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Affirmative Action in the Educational Sector: A Discriminative Practice or for Promoting Peaceful Living?

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Abstract

The article discusses the admission process for Unity schools in Nigeria, which uses affirmative action to ensure the representation of students from all regions of the country. The policy promotes fairness, equity, and justice in education by compensating disadvantaged groups without equal access to opportunities, rights, and 'social bases of self-respect'. Affirmative action removes obstacles that prevent individuals from pursuing their goals and ensures that all parts of the country are represented. They might not be the most intelligent students, but they are the best in their region. The evidence shows that affirmative action is not discriminatory but relatively justifiable as a temporary measure to reduce the educational imbalance between the northern and southern parts of the country. With limited school spaces and numerous applicants, the admission policy prioritizes diversity, equity, and unity. Without this policy, the schools would be dominated by students from the south of Nigeria, which could lead to conflict and a lack of positive peace. Educational achievement discrepancies, such as disparities in access to quality education, resources, and opportunities, have the potential to breed distrust and conflict within communities.

Keywords: *Affirmative Action, Social Justice, Fairness, Non-Discrimination, Education, Nigeria*

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Introduction

Nigeria achieved independence from Britain in 1960. Before the British intervention, all the ethnic groups existed independently, with their different cultures and styles of leadership. Nigeria was the hope of Africa at independence, according to (Suberu, 2001), as it was a country rich in human and material resources. However, the tragedy of the civil war between 1967 and 1970 dashed the hopes and aspirations of the people. The prolonged military dictatorship curtailed most achievable progress in the country, and the potential for development was diminished. At the root of the current problems of Nigeria, as in most planetary centres, is the issue of economic and social inequality. The sole motivations of the British in the amalgamation of the southern and northern parts of Nigeria in 1914 were financial benefit and ease of governance. There was no attempt to build a country of one people united in a common destiny. This has dramatically affected the development of a country where issues are analysed through the lens of ethnicity (Bello, 2012). This mistrust and lack of solidarity led to a series of policies intended to create a shared sense of belonging among the people. One such policy is affirmative action in the educational system.

This paper discusses the affirmative action practised in the Nigerian educational sector with positive peace and justice as fairness as the paper's theoretical framework. The paper delves into three fundamental inquiries concerning Nigeria's admission policy and affirmative action. The first query involves determining whether the admission policy is prejudiced against individuals based on their birthplace. Secondly, it is on whether affirmative action in Nigeria is a matter of justice. Finally, it will determine if implementing affirmative action will ultimately aid in the efforts towards peacebuilding.

Methods

Document analysis was the method used to gather data; this involved collecting data already gathered by educational ministries, agencies responsible for admissions, government reports, academic journals, and commercial databases. All the necessary data were compiled, and statistical techniques were used to analyse and interpret the information. This approach successfully addressed the research questions and provided valuable insights into affirmative action practice in Nigeria.

Structure of Paper

The paper starts with an examination of the history, constitutional provision, and educational landscape in Nigeria. It then follows with a discourse with

statistics, showing that there is inadequate space for all qualified candidates. Data was presented to exemplify the dichotomy in educational development in Nigeria's northern and southern regions. Analysis of the data was done and used to answer the research questions. The paper concludes by linking the theoretical framework to affirmative action. This paper divides Nigeria into two zones: *northern Nigeria, with 19 states and southern Nigeria, with 17 states. The Federal Capital Territory (FCT) in the analysis was included in both regions.*

Theoretical Framework

The theoretical framework for this paper is based on Johan Galtung's positive peace and justice as fairness, as postulated by John Rawls. Positive peace is linked to social justice. Standish & Joyce (2017) explain that positive peace works to eliminate “social structures that deny individuals and groups the ability to satisfy human needs such as survival, well-being, recognition and freedom” (p.30). At the heart of a peaceful society is the attainment of social justice. Social justice is based on the belief that everyone should have equal access to economic, political, and social opportunities and rights. This means that regardless of someone's social or economic status, they should be treated fairly and given the same chances to succeed. Social justice aims to create a more equitable and fair society by tackling issues of discrimination and inequality. Building a more just, compassionate, and inclusive world for everyone is important. United Nations Division for Social Policy (2006) defines social justice as the “fair and compassionate distribution of the fruits of economic growth.” (p.7). The fair distribution and inclusion of all will lead to an environment of opportunities and transformation. This environment is characterised as positive peace, different from negative peace.

Negative peace “is the absence of violence, absence of war”, while positive peace is considered the “integration of human society” (Galtung 1964, p.2). The essence of the conceptualisation was the need for human integration. This will happen when invisible structural issues that could cause violence are addressed and removed. These issues include inequality, discrimination, and exclusion. Addressing the issues will lead to sustainable development in all ramifications, including the economy, education, and society. As Vesilind (2005:43) claims, peace should include “the presence of justice, of law, of order”. In contrast to negative peace, positive peace is characterised by the provision made by society to address the underlying issues that can lead to direct violence. It creates an attitude that enhances peace. This ensures friendly relations, reconciliation, serenity, amity, harmony, and calmness (Prachoomsuk, 1983).

