

**AN APPRAISAL OF THE DEVELOPMENT OF AGRICULTURAL LAWS IN
NIGERIA**

BY

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**DEPARTMENT OF PRIVATE LAW,
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AHMADU BELLO UNIVERSITY,
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**A DISSERTATION SUBMITTED TO THE SCHOOL OF POSTGRADUATE
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**DEPARTMENT OF PRIVATE LAW,
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AHMADU BELLO UNIVERSITY,
ZARIA, NIGERIA**

DECEMBER, 2019

Declaration

I declare that the work in this dissertation entitled: AN APPRAISAL OF THE DEVELOPMENT OF AGRICULTURAL LAWS IN NIGERIA has been carried out by me in the Department of Private Law. The information derived from the literature has been duly acknowledged in the text and a list of references provided. No part of this dissertation was previously presented for another degree or diploma at this or any other institution.

Veronica Ilobekemen ASUELIMEN
P15LAPR8015

CERTIFICATION

This dissertation entitled AN APPRAISAL OF THE DEVELOPMENT OF AGRICULTURAL LAWS IN NIGERIA by Veronica Ilobekemen ASUELIMEN meets the regulations governing the award of the degree of Masters of Law (LLM) of the Ahmadu Bello University, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This work is dedicated to God Almighty for his benevolence and mercy upon my life

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I say a big thanks to God Almighty, Creator of Heaven and Earth, to my Lord Jesus and the Holy Spirit for grace and guidance. My special thanks to my supervisors, Prof. A.M Madaki and Dr. S.B Magashi, words aren't enough to describe the personality of these erudite and dexterous supervisors, who in spite of their tight schedules patiently and lovingly provided guidance and words of strength and encouragement when I was almost given up on this topic. They painstakingly took time to read through this work in between lines with useful suggestions, directions and corrections. I am completely overwhelmed by their warmness, accommodation, gentle corrections and commitment to qualitative research and always willing to pick my calls whenever I run into difficulty, outside from guiding me through this work, you both taught me by your conducts basic principles of life, I am now convinced that no matter how highly placed I become in life, I must be humble and receptive to everyone. Thanks to you sirs for this great lesson of life, may God bless you both richly.

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LIST OF ABBREVIATIONS

AU :	African Union
ACGSF :	Agricultural Credit Guarantee Scheme
ADP:	Agricultural Development Programs
CAPL:	Chemical and Allied Product Limited
CRIN:	Cocoa Research Institute of Nigeria
FACU :	Federal Agricultural Coordinating Unit
FAO:	food and Agriculture Organization of the United Nations
GATT:	The General Agreement on Tariffs and Trade
GTAP:	Global Trade Analysis Project
IFAD:	International Fund for Agricultural Development
ILCA:	International Livestock Centre for Africa
IITA:	The International Institute of Tropical Agriculture
LIC:	A Livestock Investigation Centre
NAFPP:	National Accelerated Food Production Programme
NAIC :	Nigerian Agricultural Insurance Corporation
NAIS :	Nigeria established Nigerian Agricultural Insurance Scheme
NALDA :	National Agricultural Land Development Authority
NAERLS :	National Agricultural Extension and Research Liaison Services
NIFOR:	National Institute for Oil Palm Research
TRIPS:	Trade Related Aspects of Intellectual Property Rights
WAIFOR:	West African Institute for Oil Palm Research
WNDC:	Western Nigeria Development Corporation

WAFRI: West African Fisheries Research Institute
WTO: World Trade Organization

ABSTRACT

Agriculture is the cultivation of animals, plants and fungi for food, fiber, biofuel, medicinal plants and other products used to sustain and enhance human life. It can be defined simply as the science, process and practice of cultivating the soil, producing crops and rearing animals to provide food, fibre, wool, and other products needed to sustain and enhance life. The history of agriculture is arguably as extensive as the history of humankind. Agriculture has now become recognized as an essential pillar of many economies of the world, though the practice and regulatory methods often vary widely around the world, depending on climate, terrain, traditions and available technology. Agricultural law on the other hand is that branch of law that regulates the cultivation, production, marketing, and sale of agricultural products. It comprises the body of laws, rules, regulations and statutes that provide the general legal framework for the cultivation of crops and the production, management and distribution of livestock to provide food and fabric supply for societal consumption. Agriculture is a crucial sector and a key driver of growth for the rest of the economy including the judiciary, therefore a society without interest in agriculture and law to regulate same is bound to remain under developed with mass unemployment, hunger and high rate of criminal activities. The aim of this research is to appraise the development of agricultural law in Nigeria and examine the role of law in the development of agriculture in Nigeria, with the view to achieve among others the following objectives: (i) To analyze the possible gaps between successive governmental policies and the existence of laws and institutions; (ii) to analyze the extent those institutions created by these laws performed or failed in carrying out the spirit of the laws; The research methodology adopted is doctrinal. Doctrinal research method involves theorizing and analyzing both primary and secondary sources of data such as statutes, case law, text books and other related sources. From this research, we found that there is need to enact more laws in the agricultural sector. These issues have direct effect on an individual's right to life under the Constitution which is sacrosanct; therefore more attention should be given to this area by the legislative arm of government by enacting more laws to cover this area. In view of our findings, the study recommends that robust law be enacted to address this aspect on human existence. Man's population will keep increasing; one aspect that will never be eradicated even in the face of this increasing population is the issue of agricultural activities. Therefore, there is need to enact robust laws to preserve the environment for this generation and indeed generations yet unborn.

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CHAPTER ONE: GENERAL INTRODUCTION

1.1 Background to the Study

Agriculture is the cultivation of animals, plants and fungi for food, fiber, biofuel, medicinal plants and other products used to sustain and enhance human life¹. It can be defined simply as the science, process and practice of cultivating the soil, producing crops and rearing animals to provide food, fibre, wool, and other products needed to sustain and enhance life.² The real life practice of agriculture is known as farming; while the study of agriculture and methods for improving farming methods is known as agricultural science.³ The history of agriculture is arguably as extensive as the history of humankind. References to agriculture and farming have been prevalent and paramount in many religions, culture and climates⁴. Agriculture has now become recognized as an essential pillar of many economies of the world, though the practice and regulatory methods often vary widely around the world, depending on climate, terrain, traditions and available technology.⁵ Agriculture was the key development in the rise of *sedentary human civilization*, whereby farming of domesticated species created food surpluses that nurtured the development of civilization⁶.

Agricultural law on the other hand is that branch of law that regulates the cultivation, production, marketing, and sale of agricultural products. It comprises the body of laws, rules, regulations and statutes that provide the general legal framework for the

¹Safety and Health in Agriculture, International Labour Organization. 1999.pp77. retrieved 4thjuly, 2016 at about 2pm

²Rhuks T. A, Damilola S. O, (2015) *Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria (Friesens Printing Corporation)* Canada p5

³Fyfe W (2011), *Agricultural Science Applied In Practice* (Nabu Press) p2-5; Schneider S (2013), *Food, Farming, and Sustainability: Readings in Agricultural Law* (Carolina Academic Press)p1-5; also Rhuks T. A, Damilola S. O, (2015)*Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria (Friesens Printing Corporation)* Canada p5

⁴ ibid

⁵ ibid.

