

Deploying Public Private Partnership (PPP) in Understanding the Missing Link and Requisite Legal Regime to Resolve the Almajiri System Challenge

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Abstract: The various efforts of the Federal Government and its agencies together with international institutions at integrating the Almajiri education into contemporary education in Nigeria or mainstreaming the Almajiri system into the nation's educational system have not achieved the desired objectives. The failure of relevant policy makers could be traced to their solution-strategies, which did not give adequate considerations to the historical realities of the Almajiri system; to the constitutional obligation of government to provide free and compulsory basic education to its school age citizens; and to a genuine stakeholder buy-in of Almajiri school operators. Using a doctrinal research methodology that leaned more on official narrative, institutional publications as well as Internet resources and online blogs, the paper looked at Almajiri concept, reviewed the legal framework underpinning basic education rights in Nigeria, and explored the various attempts at mainstreaming the Almajiri system. The paper discovered that the solution-strategies to deal with the Almajiri challenge are premised on a jaundiced notion of the Almajiri system, which is commonly viewed as a source of terrorists and criminal gangs recruitments, and the underestimation of the capacity of Almajiri school operators to lead the process. The paper found that the risk analyses of the solution strategies were not adequate and comprehensive enough with the attendant consequence of increased suspicion between the government and Almajiri school operators. The paper therefore recommended a partnership arrangement built on mutual respect among the three stakeholders, namely, the government, the Almajiri school operators and the Almajiri parents as well as a partnership on the basis of shared responsibilities, shared resources and shared rewards under which the operators or their immediate communities will take a commanding heights in the operation and management of the Almajiri schools. This type of arrangement is a good candidate for Pro-Poor Public Private Partnership (PPPPP), which is commonly used in many jurisdictions to serve the neglected part of the populations. In this respect, the paper recommends the Charter School model, which the United States established to cater for the educationally underserved and neglected among its citizens. If implemented, the twin incidences of out-of-school children and Almajiri Street begging will greatly reduced, thereby positively impacting to the social, political and economic sectors of the Nigerian society.

Keywords: PPP; Almajiri System; Charter School System; Legal framework; Education mainstreaming; Implementation challenges

I. INTRODUCTION

The traditional Public Private Partnership (PPP), whenever and wherever effectively deployed, has the capacity to achieve mutual aspirations of parties in delivering infrastructure and services in a commercially viable, financially rewarding and for the benefit of the general public. This is so even in sectors whose commercial trajectories are nonexistent. For instance, PPPs in the social sector like prisons, schools and rural hospitals are structured in such a way that the internal rate of return is positive thereby assuring on the adequacy of shareholders' Return on Investment (ROI). However, there is developed another genus of PPP, which was appropriately described as Pro-Poor PPP (PPPPP), which places the community at the centre of the relationship and tends to capture sectors that are not only commercially unviable but whose ROI can be anything but money, e.g. water, sanitation and telecommunication provision for a rural community.

Generally, PPP is a procurement option in which the private sector delivers public infrastructure and services on the basis of shared responsibility, shared resources and shared rewards. The scheme is informed by the effort of the government to provide public infrastructure and services in spite of its inadequate resources and based on a comprehensive risk analysis that the private sector is better placed to provide, manage and operate such infrastructure or service. The PPPPP therefore, instead of targeting venture capitalists as investors, catalyze communities, Non Governmental Organizations (NGOs) and individuals to take the commanding heights in the delivery of public infrastructure and services for the common benefit of their respective communities.

Nigeria is confronted with large number of out-of-school children, the larger chunks of whom are in *Islamiyyah* schools, popularly referred to as *Almajiri* schools or *Tsangaya* schools or *Qur'anic* schools. It is obvious that both the Government and the *Almajiri* school operators are confused in coming up with a sustainable solution that appeal to each other in ensuring that out-of-school children are taken off the streets and provided with basic education in line with the stipulations of relevant extant laws. There is mutual suspicion between the two parties, and steps so far taken by the Government at different times and under different

administrations, had only increased such suspicion. In view of the central role of the community or *Almajiri* school operators and the constitutional obligations of Government to provide basic education, there is need for the Government to reevaluate its solution-strategies and to come up with a new solution that leverage on mutual sharing of responsibility, resources and rewards in which *Almajiri* school operators play a much more significant role. The *Almajiri* system, arguably, could be a veritable sector for the PPPPP in spite of its challenges.

The paper, adopted a doctrinal, non-empirical, approach to explore the possibility of a partnership between the Government and *Almajiri* school operators for the education of *Almajiri* children. It utilized official narratives and institutional publications as well as Internet sources and online blogs through keyword searches of '*Almajiri*'. For its organizational structure, the paper is divided into six parts. The first part is the introduction while the second part discusses the *Almajiri* system and its perception among stakeholders. The third part is on the efforts at mainstreaming the system, the fourth part reviews the legal framework spanning from 1882 to date, the fifth part discusses the needed reform and potential challenges that might be encountered in the implementation of the new partnership, while the last part is the conclusion. It is important to state that the names of *Almajiri* Schools, *Islamiyyah* Schools or *Tsangaya* Schools are used in the paper interchangeably. So also are *Mallam*, *Islamiyyah* teacher and *Almajiri* school operator.

II. THE ALMAJIRI SYSTEM

The *Almajiri* system is a system that is least understood, and mainly viewed from a prejudiced prism of a 4-year old child with a bowl in his hand begging for food or of a street urchin washing plates in roadside eateries. The *Almajiri* system however is a system of *Qur'anic* education that could be traced as far back as the 11th century in the then *Kanem Bornu* Empire. It had a renaissance after 700 years when the defunct *Sokoto* Caliphate under the legendary Usmanu Dafodiyo reformed it in mid-1800 with an inspectorate division for more effectiveness.¹ It teaches children *Qur'anic* education and other *Islamic* sciences of learning in a boarding environment. It was very popular, could be either itinerant or resident,² and as at 1900, had a population of 250,000 pupils in 20,000 schools,³ which presently ballooned to 5,391,868 pupils from 73,134 schools in only 15 Northern States excluding Plateau, Benue and Taraba States.⁴ The system attracted students from far and wide, and until now, used to be

sustained by support from emirates, communities, parents, *Zakat*, *Sadaqah* and other endowments. This may not be unconnected with *Qur'anic* and prophetic traditions that place wayfarers and learners in the prime list of those entitled to assistance. However, due to economic hardships and increasing *laissez faire* attitude of the society, the number of students increased while the incident of assistance significantly reduced.

