5)

[77] *University of Ilorin v. Adesina* (2010) 9 NWLR) (Pt.199) 33. Ratio 9, 342. Agupe, JCA found it laughable when the appellant counsel in his brief stated that fair hearing principles within section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) is not applicable to protect the student whether her rights have been breached.

[78] Ibid, *Schmi*dt (fn. 6)

[79] Ibid. Noted in *Adesina* (fn. 77) See also, Cane, P., *Administrative Law* (6th edn, OUP 2024) 143–159.

[80] Ibid (fn. 46) In *Carlen*, the representation by a university Registrar were held to be binding on the university; See also *Council of Civil Service Unions v Minister for the Civil Service* (1985) AC 374 (HL).

[81] Ibid, *Schmidt* (fn. 6), doctrine originated from this case; *Stitch V. A-G Nigeria* (1986) 5 NWLR (Pt. 46) 941-1077 first recognised legitimate expectations in Nigeria. See also, *R. v. Liverpool Taxi Fleet Operators*

honoured except on grounds of an overriding public policy.[82] Safeguarding expectations is now a generally recognised global principle in the administration of justice.

Remarkably, higher institutions in Nigeria indulge in the extensive use of marketing strategies to attract students to the various institutions. The representations contained in various documents include institutional admission brochures, catalogues, students' prospectuses and handbooks, online advertising of programmes, statements of academic standards and financial implications for studentship in the institutions.[83] Others include official digital and written communications, for instance, circulars, portal announcements and institutional websites, all constitute modern forms of representations. Where students commit resources, backed by NELFUND loans, reneging in the representation causes hardship for the students.[84] Unfortunately, what constitute students' legitimate expectations are not generally recognisable under the Nigeria administrative justice system.[85]

It is argued that the relationship between students and higher educational institutions in Nigeria since NELFUND is changing significantly, shifting from a purely academic relationship to one with contractual, administrative and consumer-rights dimensions, comparable to practices in the United Kingdom Higher Education policy, where institutional authorities put students 'on the drivers seats',[86] 'become accountable to students'[87] and 'responds to students demands'.[88] This trend amplify the reawakened consciousness now attached to students concern for stability in academic curriculum, fees structuring, decision making, fair hearing and transparency in disciplinary processes, and timely release of academic records, thus, reinforces that institutions must comply with its rules to avoid judicial intervention.[89]

The view Nigerian students hold of the NELFUND contingent loans as an albatross notwithstanding, its establishment has unveiled and in fact heightened the relevance of protecting their legitimate expectation in Nigeria's higher education system in several ways. First, students' reliance on institutional representations is now both financial and as well as academic. In other words, the obligation to fulfil institutional obligations for studentship, approval of loan amounts and repayment terms from NELFUND is dependent on the stipulated institutional charges and fees, programme duration and accredited academic progression. Second, higher institutions are now statutorily bond to make not only accurate disclosures but to provide accurate students data and statistics. This makes departures from such representation legally significant. When university authorities unilaterally renege from meeting obligations, it causes harm and it is negatively detrimental to the student. Third, Students face financial harm when expectations are frustrated. According to Schonberg, the disappointment of an expectation may cause harm to an individual who has relied on its fulfilment, it constitutes a central aspect of legal certainty and therefore the individual's autonomy.[90] Lastly, the regulatory relationship between NELFUND and the Higher education institutions creates clearer accountability pathways for students to challenge unfair administrative practices by the authorities.

Association (1972) 2 QB 299 CA (Civ. Div.) The Council failed to adhere to promised procedure.

[82] Ibid. (fn. 40) *ex p Coughlan*, loco classicus on substantive legitimate expectations. An oral assurance that a nursing home would remain the home for life of a severely disabled patient, who would otherwise have suffered acute distress was held binding in the absence of an over ridding absence.

[83] Adeyemi, M. O., Prospectuses as Binding Representations in Higher Education (2014) 22 African Journal of Education Law 87. Also, Ekwo, I.E., Education, Law and Administration in Nigeria (2010), Lagos, Odade Publishers, 412-417, enumerated students' rights' derivable from their studentship in Nigeria.

[84] Ibid (fn. 14) *Chima,* where the university authorities expelled students for demanding repair of lecture theatre. See also, Bamgboye. Ibid (fn. 58) 290.

[85] Ibid, Imoedemhe, (fn. 5) at 1. Students' legitimate expectations are not generally recognised by institutions and sparingly protected when litigated upon by students in Nigerian higher institutions.

[86] UK Higher Education White Paper, Putting Students at the Heart of the System (2011), 2

[87] Ibid

[88] Ibid.

[89] Ibid, *Bamgboye* (fn. 58) emphasizes that universities must comply with their own rules.

[90] Schonberg, S., Legitimate Expectations in Administrative Law. Oxford University Press, (2000), 237**.** See also *R v Secretary of State for the Home Department, ex p Khan* (1985) 1 All ER 40

6. Legitimising Legitimate Expectations?

This paper argues that with NELFUND, legitimate expectations are further legitimised. Fulfilling expectations to students are not only made more compellable, but attendant breaches are also made actionable. By stating the basic statutory requirements to qualify institutions to have access to the loans on behalf of their students, NELFUND does not only super impose obligations on higher institutions, but it also obligates universities to deliver on their representations to students. As a concept, the doctrine of legitimate expectations makes actionable, reneged representations, in the absence of any overriding public policy. NELFUND, by virtue of its statutory provisions further amplifies the enforcement rights of students when institutions fail to fulfil their promises. To this extent, it is argued that NELFUND does not only legitimise expectations, but it also creates new legitimate expectations when it statutorily protects fee stability, academic quality, student services, timely completion, administrative efficiency, and procedural changes to academic requirements.

It is no longer arguable, that the doctrine of legitimate expectations now plays the crucial role in ensuring that public bodies act consistently and fairly in their dealings with individuals, including students.[91] This is recognisable where a public authority reneges from a clear, unambiguous representation or established and consistent practice upon which individuals have relied to their detriment, a position held in *Council of Civil Service Unions v Minister for the Civil Service* (GCHQ).[92] There, the House of Lords recognised that legitimate expectations could be procedurally protected as in this case, or substantively protected, depending on the nature of the promise or practice. In other words, where procedural protection cannot remedy the breach of a substantive legitimate expectation, courts could substantively protect such an expectation by requiring its fulfilment, except for overriding public interest. For instance, students may reasonably expect, substantively, fee stability, especially where NELFUND has set guidelines or policies aimed at regulating university fees. This was the deduction of the court in *R v North and East Devon Health Authority, ex p Coughlan*,[93] where substantive legitimate expectations were upheld. In the case, an oral assurance given by the Council that a nursing home would remain the permanent home for life of a severely disabled patient, who otherwise have suffered acute distress, was held binding in the absence of an overriding public interest. In *Oloniluyi v. Home Secretary,*[94] a Nigerian student in the UK was given oral assurances that she would have no difficulty in returning after travelling to Nigeria, yet she was refused leave to re-enter the Uk. The refusal was quashed on grounds of breach of substantive legitimate expectation and unfairness. The Authority unilaterally changed the promised procedure, a clear promise earlier made and intended to create legal rights. In *R. v. Secretary of State for Home Affairs, ex. P. Asif Mahmood Khan*,[95] the same principle was applied. NELFUND's role in maintaining academic quality and student services also fosters expectations that universities will adhere to promised procedures and minimum standards. This expectation mirrors the principle adopted in *Awotedu v. Vice Chancellor, University of Ibadan,*[96] where adherence to published standards formed part of procedural fairness requirement in administrative decisions affecting students. In this case, the university reneged in following its prescribed procedure in granting the student the opportunity to cross examine his accuser, a breach of the internal stipulated regulations and more importantly the principle of natural justice. Again, students hold expectations of timely completion and administrative efficiency, coupled with the procedural expectations concerning changes to academic requirements. In *Attorney General of Hong Kong v Ng Yuen Shiu*,[97] the court opined that where rules or policies govern academic progression, changes should not be applied retrospectively or arbitrarily, preserving fairness and reliance interests. The government of Hong Kong was held to its earlier promised procedure.[98] In sum. to the extent NELFUND functions as a public authority under Nigerian law, the doctrine of legitimate expectations imposes a duty of fairness in its dealings with students and universities.

7. Conclusion

This paper has argued that the discourse surrounding NELFUND should move beyond a simplistic characterization of the scheme as a burdensome debt instrument to a more nuanced understanding of its regulatory and accountability potential within Nigeria's higher education system. Put succinctly, the paper argued that NELFUND operates not merely as a

[91] Ibid, *Schmidt* (fn. 6)
[92] Ibid (fn. 80) (the *GCHQ* Case)
[93] Ibid (fn. 40) (the *Coughlan* Case)
[94] (1989) Imm. AR.135
[95] (1985) 1 AII ER 40
[96] (1982) 3 OY SHC 262
[97] (1983) 2 AC, 629
[98] Ibid

financing mechanism but as a catalyst for service delivery assurance and enhanced student recourse. By conditioning access to students' loans on accurate disclosures, data integrity, and compliance with statutory and administrative standards, NELFUND strengthens the nexus between funding, institutional accountability, and students' legitimate expectations.

The narrative of students and university relationships altered significantly with the introduction the income-contingent loans. Students' financial commitment, now facilitated through NELFUND, deepened their reliance on institutional representations relating to fees, academic quality, facilities, and administrative efficiency. Where such representations are reneged upon by university authorities, the doctrine of legitimate expectation, now firmly recognized in Nigerian administrative law, provides a principled legal framework for redress. In this sense, it is argued NELFUND does not create an albatross but legitimizes and amplifies students' enforceable expectations. Ultimately, the sustainability and legitimacy of NELFUND depend on embedding robust mechanisms that balance repayment obligations with enforceable standards of service delivery. Aligning NELFUND's regulatory focus with university accountability and student protection transforms the scheme into a tool for fairness, legal certainty, and improved governance in Nigerian higher education system.

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Domestic Harmony in the Diaspora: Conflict Dynamics, Coping Strategies, and Support Systems among Nigerian Migrant Couples in Europe

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Abstract. This study explores how Nigerian migrant couples in Europe negotiate domestic harmony amid the cultural, structural and relational pressures associated with migration. Drawing on an interpretivist paradigm and qualitative design, the research is based on in-depth individual and joint interviews with 19 Nigerian couples residing in several European countries. The findings reveal that migration fundamentally reshapes marital expectations, roles and identities, often unsettling established gender arrangements and intensifying financial, parenting and acculturation-related stressors. Conflict was commonly expressed through the language of "pressure" and "misunderstanding" rather than overt confrontation, reflecting cultural norms that discourage open discussion of marital difficulties. Couples employed a range of coping strategies, including communicative negotiation, selective silence and faith-based practices, that were shaped by both Nigerian cultural values and the realities of life in Europe. Informal support networks, particularly church communities and co-ethnic friendships, played an important yet ambivalent role: they offered significant emotional and practical assistance but also reinforced expectations that sometimes-limited help-seeking and equitable negotiation. Formal support services were underused due to concerns about cultural mismatch and institutional intervention. Overall, the study demonstrates that domestic harmony in the diaspora is a dynamic, negotiated process requiring continuous adaptation, mutual meaning-making and the strategic use of available resources.

Keywords: Nigerian migrants; domestic harmony; marital conflict; coping strategies; diaspora families

1. Introduction

Nigerian migration to Europe has expanded significantly in recent decades, propelled by economic hardship, political insecurity, and aspirations for social advancement (Adepoju, 2006). As Nigerian communities have become firmly established in cities such as London, Dublin, Rome, and Berlin, the intimate lives of migrants have increasingly come under scholarly scrutiny. Migration is not merely a geographical relocation but a profound reorganisation of social relationships, expectations, and cultural meanings. For Nigerian couples, whose marital identities are shaped by collectivist family structures, strong kinship obligations, and culturally embedded gender roles, the transition into European socio-cultural environments introduces both opportunities for renegotiation and sources of strain (Kastner, 2010). While migration often promises improved livelihoods, it simultaneously generates new stressors linked to acculturation, role adjustment, labour-market precarity, legal uncertainties, and the challenge of sustaining transnational ties.

Evidence from studies of African migrant families suggests that these pressures frequently manifest within the domestic sphere, influencing marital disharmony and patterns of conflict (Akanle et al., 2025). Nigerian couples abroad must navigate not only interpersonal disagreements but also structural and cultural disruptions that shape how conflict is experienced, interpreted, and managed. In many cases, men and women encounter shifting gender expectations in Europe, women may find greater economic participation and autonomy, while men may confront the erosion of traditional provider roles. These shifts can destabilise established marital arrangements and provoke tensions linked to power, identity, and household responsibilities. At the same time, the persistent moral economy of Nigerian kinship, particularly the expectation of remittances continues to place emotional and financial demands on couples, shaping their decision-making, priorities, and experiences of conflict (John-Oti & John-Oti, 2025; Kastner, 2010). Remittance flows exceeding 20 billion US dollars annually reflect both the economic importance of the diaspora and the enduring obligations migrants carry (World Bank, 2022, as cited in John-Oti & John-Oti, 2025).

Despite these complex pressures, research on the intimate lives of Nigerian migrant couples in Europe remains limited. Much existing scholarship prioritises economic integration, remittance practices, or transnational parenting, leaving the everyday negotiation of marital harmony relatively underexplored. There is a need for studies that illuminate how couples themselves understand and navigate the emotional, cultural, and structural challenges inherent in diasporic life. A qualitative approach is well suited to this task because it captures subjective meanings, relational dynamics, and the nuanced ways in which harmony and conflict are co-constructed within everyday marital interactions. Rather than quantifying incidents of disagreement or cataloguing coping strategies in isolation, qualitative inquiry attends to how couples *make sense* of their experiences, how they narrate change, and how they draw upon cultural repertoires and personal histories to maintain stability.

This interpretive orientation aligns with acculturation perspectives that emphasise the diverse strategies migrants use to balance heritage cultural norms with host-society expectations (Berry, 1997). It also resonates with family stress and resilience theories, which conceptualise families as meaning-making systems that actively interpret challenges, mobilise resources, and develop adaptive patterns to sustain cohesion (McCubbin & Patterson, 1983; Ballard et al., 2020). For Nigerian migrant couples, harmony is not simply the absence of conflict; it is a relational achievement forged through continual negotiation between tradition and change, between personal aspirations and structural constraints, and between transnational obligations and local realities. Qualitative research allows these negotiations to be captured in participants' own words, revealing nuances that might otherwise remain obscured.

Furthermore, the coping strategies that Nigerian migrant couples employ are shaped by distinctive cultural and diasporic configurations. Communication, prayer, spiritual practices, advice-seeking from elders, and reliance on religious or ethnic communities all play significant roles in how couples manage conflict. These practices are often intertwined with Nigerian cultural values around respect, mutual obligation, and communalism, yet they are enacted within European contexts that may either support or conflict with these values. Similarly, support systems accessible to migrants vary widely. Some couples find strength in church communities, diaspora networks, or transnational family ties, while others encounter barriers to accessing formal support such as counselling or social services, due to stigma, unfamiliarity, linguistic challenges, or concerns about institutional surveillance. Understanding how these support structures are perceived and utilised requires a methodology attentive to meaning, context, and relational process.

Against this backdrop, the present study investigates how Nigerian migrant couples in Europe experience, interpret, and negotiate domestic harmony. It explores the dynamics of conflict as narrated by couples themselves, the coping strategies they employ in response to relational tensions, and the support systems, either as formal or informal, that shape their marital wellbeing. The study is guided by open-ended questions that seek to uncover: how conflict is understood within the diasporic marital context; how couples conceptualise and strive for harmony; which coping mechanisms they use individually and jointly; and what role support networks play in shaping domestic stability. These questions allow for an inductive, participant-centred exploration of intimate migrant life.

The significance of this study is threefold. First, it contributes to the limited but growing literature on African migrant marriages in Europe iuopby providing a nuanced, experience-based account of Nigerian couples' relational lives. Second, it advances theoretical understandings of acculturation, family

stress, and resilience by demonstrating how these processes unfold in the micro-dynamics of marriage. Third, it offers practical insights for policy-makers, counsellors, and diaspora organisations seeking to provide culturally responsive support for migrant families. Prior research suggests that wellbeing among migrant and refugee families improves when support services recognise both the vulnerabilities and the strengths that migrants bring to their new contexts (Fegert et al., 2018, as cited in *Lived Experiences of Migrant and Refugee Parents*, 2024). By attending to both conflict and harmony, this study highlights the resilience and creativity with which Nigerian couples reconstruct marital life in the diaspora, providing a foundation for policies and interventions that promote family stability and social cohesion in an increasingly diverse Europe.

2. Literature Review

The study of migration and family life increasingly highlights domestic space as a site where broader social, cultural and structural transformations are negotiated. Contemporary family scholarship conceptualises domestic harmony not as a static condition but as a fluid process shaped by partners' interpretations, emotional labour and ongoing relational negotiations. In migrant families, the interplay between structural pressures, cultural transitions and reconfigured gender expectations intensifies these dynamics, producing distinctive patterns of conflict and adaptation. Rather than treating conflict as an anomaly, qualitative family research demonstrates that disagreement can be both destructive and constructive depending on how couples frame, communicate and regulate it within everyday life (Ballard et al., 2020).

Across sub-Saharan African migration streams, movement to Europe frequently reorganizes family structures and conjugal expectations. Research on transnational families shows that migration often involves periods of separation, staggered mobility and multilocal living arrangements, all of which reshape intimacy, caregiving and decision-making processes (Awumbila et al., 2019). The African diaspora in Europe is marked by considerable diversity in partnership patterns, including marriages within co-ethnic groups, inter-ethnic unions, and relationships anchored in circular or return migration (Beauchemin et al., 2015). This diversity underscores that migrant marriages cannot be understood through a single cultural template; rather, couples navigate a range of relational arrangements shaped by immigration regimes, labour markets and social hierarchies embedded in European societies.

Within this broader field, research on migration and marital conflict suggests that mobility can amplify pre-existing tensions and generate new forms of strain. Umubyeyi et al. (2020), for instance, argue that migration often destabilises established gender roles, exposes couples to economic and legal vulnerability and disrupts support networks, increasing the likelihood of conflict in the absence of adaptive strategies. These tensions may arise around decisions regarding who migrates first, how financial responsibilities are distributed and how authority is exercised within the family. Such findings align with analyses noting that exposure to European norms of gender equality, autonomy and rights can challenge traditional expectations of hierarchy, obedience and respect within many African households (Idemudia & Boehnke, 2020).

For Nigerian migrant families in particular, these dynamics are especially pronounced. Nigerian kinship systems are often characterised by strong extended-family ties, embedded mutual obligations and culturally prescribed gender divisions in which men are expected to provide financially while women manage domestic and caregiving responsibilities. Migration can initially reaffirm these roles, especially where migration decisions are framed through a provider narrative. However, studies show that women's increased access to employment in host contexts, as well as the welfare and childcare systems in many European countries, can significantly shift economic power and everyday decision-making within Nigerian households (Kastner, 2010; Idemudia and Boehnke, 2020; Akanle et al., 2025). These shifts can provoke conflict when men perceive a threat to traditionally sanctioned authority or when women seek greater autonomy. At the same time, continuing expectations of financial remittances to extended family members in Nigeria place ongoing pressure on migrant couples, often creating disagreements around priority setting, obligations and intergenerational responsibility (Kastner, 2010).

Psychosocial research further demonstrates that the stresses of post-migration life, legal insecurity, discrimination, underemployment, language barriers and social isolation can directly influence the wellbeing of migrants and their intimate relationships. In a multi-country European study, Idemudia and Boehnke (2020) found that African migrants reported high levels of post-migration stress, often accompanied by deteriorating mental health, which in turn affected marital communication and conflict. Nigerian migrants also report challenges related to childrearing, particularly in countries where

safeguarding systems intervene when parental practices conflict with local norms. Such interventions can be experienced as undermining parental authority, generating tension between spouses over how to adapt disciplinary practices within the host environment (Bryan, 2019).

In response to these pressures, Nigerian migrant couples draw on a repertoire of coping strategies that reflect both cultural continuity and adaptation. Communication-based strategies are common, although disagreements are sometimes minimised or avoided due to the cultural stigma associated with exposing marital problems (Akanle et al., 2025). Spiritual and faith-based coping remains central, particularly among Christian families. Couples frequently interpret marital difficulties through spiritual frameworks and seek guidance through prayer, pastoral counselling and participation in faith communities (Ojo, 2018). Such practices not only provide emotional solace but also reinforce social belonging within diasporic religious networks. However, religious interpretations may either facilitate egalitarian negotiation or reproduce patriarchal roles depending on doctrinal orientation and pastoral advice.

Support systems available to migrants are both enabling and constraining. Informal networks comprising extended family, close friends, ethnic associations and church communities act as primary sources of emotional and practical support. These networks often mediate conflict by offering advice, intervening as arbiters or reinforcing communal norms regarding marital perseverance (Trillo et al., 2019). Yet they can also heighten tensions, particularly when extended family expectations conflict with the couple's own goals or when communal norms place disproportionate pressure on women to maintain marital stability at all costs. Formal support systems such as counselling, social work services and legal advisory centres are frequently approached with caution by migrants due to concerns about cultural misunderstanding, stigma, or fear of institutional involvement in family life (Bryan, 2019). The effectiveness of such services thus depends critically on their cultural sensitivity and ability to recognise the strengths, vulnerabilities and complex realities of migrant families.

Several theoretical perspectives provide useful sensitising concepts for understanding these dynamics. Berry's (1997) acculturation framework illustrates how migrants negotiate cultural maintenance and engagement with the host society through strategies of integration, assimilation, separation or marginalisation. This framework is particularly useful for examining how Nigerian spouses may differ in their adaptation to European norms, potentially producing divergent expectations that influence marital harmony. Complementing this view, McCubbin and Patterson's (1983) Double ABCX model of family stress and resilience emphasises how families' responses to stressors depend on available resources, the accumulation of demands and the meanings families assign to their circumstances. Applied to migrant couples, this model highlights the importance of structural resources such as stable employment and secure legal status, as well as psychosocial resources, including communication skills, cultural identity and supportive networks.
Together, these bodies of literature suggest that the marital experiences of Nigerian migrant couples in Europe cannot be understood solely through the lens of conflict or cultural difference. Instead, they must be examined as dynamic, meaning-making processes shaped by migration, acculturation, social support and deeply rooted cultural frameworks. The literature also underscores the value of qualitative research that privileges migrants' own narratives, offering a more nuanced and contextually grounded understanding of domestic harmony in the diaspora.