Devere, Suazo, and Rafferty (2022) claim that attaining positive peace is a multifaceted and comprehensive process that will help achieve a harmonious and well-functioning society. This process involves four key practices that are vital in promoting peace. These practices include nonviolence, social justice,

environmental sustainability, and positive relationships. By combining these practices, a peaceful environment can be created that promotes the well-being and happiness of all individuals. Understanding that positive peace goes beyond the mere absence of violence is crucial. It also entails addressing structural, cultural, and indirect forms of violence while promoting social justice for all. Therefore, Positive Peace is a fundamental concept necessary for the betterment of society and for promoting peaceful coexistence. (Bharadwaj,1998).

The notion of positive peace is optimistic as it does not work to create an absence of violence but rather to create a system capable of withstanding, preventing, and resisting violent conflict (Galtung, 1985). Therefore, positive peace can be viewed through the prism of conflict prevention as the absence of structural violence (Galtung, 1969). This is based on Galtung's conviction that society will be more peaceful when structural and cultural violence is transformed. Therefore, in cases of inequality, inequity, injustice, and lack of inclusion, positive peace can be used to analyse and remedy the situation. John Rawls, however, argues that humans, in their own self-interest, will choose a system that will ensure justice and equality. This he referred to in his work as justice as fairness.

Justice as fairness extends from the social contract theory. It guarantees liberties and basic rights to all citizens regardless of background. According to Rawls (1971, p.12), "Principles of justice are those that could be the object of mutual agreement by persons under fair conditions". Justice means equal access to rights, liberties, and opportunities for all while caring for the least advantaged members of society.

Rawls initiated six ideas: society as a fair system of cooperation, a well-ordered society, basic structure of society, original position, citizens as free and equal and public justification (Rawls and Kelly 2001). The primary subject is the basic structure; it influences those who live in its institutions and pays special attention to inequalities and injustices. The original position extends Rawls's views of the social contract theory and helps to appreciate reflective equilibrium. The original position is a device of representation, a heuristic model that demonstrates the presuppositions of fairness and equality and provides a mechanism for justifying the two principles of justice. This hypothetical scenario allows individuals to make decisions about the principles of justice without bias, as they are unaware of their own position in society.

The feature helps to achieve fair conditions by removing social and historical advantages (Rawls, 1971). The veil of ignorance helps establish a level playing ground for the participants, as they are unaware of certain information that will bias their decisions. This allows representatives to negotiate using logic and reason to evaluate the best principles of social justice that will be binding on society. Rawls utilises the concept of the Original Position as a thought experiment to illustrate the rational choice behind adopting principles of justice. Within this framework, Rawls argues that the conditions under the veil of ignorance are

established to ensure fairness. He suggests that individuals in the original position possess the capacity for rational decision-making and pursuit of self-interest, and an inherent sense of justice despite their disinterestedness towards one another. This innate sense of justice is intricately linked to the priority of rights and individuals' capacity for reasonableness. This situation creates a basis for a decision that can be favourable to all.

Allen (2000) argues that from the original position, Rawls' principle of fair distributive justice assumes that a rational agent ignorant of the groups they belong to would not choose principles that disadvantage some members of society. This is because doing so would put the agent at risk of being unable to achieve their goals. From behind the veil of ignorance, one cannot know whether they are a member of a disadvantaged group, and therefore, self-interest would dictate that one not form such a group. Instead, a rational agent would choose a just distributive principle that secures enough primary goods (opportunities) for each member of society to realise their life plans. Rawls (1971, p.302) stated two principles of justice for the basic structure of society:

First Principle: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all. Second Principle: Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

The principles are ordered: liberty comes first, which he calls the primary goods, followed by an equal opportunity for all, and if there is any inequality, the least advantaged should benefit the most (Rawls, 1971).

In appreciating Rawls's principles, there is a clear distinction between ideal and non-ideal theory. This discussion revolves around whether principles capable of guiding the development of social institutions can be formulated solely in ideal theory. According to Simmons (2010), these principles can only be formulated as society interacts with institutions. In his work, Thompson (2020) presents a compelling argument regarding Rawls's ideal theory, asserting that it offers a blueprint for the kind of society we should aspire to create. This vision is constructed based on specific considerations related to human nature and the potential design of social institutions. The ideal theory makes two assumptions: citizens and societies are willing to comply with rules, and a good social, natural, and historical condition facilitates political cooperation (Rawls 1999).

Additionally, Rawls emphasises that nonideal theory plays an essential role in addressing the practical and acceptable steps necessary to progress towards realising the ideal society envisioned in his theory. The ideal theory can be used to

complete the political subdomain, and the non-ideal can be used to reference the ideal. In essence, ‘the only basis for the systematic grasp of the more pressing problems of non-ideal theory’ is how to respond to injustice (Rawls 1999: 8).