This turn of events had made the system to be described in uncomplimentary terms. A report of a research conducted in 2013 had shown how the *Almajiri* was being painted. They were regarded as frontiers of ethnic and religious riots in Nigeria;⁵ Terrorists;⁶ militants;⁷ tinderbox seasonal migrants ready to explode into violent riots;⁸ experts in political rampage, looting of houses and shops, burning of properties and slaughtering of innocent souls;⁹ or an angry and hungry army of unemployed youths willing to be used as the common fodder for social unrest, riots, looting and arson.¹⁰ The system was even described as a breeding ground for delinquent children and an escapist tool for lazy parents that do not want to take responsibility of their children.¹¹ This negative view of *Almajiri* as a street urchin, born of irresponsible parents, and which made the government to see it as a system of growing army that breeds criminalities, or a veritable source of criminal and terrorist gang recruitments, thereby increasing security challenges for the Country,¹² informed many of government's solution-strategies.

It has always been reported that Nigeria has one of the highest number of out-of-school children in the world, accounting for about 11 million children.¹³ This seems to be an

⁵ Olakunle Odumosu and 8 others, 'A Research Report: Manifestations of the Almajirai in Nigeria: Causes and Consequences', 9 <https://www.academia.edu/14506580/MANIFESTATIONS_OF_THE_ALMAJIRAI_IN_NIGERIA_CAUSES_AND_CONSEQUENCES> accessed on 26 August 2022.

⁶ Niyi Awofeso and Jan Ritchie and Pieter Degeling, "The Almajiri Heritage and the Threat of Non-State Terrorism in Northern Nigeria – Lessons from Central Asia and Pakistan", *Studies in Conflict and Terrorism*, Vol. 26 Issue 4 July 2003, pp. 311 – 325.

⁷ Clyde Ahmad Winters, "Koranic Education and Militant Islam in Nigeria", *International Review of Education*, Vol. 33, No. 2 (1987), pp. 171 – 185.

⁸ Paul Lubeck, Islamic Protest under Semi-industrial Capitalism: "Yan Tatsine Explained, *Popular Islam South of the Sahara*, edited by JDY Peel and CC Stewart Africa (1985) vol. 55, no. 4, p. 368 - 389

⁹ Vanguard Newspaper of 16/12/2002 referred in Ahmed Modibbo Mohammed, 'Before the Ban of Almajiri System of Education in Nigeria', paper delivered at Arewa House on 2nd November 2019, page 9.

¹⁰ Bilkisu Yusuf, Daily Trust Newspaper of 13th December 2002 referred to in Ahmed Modibbo Mohammed, 'Before the Ban of Almajiri System of Education in Nigeria', paper delivered at Arewa House on 2nd November 2019, Page 9.

¹¹ Simon Echefufun Sunday, Investigation: Almajiri School System Flops As N15bn Facilities Rot Away, Daily Trust of 16 April 2022 <<https://dailytrust.com/fgs-almajiri-school-system-flops-as-n15bn-facilities-rot-away>> accessed on 28 August 2022.

¹² John Ameh and Others, 'Almajiri Time Bomb: NSA Raises Fresh Concern, ACF Leader Knocks Governors, The Punch Newspaper Online of 5th December 2019 <<https://punchng.com/almajiri-time-bomb-nsa-raises-fresh-concern-acf-leader-knocks-govs/?amp>> accessed on 23rd August 2022.

¹³ Biodun Busari, Nigeria Has 11 Million Out of School Children, Highest in the World – World Bank, The Vanguard Newspaper Online of 21st June 2022

¹ Ismail Ahmad, *Almajiri and the Menace of Almajiranchi*, (2019) 1-2 <https://www.academia.edu/40798978/Almajiri_and_the_Menace_of_Almajiranchi> accessed on 30 August 2022.

² Ahmed Modibbo Mohammed, 'Before the Ban of Almajiri System of Education in Nigeria', Paper delivered at Arewa House on 2nd November 2019, p.11.

³ Ibid, page 12.

⁴ M. M. Jagaba, An Overview of the Federal Government Almajiri Education Programme in Nigeria, A Paper Presentation at a One-Day Retreat of Islamic Development Network, Held in Kano, between 18th and 20th December 2015, p. 6.

underestimation, as the 2022 report of UNESCO Institute of Statistics (UIS) and Global Education Monitoring (GEM), found that Nigeria has 20 million out-of-school children,¹⁴ and *Almajiri* pupils are said to account for 81% of the population.¹⁵ In line with the common stereotype, the *Boko Haram* terrorists group is seen to recruit its membership from the system. So also is the army of bandits that are ravaging Northwestern Nigeria from 2017 to date. This jaundiced view informed the various laws, regulations and policies on *Almajiri* system in Nigeria, which included total ban of the system by some governments, prosecution of some *Mallams* and the evacuation of children to their states of origin during Covid19 Pandemic.

The *Almajiri* School operators have a different view however. So also is the celebrated German researcher on *Almajiri* system, Hannah Hoehner.¹⁶ They believe that the system has never been a threat to security, and in fact, the system is not only at the forefront in praying for the peace and stability of the country, but its products have opportunities and clear pathways to further their education or vocation. The Chairman of Sheikh Dahiru Usman Bauchi Foundation said much when he observed:

“All the criminals arrested by security agencies, there was no *Almajiri* among them, no *Almajiri* among armed robbers, kidnapers, or insurgents or any other group of criminals how can they become threats to security?”

“I remember in the early 70’s Sheikh sent us to Maiduguri for Qur’anic memorization after we finished we came back home. Presently Sheikh established over 200 schools in different parts of the country where students are memorizing the Holy Qur’an without begging and such schools graduate students many have first degrees many have masters some are PhD holders including many professors all of them are products of *Almajiri* Schools”¹⁷

<<https://www.vanguardngr.com/nigeria-has-11-million-of-out-of-school-children-highest-in-the-world-world-bank/amp>> accessed on 23rd August 2022.

¹⁴ Mojeed Alabi, ‘Update: Nigeria Has Now 20 Million Out-Of -School Children – UNESCO’, Premium Times Online, 01 September 2022 <<https://www.premiumtimesng.com/news/headlines/551804-breaking-nigeria-now-has-20-million-out-of-school-children-unesco.html>> Accessed on 02 September 2022.