3. Research Methodology

This study is situated within an interpretivist research paradigm, which holds that reality is socially constructed and best understood through the meanings individuals assign to their experiences. This orientation is particularly appropriate for examining how Nigerian migrant couples in Europe navigate domestic harmony, as it foregrounds subjective interpretation, relational processes and the cultural contexts shaping intimate life (Creswell & Poth, 2018). Rather than seeking generalisable patterns, the study aims to explore the lived experiences of couples, attending to the nuances, contradictions and evolving negotiations that characterise marital life in the diaspora.

A qualitative design was adopted to enable rich, in-depth engagement with participants' narratives. In-depth semi-structured interviews were chosen as the primary method of data collection because they allow participants to express their stories, dilemmas and interpretations in their own words while providing enough structure to address core themes of conflict, coping and support (Brinkmann & Kvale, 2015). Interviews were conducted with 19 Nigerian migrant couples residing in selected European cities, including those in the United Kingdom, Ireland, Italy and Germany. Purposive and snowball sampling

techniques were used to recruit participants who had been married for at least five years and had lived in Europe for a minimum of one year, ensuring their familiarity with both pre-migration and post-migration marital contexts.

Each couple participated in two interviews; one individual and one joint, depending on sensitivity and preference. Individual interviews provided space for personal reflection on conflict and coping strategies, while joint interviews illuminated collaborative meaning-making and relational dynamics. All interviews were conducted through the Zoom application in English language and Nigerian Pidgin English language, depending on participants' preference, and were also recorded with consent. Ethical considerations were central throughout the research process. Participants were informed of their right to withdraw at any time, and pseudonyms were used to ensure confidentiality. Given the potentially emotional nature of discussing marital conflict, sensitivity, non-judgemental engagement and appropriate referral information were prioritised.

Data were analysed using thematic analysis, following Braun and Clarke's (2021) six-phase approach. This iterative process involved familiarisation with transcripts, generation of initial codes, organisation of codes into themes, review and refinement of themes, and the production of an analytic narrative. The analysis was inductive but informed by sensitising concepts from acculturation theory and family stress models, which helped situate participants' experiences within broader socio-cultural and structural contexts (Berry, 1997; McCubbin & Patterson, 1983). Reflexivity was integral to the analytic process; the researcher maintained a reflective journal to document assumptions, emotional responses and emerging interpretations, recognising the influence of positionality in shaping the research encounter (Finlay, 2017).

To enhance trustworthiness, several strategies were employed. Credibility was supported through prolonged engagement with participants and the use of member reflections, allowing participants to comment on preliminary interpretations. Transferability was facilitated by providing rich, contextual descriptions of participants' backgrounds and settings. Dependability and confirmability were strengthened through an audit trail documenting analytic decisions and methodological adaptations. Together, these procedures ensured that the study remained rigorous while attending to the complexity and depth of participants' lived experiences.

4. Findings

This section presents the main themes that emerged from the interviews with Nigerian migrant couples in Europe. Pseudonyms are used for all participants. While each couple's story was unique, their narratives converged around four broad themes: (1) life in transition and shifting marital landscapes; (2) experiences and interpretations of conflict; (3) coping practices and strategies; and (4) support systems and their ambivalent role in sustaining domestic harmony. For most couples, migration was described as a profound turning point that reconfigured almost every aspect of marital life. Participants often contrasted their lives "back home" with life "here", using this contrast to make sense of both new opportunities and emerging tensions. Several couples spoke of migration as a joint project fuelled by shared aspirations for security, professional advancement and better futures for their children. Yet, in practice, the move often unsettled established roles and expectations.

Men who had been primary breadwinners in Nigeria frequently found themselves in a perceived low-status or precarious jobs, or temporarily unemployed, while their wives accessed more stable or better-paid work. For some, this shift was welcomed as "teamwork"; for others, it threatened deeply held ideas of masculinity and authority. One husband in his late thirties described the transition succinctly:
"At home, I was the one bringing in the money, making the final decisions. Here, she got job first, and suddenly everything turned. It is like the ground moved under my feet." (Emeka, Male 38, UK)

Women often linked migration with an expanded sense of self, including financial independence and greater exposure to discourses of gender equality. However, they also described feeling "caught in between" the expectations of extended family in Nigeria, who still assumed traditional gender arrangements, and the realities of dual-earner life in Europe. As one participant put it, "You are expected to act like a village wife but work like an European woman." (Ngozi, Female 41, Germany). This sense of being "in-between worlds" formed a backdrop against which many conflicts were experienced.

Conflict was present in all relationships, but its meanings and triggers varied. Participants most frequently identified four interconnected areas of tension: finances and remittances, gender roles and household labour, childrearing practices, and the pressures of immigration status and discrimination. Financial disagreements were often tied to obligations towards extended family. Some couples described

strong pressure to send money home even when their own living costs were high. Where spouses differed in their priorities, arguments were common. One wife explained:
“His family will call, my family will call. Everybody has emergency. Sometimes I say, ‘Let us breathe small.’ Then he thinks I don’t respect his people.” (Bimbo, Female 32, Ireland).

Gender and domestic roles were another major source of conflict. Men who struggled to adjust to shared household labour sometimes framed their wives’ requests for help as disrespectful or “too European”. Women who felt overburdened by paid work and unpaid care work expressed frustration at being held to “old standards” in a new context.

Disagreements about childrearing often emerged around discipline. Many participants described fear of social services and uncertainty about what was considered acceptable in their host country. Couples recounted arguments over whether physical discipline should be abandoned entirely, moderated, or maintained “inside the house”. These debates were not only about methods but also about identity and the perceived erosion of cultural values.

Immigration status and experiences of racism also contributed to conflict, though often indirectly. Stress linked to asylum processes, visa insecurity or workplace discrimination spilled over into marital communication. Some partners withdrew emotionally or became irritable, while others interpreted this withdrawal as lack of love or commitment. As one husband reflected,
“You think the wahala [trouble] is between you and your wife, but sometimes it is this system pressing you, and you bring it home.” (Tunde, Male 52, Italy).

It is worth noting that a significant number of couples did not refer to these difficulties as "conflict" in a straightforward manner. In their place, they employed terminology like "misunderstanding," "pressure," or "change." Women in particular were concerned about being held responsible for any issues in the marriage that were seen to exist. As a result, they were reluctant to refer to the situation as a "conflict," as the term was frequently connected with failure or embarrassment.

Participants made use of a variety of coping techniques, which functioned on the individual, dyadic, and communal levels. Three tendencies in particular were extremely noticeable: coping based on spirituality or faith -based, communicative negotiation, and regulated quiet or managed silence. When tensions emerged, some couples recounted making a conscious effort to "sit down and talk" in order to address the situation. Frequently, these conversations involved the process of renegotiating obligations, clarifying expectations, and evaluating shared objectives for the family. Those couples that made use of this strategy tended to conceptualize conflict as being "part of marriage" rather than as an indication that the relationship was failing. They claimed that they would occasionally convene "family meetings" in which they would discuss matters pertaining to their finances, their children's problems, and their commitments to their extended families, attempting to arrive at a solution.

Many participants, on the other hand, talked of practices of selective or "managed" quiet in addition to open communication. To "keep the peace," several topics, such as relationships with in-laws, infertility, and former sexual relationships, were purposefully avoided. Women, in particular, talked about "holding things inside" to safeguard the marriage, even when they thought they were being treated unfairly. Some of the people who took part in the survey thought critically about this pattern and said that staying silent for a long period could occasionally lead to anger and emotional distancing.

In nearly every marriage, faith-based coping was a vital element. The process of relinquishing challenges, seeking counsel, and obtaining the resilience required for endurance was achieved through consistently referenced practices: prayer, participation in church services, fasting, and engagement in Christian fellowship groups. When faced with obstacles, whether pertaining to immigration or financial, some couples would engage in prayer together on a daily or monthly basis. In specific instances, pastors and church elders were solicited for consultation, and their guidance might significantly influence spouses' decisions toward reconciliation, formal counseling, or separation. Faith served as a source of fortitude for certain women, empowering them to assert their right to respect and to nurture one another. For other women, it reaffirmed the imperatives of perseverance and self-sacrifice

Additionally, participants identified several strategies employed daily: utilizing humor and teasing to reduce tension, temporarily withdrawing ("taking space") to regain composure, seeking advice from trusted friends, or juxtaposing their current challenges with past experiences in Nigeria to maintain perspective. The strategies for coping were rarely static; the couples indicated that as they gained greater proficiency and assurance in navigating life in their

host countries, their methods of adaptation evolved over time.

Support systems occupied a complex place in participants' accounts. On the one hand, informal networks. church communities, co-ethnic friends, neighbours and relatives in Europe or Nigeria were described as vital sources of practical help, emotional comfort and a sense of belonging. Many couples spoke warmly of church "families" who provided childcare, accommodation or financial assistance during difficult periods. Informal advisers, especially older couples and pastors, often acted as mediators during disputes.

On the other hand, these same networks sometimes intensified pressure and conflict. Women repeatedly mentioned feeling scrutinised by community members and worried about gossip if they disclosed marital problems. Some feared that seeking help would lead to stigmatisation or unwanted interference from in-laws. In a few cases, advice from elders or pastors prioritised the preservation of marriage over women's safety or wellbeing, especially when emotional or financial abuse was involved.

Formal support systems, such as counselling services, social workers and family therapy, were rarely used. Most participants knew little about these services or associated them with "oyinbo (Western) people". Concerns about confidentiality, cultural misunderstanding and the potential involvement of child protection agencies discouraged many from approaching formal providers. A few participants who had attended couple counselling, often through church-linked initiatives or community organisations reported mixed experiences. Positive accounts emphasised feeling "heard" and gaining new communication tools; negative ones described feeling judged or misunderstood.

Overall, support systems played a dual role: they could buffer the impact of migration-related stress and contribute to the maintenance of domestic harmony, but they could also reinforce unequal gender expectations and inhibit open discussion of conflict. Couples continually weighed the benefits of support against the risks of exposure, gossip or institutional intervention.

The findings suggest that domestic harmony among Nigerian migrant couples in Europe is not a static state but an ongoing process of negotiation. Migration alters established dynamics, exposes couples to new structural and cultural influences, and generates both opportunities and weaknesses within intimate relationships. Conflict emerges at the intersection of shifting gender roles, economic responsibilities, parental expectations, and post-migration stress; nevertheless, it is rarely recognized solely as "conflict."

Couples endeavor to maintain their relationships, modify them, or, in certain instances, recognize their limits through communication, deliberate silence, spiritual practices, and prudent utilization of support systems. In this perspective, harmony does not imply the absence of conflict; rather, it entails the capacity to coexist with tension, reframe responsibilities, and cultivate a sense of collective future amidst ambiguity and transformation.

5. Discussion

The findings of this study highlight the ways in which Nigerian migrant couples in Europe negotiate domestic harmony within a complex intersection of cultural, structural and relational forces. Rather than viewing migration as a backdrop to marital life, the couples' narratives position it as a central catalyst that reconfigures roles, responsibilities and expectations. This supports broader research which conceptualises migration as a transformative process that reshapes family structures, emotional bonds and everyday practices of intimacy (Awumbila et al., 2019; Beauchemin et al., 2015). For the couples in this study, life "here" in Europe was consistently contrasted with life "back home", indicating that their experiences of conflict and harmony are understood through a transnational lens in which both settings remain salient.

The theme of shifting marital landscapes illustrates how migration unsettles established gender roles and power relations. Men who had previously anchored their identities in the provider role often experienced job insecurity or downward occupational mobility, while women gained access to paid employment and social resources in host societies. This aligns with previous work suggesting that women's economic participation in Europe can redistribute power and decision-making within African households, sometimes provoking tension when such shifts are perceived as threats to male authority (Akanle et al., 2025; Idemudia & Boehnke, 2020). At the same time, women's accounts of being expected to "act like a village wife but work like a European woman" underscore the double burden produced by expectations from both origin and host contexts. The findings therefore confirm, but also deepen, existing analyses by revealing how couples themselves make sense of these tensions, often framing them not only as

economic changes but as existential challenges to what it means to be a “good” husband or wife.

Berry’s (1997) acculturation framework is helpful in interpreting these dynamics. Couples described differing attitudes towards European gender norms, childrearing practices and the use of formal services, suggesting that spouses sometimes pursue distinct acculturation strategies—some leaning towards integration, others towards separation or partial assimilation. Where these strategies diverged, conflict was more pronounced, particularly around issues such as shared domestic labour and child discipline. However, the findings also show that acculturation is not simply an individual process but a relational one: partners continually negotiate their respective positions, and domestic harmony depends partly on their ability to find workable compromises between competing cultural expectations.

The study further contributes to understanding the nature and meaning of conflict in migrant marriages. While finance, gender roles, childrearing and immigration stress emerged as key triggers, participants rarely labelled their difficulties as “conflict”; instead they spoke of “pressure”, “misunderstanding” or “change”. This resonates with cultural perspectives that associate explicit talk of marital conflict with shame or failure, especially for women (Ojo, 2018). It also suggests that measures of conflict which rely on self-labelling may underestimate the extent of relational strain in such contexts. The reluctance to name conflict directly may be linked to communal norms that prioritise marital endurance and the maintenance of social reputation (Trillo et al., 2019). At the same time, some couples were able to reframe disagreements as a normal part of marriage, a stance associated with more open communication and joint problem-solving.

The identified coping strategies, including communicative negotiation, regulated quiet or managed silence, and faith-based approaches, underscore the interaction between agency and constraint. Communication-centered strategies, such as "family meetings," reflect insights from family resilience studies that highlight the significance of collaborative decision-making and meaning-making in coping with stress (McCubbin & Patterson, 1983; Ballard et al., 2020). These couples utilized both Nigerian and European traditions: they preserved culturally known methods of family discourse while integrating concepts of partnership, mutuality, and transparency linked to host-society standards.
In contrast, managed silence, especially regarding in-laws, previous relationships, or delicate subjects, exposes the constraints of communicative principles in situations when revelation may incur societal repercussions. For several women, quiet constituted a tactical decision to avert escalation or safeguard the marriage, even at the cost of their own emotional welfare. This pattern undermines basic distinctions between "healthy" and "unhealthy" coping mechanisms; in these narratives, silence can serve as both a protective and detrimental factor, contingent upon duration, context, and the availability of alternative support systems.

Faith-based coping emerged as deeply embedded in couples’ relational lives, confirming the centrality of religion in Nigerian social worlds both at home and in the diaspora (Ojo, 2018). Prayer, fasting and engagement with pastors or Christian fellowship groups provided interpretive frameworks, resources for endurance and a sense of being held within a larger spiritual community. Yet, the findings also point to the ambivalence of faith-based support: while some couples drew on religious teachings to advocate mutual respect and shared responsibility, others encountered messages that encouraged women to tolerate harmful behaviour or discouraged them from seeking formal assistance. This complexity underlines the need for practitioners to recognise religious resources as neither inherently protective nor inherently oppressive, but as potentially both.

The ambivalent role of support systems more broadly is a key contribution of this study. Informal networks such as church communities, friends and relatives clearly buffered the stresses of migration by offering material and emotional assistance. However, they also functioned as mechanisms of surveillance and norm enforcement, especially for women. Fear of gossip, stigmatisation or unwanted interference discouraged some participants from disclosing difficulties, thereby limiting access to potentially helpful support. Formal services were underused, often perceived as culturally distant or risky in relation to child protection systems. These findings echo earlier work on migrant families’ ambivalent engagement with welfare institutions (Bryan, 2019), but add nuance by showing how couples weigh the perceived benefits of support against risks of exposure within overlapping social fields.

Viewed through the lens of the Double ABCX model (McCubbin & Patterson, 1983), the couples’ experiences illustrate how migration-related stressors (A), existing and newly acquired resources (B) and the meanings assigned to both (C) interact to shape marital outcomes (X). Economic insecurity, racism and legal precarity accumulate as chronic stressors, yet their

impact is mediated by resources such as dual incomes, supportive church communities and growing familiarity with host-country systems. Meaning-making processes are particularly salient: couples who interpreted difficulties as shared challenges embedded in a hostile environment were more likely to collaborate, whereas those who framed problems as individual failings or cultural betrayal tended to experience deeper relational fractures.

The findings suggest that domestic harmony among Nigerian migrant couples in Europe is best understood as a negotiated, ongoing accomplishment rather than a stable end state. It is produced in the push and pull between continuity and change, between attachment to Nigerian cultural values and engagement with European norms, and between the promise of migration and its everyday burdens. The study thus enriches existing literature by foregrounding the voices of Nigerian couples themselves and by illuminating the subtle, often invisible work through which they attempt to hold relationships together in contexts marked by uncertainty, inequality and competing obligations.

6. Conclusion

This study has explored how Nigerian migrant couples in Europe negotiate domestic harmony amid the intersecting pressures of migration, cultural transition and relational change. The findings show that marital life in the diaspora is shaped by a continuous process of adaptation in which couples reinterpret longstanding norms, respond to evolving gender roles and navigate the structural challenges of settlement. Migration is not merely a backdrop to their relationships; it actively reshapes expectations, responsibilities and identities, often revealing both new possibilities and new tensions within intimate partnerships.

The couples' narratives demonstrate that conflict arises not only from interpersonal disagreements but also from broader socio-economic and institutional forces, including labour-market instability, financial obligations to extended family and anxieties related to childrearing and legal status. These pressures complicate marital interactions, sometimes exacerbating pre-existing tensions and sometimes creating entirely new fault lines. Yet, rather than framing these experiences simply as dysfunction, participants interpreted them as consequences of "pressure" or "change", underscoring the cultural reluctance to speak openly about marital conflict and the enduring value placed on marital endurance.

Coping practices were multifaceted and deeply embedded in cultural and spiritual frameworks. Communicative negotiation, managed silence and faith-based practices emerged as central strategies through which couples attempted to sustain harmony. These approaches highlight both agency and constraint: while open communication and shared decision-making fostered resilience, silence and religiously framed endurance sometimes limited opportunities for equitable negotiation, particularly for women. The findings reveal that coping cannot be categorised as purely adaptive or maladaptive; instead, its meaning and effectiveness vary according to context, relational histories and the resources available to couples.

Support systems played a dual role. Informal networks, particularly church communities and co-ethnic friendships, were essential sources of comfort and solidarity but could also reinforce norms that discouraged help-seeking or prioritised marital preservation over personal wellbeing. Formal services remained largely underutilised due to perceived cultural distance, fear of institutional intervention and uncertainty about their relevance. This points to a need for culturally informed practices and outreach efforts within European support systems serving migrant families. Ultimately, the findings suggest that domestic harmony for Nigerian migrant couples is best conceptualised as a negotiated, ongoing accomplishment shaped by migration's demands and opportunities. It involves balancing cultural continuity with adaptation, protecting the marriage while seeking personal wellbeing and creating shared meaning in the face of uncertainty. By foregrounding couples' own voices, this study contributes a nuanced understanding of intimacy in the diaspora and highlights the importance of contextually sensitive support for migrant families navigating relational life across borders.

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Security-Driven Identification and Data Privacy: Lessons from Nigeria and India

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Abstract. As mobile phones have become an integral part of socio-technical participation, states have made it imperative to collect biometric data in exchange for access to a network for the purpose of ensuring national security. This paper examines the conflict between national security interests and the right to privacy in Nigeria and India in the context of the obligation of registration of SIMs and linkage to identity through a biometric system. Through a doctrinal research methodology and comparative approach, it examines the legal frameworks in Nigeria and India, including the Registration of Telephone Subscribers Regulations 2011 in Nigeria and the Telecommunications Act 2023 in India. It also examines the legal systems in both countries through the lens of the New Social Contract theory. This article finds that the security benefits in Nigeria and India are uncertain due to poor implementation practices, such as the black market for pre-registered SIM cards and marginalisation through digital exclusion. In addition, there is a lack of independent oversight, which poses threats of mass surveillance. The existing policies on mandatory SIM registration embody a coercive social contract as opposed to a consensual one, reflecting an asymmetrical transfer of power to the state with no corresponding obligation regarding the right to privacy. There is a need to ensure that the legal frameworks in both countries comply with international standards of necessity and data minimisation. The creation of separate supervisory structures and judicial authority in the security-privacy trade-off in Nigeria and India is important in the rebuilding of democratic legitimacy.

Keywords: SIM Registration, National Security, Right to Privacy, New Social Contract Theory, Biometric Data, Nigeria, India, Data Minimisation, Mass Surveillance, Digital Exclusion

1. Introduction

Mobile phones are now socio-technical infrastructure, they are not mere tools of communication but are necessary for banking, welfare distribution, digital identification, political participation and everyday social interaction.[174] In response to threats to national security such as terrorism, kidnapping, cybercrime and digital fraud, governments have turned to mandatory SIM registration as a solution.[175] In Nigeria and India for example, SIM card registration is a mandatory process for all mobile phone users, requiring them to register their SIM cards with their respective Mobile Network Operators (MNOs) by providing proof of identification, personal data and biometric data to gain

174 M. Schomerus and A. S. Rigterink, *"And Then He Switched off the Phone": Mobile Phones, Participation and Political Accountability in South Sudan's Western Equatoria State*, *Stability: International Journal of Security & Development*, 4(1), Art. 10 (2015), 2, https://doi.org/10.5334/sta.ew

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access to voice and data services.[176] Governments enforce these measures by imposing strict deadlines, requiring subscribers to comply within the stipulated period or risk disconnection.[177] Similar security rationales exist in India.

While SIM registration and identity verification mechanisms have been set up by these countries, regulation, identity infrastructure and data governance frameworks lag behind.[178] This makes the assumption that each SIM card corresponds to a single, verifiable individual unrealistic. Studies show that because of the challenges associated with SIM registration process in many countries, users resorted to practices such as third party registration, shared SIM ownership within households, and the emergence of informal and black markets for re-registered SIM cards.[179] The reality therefore, is that the SIM registration and linkage to identity has informal and illegal practices have affected anonymity, hereby undermining both the effectiveness and legitimacy of security-oriented regulation.

The justification is that SIM registration and linkage to identity is a crime prevention strategy that is effective for the enforcement of law and national security, however, many studies reveal that this claim remains inconclusive.[180] In fact, Salami and Oloyede argue that despite the implementation of such regulations, including SIM-NIN linkage in Nigeria for over two years, crime rates have not shown a significant decrease attributable to these measures.[181] Criminals have shown the ability to circumvent these regulations by accessing and using illegally registered SIM cards through black markets, revealing a persistent challenge in effectively combating crime through mandatory SIM registration alone.[182] This raises the obvious question: if SIM registration cannot reduce crime, how then can its intrusion on privacy and anonymity be justified solely on the basis of speculative security gains?