⁶ Safety and Health in Agriculture, International Labour Organization, 1999 pp77. retrieved 4th July, 2016

cultivation of crops and the production, management and distribution of livestock to provide food and fabric supply for societal consumption. Agricultural law is designed to ensure the continued, efficient production and distribution of foods and fibers⁷.

Nigeria is often called the giant of Africa and it is still, after 56 years of independence from our colonial masters a developing country with thousands of unemployed youths on the streets and thousands hungry and still thousands receiving eighteen thousand naira (#18,000) as minimum wage.⁸ Agriculture is the bed rock of national development which in turn becomes the brink wall that protects democracy as well as guarantee justice in the society. It is greatly believed that law is the cord that holds the walls of national development⁹, therefore there must be a framework put in place to regulate agricultural activities in order to ensure that the vision is realized.

Agricultural sector plays a strategic role in the process of economic development of a country. It has already made a significant contribution to the economic prosperity of advanced countries and its role in the economic development of less developed countries is of vital importance, In other words, where per capital real income is low, emphasis is being laid on agriculture and other primary industries. Increase in agricultural production and rise in the Per Capital income of the rural community, together with the Industrialization and urbanization, lead to an increased demand In industrial production¹⁰ For example in Canada, agriculture contributes about 8% of the country's Gross Domestic Product, 1.1% in the United States of America, 13% in China, 2.6% in Australia, 9% in South Africa,

⁷Rhuks T. A, Damilola S. O,(2015) Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria (Friesens Printing Corporation) p5

⁸ Currently there is agitation by the recognized Labour for increase of minimum wage in Nigeria

⁹Okafor .v. Ilukwe (2013)10 NWLR pt.1363, pg465, Nigerian Army .v. Yakubu (2013)8NWLR pt1355,pg 1

¹⁰Dr Bright Singh (founder and former coordinator of National Centre for Aquatic Animal Health, Cochin University of Science and Technology)

2.5% in Israel, 9% in Argentina and 13.5% in Egypt.¹¹The history of England is clear evidence that agricultural revolution preceded the industrial revolution there. In U.S.A. and Japan also agricultural development has helped to a greater extent in the process of their industrialization. Similarly various under-developed countries of the world engaged in the process of economic development have by now learnt the limitations of putting over-emphasis on industrialization as a means to attain higher per capital real income. It seems that increased agricultural output and productivity tend to contribute substantially to an overall economic development of the country, it will be rational and appropriate to place greater emphasis on further development of the agricultural sector, most importantly, law that will aid the sector in their focus.

In Nigeria, the Federal Ministry of Agriculture is charged with the responsibility of regulating agricultural research, agriculture and natural resources, forestry and veterinary research all over Nigeria. It is worthy of note that agricultural sector is the back bone of an economy which provides the basic ingredients to mankind and raw material for industrialization.

Some principal laws on agriculture in Nigeria are :Agricultural and Rural Management Training Institute Act¹², Agricultural Credit Guarantee Scheme Fund Act¹³, Agricultural Research Council of Nigeria Act¹⁴, Agriculture (Control of Importation) Act.¹⁵ The aim of Agricultural and Rural Management Institute Act is to provide detailed identification of management training needs in agricultural organizations and of technical

¹¹ Food and Agricultural Organization of the United Nations, Statistics on Production and Trade, <http://faostat3.fao.org/home> January 15, 2017

¹² CAP.A10 LFN 2004

¹³ CAP.A11 ibid

¹⁴ CAP.12 ibid

¹⁵ CAP.A13 ibid

employees in the rural sector of the economy and develop training programs to meet these needs, carry out training of students in areas identified above, establish a residential campus at Ilorin and such other place as may be decided by the board, establish an audio-visual production unit which shall produce suitable teaching support materials and promote or undertake any other activities¹⁶. The aim of Agricultural Credit Guarantee Scheme Fund Act is to monitor the operation and evaluate the progress of the scheme (funds)¹⁷. The major function of Agricultural Research Council of Nigeria Act is to advise the federal government on national policies and priorities in agricultural research, training and extension activities¹⁸. Agriculture is a concurrent matter; this means that the National Assembly and State House of Assembly within Nigeria are entitled to make laws concerning agricultural development¹⁹. Federal or state may have its own agricultural policies and accords priority to crops that have comparable advantages, in most cases States agricultural policies mirrors but does not contradict the Federal Government agricultural policy. The Nigerian Constitution and the Land Use Act 1987 guarantees the right of every Nigerian, including registered Nigerian companies to unrestricted access to posse and enjoy land in all parts of Nigeria whether for agricultural or other purposes. This can be done by obtaining a right of occupancy from the state governor or local government to undertake agricultural business. Apart from the Laws listed above agricultural laws in Nigeria includes the following: The Endangered Species (Control Of Internal Trade And Traffic) Act²⁰, it is an Act to provide for the conservation and management of Nigeria's wild life and the protection of some of her endangered species in danger of extinction as a

¹⁶ Section 3 CAP.A13 LFN, 2004

¹⁷ section 3 ibid

¹⁸ section 5 ibid

¹⁹ Schedule 11, 1999 Constitution of the Federal Republic of Nigeria 1999 (as amended) 2011

²⁰ CAP E9 LFN 2004

result of over exploitation, as required under certain international treaties to which Nigeria is a signatory. The National Crop Varieties and Livestock Breed (Registration ETC) ACT²¹, establishes the National Register for crop varieties and livestock breeds in which the names of the old and new crop varieties and life stock in Nigeria will be named, validated and registered in a permanent form. The Sea Fisheries Act²², provides for the control, regulation, and protection of sea fisheries in the territorial waters of Nigeria. The law requires that for any motor fishing boat to operate or navigate within the territorial waters of Nigeria or its exclusive economic zones, it must be duly registered and licensed. The law stipulates that the Federal Ministry of Agriculture will be responsible for the registration of vessels intended for fishing or shrimping purposes.²³ The National Agricultural Seeds Act No.721992 is to harmonize the seed industry with other agricultural input industries in order to meet the rapidly increasing demand of the agricultural sector. Some of the international treaties domesticated in Nigeria with respect to agriculture include: Agreement on Agriculture, and Agreement Establishing the International Fund for Agricultural Development.

There is an imperative need to align laws and policies in Nigeria. In line with this the Federal Government proposed N118.98 as budgetary allocation to the agricultural sector for the year 2018. Last two years, precisely 2017, President Buhari's Administration through the Ministry of Agriculture and Rural Development, called a stake holders consultative meeting on illegal importation of food items into Nigeria. During the meeting,

²¹ CAP N27 LFN 2004

²² CAP S4 LFN 2004

²³ Kent Nnadozie, 'Nigeria' in Robert J. Lewis-Lettington and Serah Mwanyiki (eds), (2006)Case Studies on Access and Benefit-sharing (The International Plant Genetic Resources Institute, Rome, Italy).

the Minister of State for Agriculture and Rural Development- Heineken Lokpobiri said the government would intensify effort to boost the agricultural sector.