¹⁵ Geoffrey Njoku, ‘Children Adjust to Life Outside Nigeria’s *Almajiri* System’ (UNICEF Nigeria, 17th September 2020) <<https://www.unicef.org/children-adjust-to-life-outside-nigerias-almajiri-system>> accessed 23rd August 2022.

¹⁶ Hannah Hoehner, ‘Traditional Qur’anic students (*almajirai*) in Nigeria: Fair game for unfair accusations?’ In M-A. Pérouse de Montclos (Ed.), *Boko Haram: Islamism, Politics, Security and the State in Nigeria* (African Studies Centre Leiden, 2014) 80. <<https://researchportal.uea.ac.uk/en/publications/traditional-quranic-students-almajirai-in-nigeria-fair-game-for-u>> Accessed on 05 September 2022.

¹⁷ Paul Omokuvie, ‘You Cant Ban *Almajiri* System without Alternative – Dahiru Bauchi Foundation tells FG; Sun Newspaper 23rd June 2019 <<https://www.sunnewsonline.com/you-cant-ban-almajiri-system-without-alternative-dahiru-bauchi-foundation-tells-fg>> accessed 22 of August 2022

The colonial system had done a better job of understanding the system than the present day policy makers and administrators. The Education Ordinance of 1887^[1], which *inter alia*, established an Inspectorate department of Education; the Education Code of 1903 and Education Ordinance of 1908 that were meant for only Southern Nigeria in respect of training of teachers and appointment of supervisors; the Lord Lugard’s 1916 Education Ordinance that restricted missionary expansion in Northern Nigeria and encouraged education expansion in the South; the 1926 Education Code that targeted standardization of education in southern Nigeria; the 1948 Education Ordinance, which for the first time, decentralize education administration to cater for the special interest of the North; and the Education Act of 1952 that enabled each of the three regions to develop its educational policies; are some of the laws and regulations that were sensitive and considerate of the *Almajiri* education system at that time.

The colonial administrators appreciated the system, and had indeed utilized the *Almajiri* school products to provide needed personnel for the take off of the colonial administration in Northern Nigeria. The system of indirect rule could not have succeeded without the *Almajiri* system. Sir Hugh Clifford admitted this much in his speech when he formally opened the Katsina Training College on 5th March 1922. On his part, Lord Lugard contemplated the integration of western education with *Qur’anic* education by the introduction of 3Rs (Reading, Writing and Arithmetic) in the 1930s. By 1934 therefore, the Northern Province Law School was established to train Muslim Judges for the colonial administration. Up to and until the mid 1980s, the School for Arabic Studies (SAS) in Kano, which was established in 1947, and the Higher Islamic Studies (HIS) programme in the 1980s, which now changed to Senior Islamic Studies (SIS), provided credible pathways into mainstream education for the *Almajiri* system.

The successor administration also showed concern. It is imperative to remind that a report was submitted to the Ministry of Foreign Affairs and Commonwealth Relations in February 1963 which recommended that the regional government and native authorities should be involved in the supervision, inspection, drawing up of curricular, provision of infrastructure, provision of subsidies, and prevention of itinerancy in the *Almajiri* system. It also advised that the system should be part of the educational ladder for Muslim children and that vocational training should be part of its syllabus. This recommendation was approved and implemented for five years, but by 1968, it was abandoned as the government stopped the release of financial grants to the schools. Prof. Modibbo Ahmed observed that ‘the system was left lifeless in the hands of individuals and Islamic organizations’. This abandonment resulted in the pupils living in very poor environment, being underfed and under-clothed with diseases and psychological vulnerabilities that made the system to look as a source of criminal gang recruitments.

Mainstreaming the Almajiri System in Nigeria

The Universal Primary Education (UPE) was introduced in 1976 with the hope of providing basic education to all school age children, which should have accommodated *Almajiri* school children, but did not. As a result of the programme's failure to achieve its fundamental objectives, the Federal Government established the National Primary Education Commission (NPEC), which only succeeded in expanding and establishing few schools of Arabic and Islamic studies. UNICEF intervened in 1994 as well as in 1997 to explore ways of integrating *Qur'anic* education with basic education by the teaching of literacy, numeracy, general knowledge and vocational skills in order to achieve education for all by the year 2000. With the obvious failure of its objective, the government came up with the Universal Basic Education (UBE) programme and set up Universal Basic Education Commission (UBEC) with the main aim of enrolling all school age children into basic education schools throughout Nigeria. UBEC, which later became a creation of law under the Universal Basic Education Act of 2004, established a technical committee on *Qur'anic* integration in 2002 whose focus was to imbed western school subjects.¹⁸ With the promulgation of the UBEC 2004 Act, the Committee was reconstituted in 2005, which *inter alia*, created State *Qur'anic* Implementation Committees with clear terms of reference.

It needs to be understood that the UBEC Integration programme was predicated on an intervention model, which enabled UBEC to provide grants to participating pilot states while State Governments would expend the grants on specific activities outlined by UBEC, and would also send periodic progress reports.¹⁹ It is obvious that the programme did not, and could not have achieved its objectives because the grant of ₦240million Naira²⁰ was grossly inadequate, and 428 schools,²¹ which is 0.58% of schools in the participating states, is significantly under-representational.

There was also a similar intervention by the Education Trust Fund (ETF), which later transformed into Tertiary Education Trust Fund (TETFUND). The intervention was a partnership between the ETF and the State Governments whereby the latter would build schools while ETF would provide furniture, equipment and other instructional facilities. By 2007 however, not a single State Government built any school under that partnership. Forced by this circumstance, the ETF agreed, contrary to the initial understanding, to accept any school provided by the State Governments. Notwithstanding the concession, the programme did not, obviously, make much headway.

The failure of the programme made the Federal Government to change its strategy by assuming significant responsibility for *Almajiri* schools' requirements. The States were only required to provide teachers and management of the schools.

¹⁸ Ibid, Jagaba (n. 4), p. 6.

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid, p. 8.