The use of biometric ID in mandatory SIM registration has serious implications for privacy and data protection.[183] These risks include, data leaks, exclusion due to poor quality data, among others.[184] As will be discussed below, these SIM cards are linked to biometric national identity systems without clear limits on data access, retention, secondary use or sharing across agencies. In Nigeria and India, biometric data are collected and stored within fragmented databases managed by different bodies, creating risks of misuse, breach and function creep.[185] Several problems have been found in Nigeria's verification process, including insufficient supervision. In some instances, the biometric and

176 India. (2023). *Telecommunications Act, No. 44 of 2023*, s. 3(7).

177 Robert, T., & Oloyede, R. (2022, May 5). Why millions of Africans are right to resist mobile SIM card registration. Institute of Development Studies. 5 https://www.ids.ac.uk/opinions/why-millions-of-africans-are-rightto-resist-mobile-sim-card-registration/

178 Majumdar, 2025, 129

179 Luhanga, E., et al. (2023). User experiences with third-party SIM cards and ID registration in Kenya and Tanzania. arXiv:2311.00830 [cs.HC], 1. https://doi.org/10.1145/nnnnnnn.nnnnnnn

180 Tumang, B. (2025). The SIM registration legislation in enhancing mobile security against cyber threats. *International Journal of Multidisciplinary: Applied Business and Education Research*. https://doi.org/10.11594/ijmaber.06.02.17; Salami, A. O., & Oloyede, R. (2024). Digital identity, surveillance, and data protection in Africa. In R. A. Akongburo et al. (Eds.), *African data protection laws* (p. 138). Walter de Gruyter GmBH & Co KG Jentzsch, N. (2012). Implications of mandatory registration of mobile phone users in Africa. *Telecommunications Policy, 36*(8). https://www.sciencedirect.com/science/article/abs/pii/S0308596112000511; GSMA. (2024, February 23). The mandatory registration of prepaid SIM card users: Addressing challenges through best practice. https://www.gsma.com/solutions-and-impact/connectivity-for-good/public-policy/wp-content/uploads/2016/04/GSMA2016_Report_MandatoryRegistrationOfPrepaidSIMCards.pdf

181 Salami and Oloyede, 2024, p138.

182 Salami and Oloyede, 2024, p138.

183 Sesan, G., & Roberts, T. (2025). Digital-ID in Africa: Assessing progress and challenges to date. In G. Sesan & T. Roberts (Eds.), *Biometric digital-ID in Africa: Progress and challenges to date – Ten country case studies* (pp. 19–27). Institute of Development Studies.

184 Sesan and Roberts, 2025, p25.

185 Sesan and Roberts, 2025, p25.

personal data collected are not thoroughly checked, which results in errors in the database.[186] Other issues are the risks are associated with mandatory SIM registration, including implications for data privacy, state surveillance, and the exclusion of marginalised groups.[187] Linking SIM cards to biometric national identity systems is said to increase the surveillance capacity of governments, sometimes without adequate safeguards or oversight mechanisms.[188]

This paper adopts the New Social Contract Theory as propounded by Chesterman as its theoretical framework. Chesterman argues that citizens of a society, in order to enjoy the benefits of securities and the conveniences of modern life, may legitimately trade some aspects of informational autonomy to the state.[189] Ideally, these trade offs are governed by the rule of law, constrained by the principle of transparency and proportionality, and subject to robust oversight and accountability.[190] This theory provides a normative lens for assessing when security-driven data practices remain democratically legitimate and when they amount to unjustifiable rights infringements.

This paper critically analyses the legitimacy, governance designs and accountability structures in the SIM registration regimes in Nigeria and India, focusing on how security driven data practices are authorised and implemented. The primary aim is to shift the focus from security outcomes to legitimacy by tackling questions of consent, reciprocity, oversight and accountability which are important in democratic governance but easily affected by security narratives. This paper argues that the mandatory SIM card registration and linkage to national identity framework in some countries appears to be a coercive rather than a consensual form of the New Social Contract by which citizens surrender informational autonomy for promised security benefits. There are no guarantees of transparency, proportionality, oversight and accountability required to ensure that the state does not abuse the process. The process of registration and linkage to identity is usually justified as counter-terrorism, crime and kidnapping prevention tool, however, a comparative analysis of Nigeria and India reveals that there is little evidence that this has been effective. On the other hand, the level of privacy intrusions is evident. The argument of this study there is need to shift the focus from mere identification which increases the chances of state surveillance, data misuse and exclusion to a framework that aligns with the principles of necessity, proportionality, data minimisation, independent oversight, and meaningful consent.

2. Research Methodology

In this paper, the doctrinal research methodology and the comparative approach are used to examine mandatory SIM card registration regimes in Nigeria and India. This analysis strictly focuses on the examination of the legitimacy governance design and accountability structures in these regimes. It does not include an empirical analysis of the effectiveness of SIM registration in reducing crime. Primary sources of law such as the Data Protection Acts in the countries, telecommunications statutes, SIM registration regulations, data protection laws, policy documents, and judicial decisions are analysed. The essence of the analysis is to determine how law authorises data collection, structures surveillance powers, and provides safeguards for privacy and accountability. These countries were selected because they share similar structural features, rapid mobile penetration, heavy reliance on mobile connectivity, and security-driven justifications for mandatory SIM registration. These are often linked to national identity systems and biometric data collection. However, there are some notable differences in data protection frameworks and oversight mechanisms, allowing meaningful comparison. This paper compares the quality of the legal and normative bargain between the state and citizens, using legality, proportionality, oversight and accountability as indicators of whether SIM registration constitutes a legitimate or coercive security–privacy trade-off. The analysis of each country adopts a uniform framework addressing the state's security rationale, the governing legal regime, data protection and surveillance safeguards, and the

186 Aragba-Akpor, S. (2024). Nigeria's SIM card registration: Global trend with broader implications. *Science Nigeria*, 2563. https://sciencenigeria.com/nigerias-sim-card-registration-global-trend-with-broader-implications/

187 Robert and Oloyede, 2024.

188 Privacy International, *Africa: SIM card registration only increases monitoring and exclusion* (5 August 2019), https://privacyinternational.org/long-read/3109/africa-sim-card-registration-only-increases-monitoring-and-exclusion.

189 Chesterman, S. (2011). *One nation under surveillance: A new social contract to defend freedom without sacrificing liberty* (pp. 250). OUP Oxford.

190 Chesterman, 2011, p250.

broader social consequences, ultimately assessed through the lens of the New Social Contract Theory.

3. Theoretical Framework

The social contract theory views modern governance as an exchange where individuals consent to limitations on autonomy in return for collective goods such as security, order, and welfare.[191] In the context of mandatory SIM card registration, the surrender of anonymity and personal data is part of an implicit security bargain between the state and citizens. Citizens agreeing to share their personal information with the state or private entities in exchange for perceived benefits like security and the convenience of living in a modern world is a social contract.[192]

Chesterman argues that in giving up a degree of anonymity for security or other benefits, there must be consent on the part of the citizens, to ensure legitimacy.[193] In light of modern threats to many nations, extensive data collection is inevitable, it is not practical to ban collection, but laws should focus on strict rules for use, oversight and accountability of intelligence. This gives rise to a social contract where citizens accept more data access by the state in exchange for security and convenience, but under publicly debated, transparent laws that prevent abuse. For instance, in India, the decision in *Justice K.S. Puttaswamy v. Union of India*[194], arguably introduces a constitutional social contract, which restricts the state's power to collect data, the power is not absolute but a conditional grant from the people, subject to the fundamental right to privacy in Article 21 of the Constitution.[195]

Chesterman highlights several features that set this new contract apart from the traditional concept of social contract, including the possibility to some extent of opting out.[196] Firstly, individuals can attempt to minimise their digital footprint by avoiding certain technologies or online platforms.[197] It is important to state that mandatory policies such as SIM card registration and linking them to biometric IDs complicate this notion of opting out..Under the New Social Contract Theory, data collection must be based on consent, but in most countries, this consent is affected by the state's control over essential services.[198] In order to maintain a certain level of individual autonomy, citizens should be able to minimise their digital footprints. In sub-Saharan Africa and some parts of Asia, where mobile phones are necessary for banking, communication and identity, disconnection is not a personal choice but is necessary for survival in the absence of reliable physical infrastructure.[199] In September 2024, the NCC of Nigeria disconnected over 20 million SIM cards that were not linked to National Identity Numbers (NIN), stating that the SIM cards will be reactivated once the subscribers provide their NIN.[200]

In India, there is the Aadhaar, which is a document containing a 12digit unique identification number and the personal details(name, address, date of birth) of an individual.[201] It also contains the biometric data of an

191 Chesterman, 2011, p250.
192 Chesterman, 2011, p250.
193 Chesterman, 2011, p250.
194 **(2017) 10 SCC 1.**
195 1950 (adopted Nov 26, 1949, effective Jan 26, 1950).
196 Chesterman, 2011, p251.
197 Chesterman, 2011, p251.
198 Mohanty, S. (2025). Data, ethics, and power: Reimagining the social contract in the digital age. *International Journal for Research in Applied Science & Engineering Technology, 13*(X), 1629.
199 Edmund, E. (2017). Implementing customer-identity management to combat SIM-card fraud: A security framework for emerging market telcos. *International Journal of Computer Applications Technology and Research, 6*(12), 533.; Jain, A. K., Ross, A., & Nandakumar, K. (2004). An introduction to biometric recognition. *IEEE Transactions on Circuits and Systems for Video Technology, 14*(1). https://www.cse.msu.edu/~rossarun/pubs/RossBioIntro_CSVT2004.pdf
200 Okonji, E. (2024, February 28). Nigeria: Telcos begin total disconnection of unregistered SIM cards on Wednesday. ARISENEWS. https://www.arise.tv/nigeria-telcos-begin-total-disconnection-of-unregistered-sim-cards-on-wednesday/
201 Sadhya, D., & Sahu, T. (2024). A critical survey of the security and privacy aspects of the Aadhaar framework. *Computer & Security, 140.* https://doi.org/10.1016/j.cose.2024.103782

individual, including, fingerprints, facial images and iris scans.[202] The data contained in the Aadhaar is used for authentication while registering SIM cards, accessing government services, opening bank accounts among others.[203] This collection is undoubtedly highly intrusive, and there is no opt-out alternative that is not as intrusive. The transfer of personal information under this new social contract is no longer centralised but distributed among a wide range of actors.[204] In Nigeria, for example, there is decentralized handling of personal data across telecom and financial sectors.[205] This decentralization of data handling increases the complexity of protecting privacy and ensuring accountability, as individuals must navigate a fragmented system where their information is shared across various entities with differing levels of oversight and security measures.

Accountability is an important indicator of legitimacy, trust and proper functioning of ID systems.[206] The principle of accountability means that government must be answerable to the people for misuse of data.[207] This can be done by embedding principles designed to ensure proper regulation and oversight in the framework.[208] Accountability mechanisms include ensuring that there are consequences of actions that causes breach of data for instance or outright illegal invasion of privacy by the state, or other actions relating to the use, retention, and dissemination of collected information.[209] Transparency is also important to prevent misuse or overreach.[210] The question now is not whether data collection by the state should be bound but whether this process is legitimate or coercive based on the principles of legality, necessity, proportionality, independent oversight, and effective remedies. It goes without saying that where these elements are absent or underdeveloped, the social contract cannot be said to be a balanced social contract but an asymmetrical transfer of power to the state, with significant implications for privacy, surveillance, and digital citizenship. There are several instruments that seek to strike a balance between the rights of individuals and national security concerns, which form the international legal framework for data protection and surveillance.[211]

4. Legal Framework for SIM Registration in Nigeria

The legal framework for SIM registration in Nigeria includes the Nigerian Communications Act[212] and the Nigerian Communications Commission (NCC) Regulations on the Registration of Telephone Subscribers[213] which provide that all SIM cards to be registered and linked to verified subscriber information, increasingly through integration with the National Identity Number (NIN) system. In Nigeria, the telecommunications sector is primarily overseen by the Nigerian Communications Commission (NCC), which holds the authority to establish secondary

202 Sadhya, & Sahu,, 2024.
203 Sadhya, & Sahu,, 2024.
204 Chesterman, 2011, p252.
205 National Identity Management Commission (NIMC), Nigerian Communications Commission (NCC), Central Bank of Nigeria (CBN) and Financial Institutions - Bank Verification Number (BVN), The Nigerian Immigration Service (NIS) among others.
206 Sesan and Roberts, 2025, p27.
207 Mohanty, 2025.
208 Sesan and Roberts, 2025, p27.
209 Sesan and Roberts, 2025, p27.
210 Sesan and Roberts, 2025, p27.
211 European Union's General Data Protection Regulation (GDPR), Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), OJ 2016 L 119/1; the United Nations' Declaration of Human Rights United Nations General Assembly. (1948), art 12; United Nations General Assembly. (1966, December 16). *International Covenant on Civil and Political Rights*, vol. 999, 171. https://www.refworld.org/docid/3ae6b3aa0.html; African Union. (2014, June 27). *African Union Convention on Cyber Security and Personal Data Protection* (EX.CL/846(XXV)). Adopted at the 23rd Ordinary Session of the Assembly, Malabo, Equatorial Guinea. African Union. https://au.int/sites/default/files/treaties/29560-sl-AFRICAN_UNION_CONVENTION_ON_CYBER_SECURITY_AND_PERSONAL_DATA_PROTECTION.pdf
212 Federal Republic of Nigeria. (2003). *Official Gazette No. 62 Lagos - 19th August, 2003 Vol. 90 Government Notice No. 115.* https://ncc.gov.ng/sites/default/files/2024-12/Legislation-Nigerian_Communications_Act_2003.pdf
213 Nigerian Communications Commission. (2011). *Registration of Telephone Subscribers Regulations 2011.* Federal Republic of Nigeria Official Gazette No.101 Vol. 98.

legislation for sector regulation.[214] The Registration of Telephone Subscribers Regulations 2011,[215] Regulation 4 mandates the NCC to establish and manage a database referred to as "the Central Database," which houses all information on registered subscribers.

Under Regulation 8 of the 2011 Registration of Telephone Subscribers Regulations, security agencies can access subscriber information in the database. To do so, a formal written request must be submitted to the NCC by an official from the requesting agency that holds at least the rank of Assistant Commissioner of Police or an equivalent position in other security organisations. The centralised identity-linked data and the fact that it is accessible to security agents, lowers the legal threshold for surveillance, enabling profiling, tracking and retrospective monitoring without interception safeguards.

This Regulation achieves its narrow goals, which include identity validation and national security surveillance. However, when assessed in light of international standards on data protection and state surveillance, it falls short in some areas relating to data subject rights, proportionality, transparency, retention policies, and ethical governance.
The Regulation contains some safeguards, for instance, it provides that subscriber information must not be disclosed to a licensee, security agency, or any other entity if such disclosure would violate the Constitution or any other law.[216] Additionally, mobile phone users are required to consent to the collection and registration of their fingerprints and facial biometric data, which are subsequently stored in the central database.[217] The central databases connected to SIM card registration may facilitate mass communication surveillance. There are serious vulnerabilities where people could be randomly monitored without due process.[218]

A key issue is whether there are adequate safeguards in the Regulation to ensure protection of subscriber information in the database and to prevent overreach by the state. Firstly, the database is owned by the state and managed by the NCC which is a government body.[219] There is no provision for independent oversight in respect of how the database is managed or used and no provisions for the applicability of the principles of necessity and proportionality. Under international instruments, to justifiably restrict an individual's right to privacy, the following must be considered:

- Is the restriction necessary to achieve a legitimate aim?[220]
- Is the restriction proportionate to the aim sought to be achieved?[221]
- Whether the restriction is authorised by law and whether these laws are made publicly available and established with sufficient precision to enable a person to guide his or her conduct suitably.[222]
- Any legislation that permits monitoring must also have clear and practical procedural remedies for anyone whose rights may have been violated.[223]
- The existence of effective procedural safeguards such as institutions of oversight with sufficient mandate to implement these legal standards relating to data processing for national security purposes.

The participation of both the executive and legislative branches of government, as well as that of an independent civilian oversight body, is vital to guarantee the effective preservation of the law.[224] In

214 Nigerian Communications Commission Act 2003, ss 3(1), 70

215 Nigerian Communications Commission. (2011). *Registration of telephone subscribers regulations 2011*

216 Registration of Telephone Subscribers Regulations 2011, reg. 10 (2).

217 Registration of Telephone Subscribers Regulations 2011reg. 11.

218 Registration of Telephone Subscribers Regulations 2011reg. 11.

219 Registration of Telephone Subscribers Regulations 2011, reg 5 (2).

220 ECHR, art. 8; African Commission on Human and Peoples' Rights. (2019). Declaration of Principles on Freedom of Expression and Access to Information in Africa, art. 41(1). https://achpr.au.int/en/node/902

221 International Principles on the Application of Human Rights to Communications Surveillance; the United Nations Draft Legal Instrument on Government-led Surveillance and Privacy, art 3(4).

222 International Principles on the Application of Human Rights to Communications Surveillance; the United Nations Draft Legal Instrument on Government-led Surveillance and Privacy, art 3(4).

223 The United Nations Draft Legal Instrument on Government-led Surveillance and Privacy, art.3(11).

224 The Declaration of Principles on Freedom of Expression and Access to Information in

the absence of oversight of databases in Nigeria, the state and its agents, can access subscriber data without judicial oversight. To safeguard the right to privacy, international law requires states to conduct a Data Protection Impact Assessment (DPIA) before implementing any surveillance system.[225] There is no information on whether a DPIA was done before this database was established.

The Regulation falls short of enforcing data subjects' rights in several ways, there are no provisions for informed consent, right to erasure or objection. Some rights are narrowly framed.[226] The NDPA 2023 provides for the right to object to processing, correction and erasure in Section 34. The regulation does not allow subscribers to request that their data be deleted. This can be compared with Article 17 GDPR, which provides the right to be forgotten: the right to delete data without undue delay under certain conditions. This policy ensures data confidentiality and data security.[227] This policy will not only ensure that irrelevant data are deleted within stated periods; it will reduce the risks of data accumulation, privacy breaches and unauthorised disclosures.[228]
In terms of access to the database, it is submitted that 'a formal written request submitted to the NCC by an official of the requesting agency holding a rank no lower than Assistant Commissioner of Police or an equivalent position in other security agencies' may not be sufficient to prevent unnecessary access to sensitive data. The Regulation does not contain provisions on pseudonymisation and anonymisation, which are essential ethical considerations for database management.[229] Pseudonymisation involve replacing direct identifiers (such as names and addresses) with pseudonyms, which could help to reduce the risk of identifying individuals while anonymization could involve stripping the data of all identifying information, making it impossible to link the data back to any individual.[230] Without these techniques in the database, any access poses a risk of data misuse.

Apart from these shortcomings of the Regulation, there are other issues with the mandatory SIM registration policy. Nigeria's mandatory linkage of SIM cards to national digital IDs was introduced as a measure to combat the country's alarming rise in kidnappings. However, it may be argued that this policy has yet to achieve its intended outcomes.[231] This failure is not as a result of the policy itself but to its flawed implementation and enforcement.[232]

The National Identity Management Commission (NIMC) faces several challenges such as bribery, corruption and bureaucratic inefficiencies which have affected its ability to effectively manage the registration.[233] These inefficiencies also affect SIM card registration and NIN linkage in Nigeria. Due to access barrier, many persons in mostly in rural areas, find it difficult to obtain a NIN, as a result many are left without any form of national identity.[234] There are cases of fraudulent registration, third-party SIM use and weak data verification which technically increase security risks.[235] There are also difficulties in modifying information; in fact, media reports indicate that many agents deliberately refuse to correct

Africa 2019, art 41(3); International Principles on the Application of Human Rights to Communications Surveillance; United Nations Human Rights Office of the High Commissioner 'The Right to Privacy in the Digital Age' para. 37.

225 The United Nations Draft Legal Instrument on Government-led Surveillance and Privacy, art 5(1) (a).

226 Registration of Telephone Subscribers Regulations 2011, reg 9 (1).

227 Pina, E., et al. (2024). Data privacy and ethical considerations in database management. *Journal of Cybersecurity and Privacy, 4*(3), 497.

228 Pina, 2024, p497.

229 Pina, 2024, p501.

230 Pina, 2024, p501; Vovk, O., et al. (2023). Methods and tools for healthcare data anonymization: A literature review. *International Journal of General Systems, 52*, 326–342.

231 Burt, C. (2024, January 19). Nigeria struggles to utilize biometric SIM registration to ID criminals: Mozambique begins pilot with similar goals. *Biometric Update.com.* https://www.biometricupdate.com/202401/nigeria-struggles-to-utilize-biometric-sim-registration-to-id-criminals

232 Burt, 2024.

233 Orji, M. U., & Ekemezie, N. C. (2024). Evaluating the operational effectiveness of the Nigerian National Identity Management Commission (NIMC). *Academic Journal of Academic Research in Business and Social Science, 14*(6), 147.

234 Inclusion for All. *Link between poverty and NIN ownership.* https://inclusion-for-all.org/wp-content/uploads/2024/02/02Poverty-SnapshotV2.pdf

235 Luhanga, et al. (2023) p1.

errors.[236] This coupled with the vulnerabilities in the identification system raise concerns about data integrity. A fact that has earned it the position of the second most vulnerable in Africa.[237]

Based on the New Social Contract theory, Nigeria's SIM registration regime does reflect an asymmetric exchange where citizens are forced to surrender personal and biometric data in the name of security, and the state, on the other hand, offers few reciprocal guarantees of transparency, proportionality or accountability. This questions the legitimacy of the security–privacy bargain underpinning the system.

