



Influence of Climate Change on Right to Education in Nigeria

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ABSTRACT

Climate change is a global concern and a threat to humanity if neglected. It is closely linked to pollution and environmental degradation due to human activities, which results in depletion of the ozone layer. Natural disasters triggered by climate change leave a trail of destructions that result in children's education getting to a level where it cannot be salvaged. The study employed doctrinal approach. Primary sources such as cases and international instruments and secondary sources constituted the materials relied upon. The study also benefited from internet sources, relevant books, articles, policy documents and reports published by experts in the relevant fields and judicial decisions. The paper examined the influence of climate change and how it infringes on right to education in Nigeria. The work found that climate change constitutes an infringement on right to education arising from extreme weather events such as floods and storms, which cause damage to school infrastructures. The study further showed that climate change can lead to drought, food insecurity, and health related problems that can make it difficult for teachers and students to teach and learn effectively. Consequently, right to education, guaranteed by international instruments and local laws is breached. The study proposed a promotion of climate-friendly activities in school, review of curriculum, funding for investment in climate-resilient infrastructures and climate-smart curricula in schools, and legislation to mitigate the influence of climate change on right to education in Nigeria.

Keywords: Influence, climate change, human rights, right to education, environmental law, education, drought, natural disaster

INTRODUCTION

Climate change is one of the most pressing challenges facing the world today, and its impact is already being felt in Nigeria. One of the sectors that is particularly vulnerable and influenced by climate change is education. Education is a catalyst to human and societal development. Nigeria is a signatory to most of the international treaties and conventions recognizing various rights and must work towards granting and protecting these rights as committed by the relevant instruments.¹ Educational right is an integral part of those rights that need serious attention in the area of enforcement.

Right to education, guaranteed by international instruments and local laws is being infringed upon by the impact of climate change, resulting from atmospheric concentrations of greenhouse gas emissions. Many countries of the world are seriously affected by this monster and Nigeria is not an exception. The world has experienced disturbing effects of climate change through life-threatening events such as droughts, heat waves, hurricane, wildfires and floods. This often occur with severity,

¹ M Sossou and JA Yogih, 'Abuse of children in West Africa: Implications for social work education and practice.' British Journal of Social Work 39(7), 2008.

rendering people homeless and causing poverty, illness, and food insecurity and this impact on the environment infringes on human rights with negative effects on education.²

The rising levels of carbon dioxide and other heat-trapping gases in the atmosphere have warmed the earth and are causing wide-ranging impacts, including rising sea levels, melting snow and ice, more extreme heat events, fires and drought, and more extreme storms, rainfall and floods.³ These trends are projected to continue and, in some cases, accelerate, posing significant risks to human health, education, our forests, agriculture, freshwater supplies, coastlines and other natural resources that are vital to economy, environment and our quality of life.⁴ It is expedient that societies around the globe reduce human-caused greenhouse gas emissions (GHGs) to avoid worsening climate impacts and lower the risk of creating changes beyond our ability to respond and adapt.⁵ This paper attempts to examine the influence of climate change on right to education, how to mitigate the effect and the way forward.

Research Methodology

The work adopts doctrinal approach. Primary sources such as statutes and international instruments, and secondary sources constitute the materials relied upon. The study also benefits from internet sources, relevant books, articles, policy documents and reports published by experts in the relevant fields and judicial decisions.

Justification of Study

Understanding the influence of climate change on right to education is crucial for educationists, environmentalists, lawmakers, legal practitioners, teachers, parents, students and relevant bodies. This research seeks to contribute valuable insights to the on-going discourse on climate change and human rights by providing the influence of climate change on right to education and other challenges associated with it. It would offer pragmatic solutions to the challenges and contribute ideas that would help improve the environment and protect the right to education which is guaranteed by law.

Climate Change

Climate change is the systematic modification of the earth's climate triggered by atmospheric variations and interactions between the atmosphere and different geologic, biological, chemical, and geographic variables.⁶ The atmosphere is liquefied and dynamic in nature. Many human activities arising from industrialization, emission of fumes from automobiles, deforestation, etc. all contribute to depletion of the ozone layer.⁷ Climate change is a developmental issue because global warming is a threat to education and sustainable development. The average universal temperature is rising, and some climate actions such as heat waves and heavy rainfall are becoming more frequent and intense, while others, such as extreme cold events, are fewer.⁸

It is estimated that most of the global warming observed in the last 50 years are dominantly caused by human activities, and that about 118 million extremely poor people in Africa will be exposed to drought, flooding and life-threatening heat by 2030, which will greatly hinder education and

² G Res, Climate Change and Human Rights, A Rough Guide; 63/117, U.N. Doc. A/RES/63/117(Dec. 10, 2008)

³ M Limon, 'Human Rights and Climate Change: Constructing a Case for Political Action,' Harvard Environmental Law Review (Vol. 33), 2009.