The research questions will be explored within these frameworks of Galtung’s positive peace and Rawls’s justice as fairness.

Why Affirmative Action?

Society grows and develops with different baggage, whether historical, social, political, economic, or even geographical. This baggage helps determine and shape the people's destiny in that enclave. The people in the enclave have to fulfil their destiny sometimes; they need assistance concerning policy either to right historic disadvantage or forward-looking to bridge the gap. This is important to create unity, solidarity, and peace among the people. The policy of affirmative action is even more divisive and unsettled today. The policy of affirmative action, which is intended to promote opportunities for groups that have been historically excluded or underrepresented, continues to be a source of significant division and controversy in society today. The unsettled nature of this policy reflects ongoing debates and conflicting perspectives on how best to address issues of inequality (Lippert-Rasmussen, 2020; Schuck, 2002)

Against this background, Fullinwider(2014) sees affirmative action as a positive step to increase the representation of women and minorities in areas of employment, education, and culture from which they have been historically excluded. Tierney, (1997) explains that affirmative action should not focus on rectifying historical injustices. Instead, the objective should be to create policies that promote diversity and encourage public engagement for the greater good. In their definition of Affirmative action, Brest & Oshige (1995) stated that affirmative action “seeks to remedy the significant underrepresentation of members of certain racial, ethnic, or other groups through measures that take group membership or identity into account” (p. 856).

Discussions on affirmative action focus on multiple models. One of the considerations is choosing between a backwards-looking affirmative action or a forward-looking affirmative action framework. In backwards looking, the idea is to redress past injustice. However, in the forward-looking affirmative action, the idea is to promote an inclusive and diverse society where everybody has a sense of belonging. The forward-looking approach emphasises adopting proactive measures and planning for the future to achieve social justice and fairness for all members of society. This involves considering the needs of individuals and communities and working towards creating equitable opportunities and outcomes (Lippert-Rasmussen, 2020; Schuck, 2002). There have been various cases where applications were decided upon.

The US courts frown at backwards-looking affirmative action, especially in educational institutions concerning representations. In the Bakke versus University of California¹, Justice Powell's prohibited racial quotas because an "[invidious] perception of racial and ethnic distinctions is rooted in our Nation's constitutional and demographic history". On June 29, 2023, the U.S. Supreme Court issued a judgment in two cases - Students for Fair Admissions, Inc. (SFFA) v. President & Fellows of Harvard College (Harvard) and SFFA v. University of North Carolina (UNC), Nos. 20-1199 & 21-707. The court ruled that the admissions programs of Harvard and UNC, which consider an applicant's race at various stages, violated the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, specifically addressing the legality of race-conscious affirmative action in college admissions programs. This decision significantly affects how colleges and universities approach diversity and affirmative action in their admissions processes.

Kanooni (2005) argues that Affirmative Action's goal is: 'preferential treatment to create a level playing field for the members of under-represented groups, which have suffered discrimination in the past'. He explained that Affirmative Action is founded on the principles of justice for past racist and sexist actions, social utility, and a desire for everyone to be represented fairly in society. However, some people oppose Affirmative Action because they believe it may lead to reverse discrimination. Affirmative Action is a concept that aims to promote fairness and equity by addressing the concerns of disadvantaged groups. This often involves giving preferential treatment to such groups. The implementation of affirmative action policies can vary depending on the specific circumstances.

Socio-Political Situation in Nigeria

Nigeria is a country that has been divided along religious, ethnic, and linguistic lines, because of the British colonial masters' amalgamation of different entities to ease the colony's administration, in what Sowell (2004, p.98) called 'low budget imperialism'. This British colonial policy in Nigeria is called indirect rule. This allowed the different ethnic groups in Nigeria to develop at their own pace under the leadership of local rulers. This system had a significant impact on education in Nigeria. For instance, the northern part of Nigeria, which was heavily influenced by the Islamic tradition, was hesitant to embrace Western-style education introduced by Christian missionaries. Conversely, the southern part of Nigeria was more open to Western education and implemented policies to improve education in the region.

This British approach, policy, and governance process has significant implications for education in Nigeria. In 1912, there were less than 1000 students in primary schools in Northern Nigeria, while Southern Nigeria had over 35,000

¹ Regents of Univ. of Cal. v. Bakke, 438 U.S. 265, 306–11 (1978)

students, according to Sowell (2004, p.99). By 1957, the number in the North had increased to 185,000 students, while the South had 2.3 million. On the eve of independence, the University of Ibadan had only 9% of Northern Students, while the rest were from the South. In 1966, he concluded that only 2% of Northerners pursued higher degrees. This disparity led to the postponement of independence in Nigeria because the North was unprepared for it. After independence, the imbalance in education led to ethnic tension and suspicion, finally leading to the Nigeria Civil war (1967-1970), which claimed millions of lives.