5. Legal Framework for SIM Registration in India

Like Nigeria, India justifies SIM registration on the basis of national security threats such as cross-border terrorism and internal insurgency and the need to stop unauthorised use of the nation's telecom systems.[238] The legal framework in India is shaped by distinct judicial interventions. India's Supreme Court decided in the case of *Justice K. S. Puttaswamy (Retd.) v. Union of India*[239] that the Constitution guarantees the right to privacy under Article 21. The Court held that to satisfy the test of proportionality, any limitation of fundamental rights must: it must be for a proper purpose, the limitation must be connected to the fulfillment of the purpose, there are no less intrusive measures and the importance of achieving the aim and limiting the right must be directly related.[240] The Court then held that the decision to link Aadhaar SIM cards to national identity was neither valid nor constitutional.'[241] The court recognised the great danger linking SIM cards with biometric data has on personal autonomy and held that the practice must be invalidated, it ordered all such data to be deleted and should not be used for purpose whatsoever.[242]

The legal framework governing SIM registration in India is governed by the Telecommunications Act (2023).[243] This law operates through the Know Your Customer (KYC) mandates issued by the Department of Telecommunications (DoT) which links telephone identity and biometric information. Section 3(7) of the Telecommunications Act provides that telecommunications operators may be required to identify their customers through the use of any verifiable biometric based identification. The Act also contains penalties for fraudulent acquisition of SIM cards.[244] Users are also obligated to provide accurate information at the point of registering their SIM and are not to suppress material information or impersonate anyone.[245] Section 20 of the Act provides that in cases of public emergencies and in the interest of public safety, the government can intercept or detain messages but must record the reasons in writing.[246] It is also provided in the Section that the interception and detention of the message will only occur if it is considered necessary or appropriate by the state to protect India's sovereignty and integrity, ensure national defence and security, maintain friendly relations with other countries, preserve public order in India, or prevent the encouragement of criminal activity.[247] These powers cannot be exercised indefinitely; the Act provides that it shall be for such duration as prescribed.[248]

There are some gaps in the Section in terms of compliance with the international best practices and standards on government surveillance. For instance, there is no provision for parliamentary oversight. It is nowhere stated that interception and suspension orders should be subject to parliament, making democratic check over such powers impossible. There is also no provision for judicial or independent oversight. There is no definition of 'public emergency' and 'public safety' in the Act; this leaves room for subjective interpretations that may lead to abuse of power. Another issue identified in India is that once the SIM is active, there is no way to determine if the person

236 Elebeke, E. (2019, April 17). NCC decry continued fraudulent SIM registrations. *Vanguard News.* https://www.vanguardngr.com/2019/04/ncc-decry-continued-fraudulent-sim-registrations/

237 MacDonald, A. (2024, December 10). Nigerian NIN holders struggle with modification, vulnerability issues. *Biometric News.* https://www.biometricupdate.com/202412/nigeria-nin-holders-struggle-with-modification-vulnerability-issues

238 Majumdar, 2025, p129.

239 [Writ Petition No. 494/ 2012].

240 [Writ Petition No. 494/ 2012, para 432.

241 [Writ Petition No. 494/ 2012, para 284.

242 [Writ Petition No. 494/ 2012, para 284.

243 *Telecommunications Act, 2023* (India). https://egazette.gov.in/WriteReadData/2023/250880.pdf

244 Telecommunications Act, 2023, s. 42.

245 Telecommunications Act, 2023, s. 29.

246 Telecommunications Act, 2023, s. 20(2).

247 Telecommunications Act 2023, 20(2).

248 Telecommunications Act, 2023, s. 20(4).

who registered it is the one using it.[249] This lack of continuous identity assurance presents a significant gap in the legal system.[250]

The Digital Personal Data Protection (DPDP) Act, 2023 regulates the processing of personal data in India.[251] Indian telecom companies are classified as data fiduciaries with significant obligations regarding data accuracy and security.[252] The Act contains stringent financial penalties up to INR 250 crore (approx. $30 million USD) for data breaches, providing a more robust deterrent against breaches.[253] Section 17 of the Act exempts government agencies from complying with standard rules of data protection such as obtaining consent, giving notice, erasure of data when they process data for national security, public order and foreign relations.[254] The data subject rights of citizens are rendered unenforceable in this context.

India also faces similar challenges as Nigeria with respect to decentralization of data handling and the distributed range of actors. These include Aadhaar/central identities data repository, national and state e-governance platforms (such as the India Stack, BHIM, UMANG) which handle financial, welfare, service-use data tied to Aadhaar,[255] the health and contact-tracing datasets created during the COVID-19 pandemic[256] among others. Concerns have been raised that due to the fact that the Data Protection Board established under Section 18 is not independent, it may find it difficult to enforce the Act against state actors. This Board enforces the Act, but its chairman and members are appointed by the Central government.[257] There is no form of independence, this, coupled with broad exemptions granted to national security agencies have led to warnings that the law could 'turn India into an Orwellian State.'[258]

Like the situation in Nigeria, the Aadhaar of India has also faced criticism of excluding marginalised populations who lack valid digital identity documentation.[259] Most users lack cannot give informed consent due to lack of information in indigenous language during registration.[260] Others, due to several factors such as age, labour or health challenges cannot provide biometric identification and they are left with no alternative.[261] Apart from this, research argues that the Aadhaar has shifted from a tool of identity to a tool of mass identification and surveillance.[262] Those who choose not to participate in this system do not have any other option than to lose access to essential digital and financial services. For instance, since the mobile number is used for OTP authentication for bank accounts and welfare, the suspension of a SIM under Section 20 of the Telecom Act has two consequences, it cuts off communication and a person's access to their own money and food rations.[263]

Applying the New Social Contract theory to India shows that while the nation has a strong judicial check which other countries can learn from, it is lacking with respect to the principle of accountability to the public concerning surveillance. There is no parliamentary oversight or independent oversight which is important safeguards in preventing abuse by the state. Accountability in a sense also means that the state should be responsible for any failure in its system, therefore, where a citizen's fingerprint cannot be identified due to reasons mentioned above, and the citizen is denied access to SIM registration or food, is the state not failing in its primary contract obligation? However, it is conceded that the mandatory SIM registration in India constitutes a moderated security-privacy bargain due to the constitutional and judicial

249 Majumdar, 2025, p132.
250 Majumdar, 2025, p132.
251 *Digital Personal Data Protection Act, 2023*, No. 22 of 2023 (India). https://www.meity.gov.in/static/uploads/2024/06/2bf1f0e9f04e6fb4f8fef35e82c42aa5.pdf
252 DPDPA 2023, s. 2(h) (I).
253 DPDPA 2023, s 33(1).
254 DPDPA 2023, s 17(2) (a).
255 Dattani, K. (2020). "Governtrepreneurism" for good governance: The case of Aadhaar and the IndiaStack. *Area*, *52*(4), 741–748.
256 Dar, M., & Wani, S. (2022). COVID-19, personal data protection and privacy in India. *Asian Bioethics Review*, *15*(2), 125–141. doi: 10.1007/s41649-022-00227-0
257 DPPA, 2023, s 27.
258 Tewari, S. (2020, February 10). India's data protection bill, 2019 – The beginning of an Orwellian era. *Penn Carey Law. https://www.law.upenn.edu/live/news/9748-indias-data-protection-bill-2019-the-beginning-of*
259 Panigrahi, S. (2021). Marginalized Aadhaar: How the world's largest digital identification programme led to the exclusion of marginalized communities. *Culture Area Studies E Journal, 7*(28), 4–16. https://ssrn.com/abstract=3971724
260 Panigrahi, 2021, p9.
261 Panigrahi, 2021, p15 and 16.
262 Panigrahi, 2021, p5.
263 Panigrahi, 2021 p4.

oversight as evidenced in the *Justice K.S. Puttaswamy v Union of India case.*

6. Reforming the Security-Privacy Contract

Analysis has revealed that in Nigeria and India, mandatory SIM registration is justified for national security purposes. This is a common objective across the states, but the legal limitations imposed on state power are not as similar. India, for instance, stands out for its judicial enforcement of proportionality, a principle that regulates the security-privacy trade-off. The other states: Nigeria has weaker oversight mechanisms and inadequate safeguards generally.

However, viewed collectively through the New Social Contract theory, these regimes represent an asymmetrical transfer of power to the state. Reforming these regimes toward rights-respecting governance entails:

To ensure that telecommunications operators, security agencies and other actors are accountable, clear limits must be established on their roles, responsibilities and powers. The extent and purpose of collection of data for SIM registration must be clearly established by law. There must be sufficient provisions on the permissible scope of data collection, data retention periods, and penalties for misuse.[264] There may also be need to resolve the issue of fragmented governance of subscriber data, where citizens' data is collected, stored and accessed by telecommunications operators, regulatory authorities, national identity agencies, and security institutions operating under overlapping and sometimes unclear and unlimited mandates. Secondly, providing adequate safeguards and remedies for unauthorised surveillance or data breaches. There must be greater sensitivity to socio-economic issues such as the risks of digital exclusion and marginalisation. There is also need to improve the existing oversight mechanisms across the states. The establishment of independent supervisory bodies, judicial oversight and regular audits of the process are necessary to mitigate the risks involved in the use of personal data by the state.

7. Conclusion

No doubt, mandatory SIM registration in the Nigeria and India offers security benefits with attendant risks. There are however, issues such as inefficient regulatory oversight, privacy concerns, weak data protection frameworks, and bureaucratic inefficiencies which continue to undermine its effectiveness. This raises concerns about digital exclusion, identity fraud, third party registration and the potential for mass surveillance. This study argues that the principles of the New Social Contract Theory can guide SIM card registration regimes in the countries discussed above in ensuring that while governments have the right to impose rules for ensuring national security, they also uphold citizens' rights to privacy and data protection.

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Exploring the Effects of Parental Incarceration on Children's Welfare in Benin City, Edo State, Nigeria

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Abstract. The study examines the effects of parental incarceration on the welfare of their children in Benin City, Edo State, Nigeria, focusing specifically on their educational continuity and health status. A descriptive survey research design was employed, collecting primary data from a purposive sample of 110 children of incarcerated parents aged 12 to 21 years residing in Benin City. Data analysis included descriptive statistics and inferential statistics (regression analysis/t-test). The study found a strong agreement among respondents regarding the negative consequences of parental incarceration. The demographic data showed that the incarcerated parent was the father for the overwhelming majority (95.5%) of the respondents. Specifically, the hypothesis testing confirmed two significant findings that Parental incarceration has a significant relationship with educational continuity of their children in Benin City and that the loss of a breadwinner due to incarceration significantly affect the health status of their children in Benin City, Edo State. The study concludes that parental incarceration and the resultant loss of a breadwinner significantly disrupt the educational continuity and health status of their children in Benin City. The findings underscore the role of financial necessity and trauma in compounding children's vulnerability. Recommendations include policy interventions like establishing emergency welfare funds to cover school fees and healthcare, integrating child support mandates into the criminal justice system, and implementing community support programmes such as expanded counselling services and microfinance loans for extended family caregivers. Ultimately, the work advocates for integrated interventions to mitigate the detrimental effects of parental incarceration in Nigeria.

1. Introduction

The significant rise in global incarceration rates in recent decades has generated urgent social anxiety regarding the collateral consequences of imprisonment, specifically the ripple effects on families. Children of incarcerated parents are particularly vulnerable, facing elevated risks of malnutrition, poor health, educational disruption, inadequate shelter, and psychological instability. These adverse outcomes, collectively known as the "spillover effect," demonstrate that parental incarceration extends far beyond the criminal justice system to significantly impact child welfare, thereby demanding rigorous research, policy focus, and intervention measures (Pettit & Western, 2004; Turney & Haskins, 2019). The magnitude of this crisis is underscored by studies suggesting that millions of children globally suffer from familial disruptions due to a parent's imprisonment (Geller et al., 2009).

In this study, parental incarceration is conceptualized as the physical confinerment of a parent within the criminal justice or correctional system, a separation that effectively severs the emotional bond and parental caregiving capacity (Murray & Farrington, 2005). Child welfare is viewed here as a multidimensional construct comprising education, nutrition, physical health, shelter security, and psychological well-being—elements essential for healthy child development (Gilbert et al., 2011). The interdependence of these factors implies that structural family changes, such as parental incarceration, jeopardize the child's overall welfare. Psychological stability is notably susceptible, with children frequently enduring anxiety, depression, and social stigmatization in the wake of imprisonment (Poehlmann-Tynan & Turney, 2020).

Studies both globally and within Africa highlights the intricate relationship between parental incarceration and child welfare. Evidence suggests that parental imprisonment is associated with poorer educational outcomes, compromised nutritional and health status, unsecured housing, and heightened psychological distress (Geller et al., 2009; Poehlmann-Tynan & Turney, 2020). In the Nigerian landscape, specifically within Benin City, Edo State, these impacts are potentially intensified by systemic issues within correctional centers, such as overcrowding, poor infrastructure, and inadequate rehabilitation programs (Adefisoye & Adejumo, 2024; San, 2024). The Nigerian Correctional Service faces significant obstacles in maintaining humane conditions, which exacerbates the socio-economic fragility of families. Furthermore, the scarcity of social safety nets leaves caregivers grappling with financial hardship and insufficient support (Ogunbosi et al., 2022).

Consequently, this study aims to bridge the gap in empirical data regarding the impact of parental incarceration on child welfare in Benin City, Edo State. By examining dimensions such as education, nutrition, health, shelter, and psychological stability, the research intends to illuminate the socio-economic and psychological challenges faced by these children. The objective is to inform policymakers, child welfare agencies, and correctional bodies, facilitating holistic rehabilitation systems that prioritize child well-being. Ultimately, this work advocates for integrated interventions to mitigate the detrimental effects of parental incarceration in Nigeria.

1.1 Statement of the Problem

The concept of "invisible victims" draws attention to a disparity in academic and policy discourse, which predominantly focuses on offenders while overlooking the dependents of incarcerated individuals, specifically their children (Turney & Haskins, 2019). Although these children endure the unintended socio-economic and psychological burdens associated with parental imprisonment, their plight is frequently marginalized within public policy and social welfare frameworks. Consequently, this lack of visibility results in inadequate interventions that is insufficient to meet the multifaceted needs of this vulnerable demographic (Ogunbosi et al., 2022).

In the specific context of Benin City, Edo State, where fragmented family structures and urban poverty are widespread, these issues become increasingly complex. Due to pervasive economic hardships, unstable living conditions, and restricted access to quality education, children of incarcerated parents are acutely susceptible to the deprivation of critical welfare components, including health care, nutrition, shelter stability, and psychological support (Adefisoye & Adejumo, 2024). The urban context of Benin City exacerbates the socio-economic disadvantages faced by these children, who are often forced to rely on extended family networks that may be ineffective or overburdened in their caregiving capacities (San, 2024).

While there is emerging literature on parental incarceration in major Nigerian hubs like Lagos and Abuja, a distinct gap remains in empirical research concerning Edo State, specifically regarding family support systems and cultural dynamics (Ogunbosi et al., 2022). This scarcity of localized data leads to a significant knowledge deficit regarding how children in Benin City manage the compounded stresses of imprisonment within their distinct economic milieu and socio-cultural environment (Poehlmann-Tynan & Turney, 2020). Bridging this gap is essential, as broad national studies often fail to adequately reflect the nuanced experiences and coping mechanisms specific to children in Edo State.

Consequently, this study aims to critically investigate the effects of parental incarceration on child welfare in Benin City, examining dimensions of education, nutrition, health, shelter, and psychological stability. The research seeks to expose the invisible plight of these children, offering evidence to drive localized policy reforms and contributing contextualized insights to the Nigerian literature required for the formulation of holistic social protection strategies.

1.2 Research Objectives

- To examine the extent to which parental incarceration affects the educational continuity of children in Benin City, Edo State.
- To investigate how the loss of a breadwinner due to parental incarceration influences the health status of children in Benin City, Edo State.

1.3 Research Hypotheses

- There is no significant relationship between parental incarceration and the educational continuity of children in Benin City.
- The loss of a breadwinner due to incarceration does not significantly affect the health status of children in Benin City, Edo State.

2. Theoretical Framework

This study is grounded in Bronfenbrenner's Ecological Systems Theory as its primary theoretical foundation, utilized here to analyze how parental incarceration reshapes the child's developmental environment. Bronfenbrenner (1979) posits that human development occurs within nested environmental systems, extending from immediate settings like the family and school (microsystem and mesosystem) to broader societal structures, including community institutions and laws (exosystem and macrosystem).

Within this framework, parental incarceration acts as a severe disruption originating in the exosystem specifically the legal and correctional systems which permeates and destabilizes the mesosystem (the interconnections between immediate environments). This systemic disturbance negatively impacts caregiving arrangements and family-school relationships, which are fundamental for ensuring educational stability, emotional support, and general child welfare (Tudge et al., 2009).
In the specific context of Benin City, this theory elucidates how external institutional decisions regarding imprisonment degrade the primary environments responsible for nurturing children, thereby impairing their material and psycho-social well-being. Furthermore, the framework highlights the significance of the macrosystem, encompassing the cultural and societal context of Edo State. Here, societal attitudes toward imprisonment and family responsibilities dictate the resources available to children and shape their lived experiences (Bronfenbrenner, 1979). Acknowledging these intersecting environments provides a holistic view of how the effects of incarceration cascade through various levels to influence child welfare outcomes.

To augment this ecological perspective, Agnew's General Strain Theory (GST) is applied to provide a psychological and behavioral explanation for the reactions of children impacted by parental incarceration. GST suggests that youth experience strain when they endure the loss of positively valued stimuli (e.g., parental presence) or confront negative stimuli (e.g., poverty, family instability, and stigmatization) (Agnew, 1992). This strain precipitates negative emotions such as anxiety, anger, and frustration, which may manifest in maladaptive behaviors including aggression, withdrawal, or academic disengagement (Agnew, 2006).

When applied to Benin City, GST helps clarify why children of incarcerated parents often display emotional and behavioral difficulties; the breakdown of social support systems and family structure creates persistent psychological stressors. Additionally, the theory accounts for social and economic disadvantages such as reduced household income and community stigmatization—which are widespread in the city's urban poor communities (Turney & Haskins, 2019). These compounded strains compromise the children's ability to cope, necessitating an analysis of both individual psychological resilience and the efficacy of social support mechanisms offered by extended family networks (Poehlmann-Tynan & Turney, 2020).

By integrating Bronfenbrenner's ecological approach with Agnew's strain theory, this study establishes a multidisciplinary framework capable of capturing both systemic environmental disruptions and internal psychological responses. This comprehensive perspective is essential for formulating child-centered policies and intervention strategies that address the specific structural and emotional dimensions of parental incarceration in Benin City, Edo State.

3. Research Methodology

This study employed a descriptive survey research design. The population consisted of children of ex-offenders aged 12 years to 21 years residing in Benin City, Edo State, Nigeria. Primary data were collected from a sample size of 110 respondents, who were selected using a purposive sampling technique. The data analysis involved both descriptive statistics and inferential statistics.

4. Result and Discussions

The demographic characteristics of the respondents are hereby presented:

Table1: Demographic Characteristics of the Respondents

Demographic Characteristics	Categories	Frequency	Percentage
Sex	Male	69	62.7
	Female	41	37.3
	TOTAL	110	100.0
Age	12 – 14 years	27	24.5
	15–17 years	34	30.9
	18 - 21 years	49	44.5
	TOTAL	110	100.0
Current Level of Education	Primary School	6	5.5
	Junior Secondary School	31	28.2
	Senior Secondary School	45	40.9
	Tertiary Education	28	25.5
	TOTAL	110	100.0
Relationship of the Incarcerated Parent to You	Father	105	95.5
	Mother	5	4.5
	TOTAL	110	100.0
How Long Has Your Parent Been Incarcerated?	Less than 6 months	7	6.4
	6 months to 1 year	18	16.4
	1 to 2 years	45	40.9
	More than 2 years	40	36.4
	TOTAL	110	100.0

Source: *Researcher's Field Work (2026)*

The following is a descriptive statistical explanation of the demographic characteristics of the respondents, based on the data presented in Table 1. The study involved a total sample size of 110 respondents.

In terms of sex distribution, male respondents constitute the majority, accounting for 62.7%, while female respondents make up 37.3% of the sample. The age distribution reveals that the largest category of respondents falls within the 18-21 years age bracket, representing 44.5%. The second largest group is the 15-17 years age group, with 30.9%. The youngest category, 12-14 years, accounts for 24.5%. With respect to the current level of education, the highest percentage is in Secondary Senior School, with 40.9%. The next highest is Secondary Junior School, representing 28.2%. Respondents currently in Tertiary Education account for 25.5%, while the smallest group is those in Primary School, making up 5.5%. In terms of respondents' relationship with the incarcerated parent, the overwhelming majority of respondents reported that the incarcerated parent was their father, accounting for 95.5%, while only 4.5% of the respondents reported the incarcerated parent as their mother. As regard the duration of parental incarceration, the longest duration category, 1 to 2 years, holds the highest percentage of respondents, at 40.9%. The second highest category is more than 2 years, with 36.4%. The 6 months to 1 year duration accounts for 16.4%, while the shortest duration, less than 6 months, is the smallest category, representing 6.4%

Table 2: Respondents' Perception of Parental Incarceration

S/N	Statements	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Mean	SD DEV
		No	(%)	No	(%)	No	(%)	No	(%)	No	(%)		
Q1	The frequency with which I have missed school days has increased since my parent was incarcerated.	5	4.5	9	8.2	9	8.2	37	33.6	50	45.5	4.07	1.13
Q2	Managing the cost of my tuition/school materials has evolved into a major problem since my parent's incarceration.	4	3.6	10	9.1	9	8.2	38	34.5	49	44.5	4.07	1.11
Q3	There has been a measurable decline in my academic performance since my parent was sent to prison.	4	3.6	9	8.2	6	5.5	42	38.2	49	44.5	4.12	1.07
Q4	Following my parent's incarceration, I was forced to drop out of school or transfer to a less expensive school/program.	3	2.7	11	10.0	9	8.2	37	33.6	50	45.5	4.09	1.09
Q5	Since the incarceration, my access to necessary educational resources (e.g., internet, books) has decreased.	5	4.5	12	10.9	7	6.4	50	45.5	36	32.7	3.91	1.11
	Grand Mean											4.05	1.10

Researcher's Field Work (2026)

Table 2 reveals that with a Grand Mean of 4.05 and an SD of 1.10, there is a strong agreement among respondents regarding the negative consequences of parental incarceration on various aspects of their schooling. The most highly agreed-upon statement was the measurable decline in academic performance (Q3), which registered the highest mean in Table 2 at 4.12 (SD 1.07). This suggests that a drop in school results is the most intensely felt educational consequence. Closely following this was the agreement that the need to manage the cost of tuition and school materials has evolved into a major problem (Q2) and that the frequency of missed school days has increased (Q1), both scoring a mean of 4.07 (SD 1.11 and 1.13, respectively). Furthermore, a mean of 4.09 (SD 1.09) indicated agreement that they were forced to drop out of school or transfer to a less expensive school/programme (Q4). The statement concerning the decrease in access to necessary educational resources (Q5) showed the lowest level of agreement in Table 2, yet still registered an "Agree" rating with a mean of 3.91 (SD 1.11).

Table 3: Respondents' Perception of Educational Continuity

S/N	Statements	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Mean	SD DEV
		No	(%)	No	(%)	No	(%)	No	(%)	No	(%)		
Q6	I feel less motivated to continue my education specifically because of my parent's absence.	4	3.6	11	10.0	8	7.3	40	36.4	47	42.7	4.05	1.11
Q7	The loss of parental support has made it increasingly difficult to complete my school assignments or studies.	6	5.5	6	5.5	9	8.2	42	38.2	47	42.7	4.07	1.11
Q8	I am required to spend time working or engaging in income-generating activities instead of studying after school.	5	4.5	12	10.9	10	9.1	18	16.4	65	59.1	4.15	1.23
	Grand Mean											4.09	1.15

Researcher's Field Work (2026)

In Table 3, focusing on educational continuity, yielded an overall Grand Mean of 4.09 (SD 1.15), confirming the sustained negative impact. The most critical finding, as indicated by the highest mean score, was the agreement that respondents are required to spend time working or engaging in income-generating activities instead of studying after school (Q8), with a mean of 4.15 (SD 1.23). This suggests that financial necessity is the dominant factor disrupting their education. Additionally, respondents agreed that the loss of parental support has made it increasingly difficult to complete school assignments or studies (Q7), scoring a mean of 4.07 (SD 1.11). Lastly, the statement concerning feeling less motivated to continue their education specifically because of the parent's absence (Q6) also reflected agreement with a mean of 4.05 (SD 1.11).