⁴ *ibid.*

⁵ World Meteorological Organization. Climate change into the 21st century. Cambridge: University Press, 2003.

⁶ S Jackson, Climate change: Definition, Causes, Effects, & Facts (2008) Encyclopedia Britannica <<https://www.britannica.com/science/climate-change>> accessed 10/09/2024.

⁷ *ibid.*

⁸ J Tarusarira, African Religion, Climate Change, and Knowledge Systems, John Wiley & Sons Ltd. DOI: 10.1111/erev.12302, 2017.

sustainable development if adequate measures are not taken.⁹ It is worthy to note that we are far away from attaining the 2°C global temperature rise promised in the Paris Agreement. Some countries have augmented their emissions since 1990, some have remained the same, while some have less.¹⁰

Right to Education

Human Rights are inherent in man; they arise from the very nature of man as social animal. They are those rights which all human beings enjoy by virtue, of their humanity, irrespective of race, skin colour, the deprivation of which would constitute a grave affront to one's natural sense of justice.¹¹ Human rights guarantee the essence and sanctity of human life and as a result represents the legal expression of life.¹² The existence of municipal and international legal instruments is enough proof of the importance of human rights.¹³ These rights have gained universal acceptance and are also largely inherent, inalienable and indivisible. In *Fort Royal Homes Ltd & Anor v. EFCC & Anor*.¹⁴, it was held thus;

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. And when they are protected as legal rights they then become known as fundamental human rights which are protected by the grundnorm of the society i.e. the Constitution of the Federal Republic of Nigeria.¹⁵

The right to education has been given recognition in a number of both international and national human rights instruments. At the international level, the right to education was first given recognition in a series of treaties concluded after World War I under the auspices of the League of Nations. However, with the formation of the United Nation, a good number of instruments protecting the right to education have further been adopted.¹⁶ These instruments include the Universal Declaration of Human Rights (Universal Declaration), 1948; the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966; the International Covenant on Civil and Political Rights (ICCPR) 1966; the UNESCO convention against discrimination 1960; the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 1966; the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) 1979; the Convention on the Right of the Child (CRC), 1989; the International Labour Organization Convention (ILO), 1989; the World Declaration on Education for All – meeting basic needs, 1990; the African Charter on the Rights and Welfare of the Child, 1990 (African Charter) and the African Charter on Human and Peoples Rights, 1981.¹⁷

This universal declaration for instance, provides for the right to education, emphasizing that education must be free, at least at the elementary and fundamental stages. In terms of this provision, everyone has the right to education. Elementary and fundamental education must be free and

⁹ Climate Change: This is the state of the climate in Africa - and why it urgently matters to us all, (2021) World Economic Forum, available at < <https://www.weforum.org/agenda/2021/10/state-of-the-climate-in-africa/>>, 10/09/2024.

¹⁰ State of the climate, Climate Action Note – data you need to know., UN Environment programme, available at <<https://www.unep.org/explore-topics/climate-action/what-we-do/climate-action-note/state-of-climate.html>> accessed 10/09/2024.

¹¹ NJ Udombana, *Human Rights and Contemporary Issues in Africa*, Lagos: Malthouse Press Limited (47), 2003.

¹² *ibid*.

¹³ JA Dada, 'The Significance and Limits of NGOs in Human Rights Protection in Nigeria', *Journal of Law, Policy and Globalization* Vol. 19, 2013.

¹⁴ (2017) LPELR-42807(CA)

¹⁵ Per ABUBAKAR DATTI YAHAYA, JCA (Pp 19 - 19 Paras A - C)

¹⁶ AG Ossai, 'Right to Education in Nigeria: Meeting the Needs and Challenges of Children,' *International Journal in Management and Social Science*, Vol 08 Issue 06, 2020.