1.2 Statement of Problem

Agriculture is a crucial sector and a key driver of growth for the rest of the economy including the judiciary, therefore a society without interest in agriculture and law to regulate same is bound to remain under developed with mass unemployment, hunger and high rate of criminal activities. Secondly, oil which account for Nigeria's means of income is a non renewable source of energy which means it cannot replenish nor regenerate itself, the neglect of agriculture and most importantly law to ensure focus for this sector spells doom for generations yet unborn.

The problem with agriculture in Nigeria is the issue of lack of proper laws to govern agricultural sector as well as lack of proper implementation of the existing laws. Without completely deviating from this position, it is humbly submitted that there are few laws that have become obsolete and therefore cannot facilitate the realization of government policy of revitalization of agriculture in Nigeria.

A very good example is the Land Use Act, Sections 1 and 5, which completely vest ownership of land in the Governor. The relevant provisions of the Land Use Act makes it a herculean task for a private individual to acquire land for agricultural purposes because the process to do so is tedious and energy sapping. The government has consistently expressed desire to privatize the sector to revitalize agriculture, but with the existence of some of the laws in place, such as the Land Use Act, the revitalization of this sector by means of privatization is going to be difficult.

Some of the research questions that were resolved by this research are: What is the import and utility of law to agriculture and how would it help in our national development?, what are the legal basis of enforcing agriculture as a social human concern vis-à-vis its status as a justiciable right in our legal system?, what could be the effect of failure to implement these laws?, to what extent have institutions created by these laws performed or failed in carrying out the spirit of the law?, what are the possible gaps between successive governmental policies and the existence of laws and institutions.? And how has international law influenced the development of agricultural law in Nigeria.

1.3 Aim and Objectives of the Research

The aim of this research is to appraise the development of agricultural law in Nigeria and examine the role of law in the development of agriculture in Nigeria. With the view to achieve, the following objectives:

1. To analyze the possible gaps between successive governmental policies and the existence of laws and institutions;
2. To analyze to what extent institutions created by these laws performed or failed in carrying out the spirit of the laws;
3. To analyze the import and utility of law to agriculture and how would it help in our national development;
4. To analyze what could be the effect of failure to implement existing laws?
5. To analyze the possible gaps between successive governmental policies and the existence of laws and institutions;
6. To analyze the legal basis of enforcing agriculture as a social human concern vis a vis its status as a fundamental objective under the Nigerian Constitution;
7. To analyze whether the existing laws aligns with the existing policies.

1.4 Scope and limitations of the Research

This study is intended to examine the role of agriculture in economic development, what Federal Ministry of Agriculture need to place on ground to enhance agriculture in Nigeria. In this respect this study shall be limited to Nigeria.

The research will inexorably examine the development of agricultural law laws and policies in Nigeria as well as scope of legal regime on agriculture in Nigeria. References to provisions in the legislations with respect to agriculture in Nigeria will be utilized.

1.5 Research Methodology

The research methodology adopted is doctrinal research method. Doctrinal research method involves theorizing and analyzing both primary and secondary source of data like statutes, case law, text books and other related sources. Primary source is a document whose source or authority is the highest or is the most authoritative, while the secondary source refer to the writings of legal scholars or teachers describing, interpreting, analyzing and criticizing the law.

This research was mainly conducted in the law library of Ahmadu Bello University, Zaria, and Federal Ministry of agriculture in Nigeria. Other points of reference include the library of the National Assembly Complex, Three Arms Zone, Abuja and the library of Mamman Mike Osuma (SAN) & Co Abuja.

1.6 Justification of the Study

The justification of this research is viewed in two dimensions: the perspective of the government (political heads) and the citizens (ordinary man in the country).

This work is justified because it is expected to be invaluable aid to the government to help lift the country out of epileptic movement in regards to economic development. This is necessitated by the fact that most leaders of the country in the current political dispensation

due to their ignorance or inadequate knowledge has neglected agriculture and its undeniable power to transform the economy and all attention is focused on oil and gas with all the state governors running to the centre to get their share under the nomenclature of “monthly allocation” without bringing anything to the table, when in fact, if all the governors shifts their focus to agriculture, there will be no need to run to the center because all the states of the federation has massive expands of land and in the wisdom of God, he gave land to man and commanded that man should be fruitful.

This piece of work is also justified because it envisages that it will enlighten the citizens on need for a state farm, how they can access fund for private farming, how they can access machines and chemical products for their farming and how focus on agriculture can alleviate poverty, create job opportunity and advance sustainable economic development.

This piece of work is also justified as it may help the legislature when they consider Constitutional amendment. This research will give idea as to what can be included in the constitution in respect of agriculture to deliberately shift the focus of all and sundry to agriculture for sustainable development, bearing in mind that Constitution is the ground norm of the land- see the case of *Nafiu Rabi v. the state*²⁴ where the Apex Court held that a Constitution is a legal instrument giving rise among other things to individual right capable of enforcement in a Court of law.

1.7 Literature Review

Agricultural law is not only very significant in the field of law at this dispensation but very significant for sustainable development in the entire country. It is somewhat a new field, in other words attention by legal scholars and erudite authors is very minimal in this field, and most of the books one sees in this aspect are text books written for the purpose of

²⁴ (1980) 8-11 S.C. (REPRINT) 85

teaching in schools or lecturing at the university. Nevertheless, there are articles and few books on this area. This research work attempts to appraise agricultural law in Nigeria, it is important to pin-point that this research topic is not entirely novel, that is, with respect to sustainable development. However, what is entirely novel is the fact that no researcher has carried out any study in this field with respect to laws that will guarantee focus on agriculture. However, we examine some of these works in this study.

To begin with Akpan, Udah, Nwachukwu²⁵ in *Appraisal of Agricultural Subsectors-growth in Various Policy Regimes in Nigeria: an article in Nigerian Agricultural Journal* stated that the contribution of agriculture to overall GDP decreased from 64% in 1960 to 46% in 2010. This is as a result of abysmally poor performance of its subsectors with the exception of crop sub sector, livestock share of agricultural GDP declined from 24% in 1980 to 6% in 2010; forestry from 4% to 1% and fishery from 11% to 3% respectively. In response to this scenario, this study evaluated the performance of agricultural sector in various policy regimes from 1961 to 2010 in Nigeria. The aim was to identify the regime that contributed more to the agricultural sector from which appropriate recommendations could be derived. At the end of their study which revealed which regime contributed more to the agricultural sector, it failed to examine how the existing laws with respect to agriculture should have been explored by the various regime to ensure maximum focus in agriculture.