These interventions saw to the construction, expansion and modernization of 157 modern *Almajiri* schools between 2009 and 2015, influenced largely by the recommendations of *Madrasah* Education Development Committee that was inaugurated on 16th February 2010. The interventions were in 3 models, namely, existing local schools that were expanded, new schools that were constructed, and existing conventional schools that were assisted with educational resources. This initiative saw to the construction of *Almajiri* schools in 2012, which had classes, labs, textbooks and the provision of education facilities worth over ₦15billion Naira.

TETFUND achieved limited success in integrating *Almajiri* school children with mainstream education. But its efforts, just like UBEC's experience in 2005, was either not deep enough or was grossly inadequate or that the schools were grossly underfunded. For instance, the interventions under model 1 only assisted 5 local *Almajiri* schools in Kebbi state. With 800,000 *Almajiri* children in the State, the construction of 2 modern *Almajiri* schools under model 2 was obviously inadequate. Besides, expansion of the scheme, provision of teachers, students' feeding and maintenance cost in the newly established *Almajiri* schools were neglected. For example, one of such *Almajiri* Boarding Schools was reported to have only one teacher whose monthly salary was 5,000.00 Naira only and, many times, had remained unpaid. The kitchen of another school had never cooked any food even though brand new cooking pots were provided. Ironically, these interventions were part of the over ₦15billion Naira spent by UBEC.²²

Beyond the UBEC and TETFUND interventions, there was also the Better Education Service Delivery for All (BESDA) initiative, which was an initiative of the World Bank. Under the programme, the World Bank would support Nigeria with the sum of \$611 million to get out-of-school children back to school in 17 States of the federation including mainstreaming the education of *Almajiri* children in 14 Northern states.²³ From the expenditure profile, BESDA planned to spend the sum of \$100 for every enrolled girl child and \$80 for every enrolled boy child. By 2021, the Minister of State for Education reported that 924,590 out of 10,193,918 out-of-school children were enrolled.²⁴ With the 2022 UNICEF report that Nigeria has 20million out-of-school children, the veracity of the Minister's statement that there was significant reduction in out-of-school children is doubtful. What is certain however is that the menace is very much alive.

Even if we are to assume that these multilateral efforts have recorded decrease in the number of out-of-school children in Nigeria, it is clear that the efforts have done little to tackle the

²² Ibid, Echewofun Sunday (n. 11).

²³ NAN, World Bank Supports Nigeria with \$611million to get Children Back to School, (The Guardian Newspaper Online of 10th August 2018) <https://guardian.ng/news/world-bank-supports-nigeria-with-611-m-to-get-children-back-to-school/> accessed 28 August 2022.

²⁴ Clement Idoko, 'Minister Faults Implementation Process of \$611m BESDA Project', (The Nigerian Tribune Online, 18th November 2021) <<https://tribuneonline.com/minister-faults-implementation-process-of-611m-besda-project/>> accessed 28 August 2022.

Almajiri challenge. Looking at all the interventions, it is obvious that the failure of the system and proliferation of *Almajiri* children in the streets of urban cities is indicative of failure of government to provide sustainable solution – a solution that necessarily look into the evolution of the system; a solution that is conscious of extant legal framework underpinning basic education in Nigeria; and a solution that ensures a transparent stakeholder buy-in. For instance, from 2002 to 2014, the Federal Government and its agencies have established various committees and made numerous interventions, whose focus were formulation of policy frameworks and procurements of infrastructure, instructional facilities and equipment. Little was done to appreciate the philosophy and standpoint of *Almajiri* school operators, or the aspirations of *Almajiri* parents or to devolve significant roles to *Almajiri* school operators.

Let us take the mission statement of the *Madrasah* Committee to buttress the point of lack of stakeholder buy-in as a failure factor. The mission was “mainstreaming and promoting a dynamic *Almajiri* Education Model that will ensure gradual integration of the *Almajiri* into the UBE programme.” This seems to represent the very reason and the building blocks for the failure of the *Almajiri* policy, as the ‘dynamic *Almajiri* Education Model’ did not, obviously, consider the fundamental philosophy of the rights of the child and the choice of his parents for basic education as enshrined in universal treaties and domesticated in national legislations. Another failure factor was the issue of procurements and the nature of interventions. UBEC, SUBEB and even TETFUND were shortchanging the system by giving contracts as patronages to the political class with little or no regard to the interests of both *Almajiri* schools and their operators. Corollary to this is the issue of corruption as a failure factor. For instance, the understanding between the Federal Government and the State Governments when the *Almajiri* schools were to be constructed was that grants would be given to State Governments to construct the schools or to nominate contractors that would build the schools. Instead, UBEC constructed the schools and handed them over to the state governments. However, since they lost out in handling the construction procurement aspect of the programme, the state governments lost interests and allowed the schools to remain empty, unoccupied, abandoned and vandalized.

The mainstreaming policies have not, clearly, achieved their desired objectives. With all the laws, regulations and policies against the system including those that bordered on unconstitutionality and meant to support the mainstreaming policies, the *Almajiri* system has refused to wane, but instead, has continued to thrive with all its negative manifestations. One dares to observe that it will continue to exist because of its rich historical background, religious leaning, and the obvious unimpressive record²⁵ of the western education. In addition, its robust structure of classes and syllabi has helped significantly in sustaining the system. For instance the three

classes of *Gardi* (Tertiary student), *Titibiri* (Secondary Student) and *Kolo* (Basic education student), and the 5 stages of Qur’anic learning of *Babbaku* (Alphabets learning), *Farfaru* (Vowels learning), *Zube* (Reading and Writing), *Haddatu* (Memorization) and *Satu* (writing from memory) stages,²⁶ have been retained up to this date. We should also not forget that the assumed lack of educational pathways for the *Almajiri* students is only in the imaginations of its antagonists, as there exist public and private schools under the Boards of Arabic Studies that give *Almajiri* pupils direct admissions into Junior Secondary Schools (JSS) for the journey into mainstream education.

The Legal Framework on the Almajiri System

The rights and privileges of an *Almajiri* pupil are not different from the rights and privileges of any Nigerian child under extant Nigerian Laws and regulations. An appreciation of this postulation is very important as it strikes at the root of the *Almajiri* travails in Nigeria. He is seen as poor, outcast, abandoned by parents, maltreated by a guardian and a potential menace to the society. It least occurred to these policymakers that it is the system that has failed him, and because he lacks a voice in the social stratum,²⁷ he is propped up as a criminal in open disdain for the laws that guarantees his protection. The system feels comfortable to refer to a child as *Almajiri* in order to treat him differently from other children as if the nomenclature changes his citizenship, nature and circumstance. *Almajiri* is a child by whatever definition, and all the laws that protect a child also protect an *Almajiri*.