¹⁷ MS Pous and Bissells, Overview and implementation of the UN Convention on the rights of the child's *Lancet* 367, 2006.

compulsory. While elementary education refers to formal schooling for children of primary school age, fundamental education means education which is offered outside the regular primary education system for children, youth and adults who did not have the opportunity to undergo or complete primary education.¹⁸

In the same vein, Convention on the Right of the Child (CRC) also contains a comprehensive set of legally enforceable commitments concerning the rights of the child to education (Child Development Department, 1995). CRC reaffirms the right of every child to free and compulsory primary schooling and states further that higher level of education must be made accessible to all on the basis of capacity and without discrimination of any kind.¹⁹

The right to education is also recognized in regional human rights instruments. Article 17(1) of the African Charter for instance, states that every individual has a right to education. Similarly, article II of the African child's charter provides for every child's right to education.²⁰ The children's charter set out the purposes and the duties of state parties with regards to achieving the full realization of the child's right to education. It states that education of the child shall be directed towards the promotion and development of the child's personality, talents, mental and physical abilities to their potentials.²¹

In Nigeria, the legal right to education is guaranteed under Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) and section 15 of the Nigerian Child Act 2003, which provides that a child has the rights to free compulsory and universal basic education and the parents should ensure that their children attend primary and junior secondary school as stated in the Act. It further provides for sanction for defaulters, which buttresses the importance of education. In fact, with the enactment of the child's rights Act in 2003, the right to education was raised from a non-justiciable entitlement to a new legal imperative supported by judicial decision.²² The Child's Rights Act and the Universal Basic Education Act, 2000 have brought into Nigerian socio-economic rights jurisprudence a new dispensation which equates the right to education in the country with international standards. This recognition thus, paved the way for the recognition of children, as bearers of a right which may be enforced against parents, other individuals and the state. However, this is inadequate in curbing the influence of climate change on right to education in Nigeria. A lot has to be done as will be proposed in this paper.

How Climate Change Influences Right to Education

Climate change interferes with education, which results in an infringement of right to education guaranteed by law. It is the right of all humans to learn but climate change is increasingly preventing the realization of this right.²³ The environment is growing hotter, dryer and less safe. Rainfall patterns are shifting and flood increasing. The risks of natural disasters, flooding, desertification, pollution, food insecurity, health related issues affect teaching and learning. School infrastructures are being lost to these natural disasters caused by climate change.²⁴ Millions of children in Nigeria are not attending schools due to unsafe and unreachable school buildings caused by climate change, thereby limiting ability to learn.²⁵ Climate change can affect education in diverse ways as follows:

¹⁸ J Eckelaar, 'The interests of the child and the child's wishes: The role of dynamic self determinism.' International journal of law and the family, 6:22-35, 1994.

¹⁹ *ibid*.

²⁰ PAO Oloyede, *Constitutional Law in Nigeria*, Ibadan: Evans Brother, 2001.

²¹ M Awoyemi and J Nlolu, *Introduction to human rights education*. Accra: Black Mask, 2005.

²² *SERAP v. FGN & UBEC* ECW/CCJ/APP/0808

²³ M Robinson, B Ward, Lecture at Chatham House: Climate Change and Justice (Dec. 11, 2006), available at <http://www.realizingrights.org/pdf/Barbara_Ward_Lecture_12-11-06_FINAL.pdf> accessed 9/09/2024.

²⁴ *ibid*.

²⁵ MI Ogu & O Fadipe, 'International Non-Governmental Organizations and Human Rights Protection in Nigeria', RUJMASS (Vol. 6 No 2), 2020.

- i. **Damage to Infrastructures:** Damage to houses, school buildings and other infrastructures such as roads and bridges also infringe on children's right to receive education. Extreme weather events such as floods and storms can damage schools' infrastructure, making it difficult or impossible for students to attend school.²⁶ Students stay out of school due to relocation caused by natural disasters or extreme weather conditions. Also, the quality and accessibility of education may be impacted by interruptions in educational infrastructure triggered by climate change.²⁷ In Nigeria, especially in states such as Oyo, Delta, Lagos, Kogi, Adamawa, Anambra, Ogun, Rivers, Federal Capital Territory, Abuja etc., many children are absent from school during heavy rains, especially in the villages where there are no means of transportation.²⁸ Such absenteeism obviously affects children's academic performance. For instance, any rainy day automatically becomes a no-school day for students of Lynwofri International Academy at Trademore Estate, Abuja.²⁹ The estate and the school suffer damage to infrastructure from flood due to rainfall which destroys exercise books, textbooks, uniforms, desks, creche, beds, and computers in the school.³⁰ This has become an expected yearly occurrence that affects teaching and learning.
- ii. **Use of Schools as Evacuation Centre:** In many occasions, some school premises are used as temporary settlements for disaster victims. In Kilosa, for example, two primary schools were closed for weeks in order to provide settlements for flood victims. Such closure also impacts their capacity to study at home.³¹
- iii. **Disruption to classes:** Climate change can lead to disruption to classes as a result of relocation and extreme weather events forcing schools to close. Children often have to move with their families to places where there is safety from flooding, which also affects their education adversely by interrupting their studies and potentially increasing their distance from available schools. Also, classes are disrupted when schools are used as evacuation centres thereby depriving the students of right to education. According to a 2014 study by the United Nations Children's Fund (UNICEF), climate change related disasters caused the closure of over 10,000 schools in Nigeria between 2009 and 2013.
- iv. **Health Impacts on Students and Teachers:** The mental health of students and teachers can be compromised by climate change shocks. Droughts, floods due to heavy rainfall and extreme heat can also have negative influence on students' and teachers' mental health. Living conditions in evacuation centres, limited space in schools having taken in more students and limited teaching resources for teachers also have a psychological effect on children.³²
- v. **Food Insecurity:** Serious drought leads to food scarcity and hunger, which in turn affects the ability of learning of children. Also, if there is drought, children are made to go about in search of water, thereby preventing them from attending school or taking their studies seriously. Climate change is causing food insecurity and economic fragility which jeopardize school enrollment. It is estimated that up to 170 million people will be at risk of hunger by 2080 due to climate change.³³