The Nigerian Civil War profoundly impacted its people, leaving scars that necessitate protecting and promoting national unity, loyalty and a sense of belonging for every citizen. Mustapha (2007) argues that all divided societies have some form of affirmative action to cushion the effect of historical inequalities, and Nigeria is no exception. Sowell (2004) asserts that the vast disparity between the North and South of Nigeria makes affirmative action inevitable. Quotas aim to foster a sense of well-being, unity, and solidarity among the populace, alleviating citizens' fears. The Constitution aims to promote this concept.

Constitutional Position

The second chapter of the 1999 constitution, Section 14(3), called 'Fundamental Objectives and Directive Principles of State Policy', explains that: "The composition of the Government of the Federation or any of its agencies and the conduct of its affairs, shall be carried out in such a manner as to reflect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few states or from a few ethnic or other sectional groups in that government or any of its agencies." This provision is the basis for affirmative action in Nigeria.

The motivation and aspiration for unity to foster development is a constant in all developmental initiatives in Nigeria. R4D (2006) states that the various constitutions and development plans are based on building a country where everybody is free and can aspire to the best of their ability. The 1999 constitution frowns at discrimination. Section 42 states:

"A citizen of Nigeria of a particular community, ethnic group, place of origin, sex, religion or political opinion shall not, because of such designation:

(a) be subjected either expressly, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the government to disabilities or restrictions to which citizens of Nigeria of other communities, ethnic groups, places of origin, gender, religion or political opinion are not made subject; or

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

No citizen of Nigeria shall be subjected to any disability, or deprivation, merely by reason of the circumstances of his birth.”

Section 15 (3) of the 1999 constitution states that: “For the purpose of promoting national integration, it shall be the duty of the state to (a) provide adequate facilities for and encourage free mobility of people, goods, and services throughout the Federation; (b) secure full residence rights for every citizen in all parts of the Federation.”

As reflected in section 14 (4) of the 1999 constitution, the Federal character principle calls on states and local governments to execute the law. The purpose is to protect citizens' rights.

This policy affects all facets of life in the country, which, according to R4D (2006), include economy, employment, government appointment, educational and social policies. Regarding the lack of well-articulated means of implementation, (Bello, 2012) argues that the federal character is an instrument of the powerful to perpetuate themselves in power. What has federal character got to do with the poor and the traumatised? He stated: “The federal character as it is; is a doctrine of the emancipated, educated elite in the civil services, armed forces, and the business circles. It has little relevance to the integration problems of Nigeria.” It can rightly be claimed that the privileged benefits, but a trickle-down effect is possible. It can be argued that the majority have not seen the benefits. However, Orji (2008) claims that an essential part of the growing tension in Nigeria is the fear of domination of the predominantly Muslim north by the Christian south, which is more educated; this has led to mutual suspicion between the groups. Affirmative action is a catalyst to assuage anxiety. The broad picture of federal character in political appointments (Bello, 2012) might find some support, but educational policy has little coherence. This is because people are used to affirmative action in politics but not in education.

In the education sector, affirmative action is most evident in the admission policies of Unity Schools and federal universities. This paper specifically focuses on affirmative action in the admission processes of federal government-owned Unity Schools. In understanding affirmative action, we need to appreciate the classification in Nigeria concerning identity. There is a considerable difference

between the state of origin and the state of residence. Where you reside is not your state of origin.

State of Origin versus the State of Residence

The development of citizenship in Nigeria, as in most African States, has been at the mercy of ethnic and tribal rivalries. Mentan (2004) claims that most African countries are a product of the amalgamation of different nationalities; it is “based on Kingship or community of origin rather than by virtue of birth in a country”. This always leads to people falling back on their ethnic group for support during conflict, confusion, or turmoil. Therefore, the creation of nations seems to be an artificial creation that citizens do not believe in. This is more evidence in the educational sector for Nigeria's affirmative action. It is the state of origin that is used. This news story from the Daily Sun Newspaper of July 12, 2013, captures the dilemma in implementing Affirmative Action in the education sector.

“Divine is a 10 years old basic six pupil in one of the many private schools that dot the landscape of New Karu, a sprawling suburb in the federal capital city of Abuja. She sat for the National Common Entrance Examination (NCEE), where she scored 108 out of a total score of 200, which was not sufficient for admission to the Federal Technical College she had applied for. Her ‘crime’ was that she hails from Edo state, whose minimum score has been pegged at 128, while Fatima, her classmate, scored 28 out of 200 and was offered admission to the same school simply because Taraba State, where she hails from, has a cut-off mark of just nine marks. Divine cannot fathom why she was refused admission while her friend, whose work was not nearly comparable to her own, will be a student in one of the best Unity Schools in the country.”

In this respect, you will appreciate Divine’s father's nightmare of explaining to his daughter why she was denied admittance to Unity School despite scoring 108. Yet, her classmate Fatima, who scored 28, will be admitted. They are in the same class and live in the same city, but their parents are from different states of origin they have probably never even visited. This is the vexed issue of the state of origin against the state of residence in the approbation of benefits.