Nigeria is a signatory to international conventions on basic education for every child, and as such all its laws for the protection of children in Nigeria have their roots in international conventions. Article 26(1) of the Universal Declaration of Human Rights of the United Nation’s General Assembly, signed in December 1948, provided that every child has a right to free education, which it unequivocally stated to be compulsory in the elementary and fundamental stages. Interestingly, Article 26(3) recognized the prior rights of parents to choose the kind of education that shall be given to their children. A community reading of these articles obligates a country not only to provide basic education to its citizens but also to respect the views of parents on the kind of basic educational system that they prefer for their children. In the same vein, the International Convention on Economic, Social and Cultural Rights of 1966 undertakes to have respect for the liberty of parents on the moral education of their children in conformity with their own conviction²⁸ and to choose for their children schools other than those established by public authorities, that conform to such minimum educational standards.²⁹ The Convention also requires the State to recognize that the material conditions of teaching staff

²⁵ Ibid, Hannah Hoehner (n. 16), page 74.

²⁶ Ibid, Ismail Ahmad (n. 1), pages 4-5.

²⁷ Ibid, Hannah Hoehner (n. 16), page 65.

²⁸ The Covenant of Civil and Political Rights, paragraph 4, art. 18.

²⁹ The International Convention on Economic, Social and Cultural Rights, 1966, art. 13.

shall be continuously improved.³⁰ These three thematic areas, namely, the education of the *Almajiri* child, the choice of the parent and the improvement of teacher capacity, are critical to the *Almajiri* system if its evolutionary process is to play any ameliorating role.

Another International Convention that reinforces the right of the child to free and compulsory basic education was the Convention on the Rights of Child of 1989. These conventions, in which Nigeria was a signatory, formed the fulcrum of its local legislations, including the Constitution that protects the right of every Nigerian child to free and compulsory education. For instance, Section 17(3)(f) of the Constitution protects against any exploitation and against moral and material neglect. Section 18(1) provides that Government shall direct its policy towards ensuring equal and adequate educational opportunities at all levels. Section 18(2) directs the government to strive to eradicate illiteracy; and to this end, Government shall as and when practicable provide free, compulsory and universal primary education as well as free secondary, university and adult literacy education. It is pertinent to mention that these provisions are contained under part 3 of the Constitution, which by virtue of section 6(6)(c) are non-justiciable.

However, a more positive and justiciable protection of the values desired for and recognized by the parents of a child is contained in section 38(2) of the Constitution that no person attending any place of education shall be required to receive religious instruction or to take part in or attend any religious ceremony or observance if such instruction, ceremony or observance relates to a religion other than his own, or religion not approved by his parent or guardian. In the same vein, section 38(3) provides that no religious community or denomination shall be prevented from providing religious instruction for pupils of that community or denomination in any place of education maintained wholly by that community or denomination.

On the responsibility for education standard and curriculum content, development and improvement, the Constitution had made it very clear under Item 60(e) of the Exclusive Legislative List of the Second Schedule that the establishment and regulation of authorities for the Federation or any part thereof³¹ to prescribe minimum standards of education at all levels are exclusive to the Federal Government. It is pertinent to mention the provisions of Item 30 of the Concurrent Legislative List, which provides that the exclusive right of the Federal Government for education standard should not limit the powers of the State Government on technical, vocational, post-primary, primary or other forms of education. Section 2(a) of the Fourth Schedule to the Constitution provides that the functions of a local government council shall include provision and maintenance of primary, adult and vocational education. It is obvious from these constitutional provisions that all the three tiers of Government have one responsibility or the other for the *Almajiri* education system.

³⁰ Ibid, art. 14.

Another legislation that impacts significantly to the *Almajiri* education system is the UBE Act 2004. The UBE Act 2004 provides that every government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age,³¹ and every parent shall ensure that his or her own child or ward attends and completes his or her primary school and JSS education.³² These provisions are in sync with the constitutional provision that protects parental and basic educational rights.

III. THE NEEDED REFORM

In spite of the failure of government to cater for the system, and contrary to the jaundiced opinion that it is the breeding ground of criminal gangs, the system has continued to produce the society's local businessmen, tradesmen, skill workers and unskilled labour. It is against this background that the system requires a much more understanding than its present condemnation. Such understanding will obviously result in efforts at reform rather than total ban or even continuing with the same mindset of the failed serial attempts at mainstreaming.

The main issues impeding a sustainable solution to the *Almajiri* problem are varied and, *a priori*, include lack of stakeholder buy-in. One of the prominent scholars and leaders of *Almajiri* in Nigeria complained that nobody consulted them before the ban on *Almajiri* system preparatory to the start of the policy on education integration.³³ This could only increase lack of trust. Both the *Almajiri* school operators and the *Almajiri* parents are suspicious of government intentions, and would vehemently resist any such integration policy.³⁴ Curiously, if properly engaged, there could certainly be cooperation between the two. The *Mallams* or the *Almajiri* school operators do not see the problem of education integration as that intractable because apart from utilizing opportunities to send their *Almajiri* pupils to Sudan, Egypt and Saudi Arabia for further education, there is the belief that the only explanation on the connection between the *Almajiri* and his bowl is the lack of food, and that once food is provided by the government, the bowl is gone. One cannot blame the protagonists of the system in view of the government's difficulty in managing the conventional education.

Another problem is the different variations in approaches, patterns, forms, depths and dimensions of the integration.³⁵ There appears to be lack of consensus among and between the stakeholders as to the type, content and depths of the integration. There also seems to be a notion on the part of the Federal Government that one system could fit everybody. Closely connected to the problem of approaches, are issues of

³¹ UBE Act 2004, s. 2(1)

³² UBE Act 2004, s. 2(2).

³³ Paul Orude, 'No Power can Ban *Almajiri* in Nigeria Sheik Usman Bauchi', The Sun Newspaper of 4th July 2020 <<<https://www.sunnewsonline.com/no-power-can-ban-almajiri-in-nigeria-sheik-usman-bauchi>> accessed on 22 August 2022)

³⁴ Ibid, Olakunle Odumosu and 8 others (n. 5), page 54.