²⁶ M Turnbull, C Sterrett and A Hilleboe, A. Towards Resilience: A Guide to Disaster Risk Reduction and Climate Change Adaptation. Practical Action Publishing Ltd, 2013. Available at www.practicalactionpublishing.org accessed 10/10/2024.

²⁷ United Nations Educational, Scientific and Cultural Organization. Climate Change Education for Sustainable Development: Guidelines for the Integration of Climate Mitigation and Adaptation in Education Systems, 2020. Available at <<https://unesdoc.unesco.org/ark:/48223/pf0000374525>> accessed 12/09/2024.

²⁸ V Chime, 'How Climate Change Affects Child Education in Nigeria,' An Inside Story Report, available at <https://www.thecable.ng/special-report-how-climate-change-affects-child-education-in-nigeria/> accessed 10/10/2024.

²⁹ *ibid.*

³⁰ *ibid.*

³¹ IPPMedia (2011). Can climate change impact on education achievement? Available at <http://www.ipppmedia.com/frontend/index.php?l=30822>. accessed 7/10/2024.

³² C Bangay and N Blum. Education responses to climate change and quality: Two parts of the same agenda? International Journal of Educational Development. 2010: 20, 359-368.

³³ J Schmidhuber and FN Tubiello, "Global food security under climate change." Proceedings of the National Academy of Sciences 104(50):19703-8, 2007.

According to the Food and Agriculture Organization of the United Nations (FAO), climate change is already hurting agricultural production in Nigeria, which could lead to increased food insecurity in the future. This will have adverse effects on student learning and achievement.³⁴

Human rights are therefore significantly impacted by climate change, which pose a variety of direct and indirect dangers to numerous facets of human dignity and well-being.

Easing the Influence of Climate Change on Right to Education

Ameliorating the hardship caused by climate change is a task that requires collective efforts from all. Realistically, there may be no single solution to the menace, however, there are several ways and strategies that can contribute to mitigating and eventually reversing the influence of climate change on right to education. This can be achieved by adopting a radical shift from fossil fuels to renewable energy, which can significantly reduce greenhouse gas emissions. According to the International Renewable Energy Agency (IRENA), renewable energy has the potential to provide over 90% of our global power needs by 2050, significantly mitigating climate change effects.³⁵ Also, improving energy efficiency across various sectors can significantly reduce energy consumption and related emissions. The International Energy Agency (IEA) estimates that energy efficiency measures can deliver nearly 40% of the necessary emissions reductions to achieve climate goals by 2040.³⁶

Under international human rights law, states have an obligation to respect, protect and enforce the human rights of all people.³⁷ This includes the obligation to protect people from foreseeable harm. The damage caused by climate change is not only predictable, but widespread and devastating. Presently, climate change is infringing on human rights on an unimaginable scale. The state and businesses share a responsibility to shield individuals from this harm. Basic liberties require prompt activity to decrease ozone depleting substance outflows and guarantee that all individuals possess the ability to adjust to environmental change.³⁸ It is totally unacceptable for humanity to continue to inflict this avoidable harm on itself. The state has an obligation to protect people from this damage, and companies also have a responsibility. Human rights require immediate action to reduce greenhouse gas emissions and ensure that all people have the means to adapt to climate change.³⁹ Millions of people around the world are already experiencing significant effects from climate change. These effects have social, economic, and legal components in addition to ecological ones.