The University of Oxford (IIG2012), in a briefing paper by the Improving Institutions for Pro-Poor Growth Network, highlighted the plight of Nigerians who live in states other than their states of ancestral origin. These individuals, referred to as non-indigenes, are often prevented from exercising full citizenship rights. The two-tier citizenship system has significant implications, including exclusion from accessing services provided by state and local governments.

Global practice is an illusion in Nigeria, and the dominant factor in politics is the “daughter or son of the soil²” factors. It is, therefore, not as simple as packing your bag and heading to a part of the country that might offer you growth opportunities. There is a strong possibility that you might not be accepted³, and even if you are, restrictions can be imposed. The complex but straightforward concept of citizenship is that as a Nigerian passport holder, you have the freedom to live in any part of the country and be accorded the rights and benefits of a Nigerian. However, the reality in Nigeria is that where your great-grandfather is from has a more profound effect than where you live. It can affect your ability to excel if you are interested in government positions.

Educational Development in Nigeria

There was no organised, formal education in the classic sense prior to Nigeria's advent of British colonial rule. Instead, the various nationalities operated independently of each other, organising their daily activities according to customs and traditions handed down from generation to generation. Northern Nigeria was predominately Muslim and practised Islamic education. In the south, education was more informal, where children learned their people's traditional culture and practices in age-grade settings with elders. Agboola & Ofoegbu (2010); Imam (2012) stated that organised formal education came to various parts of the country at different times, meaning that educational development is disparate. This has led to inequality in educational and other development indices, creating a situation that needs to balance development. This has created additional challenges.

Historically, the 1969 National Curriculum Conference, according to Afemikhe, Omo-Egbekuse, & Imobekhai (2010), led to the formulation of the National Policy on Education (NPE) where the focus was: “The development of the individual into a sound and effective citizen, the full integration of individuals into the community and the provision of equal access to educational opportunities for all citizens of the country and at all levels of education. Equally spelt out are educational objectives for each level of education and the educational structure needed for implementing these policies.” The policy means that all citizens should be educated. The framers of the constitution of Nigeria specified the government's role in education as articulated in the Federal Republic of Nigeria (1999:18) that the government shall;

- Direct its policy toward ensuring that there are equal and adequate educational opportunities at all levels

²The reality is that mostly indigenes succeed in elections. There are situations where contestants might never live in the area but her father and grandfather are from there, when she is ready for election she will come down from where ever she is lives and she will be accepted because in local parlance: ‘she is a daughter of the soil’

³Acceptance in this case means to be accepted as a native and be allowed to partake in the affairs of the community including contesting elections.

- Strive to eradicate illiteracy by providing, when practicable, free, compulsory, and universal primary education, free university education and free adult literacy programs.

Education in Nigeria is a shared responsibility among the Federal, State, and Local governments. The Federal Ministry of Education formulates policies and ensures quality control. The Federal Government solely owns and funds Unity Schools. UBE program is a framework education program consisting of 9 years of basic education. It aims to eradicate illiteracy, ignorance, and poverty and accelerate national development. However, its implementation in states has not led to equality.

Etuk, Ering, & Ajake (2012), Imam (2012), Adeyemi, Oribabor & Adeyemi (2012) state that the educational system in Nigeria is organised through the 6-3-3-4 system as modified to the 9-3-4 system. This translates to:

- The first 6 years of primary school starts typically at the age of 5 or 6.
- The following 3 years of Junior Secondary School
- The following 3 years of Senior Secondary School
- The next 4 years of Higher Education

The first 2 stages are compulsory for all children in Nigeria. That's the implication of the 9-3-4 system as against the 6-3-3-4 system. This paper discusses the six years of secondary school as it relates to unity schools.

What are Unity Schools in Nigeria?

Unity Schools are elite schools with the motto 'Pro Unitate', which means 'for unity'. Education is vital, but the quality of public schools in Nigeria is inadequate, with low motivation and facilities. Parents who can afford it choose private schools for better quality but high fees. However, Unity Schools are the only hope for quality education for most citizens at a low cost. These flagship institutions offer excellent facilities and motivated teachers to bring students from diverse backgrounds to promote unity and inclusivity.

The competition for spots in Unity Schools is fierce and often controversial. Although these schools can admit around 26,000 students yearly, they get an average of over 75,000 applications. This has led to frustration and desperation among parents who want their children to attend these schools. Many parents from the South claim that students from the North are given preferential treatment, even when they don't meet the qualifications. However, Unity Schools' main goal is to provide everyone with equal learning opportunities.