Suleiman Iguda Ladan in his *Appraisal of Climate Change and Agriculture in Nigeria*²⁶, stated that climate change is a phenomenon that has the potential of affecting all natural and human systems and may be a threat to human development. The author argued

²⁵Akpan S, Udah C, Nwachukwu I.N, (2016) in *Appraisal of Agricultural Subsectors-growth in Various Policy Regimes in Nigeria* published in the *African Journal of Agricultural Research*. Vol.7, p37-52

that climate change has already had a negative impact on agriculture in Nigeria especially in the last few years. It is therefore recommended that conscious efforts should be made towards mitigating the impacts of climate change on agriculture in Nigeria, he however failed to provide law to ensure conscious effort be made towards mitigating the impact of climate change on agriculture in Nigeria.

In *The Role of Agriculture in Nigeria 's Economic Growth: a General Equilibrium Analysis*: Ehiu, Simeon and Sigas Marinos as co-authors stated that Nigeria is blessed with abundant land and water resources, Nigeria agricultural sector has a high potential for growth, but this potential is not being realized. Productivity is low and basically stagnant, farming system, which are mostly small in scale, are still predominantly subsistence-based and for the most part depend on the vagaries of the weather. Many agricultural policies have also been ineffective, either because they have been misguided or because their impacts have been swamped by macro policies affecting inflation, exchange rates and the cost of capital recognizing these challenges, the federal government of Nigeria has identified the modernization of the agricultural sector as a major priority. He applied the Global Trade Analysis Project (GTAP) framework to estimate the growth potential of agriculture in Nigeria. Rhuks and Damilola in their book: *Food and Agricultural Law*, ex-rayed the issues of sustainable agriculture and the law in Nigeria, as applaud able as this book is on this issue, one major ingredient not present in the book is an appraisal of all the laws in agriculture in Nigeria with a view of channeling focus for a sustainable development.²⁷ All the Articles and books submitted above, the authors seems to agree that Nigeria is a bless country with massive land and natural resources in short for an enabling ground for cultivation of

²⁷Rhuks T. A, Damilola S. O(2015), *Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria* (Friesens Printing Corporation) Canada, p5

agriculture, but they failed to understand or aver their minds to the fact that one's there is no law regulating the conduct of human beings, great focus and achievement cannot be recorded in that area. Therefore, there is an urgent need for a law to properly regulate the agricultural sector to ensure that focus is shifted from oil and gas to agriculture, this is what this research work seeks to expose.

In Review of Literature on Agricultural Productivity, Social Capital and Food Security in Nigeria, Liverpool-Tasie, Lenis Saweda, Kuku Oluyemisi and Ajibola Akeem²⁸ opined that despite the rapid pace of urbanization taking place in Nigeria, half of Nigerians (approximately 70 million individuals) still live in rural areas; most of them engaged in smallholder semi-subsistence agriculture. It exposed further that agriculture remains a crucial sector in the Nigerian economy, being a major source of raw materials, food and foreign exchange; employing over 70 percent of the Nigerian labor force, and serving as a potential vehicle for diversifying the Nigerian economy. The review assesses the nature and scope of agricultural productivity, food security and social capital in Nigeria, while also laying the groundwork for investigating the interrelationships among them. The literature reveals the pervasive inefficiency of Nigerian farmers as most smallholder farmers produce significantly below their production frontiers. This literature however failed to examine National Assembly enactment with respect to this aspect, what the literature sought to do was to look into agricultural productivity in line with food security in Nigeria without examining the law to ensure focus in this respect. This research seeks to examine the law that can favor smallholder farmers to ensure food security for the nation.

²⁸ Liverpool T, Lenis S, Kuku O, Ajibola A, (2011) "Review of Literature on Agricultural Productivity, Social Capital and Food Security in Nigeria: NSSP working papers 21, International Food Policy Research Institute (IFPRI)

Nnenna A. Obidike in an e-journal did an exposition on Rural Farmers' Problems Accessing Agricultural Information: A Case Study of Nsukka Local Government Area of Enugu State, Nigeria²⁹. In her write up she noted that rural farmers account for the greater part of the population of any developing country such as Nigeria. She stated further that when the rural farmers lack access to knowledge and information that would help them achieve maximum agricultural yields, they are not only grope in the dark but are driven to the urban centers in search of formal employment as the only option for survival. She went further to state that information can be made available to rural farmers via extension workers, community libraries, email, or the World Wide Web (WWW) in a telecentre. While her write up is applaud able, she however failed to look at the aspect of law to create institutions that will disseminate information to rural farmers. Majority of the rural farmers across the 36 states in Nigeria are illiterates, email or libraries will not serve the purpose, what is required is institutions established by law that will timeously bring information to the attention of the farmers and this research seeks to look at law in this aspect.

Ficke, W, wrote a book on Cattle husbandry in Nigeria: a study of its ecological conditions and social-geographical differentiations³⁰. The book dealt with the relationship between cattle husbandry and the regional differentiations of nature and society in Northern Nigeria and went further to provide suggestions for improvements in the cattle industry without stating law to regulate the cattle industry, this research work seeks to look in this direction.

²⁹ Obidike N.A, (2011) Rural Farmers' Problems Accessing Agricultural information: A Case Study of Nsukka Local Government Area of Enugu State, Nigeria. Library Philosophy and Practice (e-journal). P.660. <http://digitalcommons.unl.edu/libphilprac/660>, retrieved on the 13th day of August 2019 at about 11am.

³⁰ Ficke W, (1990) Cattle husbandry in Nigeria: a study of its ecological conditions and social-geographical differentiations, P.348, der Universitat Heidelberg printing press, Germany F.R

Oluwasami, H.A, in his book *Agriculture and Nigerian economic development*³¹ exposed that agriculture in Nigeria employs 70 percent of the working population and contributes with livestock, forestry and fisheries, 60 percent of the national income. The book gathers together the basic social and economic facts concerning the past and present organization of Nigerian agriculture such as resources, methods of production and marketing and emphasizes the problems which arise from these facts. He stated further that the role of agriculture in the development of Nigeria is to provide the basis for the future industry of the country by making available the necessary food, labor, raw materials and foreign exchange. He suggested that in carrying out this role, the agricultural system needs to be reorganized and new techniques of production introduced, such as the use of more efficient implements, improved seed varieties and fertilizers and to do this, the country not only needs to coordinate its agricultural research projects and provide capital but also to make available trained field staff who can ensure the acceptance of these innovations by peasant farmers. While this book appears to be very interesting and captivating, there is no way the country can tilt towards use of more efficient implements (mechanization) and make available trained field staff who can ensure the acceptance of new innovations by peasant farmers with well-structured law to guide the activities. What this research work seeks to do is to look at these areas but much more than that to examine laws in these areas.

1.8 Organizational Layout

The content of this essay is organized in such a way that it will give substantial understanding of the project title. This dissertation is divided into 5 chapters. In the introductory part, the general background of the subject matter is discussed, so also the

³¹ Oluwasami, H.A, (2000) *Agriculture and Nigerian Economic Development*. P. 240, Ibadan: Oxford University press.

nature, scope, aims and objectives of the essay, statement of problem, scope of the research, research methodology, literature review, justification of the study and chapterization.

In chapter two analyze the historical development of agricultural laws and policies and definition of key terms, to give proper understanding to the topic under discuss, this is because key terms are a means of achieving or understanding something, to enable everyone has a shared understanding.