Table 4: Respondents' Perception of Loss of a Breadwinner due to Parental Incarceration

S/N	Statements	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Mean	SD DEV
		No	(%)	No	(%)	No	(%)	No	(%)	No	(%)		
Q9	Since my breadwinner parent was incarcerated, the ability of my family to afford nutritious meals has become significantly harder.	4	3.6	10	9.1	9	8.2	56	50.9	31	28.2	3.91	1.03
Q10	We are frequently forced to delay seeing a doctor or acquiring prescribed medication due to lack of money.	4	3.6	4	3.6	11	10.0	45	40.9	46	41.8	4.14	0.99
Q11	Gaining access to necessary medical check-ups or dental care has become a serious challenge.	3	2.7	8	7.3	13	11.8	29	26.4	57	51.8	4.17	1.07
Q12	The lack of funds dictates that we often resort to traditional or informal remedies instead of professional medical help.	3	2.7	14	12.7	14	12.7	21	19.1	58	52.7	4.06	1.19
	Grand Mean											4.07	1.07

Researcher's Field work (2026)

The data, presented in Table 4, assesses the effects of parental incarceration on a child's welfare, specifically focusing on the perception of loss of a breadwinner due to parental incarceration. The Grand Mean for the perception of the loss of a breadwinner is 4.07 with a standard deviation (SD) of 1.07, indicating a high level of agreement among respondents on the negative effects.

Table 4 reveals the statements focusing on the impact of losing a breadwinner consistently show high agreement, with all individual means above 3.0. The most critical areas relate to access to medical care. Respondents strongly agree that they are frequently forced to delay seeing a doctor or acquiring prescribed medication due to lack of money (Mean: 4.14, SD: 0.99) and that gaining access to necessary medical check-ups or dental care has become a serious challenge (Mean: 4.17, SD: 1.07). Furthermore, the lack of funds often dictates that they resort to traditional or informal remedies instead of professional medical help (Mean: 4.06, SD: 1.19). The financial strain has also made the ability of the family to afford nutritious meals significantly harder (Mean: 3.91, SD: 1.03).

Table 5: Respondents' Perception of Health Status of Children

S/N	Statements	Strongly Disagree		Disagree		Neutral		Agree		Strongly Agree		Mean	SD DEV
		No	(%)	No	(%)	No	(%)	No	(%)	No	(%)		
Q13	The financial strain from the loss of income has directly caused me increased stress and anxiety.	3	2.7	9	8.2	10	9.1	38	34.5	50	45.5	4.12	1.06
Q14	I report feeling physically unwell (e.g., frequent headaches, fatigue) more often since the incarceration.	2	1.8	6	5.5	9	8.2	43	39.1	50	45.5	4.21	0.94
Q15	My general physical health has noticeably worsened since the main earner was imprisoned.	4	3.6	9	8.2	13	11.8	53	48.2	31	28.2	3.89	1.03
Q16	My relationships with family members or friends have become strained due to the stress of the incarceration/financial loss.	4	3.6	8	7.3	10	9.1	50	45.5	38	34.5	4.00	1.03
	Grand Mean											4.05	1.01

Researcher's Field work (2026)

The data, presented in Table 5, assesses the effects of parental incarceration on a children's welfare, specifically focusing on the perception of health status of children. The Grand Mean for the perception of the children's health status is 4.05 with an SD of 1.01, indicating a high level of agreement among respondents on the negative effects.
In Table 5 the perception of the children's health status also reveals significant challenges, with all means above 3.0. The highest level of agreement is seen in the statement that the children report feeling physically unwell (e.g., frequent headaches, fatigue) more often since the incarceration (Mean: 4.21, SD: 0.94). The financial strain from the loss of income has directly caused increased stress and anxiety (Mean: 4.12, SD: 1.06), and 80% of respondents either agreed

or strongly agreed with this statement. While the mean for the statement that general physical health has noticeably worsened is the lowest in Table 5 (Mean: 3.89, SD: 1.03), a combined 76.4% of respondents still agreed or strongly agreed with it. Finally, the stress of the incarceration and financial loss has also strained relationships with family members or friends (Mean: 4.00, SD: 1.03).

Hypothesis Testing

Regression analysis (t-test) was used in this study to assess the hypotheses at the 5% significant level. The p-value determines whether or not we accept a hypothesis. If the p-value is >0.05 (more than 5%), we fail to reject the null hypothesis, meaning we accept it. If the p-value is <0.05 (less than 5%), we reject the null hypothesis.

The following are the hypotheses that were investigated in this study and are expressed in the null form:

H_{01}: There is no significant relationship between parental incarceration and the educational continuity of children in Benin City.
H_{02}: The loss of a breadwinner due to incarceration does not significantly affect the health status of children in Benin City, Edo State.

Model Summary 1					
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	0.198[a]	0.039	0.030	0.64066	1.874
a. Predictors: (Constant), Parental Incarceration					
b. Dependent Variable: Educational Continuity					

The value of R^2 which is 0.039 indicates that the independent variable (Parental Incarceration) explains only 3.9% of the variations in the dependent variable (Educational Continuity); 96.1% of the dependent variable's (Educational Continuity) systematic volatility goes unaccounted for. After adjustments of the R-squared, this percentage drops even lower to 3%. This indicates that Educational Continuity is determined by factors other than the independent variable (Parental Incarceration).

ANOVA[a]						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.806	1	1.806	4.401	0.038[b]
	Residual	44.328	108	0.410		
	Total	46.134	109			
a. Dependent Variable: Educational Continuity						
b. Predictors: (Constant), Parental Incarceration						

At 0.038, the F statistic of 4.401 is significant. This indicates that there is a statistically significant relationship between Parental Incarceration and Educational Continuity in Benin City.

Coefficients[a]						
		Unstandardized Coefficients		Standardized Coefficients		
Model		B	Std. Error	Beta	t	Sig.
1	(Constant)	3.171	0.425		7.469	0.000
	Parental Incarceration	0.217	0.103	0.198	2.098	0.038
a. Dependent Variable: Educational Continuity						

H_{01}: There is no significant relationship between parental incarceration and the educational continuity of children in Benin City.
Parental incarceration is significant at the 0.05 level of statistical significance, as indicated by the p-value of 0.038. Therefore, with a t-value of 2.098 and P-values of 0.038, we reject the null hypothesis, which states that there is no significant relationship between parental incarceration and the educational continuity of children in Benin City. This implies that educational continuity of children in Benin City is statistically predicted by parental incarceration.

Model Summary[b]					
Model	R	R Square	Adjusted R Square	Std. Error of the Estimate	Durbin-Watson
1	0.216[a]	0.047	0.038	0.49338	2.258
a. Predictors: (Constant), Loss of a Bread winner due to Parental Incarceration					
b. Dependent Variable: Health Status of Children					

The value of R^2 which is 0.047 indicates that the independent variable (Loss of a Bread winner due to Parental Incarceration) explains only 4.7% of the systematic variation in the dependent variable (Health Status of the Children); 95.3% of the dependent variable's (Health Status of Children) systematic volatility goes unaccounted for. After adjustments of the R-squared, this percentage drops even lower to 3.8%. This indicates that the health status of children in Benin City, Edo State is determined by factors other than the independent variable (Loss of a Bread winner due to Parental Incarceration).

ANOVA[a]						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	1.289	1	1.289	5.297	0.023[b]
	Residual	26.290	108	0.243		
	Total	27.580	109			
a. Dependent Variable: Health Status of Children						
b. Predictors: (Constant), Loss of a Bread winner due to Parental Incarceration						

At 0.023, the F statistic of 5.297 is significant. This indicates that there is a statistically significant relationship between Loss of a Bread winner due to Parental Incarceration and Health Status of Children in Benin City, Edo State.

Coefficients[a]						
Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	3.312	0.352		9.417	0.000
	Loss of a Bread winner due to Parental Incarceration	0.195	0.085	0.216	2.301	0.023
a. Dependent Variable: Health Status of Children						

H_{02}: The loss of a breadwinner due to incarceration does not significantly affect the health status of children in Benin City, Edo State.

The loss of a breadwinner due to incarceration is significant at the 0.05 level of statistical significance, as indicated by the p-value of 0.023. Therefore, with a t-value of 2.301 and P-values of 0.023, we reject the null hypothesis, which states that the loss of a breadwinner due to incarceration does not significantly affect the health status of children in Benin City, Edo State. This implies that the health status of children in Benin City, Edo State is statistically predicted by the loss of a breadwinner due to incarceration.

5. Discussion of Findings

Parental incarceration fundamentally disrupts children's educational continuity and health outcomes in Benin City, Edo State, Nigeria, thereby confirming a significant relationship between these factors and overall child welfare. The financial impact, specifically the loss of a breadwinner, intensifies existing vulnerabilities, a pattern consistent with regional patterns of family instability and economic hardship. These research findings highlight the critical necessity for targeted interventions within low-resource Nigerian contexts (Chike & Bob-Eze, 2025; Ogunbosi et al., 2022).

Parental incarceration shows a significant relationship with interrupted educational continuity, as children in Benin City frequently encounter barriers such as unpaid school fees, emotional trauma, and caregiving gaps. The resulting family instability from imprisonment reflects broader Nigerian trends, where insufficient parental involvement is linked to poor school adjustment and increased dropout risks. This observation aligns with international evidence documenting reduced school readiness and long-term academic setbacks among affected youth (Habecker, 2020; Haskins, 2014; Henkhaus, 2019).

The absence of the breadwinner due to incarceration significantly affects children's health status, limiting crucial access to nutrition, healthcare, and stable environments across Edo State. Caregivers, often strained by pervasive poverty, struggle to provide basic needs, which corroborates studies on Nigerian prison families reporting significant unmet health and feeding requirements. Global comparisons further indicate that incarceration elevates child adversity, leading to physical health declines caused by co-occurring stressors (Jackson et al., 2021; Johnson et al., 2024).

These detrimental outcomes perpetuate cycles of disadvantage, simultaneously compounding psychosocial risks and the potential for juvenile justice involvement in Benin City. Providing economic support for caregivers and implementing school

retention programs are key strategies that could mitigate these effects, drawing on existing African child welfare models that prioritize family integration. Ultimately, policy reforms that effectively integrate mental health services within justice systems remain essential for achieving sustainable child welfare (Atilola, 2012; Akintayo, 2021; Herreros-Fraile et al., 2023).

6. Conclusion

This study examined the relationship between parental incarceration and children's welfare in Benin City Edo State Nigeria. The objectives of the study were to examine the extent to which parental incarceration affects the educational continuity of children in Benin City, Edo State and to investigate how the loss of a breadwinner due to parental incarceration influences the health status of children in Benin City, Edo State.

The study concludes, based on the data that parental incarceration has a significant relationship on educational continuity of children in Benin City and that the loss of a breadwinner due to incarceration significantly affects the health status of children in Benin City, Edo State.

7. Recommendations

The study's recommendations underscore the need for targeted interventions to mitigate the adverse effects of parental incarceration on children's educational continuity and health within the specific context of Benin City, Edo State, Nigeria. These strategies are categorized into economic support mechanisms, community-based programmes, and policy reforms designed to enhance family resilience and child welfare.

Policy Interventions: Governments are urged to establish emergency welfare funds for the families of incarcerated parents, specifically to cover school fees and basic healthcare, thereby preventing educational dropouts and health declines. A crucial policy reform involves integrating child support mandates into the Nigeria criminal justice system, such as mandatory family impact assessments during the sentencing process, to proactively address the loss of the breadwinner. Furthermore, collaboration with Non-Governmental Organizations (NGOs) is deemed essential for providing subsidized nutrition and medical aid in the communities surrounding Edo State prisons.

Community Support Programmes: Local NGOs and faith-based organizations in Benin City must expand counselling services for affected children, with a particular focus on addressing emotional trauma to ensure sustained school engagement. Developing foster care training for extended family caregivers, complemented by microfinance loans, will help alleviate the economic strains that detrimentally impact children's health and education. The implementation of school-based monitoring systems is recommended to facilitate the early identification of at-risk students, thereby promoting retention and timely health screenings.

Research and Monitoring: To refine the interventions, longitudinal studies are necessary to track the children's outcomes post-incarceration, with priority given to the unique socio-economic context of Edo State. Capacity-building initiatives for social workers in juvenile welfare must specifically emphasize the effects of parental imprisonment to ensure effective service delivery. Finally, annual evaluations of implemented programmes are required to measure reductions in welfare disruptions.

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Climate Justice, Environmental Sustainability and the Rights of the Child in Sub-Sahara Africa: Legal and Policy Perspective

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Abstract. Climate change is daily making a sustainable environment a mirage and no region of the world is spared. But it is also realized that certain regions and certain groups of persons especially children are more vulnerable. A clean, healthy and sustainable environment is pivotal in the enjoyment of the fundamental, social, economic and cultural rights of all, especially children. Children of the sub-Sahara are disproportionately vulnerable to environmental hazards due to their dependence on their natural environment. Environmental degradation caused by the raging climate change is adverse to children's survival and sustainable future. This paper seeks to investigate the right of children of the sub-Sahara to a clean, healthy and sustainable environment. It examines some legal and policy steps towards the protection and promotion of children to a healthy and sustainable environment. It employs the doctrinal and comparative approach to legal research through textbooks, journals and internet sources and concludes that the sub-Saharan child is not only vulnerable but a right bear in need of climate justice. It recommends, among other things, that participation and inclusion of children in climate change matters should be a priority and that good laws can only function if adequate implementation and surveillance mechanisms are put in place.

Keywords: climate justice, environmental sustainability, child's rights, sub-Sahara Africa, climate change

1. Introduction

Climate change is world's greatest challenge, which has posed a significant threat to the entire ecosystem and has altered the coastline, marine habitat, forests, and agronomical systems of the world. (Ruhi, 2008). The vicious effects of climate change can be spotted in its short- and long-term effects, such as severe droughts, heavy flooding, too little or excessive rainfall, storms, heatwaves, cyclones, tidal waves and landslides. (Gu et al, 2018). The Intergovernmental Panel on Climate Change (IPCC) report of 2021 underlines the perceived long-term effects of climate change as a rise in global warming and emissions of greenhouse gas (GHG) (Mora & Spirandelli, 2018). The IPCC traced climate change to human activities. (IPCC Climate Change, 2013). It stressed that Africa is the most vulnerable continent; (Gemeda & Sima, 2015) and that the menace will be severe on developing nations. (UNFCCC Climate Change, 2025) African countries are developing nations already troubled by over population and many socio-economic problems, which continue to increase amidst their struggle to meet the world's uncertain targets as fixed in the Sustainable Development Goals (SDGs). (UN Sustainable Development Goals Report, 2019). While many developed countries of the world are taking significant steps to adapt and mitigate the adverse effects of climate change, such is not obviously on the agenda of many developing countries that are constrained by technological backwardness and financial bankruptcy. (Puthucherril, 2012). The impact of climate change is most felt by the vulnerable populations, especially children. (Fambassayi & M. Addaney, 2021). A child is any human being below the age of 18 years (African Charter on the Rights and Welfare of the Child, 1990); and children constitute about 30% of global population, about 2.2 billion of world's population. (United Nations Department of Economic and Social Affairs (UNDESA), 2019). Children will suffer both the short- and long-term impacts of climate change. As Guillemot and Burgess

rightly observed, almost 125 million children in Africa will suffer malnutrition, displacement and water scarcity by the year 2030 due to the ravaging effects of climate change. (Guillemot & J. Burgess, 2009).

Consequently, the causes and effects of climate change must be tackled as a matter of urgency to protect the human rights of all humans and that of children, in particular. (Fambassayi & M. Addaney, 2021). These rights include their rights to life, right to health, right to survival, right to a healthy and sustainable environment, etc. (Fambassayi & M. Addaney, 2021). A sustainable environment is one that will protect the interests of children in the present and future generations. It behooves on state parties to strive to promote principles of climate justice and sustenance. The principle of climate justice and environmental sustainability is a forward-looking approach to protecting the rights of children born and yet unborn. On this premise, this paper looks at the plight of children in sub-Sahara, Africa and the raging climate change; and some legal and policy steps to protect children's right to a healthy and sustainable environment. The national laws of three African countries drawn from the west, east and south of Africa *vis-à-vis* Nigeria, South Africa and Uganda are captured briefly to determine some national efforts towards climate justice and environmental sustainability for the sub-Saharan child. To achieve these, this paper is divided into six sections. Section one is this introduction; section two is the clarification of terms; section three studies climate change in the sub-Sahara; section four is more specific on climate justice, environmental sustainability and the sub-Saharan child; section five x-ray some legal and policy steps for the protection of children's right to a healthy and sustainable environment; and section six is the conclusion.

2. Clarification of Terms

2.1 Climate Change

Climate change is one of the greatest threats facing humanity today. The world is facing various climatic conditions and degrading ecology. This is due to fossil burning, oil spillage, gas flaring, deforestation, wastes, atmospheric ozone layer depletion, and various other unhealthy human practices, which have resulted in global warming and various negative impacts on the planet. (Weiss, 1994). Right now, the earth is already warmer by 1℃ above pre-industrial levels and it is perceived that it will rise to 1.5℃ by 2050. The impacts of climate change include life-threatening climatic occurrences, loss of major functioning of the ecosystem, loss of health, loss of livelihoods, water scarcity and other biophysical changes. (Rong et al, 2019). These are already revealing themselves in the world today and will take greater dimensions in future. Climate change arises from two basic factors- natural processes and human activities. Natural processes involve biogeographical occurrences while human activities include anthropogenic aspirations of man. (Davies et al, 2016). Climate change spells misery and sorrow for mankind. (Robinson, 2008). Its consequences are horrific manifestations of extreme flooding, heavy storms, landslides, tornados, fires, cyclones and hurricanes at the short term and desertification, heat waves, habitat destruction, exhaustion of wells, intense droughts, deforestation, melting sheets and glaciers, species extinction, receding coastal lines, ocean acidification, global warming and rise in sea level at the long term. (Sanz-Caballero, 2013). All these occurrences have enormous human concerns, and children stand to suffer more due to their peculiarities as the sustainers of the human race. If left unchecked, survival will be daunting in the near future because of the adverse effects on biodiversity and human wellbeing including human health, water and food security, displacement and diseases.

2.2 Climate Justice

There is no universal accepted definition of climate justice. However, it is understood to be the protection of the most vulnerable from the unequal negative effects of climate change. (Umotong, 1999) It is an ideology which seeks to ensure that individuals, communities and government have substantive legal and procedural rights to the enjoyment of a safe, clean, healthy and sustainable environment and the measures to be taken at the national, regional and international scenes to mitigate climate change, while respecting human rights. (Leslie, 2016). It is a concept that acknowledges the adverse effects of climate change on individuals and communities who are less proficient in preventing, adapting or responding to its impacts. (Alex Abang Ebu, 2025). Climate justice establishes the obvious developmental inequities. (Umotong, 2020). Climate justice is rooted in grassroots measures and the alliance of groups that organize conferences on climate change. It has become a term used by stakeholders to formulate stratagems to hold government and non-state actors liable for their actions, inactions and obligations under the climate change agenda at the domestic and global scenes. (Tormos-Aponte & Garcia-Lopez, 2018). Climate justice offers full responsibility on government at the national scene on the impacts of their industrial activities. (Mastaki, 2025). Also, it encourages alliances at the international scene to bring

industrialized countries who are the major culprits of GHG emissions as a result of their industrial revolutions, to accountability. (Larrere, 2025). Developed countries have dual responsibility towards climate change. They are expected to play the causal role as well as a mitigating role against the current and future impacts of climate change. (Mastaki, 2025).

2.3 Environmental Sustainability

Environmental sustainability has become an overriding concern in recent times due to intense consequences of human activities on environmental wellbeing and the future of children. (Edo et al, 2024). Humanity has continued to abuse natural resources leading to deforestation, reduction of fisheries, and the reduction of fossil fuels. (Edo et al, 2024). In addition, industrialization has encouraged widespread pollution of the water, air and soil. Factories spread toxins into the atmosphere. This devalues the environment and encourages several health vulnerabilities. Also, due to anthropogenic activities, like pollution, over exploitation and destruction of habitats, extinction, distressed ecosystems, and weakening biodiversity, the earth is facing an impending global disaster. (Edo et al, 2024). Sustainability as a concept revolves around a chain of interrelated challenges, which include safeguarding basic living standards, promoting economic advancement, protecting environmental health, and efficiently supervising communal and ecological systems. Halla & Binder, 1994). This idea encouraged an international agreement, which resulted into the 2030 Agenda for Sustainable Development. (U.N. General Assembly. (2015). So far, there is no universal agreement on the most appropriate and resourceful methodology for apprehending the Sustainable Development Goals (SDGs). (Fisher, et al, 2021). Environmental sustainability stands out as a central principle of the SDGs. It stresses that meeting present needs should not compromise the quality of the environment. It highlights the need to preserve the environment for future generation; (Kaswan et al, 2019) and that organizations should incorporate the principles of environmental sustainability in their activities. (Ukko, et al, 2019).

2.4 Sub-Sahara Africa

Sub-Sahara Africa is the extra-terrestrial region of the African continent positioned south of the Sahara Desert, which incorporates the Central, West, East and South Africa. It is known for its enormous traditional, indigenous, and language diversities, massive natural resources, and world's youngest and fast-growing population. It has a history discernable by ancient kingdoms, European colonization and post-colonial advancement challenges. It has assorted area with distinctive biomes and comprises of over 40 nation states and houses a billion people. It is made up of diverse terrain like savannahs, rainforests, rift valleys, and mountains. It was estimated to contain over one billion people in 2017 and projected to double by the year 2050. (Wikipedia, 2025). The Sub Sahara Africa is known for its high dependence on farming, fishing, and other natural means of livelihood. (Wikipedia, 2025). This makes the region more susceptible to climate change. (Jafino, 2020). The region has been negatively impacted by the adverse effects of climate change in recent times. (Bhusal, 2009). As Shingirai rightly observed, there is a greater likelihood of insecurity in Africa due to quests for survival; (Mugambiwa, 2021); and children are of a greater risk. The disruptive effects of climate change have varied effects on communities in the developing countries due to lack of adequate adaptive capability.