³⁵ Ibid, 56.

the required teaching staff and their recruitment as well as students' admission and certifications. Another significant issue is poor funding. In spite of the laudable policies and efforts of critical stakeholders at all levels including the Federal Government, State Governments and International Financial Institutions, *Almajiri* school funding has not reached a breaking stage to make any appreciable impact. With education spending equivalent to 1.7 percent of Gross Domestic Product (GDP), Nigeria is the fourth lowest among 41 Sub-Saharan African (SSA) countries, and its education spending is lower than the benchmark target set in the Global Partnership for Education (GPE) Sector Plan 2010-20.³⁶ For the *Almajiri* schools however, public funding of such schools is no more than 2.6% of basic education budget.³⁷ Ironically, the relevant agencies at both the Federal and State Governments, i.e. TETFUND, UBEC, SUBEB, etc., have become big procurement agencies with incidents of large-scale corruption and feeble consideration of operators' true needs. The government must admit that the problem requires a different solution.

We need to go back to the basics, and to consider the report of the Committee that was sent to Sudan, Egypt and Libya in 1962 by the Northern Nigerian Regional Government. The recommendations were very similar to the report of the Ministerial Committee on *Madarassah* Education established in 2009 by the Federal Government. Of particular interest is the PPP model of the Indonesia *Madarassah* delivery (page 24). We therefore need to look more critically to the recommendations of the 1962 Committee, which was summarized as follows:

- i. The Involvement of Regional government and Native Authority was clearly spelt out in drawing up curricular, supervision, inspection and provision of structures and infrastructure. The Native Authority was to provide subsidies and the needed supplies;
- ii. Strict measures should be taken by the Government to prevent *Almajiri* school operators from moving about from place to place with young children;
- iii. *Almajiri* schools should be regarded as valuable part of the educational ladder for Muslim children;
- iv. A Committee to be put in place as soon as possible to draw syllabus to include relevant subjects like vocational training that prepares the pupils to be useful citizens with strong moral and cultural backgrounds (page 14-15).

In coming up with a sustainable solution to the intractable problem, the government at all levels, their agencies and critical stakeholders should:

- Be sensitive to the evolutionary and historical perspective of the *Almajiri* system as the colonial administration did at a point in time;
- Appreciate that Government's solution-strategies which stemmed from its view of the *Almajiri* as angry and hungry canon fodder is wrong;
- Understand the postulation that the rights and privileges of any Nigerian child under the Constitution are not different from those that should be enjoyed by the *Almajiri* child;
- Understand that it is the responsibility of the Government under the Constitution to provide basic education to all school age children including the *Almajiri* child;
- Appreciate that parents have a choice to determine what sort of basic education, within the context of and without prejudice to national standard, they want their children to undertake;
- Appreciate that no reform can take place without a genuine stakeholder buy-in not only in terms of policy formulation but also in terms of policy implementation;

On stakeholder buy-in, we need to appreciate that the *Almajiri* stakeholders are very conscious of their rights under extant laws. A research revealed how *Almajiri* pupils were quite frustrated with the ruling classes, who in their view, did not treat them equally with mainstream school students, known as '*yan boko*, and further argued that "as citizens ('*yan kasa*), the *almajirai* felt that they deserved to be accorded the same rights ('*yan ci*))."³⁸ In a similar vein and on his opposition to the abolition of *Almajiri* system by Northern governors, Sheikh Dahiru Usman Bauchi stated categorically that his opposition is 'because there is a government and the government operates by a Constitution. The Constitution of the Federal Republic of Nigeria gives every citizen the right to movement, the right to practice their religion. These students (*Almajirai*) are Nigerians.'³⁹

These snippets are some of the requisite critical risks for any assessment, analysis and management of a PPP arrangement. From the implementation of the various programmes and policies on *Almajiri* system, it is obvious that mainstreaming policymakers either did not do a comprehensive risk analysis or did not allocate identified risks optimally. The significance of risk management is to improve the level of risk control between the government departments and the private partner so as to make more beneficial decisions, reduce investment losses and achieve mutual benefits. Good assessment and optimal allocation of risks could accommodate the dominant opinions of operators, which was aired by the Chairman of Sheikh Dahiru Usman Bauchi Foundation thus:

"If the Federal Government will be sincere and fair to *Almajiri* and allow real *Tsangaya* owners to facilitate the integration of *Tsangaya* and Islamic education into the

³⁶ Mukhtar Diop¹¹ and Others, Governance and Finance Analysis of the Basic Education Sector in Nigeria, (World Bank Group, September, 2015) Report No. ACS14245, 59 <<https://openknowledge.worldbank.org/bitstream/handle/10986/23683/Governanceand0on0sector0in0Nigeria.pdf?sequence=1>> Accessed on 02 September 2022.

³⁷ Ibid, page 23.

³⁸ Ibid, Hannah Hoegner (n. 16), page 80.

³⁹ Ibid, Paul Orude (n. 33).

modern educational system of Nigeria, it will go a long way in the eradication of proliferation of *Almajiri* system of street begging”.⁴⁰

This statement is the glimmer of hope to *Almajiri* challenge solution. It talked about sincerity, fairness and active partnership with *Almajiri* school operators. The government should enter into a public private partnership arrangement whereby *Almajiri* schools operators should be the private partner participants to manage and operate the schools while the role of government should not be more than monitoring, supervision, prescription of standard and, consistent with constitutional and other statutory provision on basic education, minimal funding of all *Almajiri* schools. The concept of partnership seems to be more palatable considering the efforts of the Federal Government through UBEC and TETFUND whereby each of their *Almajiri* programmes had a semblance of one partnership or the other either with the State Government or with the *Almajiri* school operators. In fact, the government even signed a formal Memorandum of Understanding (MOU) to cement the partnership with State Governments in its latest programme of 2012. It is however unfortunate that in all the prognosis of the *Almajiri* conundrum, there seemed to be lack of the will to explore systems and national jurisdictions that deal with their problem of out-of-school children.