The Unity Schools are a leveller where wards from poor and wealthy families attend. However, the cost of maintaining these schools is quite high. According to the 2015 IRIN Report, about 75% of the federal government's \$300

million allocation for secondary education was used for the Unity Schools. The population of these schools are about 122,000 students. The former Education Minister and one-time World Bank vice president for Africa, Prof. Oby Ezekwesili, feels that “Such heavy expenditures on the elite schools seem unjustifiable,”⁴ Education plays a huge role in political, economic, social, and national development in a country; (Afemikhe, Omo-Egbekuse & Imobekhai (2009) says that this justifies the massive amount of funds government spends on the sector. The policy has been criticised, but most is based on the frustration or inability of highly qualified students to be admitted. Why is the admission process controversial?

Admission Criteria for Unity School

Education is crucial for development, equal opportunity, and fair governance. To achieve equal representation, the entry level for candidates from disadvantaged regions has to be reduced. Schools promote social and cultural integration, building tolerance, peace, and unity. Admission is based on relative academic excellence. The government publishes cut-off grades for Unity Schools based on NECO exam results to ensure equal representation. Admission is based on merit, state quotas, and environmental considerations. However, the admission formula is constantly changing and subject to political influence. The table below from Joshua, Loromeke, & Olanrewaju (2014) shows the distribution formula in 1977 and 2000. The 2022 criteria were taken from the statement⁵ of the Ministry of Education.

Table 1.1: Quota Breakdown in 1977, 2000 and 2022

Criteria 1977	Admission formula 1977	Criteria 2000	Admission formula 2000	Criteria 2022	Admission formula 2022
Merit	40%	Merit	40%	Merit	60%
State Quota	30%	Locality	35%	Equality of State	30%
Catchment zone	20%	Educationally Less Developed (ELD)	25%		
Discretion	10%			Exigency	10%

Admission requirements for federal government colleges in Nigeria have changed. Merit now carries 60% weight from 40% but has not had much impact on students

⁴<http://www.irinnews.org/report/73242/nigeria-privatising-schools-and-national-unity>

⁵<https://tribuneonlineng.com/fg-releases-results-of-2022-common-entrance-exams-to-unity-schools/>

from the South who need to score high marks to be admitted. The Guardian⁶ pointed out, “The cut-off mark for a male pupil from Yobe State in the 2018/2019 session is 2. It is 4 points for the male candidate from Zamfara, while the male candidate from Taraba State only needs 3 points out of 300 to be a proud student of any of the federal government colleges he so chooses. But the minimum score is 139 for any male or female pupil from Anambra State, hoping to get a place in a unity college.” The increase has not changed the status quo as pupils from the south will have to score 140 to be admitted, while candidates like for example, the 28 candidates who sat for the examination from Zamfara in 2018 will be admitted.

There is also the issue of the new category called Educationally Less Developed (ELD) that was added and the equality of states. These are mainly in favour of the North. The implication is that state and catchment areas, originally 50%, have been reduced to 35%. The state and catchment area considerations are meant to compensate for places where the schools are located. Every state in the federation has Unity Schools. However, if you look at the location of the Unity School, there are 12 Unity Schools in the South-East. The South-West has 18, while the South-South has 16. However, the North-East has 15 unity schools, North Central has 24 schools, and the North-West has 18 unity schools. It is estimated that most prospective unity school candidates, between 62% to 65%, are from the southern part of the country, while the rest are from the North. The implications are that there are possibilities of more opportunities for the candidates from the North. The table below shows the data from the examination in 2018. The source is National Examination Council (NECO), as reported.

Table 1.2: 2018 Cut Off Mark for Unity Schools for Southern and Northern States

Southern States	Boys - 2018	Girls- 2018	Northern States	Boys - 2018	Girls- 2018
Abia	130	130	Adamawa	62	62
Akwa Ibom	123	123	Bauchi	35	35
Anambra	139	139	Benue	111	111
Bayelsa	72	72	Borno	45	45
Cross Rivers	97	97	Gombe	58	58
Delta	131	131	Jigawa	44	44
Ebonyi	112	112	Kaduna	91	91
Edo	127	127	Kano	67	67
Ekiti	119	119	Katsina	60	60
Enugu	134	134	Kebbi	9	20
Ogun	65	65	Kogi	119	119

⁶ <https://guardian.ng/features/how-discriminatory-admission-criteria-poor-performance-haunt-unity-schools/>

Imo	138	138	Kwara	123	123
Lagos	133	133	Niger	93	93
Ondo	126	126	Plateau	97	97
Osun	127	127	Sokoto	9	13
Oyo	127	127	Taraba	3	11
Rivers	118	118	Yobe	2	27
FCT- Abuja	90	90	Gombe	58	58
			Nassarawa	58	58
			Zamfara	4	2
			FCT-Abuja	90	90

The data for 2018 shows that the average cut-off point for the southern states is 117.1 if FCT is included; however, if FCT is excluded, it will be 118.7. According to the data for northern Nigeria, the cut-off for boys is 61.1 and for girls 58.9 if FCT is included. However, if FCT is excluded, the figure will be 57.4 for boys and 59.7 for girls. The table below summarises the average cut-off score in 2018 for the 19 northern and 17 southern states for both boys and girls.