3. Climate Change and Environmental Sustainability in the Sub-Sahara

Sub-Sahara Africa is most vulnerable to climate change due to its climatological structure as well as the underdevelopment of many of its nation states. (Mugambiwa, 2023). Many of its countries do not have adequate resources and infrastructure crucial to mitigating the adverse effects of climate change. They mostly suffer poor governance, corruption, poverty and are the least socially ready to adapt. Mugambiwa, 2023). Owing to the socio-economic repercussions of climate change and how it affects communities' overall survival, climate justice is vital. (Bhusal, 2009). The sub-Saharan countries are perceived to be at a greater risk of climate change due to their typical human activities and heavily dependent on climatic and geographic conditions. (Ncube et al, 2011). Also, some persons are more vulnerable due to certain underlying inequalities. For example, the impact of climate change on women, disables, aged and children are more, and children top the list due to their tender nature and distinctiveness. (Zografos & Robbins, 2020). It is now certain that human rights and climate justice are interconnected and inseparable. (Mehta et al, 2021). As Mugambiwa rightly opined, climate change reveals the intrinsic disparities that exist between developed countries and the under developed countries and between the rich and the poor within a country. (Mugambiwa, 2023). Climate justice guarantees objectivity and equity in climate dominance and recompense for damage caused by climate change. (Mugambiwa, 2023).

Scientists have established the fact that the human race is faced with an impending catastrophic situation. This has prompted series of warnings from the International Panel on Climate Change (IPCC). (IPCC, 2021). Many propositions have been raised in a bid to bring in justice and accountability in the issue of climate change. It is believed that those who initiated the problem, those who profited from the actions of those who initiated the burdens and those who are financially strong should all share in the responsibility of mitigating the climate change. (Mugambiwa, 2021). The various caveats for an imminent tragic effect of climate change has been on since the onset of the 21st century, however, it is only lately that states began to highlight on the problem. Climate change is now having injurious effects on the economy and environment of many nations of the sub-Sahara. The disparities in the effect of climate change is caused by the interchange of numerous socioeconomic factors, such as finance, ethnicity, racism, age, gender, poor health, and disabilities. Holland observed that the frequency of such negative occurrences, over times have a ripple effect on the resilient social groups. (Holland, 2017). The continuous hardship of rural areas, gradually weakens the urban economy. (Taylor, 2013).

Climate change affects the civil, economic and social rights of children. (Paul & Alice, 2013). Presently, some of the negative effects of climate change have started taking its toll on human health, which manifests as heat-related illnesses, increase water and vector-borne diseases, mental health issues, and malnutrition; and are likely to manifest in greater dimensions in future. (Perry, 2025). At the community scene, both minority and indigenous communities of the sub-Sahara have started experiencing more dangers of climate change. Some regions are presently finding it difficult to get water, food, fuel and good livelihood. (Paul & Alice, 2013). The sub-Sahara is facing high temperatures, periodic flooding, poor crop yields, and uncertain weather conditions. All of these and more will be experienced in an unimaginable magnitude in future and because of the prevailing socioeconomic differences between the sub-Sahara countries and the rest of the world, between societies, and within societies of the region, it will be hard for them to face the impending consequences of climate change. (Holland, 2017). These inequalities call for justice approach to climate change where the least liable for the causes of climate change and the most affected is given special considerations.

Mugambiwa was apt when he opined that environmental inequalities arise where people are exposed to not just one but more forms of discrimination as a result of their race, sex, age, economic and social stands. (Mugambiwa, 2023). In this light, women, indigenous people, persons with disabilities, the elderly, low income countries and children have been identified by the United Nations Human Rights Council as vulnerable to the hazards of climate change and in need of environmental justice. (Perry, 2025). The case of children go beyond the present hardship to the future. Holland made it clear that there is a connectivity between the past, present and future generations. (Holland, 2017). Thus, the future generation will inherit a world too hard to cope with as a result of prevailing life styles characterized by high emissions of greenhouse gas and heavy reliance on fossil fuel. (Holland, 2017). The future generation should not be made to inherit the repercussions of the wrong decisions of the present generation. (Mugambiwa, 2021). Many sub-Saharan countries lack the resources and necessary infrastructure to mitigate and adapt to the magnitudes of climate change. This will put the region's economy and the occupations of millions of persons in a perilous and uncertain state due to the irregularities of climate change. (IPCC, 2021).

4. Climate Change and the Rights of the Sub-Saharan Child to a Healthy and Sustainability Environment

Human rights are universal basic assurances that all humans are entitled to (Sanz-Caballero, 2013). The consequences of climate change affect health and livelihood and frustrates directly or indirectly, the enjoyment of all other human rights, including civil and socio-economic rights. Children of the sub-Saharan countries are faced with the harsh realities of climate change as well as the already existing poverty in the region due to poor governance and massive corruption, which characterize the region. High temperature and other fluctuations in climatic condition encourage severe barriers for the survival of the child. The ravaging climate change is presently undermining the realization of the Millennium Development Goals (MDGs). The MDGs seeks to reduce poverty, maternal and infant mortality, malnutrition, fight diseases and provide universal basic education for children by 2015. (UNDP, 2008). Through the MGDs' programs, many developing countries have improved health care, water supply, sanitary services, and other basic supplies. But, due to the current environmental damages by climate change, all of these good initiatives have been slowed down. (Veneman, 2005). Both children of developed and developing countries are affected but it is worse on children of the indigenous societies, from poor peasant backgrounds who depend on the environment for

survival. (Barlett, 2009). Unpredictable weather changes and hazards are dangerous to the survival and wellbeing of the child. (Brown et al, 2007). Unhealthy environment affects children's physical and mental development. They are exposed to respiratory diseases, cancers and cardiovascular diseases caused by pollution and infections. For instance, the latest hazards of droughts, life-threatening weather and water scarcity in Ghana, Nigeria and South Africa had a devastating effect on agriculture and food production, (Hanna-Andrea, 2019), which can affect the life and wellbeing of children. (UNICEF, 2011).

Human rights apply equally to both adults and children but children are entitled to some additional rights and care by reason of their fragile nature, specific vulnerability and a whole untapped future. Their specific rights include right to be cared for by parents or guardians, right to play and leisure, right to basic education, right to be free from hard and hazardous labour, (Sanz-Caballero, 2023) right to good health, right to a healthy environment, etc. Climate change impacts on all of these rights. It affects their health, housing, food, water, education, etc., and makes parental care tiresome, encourages maternal death, loss of a parent or both parents, and abandonment. (Sanz-Caballero, 2023). As members of a family and a community, children face not just their peculiar violations but also every other violations faced by their families and communities. (Sanz-Caballero, 2023). As Mastaki, rightly opined, climate change is the foremost cause of internal displacement in many parts of Africa. (Mastaki, 2025). Statistics have shown that no fewer than one million children of the sub-Sahara were displaced within their country as a result of climate change in 2021 and another 1.85 million in 2022. (IDMC, 2023). Between 2016 and 2021, no fewer than 43 million children were displaced by climate-related cataclysms and an estimated 20,000 children are displaced daily. (UNICEF, 2023). Climate change exposes children to triple injustice. They are directly visible to the effects of climate change, such as displacement from their homes, dilapidation of natural resources; their fundamental human rights, including their right to a healthy environment; and they risk a sustainable future.

Environmental rights are human rights, which exists from the origin of humanity. This informed the court's decision in the case of *Oposa et al. v. Fulgencio S. Factoran Jr. et al.,* (1993) G.R. No. 101083) a landmark case in environmental law. A case focused on the right to a balanced and healthful ecology, which the petitioners associated with two concepts of "intergenerational responsibility" and "intergenerational justice." The case is a class action to stop the embezzlement of Philippine tropical rain forest and to halt further violation of the country's vibrant life support systems. The supreme court of Philippines ruled that the Petitioner-minors who asserted that they represent their generation and also the unborn generations, indeed had a cause of action; that environmental rights extend to future generations; and that every generation has the duty to preserve the harmony of the environment for the enjoyment of a balanced and healthy ecology. So, the petitioners' right to a conserved environment is also the fulfilment of their responsibility to safeguard the safety of that right for the upcoming generation. The court made it clear that the continuous deforestation of the environment is a distortion of the ecological balance which could lead to other environmental disasters.

The environmental health rights of children include their right to a clean air, nontoxic water, healthy food; access to natural resources, protection from environmental risks, right to protection from the effects of climate change; right to be educated on environmental and climate change matters; and right to participate in climate and environmental decision making. (Jacob, 2012). All of these rights will guarantee children an adequate standard of living. (Bonyd David, 2022). Research have shown that about one in every five child is malnourished. (Umejiaku et al, 2025). Children's Climate Risk Index (CCRI) Report shows that 953 million children are exposed to water strains; 436 live in areas of high flooding; 470 million children are facing life-threatening droughts; 820 million children are exposed to intense heat waves; 600 million children are exposed to diseases; 33 million are exposed to yearly flooding; 40 million have their education disrupted due to extreme environmental and weather conditions.

The Stockholm Declaration on Human Environment of 1972 (Stockholm Conference, 1992) placed environmental issues at the fore front. It provided guidelines for states to make environmental protection laws to protect the environment as they exercise their sovereign rights over their natural resources. (Umejiaku et al, 2025). States are expected to strike a balance between using the natural resources and protecting their natural environment. The Conference succeeded in projecting the fact that both natural and synthetic aspects of the environment are crucial to the enjoyment of fundamental rights. (UNCHE, 1972). The Declaration did not focus on children *per se*, but that could be implied where it used the phrase 'present and future generations. In 1980, there was a coalition of three bodies- the UN Environmental Programme (UNEP); the World-Wide Fund for Nature (WWF); and the International Union for Conservation of

Nature (IUCN) who organized a Conference themed 'World Conservation Strategy (WCS) - Living Resource Conservation for Sustainable Development.' (IUCN, UNEP and WWF, 1980). Children were mentioned only in relation to malnutrition and preventable diseases. (IUCN, UNEP and WWF, 1980). The main focus of this document was on environmental conservation for a sustainable development while respecting human rights. (IUCN, UNEP and WWF, 1980). The Brundtland Report of 1987 was explicit in its definition of sustainable development. (Brundtland Report, 1987). The Report was not focused on human rights but from its definition, it recognizes children as sustainers of the future. The report called on decision makers to take steps that will not undermine children's basic right to a healthy and sustainable environment. It recognizes the status of children as conveyors of rights in the sustainable development policy agenda. It links the survival of children to environmentally sustainable practices and points to the fact that children should be put into perspective in every decision-making process bearing in mind that most decision makers maybe long dead by the time the long-term effects of climate change and environmental damages occur. It was at the UNCED that world leaders fully adopted sustainable development as a progress model. And in the Rio Conference of 1992, the environment was included in the sustainable development agenda. (UN Conference on Environment and Development (UNCED), 1992). It specifically stated that 'in order to achieve sustainable development, environmental protection shall constitute an integral part of the development process.' ((UN Conference on Environment and Development (UNCED), 1992, principle 4). The right to development was the focus in the Rio Declaration not human rights. ((UN Conference on Environment and Development (UNCED), 1992, principle 3). It recognized the sovereign rights of state parties to exploit their resources; (UN Conference on Environment and Development (UNCED), 1992, principle 2) and recognized 'children and youths'. (UNCED, 1992 'Agenda 21) It is agreed that children comprise nearly half the earth's population, and will inherit the responsibility of taking care of the earth and the fact that their vulnerabilities to environmental damage differs from that of adults. (UN Conference on Environment and Development (UNCED), 1992, 21:12). The Rio Declaration recognized the place of children in future environmental sustainability, (UN Conference on Environment and Development (UNCED), 1992, 36:5e), but not as right holders in environmental matters. It was the UNCRC that actually recognized the inherent right of children to a sustainable environment; (UNCRC, art. 12) and places obligation on state parties, UN agencies and non-governmental organizations to involve children in their environment and development support programs. (UNCED, art. 36.10).

The UN General Assembly presented the Millennium Declaration at the Earth Summit in 2000 as one of the eight Millennium Development Goals (MDGs) (UNGA, 2000). It recognized the link between children and environmental protection. (UNGA, Principle 21). It was in the Millennium Declaration that human rights gained importance. States are to take steps to uphold 'human dignity, equality and equity to all persons of the world especially, the most vulnerable and children in particular, because the future belongs to them' (UNGA, Principle 2). The UN World Summit on Sustainable Development (WSSD) in 2002 (the Johannesburg Declaration) recognized both the participation of children and the rights of children in environmental sustainability. (World Summit on Sustainable Development, 2002). Though, its focus was on economic, social and environmental development but it accords children participatory rights and for the first time saw children as right bearers and future citizens. (World Summit on Sustainable Development, 2002). The WSSD Plan of Implementation identifies the relationship between children and the environment. (World Summit on Sustainable Development, 2002). It launched the Global Initiative on Children's Environmental Health Indicators. (World Summit on Sustainable Development, 2002). This was followed by long term plan to engage children and youths in environmental matters. (WSSD, Johannesburg Plan of Implementation). Another long-term plan was given in 2009. This was to span between 2009 and 2014 and focused on six thematic priorities, which include climate change, resource efficiency, environmental governance, disasters and conflicts, ecosystem management, and harmful substances and hazardous wastes. In 2011, the Tunza International Children and Youth Conference held in Bandung, Indonesia. Its aim was to gather feedbacks for the forthcoming UN Conference on Sustainable Development (UNCSD) of 2012. The Bandung Declaration advised states to be committed to the needs of children and youth towards a sustainable standard of living. (Bangdung Declaration), 2011). The UNCSD, in its consequential document titled 'The Future We Want,' gave more consideration to human rights. (UNGA, 'The Future We Want,' 2012). It places states under obligation to respect, protect and promote human rights for all. (UNGA, 'The Future We Want,' 2012, Principles 8, 9).

In the UN Sustainable Development Summit held in 2015 in New York, the UN General Assembly passionately endorsed a document on 'Transforming Our World: The 2030 Agenda for Sustainable Development' (2030 Agenda). (UNGA, 'Transforming the World'). This document encloses 17 SDGs and 169 targets to achieving the Millennium Development Goals. It was agreed that poverty was the foremost world challenge and must be eradicated by 2030. (UNGA, 'Transforming the World', principle 2). It was also on the agenda to address children's environmental right. This necessitated the engagement of civil society and stakeholders to pay attention to the most vulnerable. (UNGA, 'Transforming the World', principle, 6). While the SDGs focus on states, the MDGs focus on developing countries of the world. It is believed that sustainable develop must integrate the economic, social and environmental dimensions; (UNGA, 'Transforming the World', principle, 2) and human rights must play a conspicuous role in the 2030 agenda. (Bratspies, 2015). Also, came into light was a group known as the 'Major Group of Children and Youth (MGCY), who made a landmark statement that children and youths must be seen as actors and contributors, and not just as a vulnerable group. (UN MGCY, 2015). They made it clear that 'the future of humanity lies in the hands of today's younger generation, who will pass the torch to future generations.' They emphasized that the human rights of children should be holistic and must include their environmental rights. (Shiva, 2015).

5. Legal and Policy Framework for the Protection of the Rights of the Child to a Sustainable Environment

Climate change is a recent phenomenon in human history and not captured in main human rights treaties. (HREOC, 2018). These treaties were mainly crafted to protect individuals against state assaults but not a therapy for human damage caused by environmental degradation and climate change. (Epinay, 2023). So, it behooves on states to take steps towards remedying whatsoever will cause an abuse to human rights, which includes the menace of climate change on the human rights of children.

5.1 International

Some international legal and guiding principle connected to climate change include: the Paris Agreement, the UN Framework Convention on Climate Change (UNFCCC), Convention on Biodiversity (CBD), the Task Force on Displacement, the Sendai Framework for Disaster Risk Reduction 2015-2030, the Guiding Principles on Business and Human Rights, the Children's Rights and Business Principles, the World Bank Environmental and Social Framework, and the General Comment No. 26 of the CRC on Children's rights and the environment with a special focus on climate change. Article 3(1) of UNFCCC places an obligation on state parties to 'protect the climate system for the benefit of present and future generations.' Many of these contain minimal provisions for children's environmental rights. However, the Child Rights Convention (CRC) is the main treaty for children and specifically provides for children's environmental rights.' The CRC (CRC General Comment, 2023) states in its preambles that the natural atmosphere be protected for the growth and general well-being of children. It provides the right to non-discrimination for every child and places an obligation on state parties to effectively prevent, protect and provide remedies for both direct and indirect environmental abuses. Any form of discrimination is a hindrance to children's full enjoyment of their fundamental human rights. Environmental damage has a discriminatory impact on children especially children of developing countries. These category of children are already stressed up by the economic status of their parents. Adding climate hazards and environmental damage makes them even more susceptible. The CRC provides that the best interest of the child should be paramount in all decisions that concerns a child. (CRC General Comment, 2023, art.3). Thus, in all environmental decision-making processes, the best interest of the child, including the unborn child, must be the center of concern. Climate change and environmental degradation, biodiversity loss, pollution, etc., threatens the right to life, survival and development of children, so, they deserves to be heard. (CRC General Comment, 2023, art.12). State parties must ensure that age-apposite, safe and available machineries are put in place for children's opinions to be heard in environmental decision-making processes for legislation, policies, regulations, projects and activities at the national and international levels. The CRC provides for the freedom of expression, association and peaceful assembly. (CRC, art. 13 & 15). This encourages children to take action individually or collectively to safeguard the environment from all environmental vices; and to hold states accountable for environmental abuses. States must provide a harmless and supportive environment and a legal and strategic framework through which children can successfully exercise their rights. Children have the right to access of information. (CRC, art. 17). Access to information enables children, parents and caregivers to understand the possible effects of climate change and environmental damage on children's rights. The right to information

also entails the right to precise and consistent environmental data, including the sources of climate disturbances, effects, adaptive responses, policies, strategies, and, findings from climate and environmental impact assessments, and viable lifestyle choices.

Children have the right to freedom from all forms of violence. (CRC General comment No. 26 (2023) art. 19). Climate change and environmental damages are forms of physical violence against children, which can increase children's vulnerability to child labour, child marriage, conscription into criminality or violent groups, displacement, sexual exploitation, abduction, trafficking, domestic violence, gender-based violence and female genital mutilation. (Sanz-Caballero, 2013). The CRC provides right to the highest attainable standard of health for every child. (CRC General comment No. 26, art. 24). This right includes the enjoyment of a range of facilities, goods and services, and all conditions necessary for the realization of the highest attainable standard of health. (CRC General comment No. 26, art. 26 & 27). A clean, healthy and sustainable environment is a prerequisite to the realization of all rights including adequate housing, good drinking water, food security, and good sanitation. (Committee on Economic, Social, and Cultural Rights, general comment No. 15 (2002). The CRC provides the right to education for every child. (CRC, art. 28 & 29). Education is one of the foundations of a child's right to a healthy and sustainable environment. It helps protect their other rights, including their environmental awareness, preservation, mitigation and adaptation rights. Climate change and environmental degradations can occasion school disruptions, closures, dropouts and destruction of school environment. Environmental education should be inclusive, transformative, child-friendly and child-empowering. It should include the development of child personality, respect for nature, environmental ethics and values, development of talents and values, with local and international orientations. The school curriculum should be made to reflect the child's specific social, economic, cultural and environmental backgrounds. To achieve this, state parties should provide a safe, healthy, and irrepressible infrastructure for active learning. The CRC recognizes the rights of indigenous children and minority groups. (CRC, art. 30). State parties should give some exceptional considerations to indigenous children by putting into consideration their cultural identity, ancestral lands, and their traditional knowledge, on mitigation and adaptation mechanisms.

Children are entitled to rest, play, leisure and recreation. (CRC, art. 31). Play and leisure are indispensable for a child's health and general wellbeing. It helps develop creativity, build imagination, self-confidence, as well as, physical, cognitive, social, and emotional skills. It is important to learning and holistic development of the child. (CRC, art. 31, para. 9 and 14c). Children have right to a clean, healthy and sustainable environment. (CRC, art. 24, 27, 28, & 29). State parties are to take steps to improve the quality of air, reduce pollution, and prevent child mortality; (CRC, art. 4), provide child's rights impact assessment; (CRC, art. 3(1)), protect children from abuse by a third party; (CRC, art. 28, 42 & 82) provide effective remedies for redress; (CRC, art. 2(3)) enable children take appropriate action individually and cooperatively; (CRC, art. 4) states are to take collective action to mitigate climate change while respecting their human rights obligations; and the major contributors to climate change should take the lead towards mitigation, adaptation, compensation and financing. (UNFCCC, 4(5); Paris Agreement art. 9(1)).

5.2 Regional

At the regional scene, there are normative standards, multilateral agreements and policy frameworks that have been developed to address different dimensions of climate crisis. These include, the *African Union Climate Change and Resilient Development Strategy and Action Plan* (2022-2032), which is Africa's foremost continental climate blueprint. It was adopted in 2022 to synchronize responses to climate change, build resilience, promote low-emission conduits and integrate climate action across the regions. It states four key objectives: to boost adaptive capability, pursue sustainable development, mobilize resources, and ensure inclusive execution. Its focus is to support the Agenda 2063 and other regional stratagems. (African Union Climate Change and Resilient Development Strategy, 2022-2032). *The African Charter on Human and People's Right* (ACHPR) provides for the rights to environmental health of every African, including children. It directs its state parties to defend all the rights and duties revered in the Charter and to take legal steps and measures to actualize them. (African Charter on Human and People's Right (ACHPR), art. 1). It provides that every human, including children shall enjoy the best attainable state of physical and mental health. (African Charter on Human and People's Right (ACHPR), art. 16). Every African shall have the right to education and to take part in the cultural life of his community. It is the duty of state parties to ensure the right to development. (African Charter on Human and People's Right (ACHPR), art. 16). The *African Charter on the Rights and Welfare of the Child*

(African Children's Charter) provides principally that for the child to enjoy all necessary rights, all stakeholders must adhere to the principles contained in the charter as well as, other instruments of the OAU. Therefore, state parties are to take necessary legislative and policy steps as may be necessary to actualize the provisions of the charter. It specifically provides for adequate health services for children and that states should protect children from environmental threats. (African Charter on the Rights of the Child, art. 14). It encourages state parties to educate children on ways to respond and adapt to environmental experiences likely to affect their health and general welfare. (African Charter on the Rights of the Child, art. 11). The charter recognizes the fact that children with disabilities, physically or mentally challenged and poor are more vulnerable and needs measures to boost their human dignity, promote their self-reliance and encouraged to participate actively in the community. To achieve this, states parties must ensure that such children must be guaranteed access to training and recreational opportunities so as to achieve social integration, personal development, and cultural and moral development. (Umejiaki et al, 2025). The charter is aware that harmful environment exposes the child to violence such as, child labour and other vices. States should therefore, protect the child from all forms of exploitations likely to interfere with the child's physical, mental, moral, social, and spiritual development. (Umejiaki et al, 2025). It provides that in all actions involving children, the best interest of the child shall be the primary consideration. (African Children's Charter, art. 10). It provides the right of the child to survival and development. (African Children's Charter, art. 5(1)). And places an obligation on states to support the survival and development of the child within their territories. (African Children's Charter, art. 5(2)).