Further, carbon sequestration capability can be enhanced by protecting and restoring forests, wetlands, and other natural ecosystems. Natural climate solutions such as reforestation and ecosystem restoration have the potentials to provide 37% of the cost-effective CO₂ mitigation needed through 2030.⁴⁰ Implementing circular economy practices where resources are used efficiently and waste is minimized, can reduce resource extraction, emissions, and waste generation. Adopting

³⁴ F Opoola, SS Adebisi, AO Ibegbu, "The study of nutritional status and academic performance of primary school children in Zaria, Kaduna State, Nigeria." *Annals of Bioanthropology* 4(2):96, 2016.

³⁵ IRENA, (2020), Renewable Power Generation Costs in 2020, available at <https://www.irena.org/publications/2020/Apr/Renewable-Power-Generation-Costs-in-2019> accessed 16/09/2024.

³⁶ World Energy Outlook 2020 (IEA, 2020) available at: <<https://www.iea.org/reports/world-energy-outlook-2020>> accessed 16/09/2024.

³⁷ Article 1 of the European Convention on Human Rights, Articles 16 and 18(4) of the African Charter in guaranteeing the enjoyment of the right to health which is crucial to the realization of other fundamental rights and freedoms.

³⁸ M Bachelet, *The Human Rights Impact of Climate Change: An International and Local Challenge*, paper presented during the Human Rights Council event on climate change in Geneva on 14 March 2022. Available at <<https://www.ohchr.org/en/statements/2022/03/human-rights-impact-climate-change-international-and-local-challenge>> accessed 10/09/2024.

³⁹ *ibid.*

⁴⁰ G Grassi, J House, F Dentener, S Federick, M Elzen and J Penma, The key role of forests in meeting climate targets requires science for credible mitigation. *Nature Climate Change*, 7(3), 2017, available at <<https://doi.org/10.1038/nclimate322>> accessed 16/09/2024.

circular economy principles can give rise to some economic and environmental benefits.⁴¹ Another way of mitigating the effect of climate change on right to education is by developing carbon capture and storage (CCS) technologies to capture and store CO₂ emissions from industrial processes and further reduce greenhouse gas emissions. The Global CCS Institute provides insights and reports on the deployment and potential of carbon capture and storage.⁴²

It is essential to emphasize that easing the influence of climate change on right to education necessitates a mix of these strategies, as well as legislative adjustments, technological advancements, and social and individual behavioral changes.

CONCLUSION

From the study, it is found that globally, climate change has infringed on the right of education guaranteed by law and flood and heat disasters are one of the most leading and significant natural disasters that affect education in Nigeria. Climate change has a fatal and devastating effect on humanity. We can take swift action by amending existing harm and minimizing future harm as required by human rights law. Education is seen as a human right, a key to civilization and enlightenment, and a source of wealth and power. It is the cornerstone of the growth and development of any country's social, economic, and political institutions. Climate change should not in any way be allowed to hamper and tamper with Nigeria's educational sector. Students have a right to education, even in the face of disaster. Disaster risk reduction has not so far received serious attention as a facet of development, despite the increasing seriousness of disaster impacts on Nigeria's education sector and general development. There is an urgent need therefore for all educational stakeholders to seek strategies to solve the problems of climate change to ensure sustainable development in Nigeria's educational sector.

RECOMMENDATIONS

Intervention measures gearing towards easing the influence of climate change on right to education can collectively be achieved by intentionally eliminating activities that depletes the ozone layer, and engaging on everyday life style that will enhance environmental safety, human rights protection and sustainable development. The following are recommended:

- i. Promotion of climate-friendly practices in schools.
- ii. Review of curriculum to enhance adequate sensitization on climate change and its influence on right to education.
- iii. Increase in funding for education to enable schools invest in climate-resilient infrastructures and climate-smart curricula.
- iv. Electronic learning should be encouraged in schools to keep students up to date whenever the effect of climate change keeps them out of school.
- v. Financial motivation for university lecturers to be well equipped to carry out research in climate change related fields aimed at contributing to practical solutions.
- vi. Climate change friendly policies and legislations to mitigate the influence of climate change on right to education in Nigeria.

⁴¹ Ellen MacArthur Foundation Top 10 Circular Economy Reports, 2019, Available at <https://www.ellenmacarthurfoundation.org/circular-economy/what-is-the-circular-economy/top-%2010%20-circular-economy%20reports> accessed 16/09/2024.

⁴² Global Status of CCS 2021, Global CCS Institute Reports. Available at <https://www.globalccsinstitute.com/resources/?category=reports> accessed 16/09/2024.

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