Table 1.3: Summary of Findings

	States	Boys -2018	Girls -2018
1	Southern States	118.7	118.7
2	Southern States with FCT	117.1	117.1
3	Northern States	57.4	59.7
4	Northern States with FCT	61.1	58.9

The data above show the widening gap in education between the north and south. For example, a comparative analysis of the high and low cut off marks shows that states like Anambra, Imo, Lagos, Enugu, and Delta in the south were placed on cut-off scores of 139, 138, 134, 134 and 131. At the same time, Kebbi, Sokoto, Zamfara, Taraba and Yobe, in the north, were given cut-off scores of 9, 9, 4, 3 and 2, respectively. Can this be the justification for affirmative action? The table below shows the finding.

Table 1.4: Summary of Findings: High & Low North and South States

	High Southern States	High Northern States	Low Northern States	Low Southern States

1	Anambra - 139	Kwara -123	Kebbi – 9	Ekiti – 119
2	Imo - 138	Kogi - 119	Sokoto – 9	Rivers – 118
3	Enugu - 134	Benue - 111	Zamfara - 4	Ebonyi – 112
4	Lagos -133	Plateau - 97	Taraba – 3	Cross River – 97
5	Delta - 131	Niger -93	Yobe – 2	Bayelsa – 77

The admission process in the Unity Schools shows the value of these schools as centres of integration and unity where all can come together to learn, irrespective of their educational endowments. However, it also demonstrates a decline in Unity Schools as centres of excellence if students with low scores can be admitted. It is a ‘celebration of mediocrity’ with vast implications for national development. The situation where the most inadequate cut-off scores for the southern states are almost as good as the highest score for the northern states is worth noting. However, the essence of the schools is not only about educational excellence but about promoting national integration.

Analysis

The data above indicate that if the admission requirement is based solely on merit, the schools will no longer be “Unity” Schools. The purpose of their existence will not be attainable. The overwhelming majority of pupils will be from southern states. For the schools to continue to exist, a fair means of representation needs to be articulated. The Principal of Kings College, Lagos, one of the Unity Schools, Otunba Dele Olapeju, justified this in an interview with Daily Independent newspaper⁷; stated: “If tomorrow, the policy is thrown out of the window, we may have, a few decades down the line, to realise that indigenes of just a few states populate the federal ministries. The federal universities will have about 70 per cent of their enrolment from the south. The Army will largely consist of northern troops, the police from Delta and Edo, and the Navy from Rivers, Bayelsa, and a few southwestern states. We have a choice in Nigeria: The current choice is the quota arrangement. “The essence of unity schools is to celebrate diversity and build unity, not necessarily a centre for excellence. Therefore, we have a collection of intelligent kids from different parts of the country. That is the essence of unity schools.

Section 14(3) of the Constitution provides the basis for affirmative action in Nigeria. The educational institutions owned by the federal government follow

⁷<http://dailyindependentnig.com/2014/07/intrigues-unity-schools-admission-policy/>

the same pattern. The implications of ensuring a balance in the federation lead to issues where justice as fairness is constantly questioned by those who feel aggrieved. However, another session of the 1999 constitution frowns at discrimination, especially section 42. The question, therefore, is to determine if admission into state-run schools does not discriminate against persons based on circumstances of birth. This paper has examined the admission into federal government-owned institutions at the post-primary level to explore the pattern and implication of the policies. The findings are insufficient space for all qualified persons seeking admission. Therefore, creative means had to be adapted to ensure equity and balance in the admission process. But does the process constitute discrimination? Does it lead to fairness? The data for the country's disparity between the north and south show the need for a quota system.

The average cut-off score for the 17 southern states for boys and girls was 117.1; including FCT, the average cut-off mark is **117.1** for both boys and girls. The average cut-off score for the 19 northern states, including FCT, for boys was 61.1, and for girls was 58.90 see Table 1.3. The data showed an alarming widening gap in education between the North and South. For example, a comparative analysis of the high and low cut-off marks shows that states like Anambra, Imo, Lagos, Enugu, and Delta in the south were placed on cut-off scores of 139, 138, 134, 134 and 131, respectively. At the same time, Kebbi, Sokoto, Zamfara, Taraba and Yobe, in the north, were given cut-off scores of 9, 9, 4, 3 and 2, respectively. Without affirmative action, more than 80% of the population of the unity schools will come from the south. This will seriously affect the capability of the people from the north to meet their needs. Therefore, it is not discriminatory but ensures justice and fairness.

Conclusion

Affirmative action is a policy that can be justified by its alignment with Rawls's second principle of justice, which emphasises fair equality of opportunity and the difference principle. This means that affirmative action seeks to extend the application of these principles to address instances of injustice and to implement compensatory justice by providing opportunities to those who have been disadvantaged.