5.3 *National* – this research looks at some national laws and policies of three sub- Saharan countries *vis-à-vis* Nigeria, Uganda and South Africa:

5.3.1 Nigeria

The Constitution of the Federal Republic of Nigeria 1999 (CFRN) - the right to a healthy environment is not stated in the Nigerian Constitution. The constitution has its 'environmental objectives' in Chapter II. (CFRN, s. 20). Chapter II of the CFRN contains the Fundamental Objectives and Directives Principles of State Policy, which are mere reflections of governance. The rights under chapter II are non-actionable rights and cannot be enforced in a court of law by reason of the provision of section 6(6)(c) of the constitution, which ousts the jurisdiction of the judiciary to entertain any matter under chapter II. Therefore, no citizen can approach the courts for the enforcement of any right under chapter II. The implication is that there is no right to a healthy environment under the Nigeria constitution. Government in effect, uses this clause of non-actionability of chapter II to deny every citizen especially, children their human rights to a clean, healthy and sustainable environment. (Umejiaku et al, 2025). Government lacks the political will to enforce these objectives. It is trite that the right to life and other fundamental rights of the child is anchored largely on their right to a clean, safe, healthy and sustainable environment. In *Archbishop Okogie v. A.G. Lagos State.* (1981) 2 NCLR 337), the court held that chapter II of the constitution should be in harmony with the human right provisions of chapter IV because the rights under chapter IV cannot be enjoyed without the operation and justifiability of chapter II. For instance, the right to life cannot be enjoyed in an environment that is polluted, degraded or that lacks good and healthy drinking water, healthy food and clean air. Nigeria has continued to neglect the fact that the fundamental human rights of its citizens especially, the tender generation depends largely on the enjoyment and justifiability of the rights in chapter II, especially, the right to a healthy and sustainable environment. Other countries like South Africa, Kenya and India have long given recognition of the social, economic and cultural rights as justiciable rights and have constitutionalized these but Nigeria is far from doing that. In a landmark case of *Subhash Kumar v. State of Bihar* (1991, 1 SCR 5), the Supreme Court of India held that articles 32 should be read in conjunction with article 21 of the Constitution. The Constitution establishes the right to a healthy environment as a fundamental right, which must be enforceable. In the same vein, in *Francis Coralie v. Union Territory of India*, (1981 AIR 746, 1981 SCR (2) 516), the court held that the right to life must include the right to human dignity and every other thing that goes with it. This means that the right to life must include clean and healthy environment, good nutrition and clean water, secure and sustainable environment devoid of climatic hazards. A safe, healthy and sustainable environment for children in Nigeria should begin from the amendment of the constitution. All economic, social and cultural rights should be merged with chapter IV to allow children enjoy their basic rights. This is in line with the court decision in *Mazibuko v. City of Johannesburg*, (2010 (4) SA 1 (CC)) where the couth held that the right to access of clean drinking water and good sanitation services is a fundamental right and should be made available for the vulnerable such as the elderly, poor, disabled and children. On this note, the court ordered

the city council to remove prepaid meters on water and sanitation services and instead provide alternative ways the people can get good and safe water supply and adequate sanitation services. The *Child Rights Act 2003* is the domestication of the Child Rights Convention (CRC). It is the foremost national statute for the protection of children in Nigeria. It is detailed on the rights of the child including the right of children to safe, clean and healthy environment. (CRA, s. 4). It provides the right to life, survival and development of the child. (CRA, s. 13). It includes the right to adequate medical care, good nutrition, clean water, air and a healthy environment. (CRA, s.13). It places government under obligation to provide good nutrition and safe drinking water, good hygiene and environmental sanitation. The CRA recognizes the fact that children are more vulnerable to environmental hazards such as global warming and excessive heat, drought, excessive rainfall, flooding, etc. This now point to the problem of implementation. As is the case with many other laws in Nigeria, the CRA is commendable and comprehensive but children are still suffering in Nigeria due to lack of adequate implementation of laws.

5.3.2 South Africa

South Africa's legal structure for children's right and environmental sustainability is fixed to its Constitution; (Constitution of the Federal Republic of South Africa, 1996). Climate Change Act 22 of 2024; Children's Act 38 of 2005; and the National Environmental Management Act (NEMA) 107 OF 1998. Section 24 of the Constitution guarantees sustainable environmental right to the health and wellbeing of every citizen and for the future generation. (Constitution of the Federal Republic of South Africa, s. 24). It provided specific rights for children, which includes basic nutrition, healthcare, shelter and prevention of malnutrition. (Constitution of the Federal Republic of South Africa, 28). In all, the best interests of the child is paramount in every decision making. (Constitution of the Federal Republic of South Africa, 28 (2)). The Expropriation Act, (Expropriation Act 13 of 2024 (OPEL Act of South Africa) Act 22 of 2024) which was signed into law on the 23rd of July, 2024, is the landmark legislation to lead South Africa to a climate-resilient society. The Act integrates climate change responses into national development and also recognizes the vulnerability of certain groups, such as children. The Climate Change Act gives effect to constitutional rights for children. Section 10 creates participatory rights of children in matters that affect them. (Children's Act, 38, Preamble). Lastly, the National Environmental Management Act (NEMA) provides the all-encompassing framework for environmental governance and sustainability. It grants access to justice to all including children. The Children's Act 38 of 2005 is very detailed on children's rights as stated in its preamble. The country is committed to establish a society base on democratic values, social justice and fundamental human rights of all, to improve the quality of life of all citizens, including children. (Children's Act, 38, s. 10). It went on to reiterate that whereas every child has the rights set out in section 28 of the Constitution, and the state is under obligation to respect, protect and fulfil those rights, children's rights are not to be protected in isolation of their families and communities. Children's rights in international treaties must be respected and protected so that they can fully assume their place in the community in an atmosphere of happiness, love and understanding. (Children's Act, 38, Preamble). It states that in all things, the best interest of the child is paramount. (Children's Act, 38, s. 7 & 9). It provides for child participation; (Children's Act, 10); access to health care; (Children's Act, s. 13); access to the courts; (Children's Act, s. 14); and enforcement of rights (Children's Act, s. 15). The constitution provides for the environmental rights of all its citizens including children. (Constitution of the Federal Republic of South Africa, s 24). It forbids the exploitation of children, Constitution of the Federal Republic of South Africa, s 28) provides access to good nutrition, (Constitution of the Federal Republic of South Africa, s 28 (2)); and the child's best interests should guide the interpretation and implementation of every other right. Environmental right is not often enforced by the courts in South Africa but the courts rely on section 24 of the constitution to interpret all related statutes. In *Fuel Retailers Association of SA (Pty) Ltd v. Director-Environmental Management, Mpumalanga and Ors*, ((2007) Case CCT 67/06 ZACC 13). The court held that the constitution recognizes the interrelationship between the protection of the environment and socio-economic development for an ideal and sustainable development. In *King v. Dykes*, ((1971) (3) SA 540 (RA)). The court insisted that environmental rights are human rights. In *Vaal Environmental Alliance*, the court confirmed that air pollution raises urgent questions of intergenerational justice, which requires the protection of both the present and future generations. ((2014) ZASCA 184).

5.3.3 Uganda

Uganda has domesticated the Principles of Environmental Law (PEL) to help in the fight for climate justice. PEL evolved from a combination of the Stockholm Declaration, Rio Declaration, World Charter for Nature; and Agenda 21. Other laws for environmental justice include the UN Human Rights

Conventions, (National Environmental Act, 2019, s 3(1)). The Uganda Constitution, (Constitution of the Republic of Uganda, 1995, art 39). The National Environmental Act, (National Environmental Act, 2019, s 3(1)), and decisions of court on environmental disputes and climate justice. (Peter Davis Mutesasira, 2024). Through PEL, the courts can make eloquent contributions to climate justice by intensifying the climate crisis through holding the government and private actors answerable. (Peter Davis Mutesasira, 2024). While the UNFCC provides for the common but distinguished responsibilities, PEL is used to effectively address the inequalities heightened by climate change. The National Objectives and Directive Principles of State policy (NODPSP) of Uganda, as set out in the 1995 Constitution, (Constitution of the Republic of Uganda, Part XXVII (i) and XXVII (ii)). National Environment Act (NEA), (National Environment Act (NEA), s 5(2) (b)) and the National Climate Change Act, (National Climate Change Act, 2021, s 5(3) (e)), all give effect to the sustainable development agenda of the Bundtland Commission on Environment and Development of 1987 Report- 'Our Common Future;' as well as the Rio Declaration in its Principle 4 that to achieve sustainable develop, environmental protection shall constitute an integral part of the development process and not considered in isolation. (Rio Declaration, Principle 4). This shapes many judicial decisions in Uganda. For instance, in *Amooti Godfrey Nyakama v. National Environment Management Authority (NEMA) & Others*, the apex Court of Uganda held that the actions of the appellant is a threat to the swamps and thus inconsistent with the constitutional principles of national interest and common good enshrined in the NODPSP on sustainable development. (Supreme Court of Uganda, Constitutional Appeal No. 5 of 2011). The idea is to avoid development at the expense of the environment in other to meet the necessities of both the present and future generations. In as much as the present generation has the right to enjoy the resources of the earth, they are under obligation to consider the long-term effects of their actions. Also, in *Philippines-Oposa & Ors v. Fulgencio S. Factoran Jr. & Ors* (Minors Oposa Case), ((1993) G.R. No. 101083). The apex court stated that every generation is under obligation to preserve the earth. In *Advocates Coalition for Development (ACODE) V. Attorney-General*, (High Court of Uganda Misc. Cause No. 001 of 2004). The court held that government abused the public trust doctrine by leasing the Butamira forest reserve, which it held in trust for the people of Uganda.

6. Conclusion

It has been widely acknowledged that climate change undermines the realization of human rights. (Picolotti, 2008). The fast-weakening environment has tremendous impact on the children of developing countries, whose life and wellbeing depends solely on the environment. (Sanz- Caballero, 2023). It frustrates the agenda of the Millennium Development Goals and threatens the future survival of the human race. No human being or region is spared but some groups and some regions are more affected by the adverse effects of the menace. This calls for climate justice in handling climate change matters. Climate change is a moral issue, which must be tackled with comprehensive laws and policies as well as good implementation machineries, which see children beyond their vulnerability to being right holders in environmental matters. It will be a great injustice to leave a dilapidated and dangerous world for children. The three sub-Sahara countries viewed have adopted international and regional laws to help them protect and promote children's right as well as handle climate change issues. While South Africa and Uganda have recognized the fact that the right to a clean, healthy and sustainable environment is a human right and the bedrock of the enjoyment of other rights, Nigeria is still playing dangerous politics with human rights and particularly the right to a healthy and sustainable environment. They have done well to domestic many international and regional laws on climate change and children's rights, but effective implementation and monitoring is required for greater achievements. This paper recommends that in the interest of justice, deliberate efforts must be made by all stakeholders at the international, regional and national scenes to protect all the rights of children including their environmental rights. Structural inequalities affecting children in the fight against climate change must be intensified and tackled. Children are not just vulnerable but they are right holders and must be seen as such in all decisions concerning the environment. Perpetrators of climate change and benefactors of the actions of perpetrators must be accountable and at the fore of addressing the climate change issues. Deliberate policy changes must be made to prioritize the needs and environmental rights of the sub-Saharan child. Nigeria, in particular should amend its constitution to link its governance objectives to tally with its human rights obligations. It should also compel all the states that have not adopted the CRA to do so for the adequate protection of children in the country. There should be increase collaboration amongst governments, civil society and non-governmental societies towards a healthy and sustainable environment. Finally, good laws can only

function if adequate implementation and surveillance mechanisms are put in place.

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Women and Local Peacebuilding Initiatives in Nigeria: Everyday Agency, Bridge-Building, and the Politics of Survival

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Abstract. This article examines women's local peacebuilding initiatives in Nigeria through a qualitative evidence synthesis of published studies, with particular attention to the insurgency-affected northeast and to broader women-led civic mobilisation in fragile and conflict-affected settings. It argues that women's peacebuilding in Nigeria is best understood not as a peripheral humanitarian supplement to formal peace processes, but as a core form of everyday political agency that sustains communities, repairs fractured social relations, and challenges gendered exclusions embedded in both state security practice and orthodox peacebuilding. Drawing on feminist peacebuilding theory, the local turn in peacebuilding, and the literature on everyday peace, the article analyses how women act as interfaith bridge-builders, livelihood organisers, informal mediators, rescuers, reintegration brokers, and movement leaders. The analysis is anchored on recent interview-based study of women peacebuilders in northeastern Nigeria and is extended through Nigeria-focused scholarship on women-led civil society organisations, displacement, countering violent extremism, women's organising under fragility, and the localisation of the Women, Peace and Security agenda. The findings are organised around five themes: bridge-building across religious and communal divides; care and livelihoods as material peace infrastructure; informal mediation and reintegration; grassroots-to-public advocacy; and the structural limits imposed by militarisation, securitisation, and weak localisation of gender policy. The study concludes that women's local peacebuilding in Nigeria is transformative but overburdened: it expands women's authority and social influence, yet continues to operate without adequate institutional recognition, resourcing, or protection. Sustainable peace in Nigeria will require moving beyond symbolic inclusion toward an architecture that centers women's local knowledge, redistributes decision-making power, and treats community-based peace labor as a fundamental pillar of national peacebuilding.

Keywords: Women; Local Peacebuilding; Nigeria; Everyday Peace; Feminist Peacebuilding; Women, Peace and Security; Boko Haram; Qualitative Evidence Synthesis.

1. Introduction

Women's peacebuilding in Nigeria sits at the intersection of two enduring blind spots in conflict and governance research. The first is the tendency of mainstream peacebuilding analysis to focus on elite negotiations, formal mediation, and state-led security

processes, even though many of the practices that make everyday coexistence possible occur outside those arenas. The second is the persistence of gendered assumptions that position women primarily as victims of conflict, or at most as beneficiaries of post-conflict recovery, rather than as political actors whose labour and organising materially shape peace. These blind spots are particularly consequential in Nigeria, where violent insurgency, communal conflict, mass displacement, and uneven state responses have created a setting in which local, informal, and community-based forms of peace work are not secondary to peacebuilding; they are often its most durable and socially embedded expression. Recent scholarship shows that in contexts where formal peace efforts are militarised, exclusionary, or ineffective, women frequently sustain peace through interfaith dialogue, rescue work, psychosocial support, economic organising, community mediation, and public advocacy (Tripp et al., 2025; Nwangwu & Ezeibe, 2019).

Nigeria offers a particularly important setting for studying these dynamics. Conflict in the northeast and northwest, especially in areas affected by Boko Haram and related armed groups, has produced not only extraordinary violence but also profound social reordering. Women have borne the burden of widowhood, displacement, abduction, social stigma, livelihood loss, and care work, yet they have also emerged as organisers of community survival and local order. At the same time, women's peace activism in Nigeria extends beyond the northeast. Women-led civic mobilisations, such as the #BringBackOurGirls movement, show that local peacebuilding in Nigeria also includes protest politics, strategic communication, and network-building to address impunity and state failure. Together, these strands reveal that peacebuilding in Nigeria is not limited to negotiation rooms, donor programs, or military stabilisation. It is also enacted through markets, women's associations, households, religious networks, safe spaces, training groups, protest sites, and community conversations (Atela et al., 2021; Tripp et al., 2025).

This study argues that women's local peacebuilding initiatives in Nigeria should be understood as a form of everyday political agency rooted in care, survival, and social repair, but also in contestation over who is recognised as a legitimate peace actor. Women do not merely fill gaps left by failed institutions; they produce forms of peace that are relational, practical, and locally grounded. Yet their work is frequently undervalued or instrumentalised. In securitised policy frameworks, women are often invited into peace and security programming only when they can serve state priorities, especially in preventing and countering violent extremism, rather than on their own terms as community-based agents of peace. This creates a double bind: women's local knowledge is needed, but women themselves are often denied equal authority in defining the agenda, terms, and meaning of peacebuilding (Akintayo, 2024; Durueke, 2025).

The article makes three contributions. First, it recenters local women's peacebuilding in Nigeria within a more rigorous conceptual conversation that links feminist peacebuilding, the local turn, and everyday peace. Second, it synthesises Nigeria-focused qualitative evidence in a way that moves beyond a narrow "women as victims" frame and instead foregrounds women's practices of mediation, livelihood creation, bridge-building, and public accountability. Third, it shows that while women's local initiatives are transformative, they are also structurally overburdened. The same conditions that make women indispensable to local peacebuilding, state weakness, insecurity, displacement, and fractured social trust, also limit how far their initiatives can travel without institutional reform. The paper therefore, treats women's local peacebuilding not as an alternative to structural change, but as a diagnostic lens through which the failures of formal peace architectures become visible.

2. Theoretical Framework

This article is anchored in three complementary bodies of scholarship: feminist peacebuilding, the local turn in peacebuilding, and the literature on everyday peace. Feminist peacebuilding provides the central analytical starting point because it challenges the assumption that peace is made primarily through elite bargains and state institutions. Instead, it directs attention to how war and peace are gendered, how women are excluded from formal peace processes, and how much of women's peace labor is rendered invisible because it occurs in spaces traditionally coded as social, domestic, communal, or informal. In this tradition, women's peacebuilding is not reducible to participation in formal negotiations. It also includes the labor of maintaining social relations, resisting militarised masculinities, fostering inclusion, and building the material and relational conditions under which communities can survive conflict. Comparative feminist research shows that women's peace work often bridges divides long before formal talks begin and can transform not only conflict dynamics but also gender hierarchies themselves (Cárdenas & Olivius, 2021; Blomqvist et al., 2021).

The second pillar is the local turn in peacebuilding. Leonardsson and Rudd (2015) describe the local turn as a shift away from top-down liberal peacebuilding toward attention to local ownership, local knowledge, and the capacities of community actors. This literature emerged partly from dissatisfaction with externally driven peace interventions that were technically sophisticated but socially shallow. By foregrounding the "local," scholars sought to highlight the everyday social relations, vernacular institutions, and forms of agency that are often ignored by state-centric and international approaches. Yet the local turn also comes with analytical risks. Randazzo (2016) cautions that the everyday and the local can be romanticised, as if local spaces are inherently emancipatory, nonviolent, or egalitarian. Such romanticisation obscures the fact that local settings are also shaped by hierarchy, patriarchy, exclusion, and coercion. For this reason, local peacebuilding must be read critically rather than celebratorily. Women's initiatives may be locally rooted, but they unfold within unequal social orders.
This caution is vital for the Nigerian case. Local women's peacebuilding in Nigeria is significant precisely because it emerges within settings marked by patriarchal authority, religious conservatism, security-sector violence, and weak public protection. A feminist reading of the local turn therefore asks not simply whether local peacebuilding exists, but whose labour makes it possible, whose authority is recognised, and who bears the costs. Women's local peace initiatives are not automatically progressive because they are local; they become politically important because they reveal the uneven distribution of burdens and agency in conflict-affected communities. They are also significant because they often work on the relational terrain that formal institutions struggle to access: trust, reciprocity, mutual recognition, household survival, and intercommunal coexistence. In Nigeria, this includes work across Muslim-Christian divides, support for displaced women, community acceptance of returnees, and the creation of new livelihood pathways that reduce social fragmentation and the appeal of armed mobilisation (Tripp et al., 2025; Ajayi, 2020).

The third pillar is the concept of everyday peace. This literature shifts analysis away from peace as a macro-political settlement and toward the micro-practices through which ordinary people navigate insecurity, minimise violence, and sustain coexistence. In gendered versions of everyday peace, practices such as care, silence, social negotiation, informal dialogue, livelihood cooperation, and emotional labour are not treated as apolitical. Rather, they are understood as ways of keeping social life intact under conditions of insecurity. Blomqvist et al. (2021) show that women's practices of care and silence in Myanmar are crucial to sustaining everyday peace, even though such practices are often ignored in mainstream peacebuilding. This insight travels powerfully to Nigeria. Much of what women do in conflict-affected communities—sharing food, counselling survivors, teaching vocational skills, talking young people out of violence, organising interfaith meetings, or helping reintegrate returnees, can be read as everyday peace practices that hold communities together when formal institutions are absent, predatory, or distrusted.

At the same time, this article rejects essentialist notions that women are naturally more peaceful because they are mothers or caregivers. The anchor study by Tripp, Maiga, and Yahi (2025) is especially useful here because it explicitly warns against explaining women's peacebuilding through maternalist tropes alone. Women's prominence in local peacebuilding is better understood through gendered divisions of labour, social location, and the political economy of survival. Women often become central to peacebuilding because they are responsible for sustaining households, have extensive social ties across neighbourhoods and religious communities, and are forced into roles previously monopolised by men. Their peacebuilding is thus not a biological disposition; it is a historically and socially situated response to the burdens and openings produced by war. This distinction matters because it preserves women's agency without collapsing it into gender stereotypes.

Taken together, these three frameworks generate the paper's central proposition: women's local peacebuilding in Nigeria should be interpreted as a gendered, everyday, and locally embedded practice that is both transformative and constrained. It is transformative because it creates social bridges, reshapes gender roles, and produces peace from below. It is constrained because it remains under-resourced, is frequently informal, is vulnerable to securitisation, and is only partially recognised by state and policy frameworks. This double character, i.e., transformative yet overburdened, guides the analysis that follows.

3. Literature Review

The Nigeria-focused literature on women, conflict, and peace has expanded considerably, but it remains uneven. For many years, work on the Boko Haram crisis concentrated on women as victims of abduction, displacement, sexual violence, forced marriage, or recruitment into insurgent violence. That literature was indispensable in exposing gendered harms, but it

also had an unintended effect: it often placed women in the analytic frame primarily as casualties of war rather than as producers of peace. More recent scholarship has begun to broaden the debate. Ajayi (2020), for example, argues that women's experiences of displacement in the Boko Haram conflict are shaped not only by armed violence but also by their unequal status in the Nigerian polity and by policy frameworks that cast them as passive victims even when they are also strategic actors navigating survival and return. This shift in emphasis is important because it makes room for a more complex account of women's peacebuilding.

A related body of work examines women-led civil society organisations in the prevention and countering of violent extremism. Nwangwu and Ezeibe (2019) show that women-led civil society organisations in Nigeria are significant actors in countering violent extremism, not merely because they support state agendas but because they build networks, promote women's inclusion, and expand the political space for gender equality. Their study is important for two reasons. First, it establishes that women's participation in peace and security in Nigeria is organisational and collective, not merely individual. Second, it shows that women's civic action can rework gender hierarchies by connecting peacebuilding to broader struggles for recognition and political voice. This is especially relevant in a context where security discourses often center military, police, and elite policy actors while overlooking the social infrastructures through which peace is actually sustained.