In the same vein, the Federal and State Governments should look at their constitutional mandates and critically review their roles to enable for an effective allocation of risks and responsibilities between them. Since it is a partnership, the government should negotiate the quantum of funds that it could allocate to *Almajiri* schools on monthly or quarterly basis, such that it could cover all schools. In this arrangement, the Government should draw inspiration from the concept, system, philosophy, funding and practice of the Charter School system in the United States of America. Between 2018 and 2019, the US had a total of 7,486 Charter Schools.⁴¹

A charter school is a publicly funded independent school established by teachers, parents or community under the terms of a charter with a local or national government.⁴² In other words, it is a public school that receives government funding but operates independent of public school system in the area where it is located. Its origins could be traced as far back as 1733 when the Charter Society established a school to provide Protestant education to poor Catholics in Ireland.⁴³ For purposes of *Almajiri* Schools, it is suggested that such schools should be established on the basis of the following fundamental principles:

- i. The *Almajiri* school partnership arrangement should be open to all *Almajiri* schools based on the interests and preference of their parents. No child should be left behind;
- ii. Admissions into *Almajiri* Schools shall be open to all school age children based on the philosophy that ‘every child can learn’. It should not require any entrance examination or stipulation of state of origin for admissions;
- iii. *Almajiri* Schools shall not charge any fee in line with constitutional aspiration and statutory provision that basic education is free and compulsory. However, the immediate community should be made to take ownership of the school;
- iv. The government should bear substantial part of the schools’ funding provided however that the funding should be based on a formula that discourages students’ population growth, e.g. to cap schools populations or to link any growth to existing facilities or to link any students’ population increase to national population growth rate;
- v. The nature of the funding should be direct allocations of monies to *Almajiri* schools rather than the present practice of procuring things on their behalf;
- vi. The *Almajiri* schools must be open to administrative and financial scrutiny as well as be subject to a national education standard that may be formulated from time to time for *Almajiri* schools;
- vii. The *Almajiri* schools should enjoy administrative autonomy whereby an *Almajiri* school shall have the power to organize itself and to hire, fire and determine the remuneration and number of its teachers;
- viii. The *Almajiri* schools should enjoy financial autonomy whereby an *Almajiri* school shall have the power to decide on its budget, expenditure and project implementation;
- ix. The *Almajiri* schools should strive to be independent legal entities, albeit non-profit, with perpetual succession and the capacity to receive gifts, hold land, and to sue and be sued in competent courts.
- x. Every *Almajiri* school must have a Management Board, albeit stronger than the existing Center Based Management Committee (CBMC), which is the highest decision organ of the school and which should be constituted in such a way that its composition includes 2 persons of the immediate community as members. The Government shall stipulate the criteria for membership of the Management Board;
- xi. Supervision and Audit: All tiers of government shall have the power to monitor, audit and supervise both the learning outcomes and fund utilization of the *Almajiri* schools depending on their respective constitutional roles.

⁴⁰ Ibid, Paul Omokuvie (n. 17).

⁴¹ National Charter School Resource Centre, *What is a Charter School – A Brief History of Charter Schools in America in America*, <<https://charterschoolcenter.ed.gov/what-charter-school#:~:text=A%20charter%20school%20is%20a,charter%20to%20operate%20a%20school.>> accessed 25 September 2022.

⁴² Ibid.

⁴³ Ibid.

IV. POTENTIAL CHALLENGES

The fundamental principles for the partnership discussed above are meant to confront some of the challenges that could arise in any PPP arrangement for the implementation of a charter school system in Nigeria. The recommended charter system of *Almajiri* school management, except for the efforts of the Federal Government to introduce PPP in its 102 Unity Colleges in 2006, is not known. It is pertinent to remind that the former Minister of Education, Mrs. Obiageli Ezekwesili, following a presidential directive in 2006 to reform the education system within six months, introduced and implemented a reform policy for private sector management of Unity Colleges.⁴⁴ She almost succeeded as letters of appointment were given to successful private partners, referred as School Management Organizations (SMOs). However, the policy was reversed sooner than she left office in 2007 on the wrongful notion that she was privatizing education. Her clarification that the idea was not to sell Unity Colleges but to inject efficiency by leveraging on the private sector fell on deaf ears.⁴⁵ The partnership arrangement being advocated in this paper for the *Almajiri* system, though the same with the system that failed in 2007, could and will certainly encounter bigger challenges.

The first challenge is the multiplicity of legal frameworks in Nigeria's PPP environment. This is as a result of the converging constitutional roles of the three tiers of government, i.e. Federal, States and Local governments, on basic education. Nigeria operates a federal system in which its 37 constituents including the Federal Government are, to a large extent, independent of one another. The legal framework on PPP at the federal level is not applicable to the states. Since the extant practice of funding and managing basic education cuts across the three tiers of government, it will be knotty to determine the applicable legal framework to any PPP arrangement on *Almajiri* schools – is it the PPP law and policy applicable to UBEC, a federal institution, or the PPP legal framework applicable to SUBEB in individual states that would apply? Many States do not have PPP legislation, and the main challenge in this respect is to determine or agree on the PPP guideline that will apply in those states – could they be content with global best practice? Assuming that all states are to agree that UBEC should facilitate and utilize its PPP legal framework⁴⁶ because of its robustness, could the Infrastructure Concession Regulatory Commission (ICRC) modify its competitive procurement system to accommodate *Almajiri* operators by giving them the right of first refusal? If

the answer is positive, how far can the ICRC go considering that some of its requirements are statutory and immutable?

The main incentive of the private sector in any PPP arrangement is the adequacy of return on investment. What is the incentive that will excite *Almajiri* school operators to partner with the government on *Almajiri* education? Corollary to this is an effective stakeholder buy-in that enables the operators and the immediate communities to appreciate the benefits of the system, the noble intentions of government and an assurance that any mainstreaming will do no damage to the *Almajiri* education. Hence, there has to be political support at the highest levels and at all times if the policy is to sail through, succeed and sustained. Could the required political buy-in be guaranteed under Nigeria's democracy that has a tenured period of four years minimum and eight years maximum?

The PPP, and in particular the Charter School type of partnership, is a new system of procurement, which required advanced western education in conceptualization, procurement, implementation and closure. It also requires a particular degree of capacity in both the public and private partners if the arrangement is to record a successful service delivery. The reality however, is that majority, if not all, of *Almajiri* school operators are not literate in the ways of PPP, not to mention of Pro-Poor PPP that is more modern. How do you get the *Almajiri* school operators to measure, or prepare them to rise, to the expectations of government in respect of infrastructure delivery, management and operation based on government's goals, objectives and aspirations? Conversely, the public sector workers, the officials that will facilitate the partnership arrangement particularly at the states and local government levels, will also need to have adequate capacity not only to understand the new system but also to be able to analyze and allocate project risks optimally and efficiently.