Affirmative action is a policy to compensate disadvantaged groups who have not received their fair share of opportunities. It is forward-looking to enable a fairer society. In Nigeria, it's a stopgap to bridge the imbalance in the educational sector. Every society has elements of inequality; however, everyone deserves to benefit from a good education to the best of their abilities, irrespective of their status. Society is responsible for making educational opportunities universally available, even if people cannot or do not want to take advantage of such opportunities (Allen, 2000). Not having such an opportunity can lead to conflict.

Conflict is the perception of incompatible goals (Fisher, 2000; Lederach, 1995 & 1997). The impact of cultural and structural violence is heavy in the societies (Galtung, 1969). Nigeria has a peculiar history; its policies are dictated and influenced by historical circumstances. The overarching desire is for the country to remain as one indivisible entity. The bloody civil war was fought to keep the country one with more than 1 million dead.

The civil war's impact is evident in the country and affects the national policy to priorities a sense of belonging, even if it risks alienating a significant population. The growing unrest in Nigeria's north, caused by Boko Haram sects, is linked to cultural and structural factors, leading to direct violence. Therefore, the physical violence witnessed can be attributed to the social injustices in the region. Galtung (1969) proposed that eliminating structural violence is a better option because it is not seen, but it is the root of the manifestation of the physical violence that is seen. Education can be a tool to eliminate the structural violence. However, educational imbalance can exacerbate the situation.

Nigeria faces a challenging situation, with the educational gap between the Northern and Southern regions widening yearly. It is imperative to address this issue to ensure all Nigerians have equal education opportunities and benefits. Historical factors have made it difficult for people in the North to perform well in exams for unity schools. However, rather than let this divide continue, which can lead to more conflict like Boko Haram, affirmative action supports historically disadvantaged groups to attend unity schools.

Affirmative action as a policy is not discriminatory but necessary to promote positive peace and support historically disadvantaged groups. A level playing field can be achieved by implementing educational policies that ensure equal access to education for everyone. Merit alone cannot be the sole factor for admission, as limited spaces are available for candidates. Therefore, affirmative action is the best way to ensure equal education opportunities.

Implementing a strict merit-based policy can lead to conflict and destabilisation of the system in a pluralistic society with a long history of mistrust. Therefore, affirmative action is a constructive policy that supports equal opportunities for all Nigerians. With this policy in place, the educational divide between Northern and Southern Nigeria can be bridged to promote positive peace for all.

The people living in the southern part of the country would want to avoid experiencing the situation that people in the North face. Therefore, they will support Affirmative Action provisions if they negotiate without knowing their group membership. Rawls argues that a rational person, unaware of their group membership, would not choose principles that disadvantage some members of society. This is because such principles would put the person at risk of being unable to achieve their goals. Instead, a just distributive principle would ensure each

member has enough primary goods (opportunities, liberties, freedom) to fulfil their life plans.

Affirmative Action is a non-ideal theory in that it is a set of policies and practices intended to redress injustice. From a Rawlsian perspective, nonideal theory must be situated with an ideal theory of distributive justice, for injustice can only be determined from within the parameters of an ideal theory of justice. As Thomas Nagel states:

Ideal theory enables you to say when a society is unjust, because it falls short of the ideal. But it does not tell you what to do if, as is almost always the case, you find yourself in an unjust society, and want to correct that injustice. That is the province of what [Rawls] called "nonideal theory." Affirmative action is clearly a policy intended to deal with the unjust consequences of an unjust history. Whether affirmative action is itself just or unjust is therefore a central question of nonideal theory for a society like ours. (Nagel 2003, 82)

Education is the right of every citizen. Equality versus liberty is a significant point in Rawls's argument. Rawls argues on the intrinsic value of individuals and their inviolable nature. He maintains that recognising a person means acknowledging their status as both "free and equal." Contrary to being at odds, Rawls posits that liberty and equality are fundamental justice components. His viewpoint emphasises the significance of treating individuals as morally equal. In cases of historic injustice, Rawls proposes that fairness necessitates a standard of equity in addressing nonideal compensatory justice rather than simply striving for equal distribution. Rawls provides a rational foundation for acknowledging this moral equality and presents an ideal framework for identifying injustice within certain social systems. Consequently, he perceives affirmative action as a means of rectifying injustices and fostering social cooperation and stability for morally justified reasons.

Finally, access to education is essential to empower young children to overcome inequalities in distributing benefits and opportunities. Education is critical to creating a positive change in the northern region. Affirmative action can help enrol students from the northern part of the country into unity schools, eliminating ignorance, exploitation, and exclusion while opening new opportunities for people. Education is necessary to respect human rights and dignity and establish a fair and peaceful society. Affirmative action policies must consider the intricate relationship between pursuing justice and establishing societal peace. When the government fails to rectify deep-seated structural inequities and bring about tangible advancements for marginalised communities, it can potentially exacerbate grievances and fuel social unrest and conflict. Therefore, it is imperative for policymakers to carefully consider these complexities when developing and

implementing affirmative action measures. Although some people in the southern part of the country may complain, affirmative action can be accepted as fair and just for all people.

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