Chapter three analyzes the substantive legal frame work for Nigeria. Chapter four analyses the legal framework for agricultural activities and the environment in Nigeria. Chapter five concludes the work with a summary, findings, recommendation and conclusion of the entire essay. The above structure is the order in which this work is divided into, and it is so done with the hope that it simplifies the work and facilitates better understanding of this research.

CHAPTER TWO: HISTORICAL DEVELOPMENT OF AGRICULTURAL LAWS AND POLICIES IN NIGERIA/ DEFINITION OF KEY TERMS

2.1 DEFINITION OF KEY TERMS

Introductorily, to understand the fulcrum of this research, there is need to define key terms as it relates to the topic under review. This is important because, much misunderstanding in human communication results from people bringing different meanings to the words they use in speaking and writing. To clearly avoid this difficulty/misunderstanding, it is pertinent to clearly explain the meanings assigned to key terms in this investigation.

Key words or key phrases refer to concepts at the core of any study and they must be unambiguous for the procedure and outcomes of any research work to be properly understood by the reading audience. Defining key terms is essential to ensure a common understanding of key concepts and terminology shared between the dissertation author and his/her reading audience. So defining key terms is one of the integral constituents of dissertation or thesis writing.

The following key terms will be discussed in this research work

2.2 Agricultural Law

Agricultural Law is that branch of law that regulates the cultivation, production, marketing and sale of agricultural products. It comprises the body of laws, rules, regulations and statutes that provide the general legal frame work for the cultivation of crops and the production, management and distribution of livestock to provide food and fabric supply for societal consumption¹. Agricultural law is designed to ensure the continued efficient production and distribution of foods and fibers. Through a vast system of regulations that control the various

¹Rhuks T. A, Damilola S. O (2015), Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria (Friesens Printing Corporation) Canada p6.

aspects of agricultural practice, federal, state and local governments are able to monitor and provide for the needs of key stakeholders involved in the food network from the farm to the customer's table²Perhaps to have a clearer meaning of agricultural law, the concept of "law" should also be examined. There is no generally acceptable definition of law, however from the ingreience gathered from almost all the attempt at the definition of law, it could safely be defined as a system of rules a society sets to maintain order and protect harm to persons and property. Law is a set rules established by a governing authority to institute and maintain orderly coexistence; laws are created through legislations which are called statutory laws or by judges in court cases which are called case laws. Statutory laws comprises of written laws enacted by either a state legislature or National Assembly.³

Agricultural industry is so broad in scope, the law and regulations in this area of law is extremely complex. Agricultural laws often overlap with other laws, such as Labor Laws, environmental laws, commercial laws, land laws etc., this is because, for example, 150 years ago, there was no need for laws on how to engineer or operate automobiles, how to operate airplanes, how to use a herbicide to control weeds, how to dispose of nuclear waste etc, as technology advances(and it will continue to advance) in all areas of life including agriculture, there will be need to be up-to-date laws on how we will use these technologies.

Agricultural law provides services to a variety of clients in the agricultural industry, including chemical suppliers, agricultural equipment manufacturers and distributors, farm owners, meat, fruit and vegetable producers, agricultural finance institutions and agribusinesses (agribusiness is one that involves producers and manufacturers of agricultural goods and services such as

² ibid

³Jadesola L. S, Oluwatoyin A, Clement A, (2013) *Legal Basis For Research Ethics In Nigeria*-quest access through google, retrieved on the 28th of August,2017 at about 4:00pm

fertilizer and farm equipment makers, food and fiber processors, whole salers, transporters and retail food and fiber out let.⁴

Agricultural law is relatively recent area of law. While farmers have always engaged in business and real estate contracts in their operations, state laws pertaining to the production of food and fiber have only become common place since the mid-1980. Not too far ago there emerge a number of federal statutes that regulates or pertain to agricultural activity in Nigeria. A number of these laws focus on agricultural production- for example Agricultural and Rural Management Training Institute Act⁵, Agricultural Credit Guarantee Scheme Fund Act⁶, Agricultural Research Council of Nigeria Act⁷, Agriculture (Control of Importation) Act⁸

The major aim of Agricultural and Rural Management Institute Act is to provide detailed identification of management training needs in agricultural organizations and of technical employees in the rural sector of the economy and develop training programs to meet these needs, carry out training of students in areas identified above, establish a residential campus at Ilorin and such other place as may be decided by the board, establish an audio-visual production unit which shall produce suitable teaching support materials and promote or undertake any other activities⁹. On the other hand the major aim of Agricultural Credit Grantee Scheme Fund Act is to monitor the operation and evaluate the progress of the scheme (funds)¹⁰. The major function of Agricultural Research Council of Nigeria Act is to advise the federal government on national policies and priorities in agricultural research,

⁴Olayemi, J.K., (1982), Food Crop Production by Small Farmers in Nigeria. retrieved on the 14th of August 2017 at about 1:03pm-www.cabdirect.org

⁵ CAP.A10 LFN 2004

⁶ CAP.A11 ibid

⁷ CAP.12 ibid

⁸ CAP.A13 ibid

⁹ Section 3 ibid

¹⁰ ibid

training and extension activities¹¹. Agriculture is a concurrent matter; this means that the Federal States within Nigeria are entitled to make laws concerning agricultural development¹². Federal or state may have its own agricultural policies and accords priority to crops that have comparable advantages, in most cases States agricultural policies mirrors but does not contradict the Federal Government agricultural policy. The Nigerian Constitution and the Land Use Act 1987 guarantees the right of every Nigerian, including registered Nigerian companies to unrestricted access to posses and enjoy land in all parts of Nigeria whether for agricultural or other purposes. This can be done by obtaining a certificate of occupancy from the state governor or local government to undertake agricultural business. Apart from the Laws listed above agricultural laws in Nigeria includes the following: The Endangered Species (Control Of Internal Trade And Trafic) Act¹³, it is an Act to provide for the conservation and management of Nigeria's wild life and the protection of some of her endangered species in danger of extinction as a result of over exploitation, as required under certain international treaties to which Nigeria is a signatory. The National Crop Varieties And Livestock Breed (Registration ETC) ACT¹⁴, establishes the National Register for crop varieties and livestock breeds in which the names of the old and new crop varieties and life stock in Nigeria will be named, validated and registered in a permanent form. The Sea Fisheries Act¹⁵, provides for the control, regulation, and protection of sea fisheries in the territorial waters of Nigeria. The law requires that for any motor fishing boat to operate or navigate within the territorial waters of Nigeria or its exclusive economic zones, it must be duly registered and licensed. The law stipulates that the Federal Ministry of Agriculture will

¹¹ section 5 CAP A LFN, 2004

¹² Schedule 11, 1999 Constitution of the Federal Republic of Nigeria 1999 (as amended) 2011

¹³ CAP E9 LFN 2004

¹⁴ CAP N27 LFN 2004

¹⁵ CAP S4 LFN 2004

be responsible for the registration of vessels intended for fishing or shrimping purposes.¹⁶The National Agricultural Seeds Act No.721992, is to harmonize the seed industry with other agricultural input industries in order to meet the rapidly increasing demand of the agricultural sector.