Research on women's organising under fragility strengthens this point. Atela et al.'s (2021) study of the #BringBackOurGirls movement demonstrates that women-led organising in Nigeria can endure beyond a moment of protest and crystallise into a durable program of action. The movement succeeded not only because it protested the Chibok abductions, but because it developed strategies of persistence: transcending religious, political, and class boundaries; using social media and transnational publicity; maintaining safe pressure on elites; and building independent funding mechanisms. This article matters for the present paper because it expands the meaning of local peacebuilding. It shows that local peace work in Nigeria is not confined to neighborhood mediation or aid distribution; it also includes public accountability campaigns that contest state neglect and insist that peace requires truth, visibility, and civic pressure.

Another important cluster of studies examines policy inclusion and the Women, Peace and Security agenda in Nigeria. Gbadeyan et al. (2024) and Aje et al. (2025) argue that, despite decades of international and national advocacy, women in northeastern Nigeria remain on the margins of post-conflict peacebuilding. Their study underscores the continuing gap between the normative promise of United Nations Security Council Resolution 1325 and the realities of women's participation in counter-insurgency and recovery processes. Durueke (2025), writing in Women's Studies International Forum, sharpens the critique by arguing that Nigeria's National Action Plans on UNSCR 1325 have not sufficiently localised universal norms to women's lived realities in rural areas. These works are crucial because they reveal a persistent disjuncture: women are repeatedly recognised in policy language, yet the institutions supposed to support their inclusion often fail to engage the actual forms of peace work women are already performing.

Qualitative studies of state response expose the same gap from a different angle. Botha's (2021) article on women and girls associated with Boko Haram shows that the Nigerian government has recognised their plight, but that responses remain partial and inadequate. Based on qualitative analysis combining policy documents and interviews, the study argues that support and reintegration mechanisms have been uneven, often leaving affected women insufficiently protected and poorly reintegrated. The significance of this for local peacebuilding is substantial. Where state reintegration is weak, communities, especially women's networks, frequently assume the burden of social acceptance, psychosocial accompaniment, and material support. Local peacebuilding initiatives thus arise partly because institutional reintegration mechanisms are thin or distrusted.

Recent scholarship also complicates simplistic celebrations of participation. Akintayo's (2024) ethnographic study of state-CSO relations in Nigeria's prevention and countering of violent extremism shows that the language of a whole-of-society approach can conceal unequal power relations. Rather than treating civil society organisations as equal partners, the state may recruit them as intelligence producers within a broader securitised architecture, thereby narrowing their autonomy. This insight is critical for any analysis of women's local peacebuilding. It warns that state recognition of community actors is not automatically emancipatory. Women's organisations may be valued because of their local reach, but that same reach can be instrumentalised in ways that subordinate community-based peace work to state security logic.

Beyond Nigeria, comparative literature helps interpret these patterns without flattening them. Cárdenas and

Olivius (2021) demonstrate in Myanmar that women-to-women diplomacy can serve as an alternative peacebuilding practice by transforming conflict narratives and fostering interethnic cooperation outside formal negotiations. Blomqvist et al. (2021) show that women's everyday practices of care and silence are central to sustaining peace in fragile contexts. These comparative studies are relevant not because Nigeria mirrors Myanmar, but because they help conceptualise relational, informal, and gendered forms of peacebuilding. They reinforce the central premise of this article: that women's peacebuilding is often most visible when scholars shift the unit of analysis from elite institutions to everyday social labour.

What the literature still lacks, however, is a sufficiently integrated account of how these strands fit together in Nigeria. Studies of displacement, violent extremism, women's organising, WPS localisation, and community reintegration often operate in separate silos. The result is that women's local peacebuilding appears fragmented across subfields rather than as a connected repertoire of social, political, and economic practices. This article addresses that gap by bringing the literatures into one conversation and synthesising them through a common set of analytical themes.

4. Research Methodology

This paper adopts a qualitative evidence-synthesis design. It does not present new primary interviews; rather, it systematically interprets and synthesises findings from published qualitative and qualitative-dominant studies on women's local peacebuilding initiatives in Nigeria. This design is appropriate because the central aim is explanatory and interpretive: to understand how women's local peacebuilding is conceptualised, practiced, and constrained across existing research, and to build a stronger theoretical account from that corpus. A qualitative evidence-synthesis is also well suited to a field like local peacebuilding, where much of the most revealing evidence is embedded in interview material, ethnographic observation, organisational case studies, and community-level narratives that do not lend themselves to simple aggregation.

The empirical anchor of the synthesis is Tripp, Maiga, and Yahi's (2025) recent study, which reports interview-based research with women peacebuilders in Nigeria and Mali and contains detailed Nigeria-specific material from Maiduguri, Mubi, and surrounding conflict-affected areas. The present paper selectively analyses the Nigerian material in that study while triangulating it with other Nigeria-focused research from Taylor and Francis, Routledge, and Elsevier outlets. The anchor study is especially valuable because it identifies three recurring mechanisms in women's local peacebuilding: bridge-building across divisions, livelihood and community initiatives that reshape gender roles, and multiplier effects that spread benefits across households and communities, and grounds them in recent interviews with women engaged in local peace work.

Source selection followed three criteria. First, included studies had to be peer-reviewed and published in recognised academic outlets. Second, they had to focus on Nigeria directly or offer a closely relevant theoretical lens on women's informal or local peacebuilding. Third, priority was given to qualitative or qualitative-dominant studies, including ethnographic work, interview-based research, documentary qualitative analysis, and movement case studies. This yielded a focused corpus centered on Tripp et al. (2025), Nwangwu and Ezeibe (2019), Ajayi (2020), Botha (2021), Atela et al. (2021), Gbadeyan et al. (2024), Durueke (2025), and Akintayo (2024, 2025), supported by key theoretical texts such as Leonardsson and Rudd (2015), Randazzo (2016), Cárdenas and Olivius (2021), and Blomqvist et al. (2021).

The analytical procedure combined thematic coding with theory-led interpretation. In the first stage, the selected studies were read for recurring empirical patterns in women's local peace work: mediation, rescue, interfaith organising, livelihood support, care work, advocacy, reintegration, and state-community interaction. In the second stage, these recurring patterns were clustered into higher-order themes. In the third stage, those themes were interpreted through the feminist peacebuilding, local-turn, and everyday-peace frameworks. This produced five final themes: bridge-building across divides; care and livelihoods as peace infrastructure; informal mediation and reintegration; women's collective organising as public peacebuilding; and the structural limits imposed by securitisation and weak localisation. The approach is qualitative and interpretive, but it is not impressionistic: each theme had to recur across multiple sources or appear in the anchor study in especially developed form before being retained.

This methodology has three strengths. It allows the paper to bring otherwise dispersed Nigeria-focused studies into a coherent analytical conversation; it foregrounds context and meaning rather than abstract indicators alone; and it preserves the richness of the interview-based and community-centred evidence on which the field depends. It also has limitations.

Because the paper synthesises published research, it depends on the scope and framing of existing studies; regions outside the northeast receive less sustained attention because the current qualitative literature is unevenly distributed; and the synthesis cannot substitute for new multi-sited fieldwork across Nigeria's diverse conflict zones. These limits are real, but they do not undermine the value of the exercise. On the contrary, they highlight why a synthesis is needed: the literature is rich enough to identify strong patterns, yet scattered enough that those patterns are often missed.

5. Findings and Discussion

5.1 Bridge-Building Across Religious, Communal, and Political Divides

The first major theme is that women's local peacebuilding in Nigeria is centrally about bridge-building. Across the literature, women appear repeatedly as actors who create and sustain ties across the very social cleavages that violent conflict exploits: Muslim-Christian divisions, neighborhood distrust, family fracture, displacement-induced estrangement, and political polarisation. In the anchor study by Tripp et al. (2025), women in northeastern Nigeria are shown organising interfaith meetings, working through women's religious associations, collaborating in relief distribution, and using community ties to reduce fear between Muslims and Christians. The Nigeria interviews emphasise that women often have dense social connections across households, ceremonies, markets, and faith communities, and that these relationships serve as a practical resource for peacebuilding that many formal actors cannot easily replicate. Women's peace work thus begins not from abstract reconciliation discourse but from socially embedded forms of everyday proximity.

This bridge-building function is also evident outside the immediate conflict zone. Atela et al.'s (2021) study of the #BringBackOurGirls movement shows that women-led organising in Nigeria gained strength by transcending religious, class, and political divides. Although the movement emerged around the abduction of schoolgirls, its significance exceeded a single event. It became a platform for sustained civic pressure, public witnessing, and cross-boundary mobilisation against the normalisation of insecurity. Read alongside the local peacebuilding literature, this suggests that local peace initiatives should not be defined too narrowly as neighbourhood-level mediation. Local peacebuilding in Nigeria also includes civic formations that connect communities to broader publics while preserving grassroots legitimacy. The common thread is not scale alone, but the production of social connection across lines of separation.

The literature on women-led civil society organisations reinforces this interpretation. Nwangwu and Ezeibe (2019) show that women-led organisations involved in countering violent extremism in Nigeria are important network builders. Their significance lies partly in the social spaces they open: they connect women to each other, connect local experience to policy discourse, and connect peace work to broader claims for equality and political participation. These organisations are not simply delivery vehicles for externally designed programs. They often serve as relational infrastructures that enable cooperation in settings where mistrust is high. From a feminist peacebuilding perspective, this is crucial. It shows that peace is not built only through official dialogue tables; it is also built through associational life, civic networks, and routine forms of social connection that reduce the social distance on which violence thrives.

A critical implication follows from this theme. Women's capacity to bridge divides does not arise because women are inherently more peaceful. Rather, it arises from their social location in everyday life: they are often centrally involved in market exchange, household maintenance, social ceremonies, child care, neighbourhood welfare, and religious networking. These gendered roles can be restrictive, but they can also give women access to spaces and relationships that become politically consequential under conditions of conflict. The point, then, is not to romanticise women's bridge-building but to recognise it as a form of situated political competence. Where formal institutions struggle to rebuild trust, women's local peacebuilding frequently begins by reconstructing the social fabric at precisely those points where conflict tears it apart.

5.2 Care, Livelihoods, and the Material Infrastructure of Everyday Peace

The second theme is that women's local peacebuilding in Nigeria is deeply material. It is not limited to dialogue, symbolism, or advocacy. It also involves creating livelihoods, sharing food and resources, providing vocational training, offering psychosocial care, and establishing practical support systems that help households survive war. In the Tripp et al. (2025) study, women peacebuilders in northeastern Nigeria are described organising skills training, relief distribution, borehole installation, educational programs, youth-oriented income-generation activities, and support for widows, displaced persons, and traumatised families. These activities are not

ancillary to peacebuilding. They are peacebuilding, because they address the immediate vulnerabilities and structural frustrations through which conflict reproduces itself. Livelihood support, in particular, matters because it restores dignity, reduces desperation, and can decrease the appeal of armed groups among youth and communities stripped of economic options.

Ajayi's (2020) work on women and internal displacement helps explain why this material dimension is so important. Her analysis argues that women's displacement in the Boko Haram context is shaped by more than physical insecurity. It is also prolonged by humanitarian and policy frameworks that fail to adequately account for women's changing roles, vulnerabilities, and agency. When women become de facto heads of households, community providers, or organisers of survival, peacebuilding cannot be treated as separate from material reproduction. Food, shelter, work, movement, child care, and psychosocial stability become foundational to any meaningful idea of peace. In this sense, women's local peace initiatives are often best understood as efforts to rebuild the social and economic conditions of everyday life in situations where the state and formal humanitarian systems remain inconsistent or insufficient.

This theme is especially well captured by the idea of everyday peace. In conflict settings, care work is frequently depoliticised because it is coded as domestic or feminine. Yet studies of everyday peace show that practices of care sustain social order, reduce exposure to violence, and create micro-foundations for coexistence. Blomqvist et al. (2021) make this point through their analysis of care and silence in Myanmar; the Nigerian evidence points in the same direction. Women who counsel survivors, teach soap-making or sewing, distribute relief materials, create safe spaces for discussion, or support children and elderly dependents are not simply coping. They are stabilising communities under duress. Their work is political because it redistributes security downward, in the absence of reliable formal protection.

The peacebuilding significance of livelihoods also has a gender-transformative dimension. The anchor study shows that conflict pushed many women in northeastern Nigeria into entrepreneurial and community roles that had previously been restricted or less accessible. Some women established small businesses, trained others, and expanded their public authority through work that emerged out of necessity but altered gender expectations in the process. This resonates with the wider feminist peacebuilding literature: conflict often produces suffering, but it can also crack open rigid gender boundaries and create new opportunities for women's leadership. In Nigeria, these transformations remain fragile and uneven, yet they matter because they reveal that local peacebuilding can simultaneously be about community survival and gender reordering.

5.3 Informal Mediation, Rescue, and Reintegration as Peace Practice

A third theme concerns informal mediation, rescue, and reintegration. One of the strongest contributions of the anchor study is its documentation of women who rescue abductees, facilitate escape, negotiate informally around release and mercy, support dialogue with community actors, and help prepare communities to accept returnees, including those associated with Boko Haram. These practices are difficult to capture in formal peacebuilding metrics because they are episodic, interpersonal, risky, and often unofficial. Yet they may be among the most consequential forms of peace work in conflict-affected Nigeria. They operate in the morally ambiguous terrain between violence and return, stigma and acceptance, punishment and survival. Women's local legitimacy, social embeddedness, and relative accessibility to households frequently position them as trusted intermediaries in this terrain.

This theme is sharpened by recent work on local peacebuilding in northern Nigeria. Akintayo's (2025) study of Sulhu argues that local peacebuilding should be understood through context-specific norms, beliefs, and practices rather than as a generic bottom-up category. Drawing on interviews, the study shows how mediation and reconciliation rooted in northern Nigerian socio-cultural and religious practice can support community reintegration of former terrorists. The relevance for women's peacebuilding is significant. It suggests that local women's initiatives succeed not simply because they are local, but because they are grounded in socially intelligible forms of authority, communication, and moral reasoning. Women's mediation often works precisely where formal security frameworks do not, because it speaks the language of community legitimacy rather than abstract state procedure.

Botha's (2021) study on women and girls associated with Boko Haram underscores why these local reintegration practices matter. The Nigerian state has recognised the issue, but its response remains uneven, and qualitative evidence shows important deficiencies in rehabilitation and support. Under such conditions, reintegration becomes not just a policy task but a

community task. Women's associations, local leaders, and community peacebuilders frequently mediate acceptance, reduce stigmatisation, and manage the emotional and social labour of reentry. This is a profoundly political form of peacebuilding. It determines whether communities reproduce cycles of exclusion and suspicion or create conditions for fragile coexistence. Yet because it occurs below the level of state spectacle, it remains undervalued in most formal accounts of peace and security.

A feminist reading of this theme also reveals its costs. Informal mediation and reintegration work often place women in risky positions without the protections, resources, or recognition afforded to formal mediators. Women may face threats from armed actors, community suspicion, emotional exhaustion, and the burden of managing tensions that state actors helped produce but cannot resolve. In other words, women's local peacebuilding is effective partly because it is proximate and trusted; but that same proximity makes it precarious. Recognising women as mediators therefore requires more than praise. It requires institutional protection and support for the labor through which communities are held together after violence.

5.4 Women's Collective Organizing From Community Associations to Public Advocacy

The fourth theme is that women's local peacebuilding in Nigeria often travels from grassroots association into public advocacy. The literature suggests that women's peacebuilding is strongest when it is collective and networked. Community associations, faith-based groups, women-led organisations, and social movements all create platforms through which local grievances can be translated into broader political claims. The anchor study documents this in the form of women's associations, interfaith networks, livelihood groups, and local advocacy. Atela et al. (2021) document it in the #BringBackOurGirls movement, where women-led organising leveraged protest, transnational visibility, and strategic messaging to challenge state inaction. Nwangwu and Ezeibe (2019) show that women-led civil society organisations in countering violent extremism similarly use organisational networks to widen women's participation and build influence. Taken together, these studies demonstrate that local peacebuilding is not anti-political. It often becomes an entry point into wider forms of civic claim-making.

This matters for two reasons. First, it unsettles the assumption that local peace work is merely informal and therefore politically modest. In Nigeria, local initiatives can scale horizontally through networks and vertically through public advocacy. They can become visible, confrontational, and agenda-setting while still remaining rooted in community-based legitimacy. Second, it shows that women's peacebuilding is often about governance as much as coexistence. Women's organisations do not simply ask communities to reconcile; they also demand accountability, recognition, resources, and institutional responsiveness. Peacebuilding, in this sense, is not only about reducing direct violence. It is also about contesting the forms of neglect, exclusion, and impunity that allow violence to reproduce itself.

The public-facing dimension of women's organising becomes even more important when formal Women, Peace and Security implementation is weak. Gbadeyan et al. (2024) show that women in northeastern Nigeria remain insufficiently incorporated into post-conflict peace processes despite the normative force of UNSCR 1325. Durueke (2025) similarly argues that Nigeria's National Action Plans have not adequately reflected women's rural lived realities. These findings suggest that women's local peace initiatives often function in a representational vacuum: they do critical peace work, but national policy does not consistently translate that work into voice, budgetary support, or decision-making authority. Collective organising therefore becomes one of the few available routes through which women can make their peace labor politically visible and institutionally legible.

A further implication is that women's peacebuilding in Nigeria should be read as part of a continuum between informal and formal politics. It is not confined to either sphere. Women may move from household survival work to neighborhood mediation, from association-based training to public protest, from psychosocial accompaniment to policy advocacy. This continuum is analytically important because it prevents the artificial separation of community work from politics. Women's local peace initiatives are political precisely because they change who speaks, who organises, who mediates, and who is recognised as a stakeholder in security and peace.

5.5 The Limits of Localization: Securitization, Policy Gaps, and the Burden of Informal Peace

The final theme is that the transformative potential of women's local peacebuilding in Nigeria is constrained by securitisation, weak policy localisation, and chronic institutional under-support. The local turn is attractive because it promises ownership and contextual relevance. Yet Nigerian evidence shows that the local can be celebrated rhetorically while

community actors remain underfunded, politically marginal, or subordinated to state security agendas. Akintayo's (2024) analysis of state-CSO relations in preventing and countering violent extremism is especially instructive here. The study argues that under a nominal whole-of-society framework, Muslim community-based civil society organisations can be used primarily as intelligence-producing partners rather than as autonomous peace actors. This observation should make scholars cautious about equating inclusion with empowerment. Women's organisations may be invited into programs, but not into agenda-setting power.

Durueke's (2025) critique of Nigeria's National Action Plans adds a second layer to this problem. If Women, Peace and Security frameworks are not localised to women's lived realities in rural and conflict-affected settings, then policy recognition remains thin and abstract. This is not simply a technocratic flaw. It reproduces a hierarchy of knowledge in which formal policy frameworks are treated as authoritative while women's actual experiences of insecurity, displacement, stigma, livelihood collapse, and informal peace work are treated as secondary. The result is a mismatch between where peace is imagined and where it is practiced. In Nigeria, women's local peacebuilding initiatives are often closest to the lived realities of conflict, yet they remain furthest from the center of formal authority.

The literature also warns against romanticising the local. Leonardsson and Rudd (2015) show that local peacebuilding is often defended on the grounds of ownership and effectiveness, while Randazzo (2016) reminds us that the everyday can be a site of domination as well as emancipation. This is especially relevant in Nigeria, where local women's peace initiatives operate within patriarchal social orders, religious conservatism, economic precarity, and ongoing violence. Women's local peacebuilding is therefore not a substitute for structural reform. It is best understood as an indispensable but insufficient foundation. Without stronger institutional recognition, safer civic space, predictable funding, and genuine inclusion in peace and security decision-making, women's initiatives risk becoming an endlessly compensatory labour force for failures they did not create.

This critique does not diminish the significance of women's local peacebuilding; it clarifies it. Women's initiatives are transformative not because they have already solved Nigeria's peace deficits, but because they expose what formal systems overlook: peace depends on social trust, daily survival, community legitimacy, and the repair of fractured relations. The most serious policy error is therefore to treat women's local peace work as admirable but auxiliary. In fact, it is foundational. The challenge is that Nigeria's peace and security architecture still does not consistently resource, protect, or institutionalise that foundation.

6. Conclusion and Recommendations

This article has argued that women's local peacebuilding initiatives in Nigeria are best understood as a gendered politics of everyday survival, social repair, and public accountability. Drawing on qualitative studies, it has shown that women's peacebuilding is not confined to elite peace tables, nor can it be reduced to symbolic participation in the Women, Peace and Security agenda. In conflict-affected Nigeria, women build peace by bridging religious and communal divides, sustaining households and local economies, mediating return and reintegration, creating safe and dialogic spaces, and organising collectively to challenge state neglect. These practices are locally grounded, materially consequential, and politically significant. They are also frequently invisible within orthodox peacebuilding frameworks.

The findings also suggest that women's peacebuilding in Nigeria is transformative in two linked senses. It transforms communities by rebuilding trust, livelihoods, and coexistence from below. And it can transform gender relations by expanding women's authority, organisational capacity, and public voice under conditions of conflict. Yet this transformation remains uneven and fragile. Women's peace initiatives continue to be constrained by militarised security responses, inadequate reintegration structures, weak localisation of gender policy, and state practices that instrumentalise civil society rather than sharing power with it. Women are often asked to stabilise broken communities without being granted the authority to design the systems meant to support peace.

The policy implications are therefore substantial. Nigeria needs a peace architecture that moves beyond rhetorical endorsement of women's participation and treats women's local peace labour as central to national peacebuilding. This means resourcing women-led local organisations over the long term rather than only through short project cycles; building protection mechanisms for women mediators, organisers, and return-support workers; designing reintegration policy around community realities rather than bureaucratic abstraction; and localising Women, Peace and Security implementation in a way that starts from women's lived experiences in rural and conflict-

affected settings. It also means resisting the reduction of women's organisations to auxiliary arms of intelligence gathering within securitised, prevention-and-countering violent extremism models.

A final point bears emphasis. Since the study period, as anchored in much of the literature, extends through the years of intense insurgency and its aftermath, recent policy developments should be read carefully rather than uncritically. Nigeria's launch of a third National Action Plan on UNSCR 1325 in December 2025 signals a continued formal commitment to women's inclusion in peace and security, but the deeper question remains whether that commitment will materially shift power and resources toward women already doing the daily work of peace at the community level. Until that happens, women's local peacebuilding in Nigeria will remain both indispensable and under-recognised: the hidden infrastructure of peace in a state that still too often sees peace from above.

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