One of the obvious objectives of government is to improve *Almajiri* schools' learning environments, which are not friendly, and in most cases, overcrowded with insufficient teachers and inadequate instructional materials.⁴⁷ Although these bring to fore the issue of availability or otherwise of funding, it is a fact that communities do not adequately support *Almajiri* schools.⁴⁸ The communities, more often than not, leave operators and their pupils to devise their own means of livelihood. This is a red flag considering that the essence of any charter school policy is not only to solemnize a partnership arrangement with the private sector but also to establish a synergy with the immediate local community as well as to attract financial resources from community members. How does the system ensure that communities are galvanized to support the operators in enhancing and improving the learning environments of *Almajiri* schools?

⁴⁴ Editor, 'Unity Schools – How to Run Public Private Partnership', *ThisDay Online Newspaper* (Lagos, 10th April 2007) <<https://allafrica.com/stories/200704110272.html>> accessed 21st September 2022.

⁴⁵ Idris Ahmed, 'Nigeria: Controversy Trails Unity Schools Public/ Private Partnership' *Weekly Trust Newspaper Online* (Kaduna, 25th February 20107) <<https://allafrica.com/stories/200722600558.html>> accessed 20th February 2022.

⁴⁶ The Infrastructure Concession Regulatory Commission Act, 2005 and the National Policy on Public Private Partnership (PPP)

⁴⁷ Yusha'u, M. A. and Tsafe, A. K. and Lawal N. J., 'Problems and Prospects of Integrated *Almajiri* Education in Northern Nigeria', *Scientific Journal of Pure and Applied Sciences* (2013)(2)(3) 125 – 134 @ 129.

⁴⁸ Ibid.

Another challenge is the sustainability of public funding of *Almajiri* schools. The government, both at state and federal levels, operate big administrations. At most times, they find it difficult to respect freely entered agreements that involve periodic payments of monies. The Federal Government's agreement with ASUU on funding university education is a classic example. So also is the arrangement of the Federal and State Governments in respect of the *Almajiri* schools constructed in 2012. The fundamental issue is how to ensure that public funding of *Almajiri* schools are sustained? Closely related to issue of fund sustainability is the nature and scope of funding. Nigeria funds schools on the basis of their capital and recurrent expenditure requirements, whereas funding of charter schools in the United States is per student's education requirement, which the government discounts by 25%. If Nigeria deploys Charter school system to *Almajiri* schools, what will be the parameter and basis for the funding and how will such funding be sustained beyond the life of an incumbent administration?

The last, but by no means the least challenge, is the issue of corruption by public officers and misapplication of funds by *Almajiri* school operators. UBEC, TETFUND and SUBEB, which ideally should intervene in the education sector in an atmosphere that guarantees the autonomy and independence of educational institutions in decision-making, have now become big procurement agencies that dish out patronages to the political class. Its system of special allocation to educational institutions is no more than a discretionary privilege that fuels corruption. Any continuation of the present system of interventions by these public bodies will only consolidate the corrupt tendencies of the system. On the other hand, there is real concern that *Almajiri* school operators may misapply allocated funds by converting such funds into personal uses, e.g. to marry more wives or frequently travel for *Hajj* and *Umrah* to the detriment of their pupils who, based on the special bond and respect for the *Mallam*, cannot and will not complain. The issue is what safeguards could be put in place to mitigate the incidents of corruption and misapplication of funds in the new system?

The above issues and questions are potential and genuine challenges, which a comprehensive PPP Risk Matrix could reveal. Each of the challenges discussed above could either be mitigated or eliminated depending on how comprehensive is the risk assessment and management. With appropriate risk allocation, the government at all levels including their respective facilitating and implementing agencies as well as the *Almajiri* school operators and the immediate local communities, would be positioned to operate optimally for the success of the new system.

V. CONCLUSION

The *Almajiri* system in Nigeria is one recurring problem that has seen copious theoretical analysis with little practical success. The genuine efforts of the Federal Government to mainstream *Almajiri* education into the modern education and to tackle the menace of child begging has not yielded much

impact in spite of colossal monies expended on the system and threat of sanctions against the operators. The paper reviewed the recommendations of the Federal Government and its Agencies on mainstreaming and funding the *Almajiri* education system, which mainly was to construct schools, develop curriculum content, provide furniture and educational equipment, integrate *Almajiri* operators, procure instructional facilities and employ teachers. The paper concluded that this strategy could not work because it has alienated the main operators of *Almajiri* schools and the system of funding is inadequate to make any impact.

The paper argued that any solution for the *Almajiri* menace, both in mainstreaming the *Almajiri* schools and in tackling *Almajiri* begging, must, *ipso facto*, be sensitive to the system's evolutionary and historical perspective, the constitutional safeguards for basic education to all school age children, and the rights of parents to choose the type and nature of basic education they desire for their children. The government should also appreciate that the private sector is better placed in service delivery. The paper further explored the strategies of other jurisdictions, especially the United States of America, in tackling the problem of their out-of-school children. It therefore recommended a Pro-Poor Public Private Partnership (PPPPP) in which *Almajiri* School operators will take the commanding heights in the operation and management of these schools including the ability to hire and fire teachers, determine their infrastructure and facility requirements, and to procure food, clothing and other necessities for them. The PPPPP enables school operators to involve members of the schools' immediate communities in the management of the schools with a structure of a non-profit organization, perpetual succession and the capacity to receive gifts, to hold land, and to sue and to be sued. It is in this respect that the American model of Charter School system becomes the most suitable candidate for the *Almajiri* school system.

If the charter school type of partnership arrangement is properly structured and deployed for the *Almajiri* school system in Northern Nigeria, and its risks comprehensively analyzed and optimally allocated among the various stakeholders, the twin challenges of proper mainstreaming of the *Almajiri* education system and the *Almajiri* street begging could significantly be resolved. In addition, the constitutional obligations of the government to provide free and compulsory basic education to its school aged children as well as the anticipated rights of parents over the nature of basic education for their children will be better respected and practiced. The long-term benefit of learning outcomes in these schools will also impact positively to the social, political and economic sectors of the Nigerian society.

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