Agriculture is more than farming or ranching, therefore describing agriculture as just food is not adequate, agriculture can be extended to mean food, fuel and bio-products, meaning using today's sunshine to produce food, fuel and bio-products to meet the needs of today's consumers hence need for agricultural law.

As the world population continues to grow, the earth's resources are being shared by more individuals and even different nations, as our individual national territorial share of the world decreases, we are physically closer to one another, sharing resources, and thus interacting more. These increased interactions and sharing of resources inevitably lead to the need for more rules (laws) on how we interact and how we share (distribute) resources¹⁷. As international agricultural trade increases, international law becomes more important to agriculture and food production (because of this there is considerable overlap between the areas of international agricultural law and international agricultural trade some of the common states of international organization in this respect in which Nigeria is a member include: food and Agriculture Organization of the United Nations (FAO), International Fund for Agricultural Development (IFAD) of the UN, World Trade Organization (WTO), African Union (AU) ECT. There are a multitude of international agreements relevant to agriculture. These agreements relate to each other on a host of issues. Trade agreements are among the

¹⁶ Kent N (2006), 'Nigeria' in Robert J. Lewis-Lettington and SerahMwanyiki (eds), Case Studies on Access and Benefit-sharing (The International Plant Genetic Resources Institute, Rome, Italy).

¹⁷ *Agricultural Law and Management*, College of Agriculture, Food Systems and Natural Resources, NDSU-North Dakota State University

most common types of international agreements that contribute to international agricultural law. The General Agreement on Tariffs and Trade of 1947 (GATT) was an international agreement covering sale of goods, including agricultural products. In 1994, as part of negotiations that produced the World Trade Organization (WTO), an Agreement on Agriculture (AA) was reached that defined the trading rules that apply to international agricultural trade. The AA also set goals for the liberalization of international agricultural trade, other agreements produced under GATT and the WTO to impact international agricultural law include, Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPS). Agreements that impact international agriculture include agreements on endangered species and environmental protection, for example, United Nations Framework Convention on Climate Change of 1992.¹⁸ Additionally, a Professor of law at the University of Arkansas¹⁹, defined agricultural law as the study of the network of laws and policies that apply to the production, marketing and sale of agricultural products i.e., the food we eat, the natural fiber we wear, and increasingly, the bio-fuels that run our vehicles.

Agricultural law is defined by industry because it covers numerous areas of law. Industry is not affected by just one area of law; it is affected by many applicable laws. Agricultural law has become very important because it provides for one of the most basic of human needs: food. In 1990, Professor Neil Hamilton identified “the fundamental nature of the production of food to human existence” as one of the primary reasons supporting the study of agricultural law²⁰. The importance of food to society has certainly not diminished,

¹⁸Division of Agriculture, research and extension, University of Arkansas System. Retrieved on the 29th of August 2017 at 2:45pm.

¹⁹Susan .A. S, (2015) *what is agricultural law*, retried on the 15th August 2017 at 2:00pm; also <http://ssrn.com/abstract=13311422>

²⁰Neil, D.H.,(1990) the study of Agricultural Law: Education, Organization and Practice, 43 ARK L. REV. 503.

and in fact, recent concerns about food security²¹ food safety²², the use of food stocks for fuel²³, and the global interplay of food production and consumption²⁴, have heightened contemporary interest in food and agriculture. An adequate supply of safe, wholesome food is a fundamental need for any society, and what food is produced, how it is produced, and who has access to it all raise fundamental issues for legal study.

One of the most fascinating aspects of agricultural law is its diversity. Some of the points that support the reasons given for the study of agricultural law is as stated below in no particular order.

1. The governments regulation of agricultural production and the sale of agricultural commodities, including the study of federal farm programs; marketing orders,
2. The government regulation of food through the statute implementation by both the FDA and the USDA, including efforts to regulate food safety, food labeling and production claims such as the organic standards.
3. The application of commercial laws to agriculture
4. Governmental entities and programs established to promote agriculture
5. The adaptation of business structures, such as agricultural cooperatives to agricultural operations

²¹ Andrew Martin (2008), *U.N. Food Meeting Ends With a Call For 'Urgent' Action*, NEWYORK TIMES, June 6, (discussing the crises level of food insecurity in poor nations as exacerbated by higher food prices and reporting on the UN'S call to U.S. food insecurity; *Longlines Empty Shelves Are Signs Of Times At Food Banks*, CNN online available at http://www.cnn.com/2008/us/11/25/thanksgiving_food/

²²Bina V., *Amid Salmonella Case, Food Industry Seems Set to Back Greater Regulation* NEW YORK TIMES, July 31,2008

²³FordRunge, C., and Benjamin S, (2007)*How Biofuels Could Starve the Poor*, FOREIGN AFFAIRS, May/June; Tom Daschle, C. .FordRunge, and Benjamin S,(2007) *Food For Fuel?. FOREIGN AFFAIRS, Sept./Oct.*

²⁴ Roger T and Andrew B.(2008), *Two Families shifting fortunes*, WALL STREET JOURNAL, DEC.30, at A-7 (contrasting a poor Ethiopian family struggling to feed their child with a middle class Chinese family's food wealth and linking increased meat consumption in China to a higher prices for grain elsewhere); see also, posting of Susan Schneider to Agricultural Law Blog, <http://aglaw.blogspot.com/2009/01/wsj-on-food-and-agriculture-contrast-in.html>.

6. The regulation of natural resource use and efforts to protect the environment from degrading from agriculture, efforts to develop sustainable model for production
7. Legal and policy issues regarding land tenure, farm structure and the ownership of the incidents of production
8. International trade in agricultural products and the global impact of domestic production and consumption patterns
9. Agricultural labor law, both domestic and international
10. Food security, insecurity, poverty and the right to food as a human right
11. The use and regulation of technology including biotechnology and intellectual property, rights associated with agricultural production
12. Agricultural taxation and planning for generational transfer of agricultural assets
13. The encouragement, regulation and consequences of agricultural production of biofuels.
14. Agriculture and rural residency, and rural development initiatives.

Conclusively, the ultimate aim of agricultural law is to promote sustainable agriculture cutting across the economic, environment and economic dimensions²⁵

2.3 Development

For almost every writer, a different definition of development exists. Some persons look at development as a state or condition-static or a process or course of change-dynamic. For the purpose of this research work, development will be defined as not just purely an economic phenomenon but rather a multi-dimensional process involving re-organization and reorientation of entire economic and social system, that is, a process of improving the quality of all human lives with three equally important aspects, that is: raising peoples living levels,

²⁵Op.cit at page 1.

i.e., levels of food and consumption, creating conditions conducive to the growth of peoples' self-esteem through well-established chain of laws, and increasing peoples' freedom to choose by developing webs to that regard.

Development with respect to agriculture must be sustainable, that is, development that is likely to achieve lasting satisfaction of human needs and improvement of the quality of life and these will encompass:

- a. Educating the poorest of the poor in rural areas who have no access to agricultural schemes to aid their farming.
- b. Idea of self-reliant development
- c. Important issues of appropriate technologies, food self-reliance, clean water and environment safe from pollution resulting from agricultural activities.

2.4 Land

One of the most important rationales with respect to agricultural law is the use of land. Agriculture is the only industry where land is a predominant production input, unlike other resources; land is neither mobile nor fungible²⁶. What then is land?

In the most general sense, land comprehends any ground, soil, or earth whatsoever; as meadows, pastures, woods, moors, waters, marshes, furzes, and heath ect, or in a more simplified manner, part of the earth's surface that is not covered by water. However the word land includes not only the soil, but everything attached to it, whether attached by the course of nature, as trees, herbage, and water, or by the hand of man, as buildings and fences²⁷. Land

²⁶Keith .G. M, Donald B. P, Norman .W. T (1984), *Agricultural Law Cases and Materials*, xix.

²⁷ Mott .v. Palmer I.N.Y 572, Higgins Fuel Co.v. Snow 113 Fed.433, 51 C.C.A. 267, Johnson .v. Richardson 33 Miss.464, Mitchell .v. Warner 5 Conn.517

can also be defined as the solid material of the earth, whatever maybe the ingredients of which it is composed, whether soil, rock, or other substance.²⁸

Though there is no generally acceptable definition of land, a close look at some of the definitions that has been proffered by different writers, one can safely come to the conclusion that, It is generally agreed that land does not just mean the ground and its subsoil, it also includes all other objects attached to the earth surface, this includes trees, rocks, buildings, and other structures whether naturally attached or constructed by man. However land in law even extends more than this, and it includes further abstract, rights and interests like incorporeal hereditaments, right of way, easements and profits enjoyed by persons over the property or ground belonging to other persons.

Where the transaction is regulated by a statute or law, the definition used in the statute will govern the transaction, but where there is no such definition, then the definition in the interpretation Act²⁹ is applicable. Land has been defined in the interpretation Act as “including any building and any other thing attached to the earth or permanently fastened to anything so attached, but does not include minerals”. The definition seems to be incomplete, because it starts by stating that it merely includes, the others not stated in the definition is not stated, and therefore affords as many inclusion as possible. This may therefore permit addition of incorporeal hereditaments like profits, rents and easements.

The statutory definition that has adopted the common definition of land and seems to be extensive and all inclusive is the one in the property and Conveyancing law 1959,³⁰ it defines land to include: “the earth surface and...everything attached to the earth otherwise

²⁸ Black’s Law Dictionary, free online legal dictionary 2nd Ed.

²⁹ CAP 123 LFN 2004

³⁰ Section 2 CAP 100 Laws of Western Nigeria 1959

known as fixtures and all chattels real. It also includes incorporeal rights like a right of way and other easements as well as profits enjoyed by one person over the ground and buildings belonging to another”. Olawole in his book³¹, described land as including, “the surface of the earth, the subsoil and the air space above it, as well as all things that are permanently attached to the soil. It includes streams and ponds. On the other hand things placed on the land, whether made of the product of the soil or not, do not constitute land”. It follows therefore that while a crop or tree is planted it forms part of land, and is regarded as land, but as soon as it is cut and removed it ceases to be land. In the same vein, where a building is standing on the land it forms part of the land, but where the building is demolished it ceases to be land. It must be noted however that fixtures must be permanently attached to the land to be regarded as forming part of the land; where the fixture is not of a permanent nature, then it is not land, and can be disposed off without affecting land.

Conclusively, land means different thing to different people, but the whole idea in defining land is as stated above.

2.5 Historical Development of Agricultural Laws and policies in Nigeria

The Nigeria agricultural policies have undergone metamorphosis at several stages of the country’s development, starting from the colonial era to the post-colonial era of 1963. In the early part of the post-colonial era, the county had a policy based on surplus extraction. This was later transformed to an export-led policy, which brought about an improvement in the economy of the nation.

³¹ Title to Land pg 9

The western region was exporting cocoa, the northern region was exporting groundnut, while the southern ³²Fast forward to the alter part of independence, the Nigerian agricultural policy inclined more on import than export, since the government has not really made convincing efforts to implement many of its rules and policies on agriculture. Agriculture in the context of the economy is tied with the various sectors and is essential for generating broad based growth necessary for development³³. Agriculture is fundamental to the sustenance of life and is the bedrock of economic development, especially in the provision of adequate and nutritious food so vital for human development and industrial raw materials for industry. Sustainable agricultural development is propelled by agricultural policy. The first national policy on agriculture was adopted in 1988 and was expected to remain valid for about fifteen years, that is, up to year 2000³⁴.

2.6 Agricultural Policies

Nigeria's agricultural policy is the synthesis of the framework and action plans of Government designed to achieve overall agricultural growth and development. The policy aims at the attainment of self-sustaining growth in all the sub-sectors of agriculture and the structural transformation necessary for the overall socio-economic development of the country as well as the improvement in the quality of life of Nigerians³⁵.

2.7 The Broad Policy objectives Include:-

³²Nseabasi S.A, (2012)“*Rural Development in Nigeria: A Review of Pre-and Post-independence Practice*”, *Journal of Sociological Research*, Vol.3, No. 2, published: August 27,2012, retrieved December 2nd, 2017 www.macrothink.org

³³ *ibid*

³⁴Kelvin O, (2011) *Agricultural policies in Nigeria and why they failed*, retrieved on the 2nd of December, 2017 by 2pm. <http://www.arcnigeria.org>

³⁵ *Ibid*

Attainment of self-sufficiency in basic food commodities with particular reference to those which consume considerable shares of Nigeria's foreign exchange and for which the country has comparative advantage in local production;

Increase in production of agricultural raw materials to meet the growth of an expanding industrial sector;

Increase in production and processing of exportable Commodities with a view to increasing their foreign exchange earning capacity and further diversifying the country's export base and sources of foreign exchange earnings;

Modernization of agricultural production, processing, Storage and distribution through the infusion of improved technologies and management so that agriculture can be more responsive to the demands of other sectors of that Nigerian economy;

Creation of more agricultural and rural employment Opportunities to increase the income of farmers and rural dwellers and to productively absorb an increasing labour force in the nation;

Protection and improvement of agricultural land resources and preservation of the environment for sustainable agricultural production;

Establishment of appropriate institutions and creation of administrative organs to facilitate the integrated development and realization of the country's agricultural potentials.

2.8 FEATURES OF THE POLICY

The main features of the policy include the evolution of strategies that will ensure self-sufficiency and the improvement of the level of technical and economic efficiency in food production. This is to be achieved through the introduction and adoption of

improved seeds and seed stock, husbandry and appropriate machinery and equipment³⁶. Efficient utilization of resources, encouragement of ecological specialization and recognition of the roles and potentials of small scale farmers as the major production of food in the country, reduction in risks and uncertainties were to be achieved through the introduction of the agricultural insurance scheme to reduce natural hazards factor militating against agricultural production and security of credit outlay through indemnity of sustained losses. A nationwide, unified and all-inclusive extension delivery system under the Agricultural Development Programme (ADP) was put in place in a joint Federal and State Government collaborative effort. Agro -allied industries were actively promoted. Other incentives such as rural infrastructure, rural banking, primary health care, cottage industries etc. were provided, to encourage agricultural and rural development and attract youth, including school leavers, to go back to the land. The agricultural policy is supported by sub-policies that facilitate the growth of the sector.

These sub-policies cover issues of labour, capital and land whose prices affect profitability of production systems; crops, fisheries, livestock and land use; input supply, pest control and mechanization; water resources and rural infrastructure; agricultural extension, research, technology development and transfer; agricultural produce storage, processing, marketing, credit and insurance; cooperatives, training and manpower development, agricultural statistics and information management. Implementation of the agricultural policy is, however, moderated by the macro-economic policies which provide the enabling environment for agriculture to grow paripassu with the other sectors. These policies usually have major impact on profitability of the agricultural system and the

³⁶ Forrest T, (2011) Agricultural Policies in Nigeria. Retrieved on the 2nd of May, 2017, at about 2pm, <http://link.springer.com>

welfare of farmers as they affect the flow of funds to the sector in terms of budgetary allocation, credit, subsidies, taxes etc and, therefore, must be in harmony and mutually reinforcing with the agricultural policy. The macro policies comprise the fiscal, monetary, trade, budgetary policies and other policies that govern macro-prices.

The first National Policy on Agriculture was adopted in 1988 and was expected to remain valid for about fifteen years that is up to 2000³⁷ as explained above. In 2001, a new policy document was launched. The new policy document bears most of the features of the old one, but with more focused direction and better articulation.³⁸ In a broad sense, the objectives of the new agricultural policy are similar to those of the old one. They include; (1) the achievement of self-sufficiency in basic food supply and the attainment of food security; (2) increased production of agricultural raw materials for industries; (3) increased production and processing of export crops, using improved production and processing technologies; (4) generating gainful employment; (5) rational utilization of agricultural resources, improved protection of agricultural land resources from drought, desert encroachment, soil erosion and flood, and the general preservation of the environment for the sustainability of agricultural production; (6) promotion of the increase application of modern technology to agricultural production; and, (7) improvement in the quality of life of rural dwellers³⁹.

Key Features of the New Policy⁴⁰

The key features of the new policy are as follows:

1. Evolution of strategies that will ensure self-sufficiency and improvement in the level of technical and economic efficiency in food production. This is to be achieved through (i) the

³⁷Ladan M.T; (2014) *Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

³⁸ ibid

³⁹ ibid

⁴⁰ ibid

introduction and adoption of improved seeds and seed stock, (ii) adoption of improved husbandry and appropriate machinery and equipment, (iii) efficient utilization of resources, (iv) encouragement of ecological specialization, and (v) recognition of the roles and potentials of small-scale farmers as the major producers of food in the country.

2. Reduction of risks and uncertainties in agriculture, to be achieved through the introduction of a more comprehensive agricultural insurance scheme to reduce the natural hazard factor militating against agricultural production and security of investment.⁴¹
3. A nationwide, unified and all-inclusive extension delivery system under the Agricultural Development Programs (ADPs).⁴²
4. Active promotion of agro-allied industry to strengthen the linkage effect of agriculture on the economy.⁴³
5. Provision of such facilities and incentives as rural infrastructure, rural banking, primary health care, cottage industries etc, to encourage agricultural and rural and rural development and attract youths (including school leavers) to go back to the land⁴⁴.

2.9 Historical development of agricultural law from 1920-1960

The agricultural history of Nigeria is intertwined with its political history. This is discussed broadly in the context of the varying Constitutional frame works, viz: Colonial, the Internal Self Government and the Post-1960 periods, according to sectors.⁴⁵ Crop Production: The period of the colonial administration in Nigeria, 1861-1960, was punctuated by

⁴¹ibid

⁴² ibid

⁴³ ibid

⁴⁴ ibid

⁴⁵Eminent I. (2014), The impact of agricultural development on Nigeria economic growth, retrieved on the 2nd of May, 2018, at about 2pm www.eduprojects.ng

⁴⁵ ibid

rather ad hoc attention to agricultural development. During the era, considerable emphasis was placed on research and extension services. The first notable activity of the era was the establishment of a botanical research station in Lagos by Sir Claude McDonald in 1893⁴⁶. This was followed by the acquisition of 10.4 kms of land in 1899 by the British Cotton Growing Association (BCGA) for experimental work on cotton and named the experimental area Moor Plantation in Ibadan. In 1912, a Department of Agriculture was established in each of the then Southern and Northern Nigeria, but the activities of the Department were virtually suspended between 1913 and 1921 as a result of the First World War and its aftermath.⁴⁷ From the early 1920s to the mid 1930s, there was a resurgence of activities and this period has been called the "Faulkner Strip Layout" era in honour of the Director of Agriculture, Mr. O.T. Faulkner, who devised a statistical design for experimental trials in green manuring, fertilizer projects, rotational cropping systems and livestock feeding. From the late 1930s to the mid-1940s, there were significant intensification and expansion of research activities, and extension and training programmes of the Agricultural Departments. Additional facilities for training of junior staff in agriculture were provided, as well as scholarships for agricultural students in Yaba Higher College and Imperial College of Tropical Agriculture in Trinidad. The intensification of hostilities during the Second World War (1939-45) led to the slowing down of activities and the call to Departments of Agriculture to play increasing roles in the production of food for the army and civilians in the country and the Empire.⁴⁸ Production of export crops like palm products and rubber which could not be obtained from Malaysia as a result of Japanese war activities in South-East Asia, and such food items as sugar, wheat, milk, eggs, vegetables, Irish potatoes and

⁴⁶ ibid

⁴⁷ ibid

⁴⁸ Eminent I.(2014), The impact of agricultural development on Nigeria economic growth, retrieved on the 2nd of May, 2018, at about 2pm www.eduprojects.ng

rice whose importation was prevented by naval blockade of the high seas increased. A special production section of the Department of Agriculture was set up to deal with the situation. On the research side, attention was devoted largely to the possibilities of evolving permanent systems of agriculture that were capable of replacing rotational bush-fallowing systems prevalent in the country and realizing the promises of mixed farming in the north. During this period, the WAIFOR (West African Institute for Oil Palm Research) in Benin was started and the research on cocoa was intensified at Moor Plantation, Owena near Ondo and at Onigambari near Ibadan.⁴⁹ Achievements of the period include the development of "Alien Cotton" in the south; rice cultivation in the Sokoto, Niger, Ilorin, Abeokuta Colony and Ondo provinces; the introduction of wheat cultivation in the more northern parts of the northern provinces; the expansion of production of such export crops as cocoa, oil palm and groundnut; development of agricultural implements as well as designing farm buildings; intensification of horticultural activities; the development of a marketing section of the Department; the extension of the Produce Inspection Service to cover all principal export crops; investigations into the possibilities for organized land settlement schemes; and investigations into the possibilities of irrigation in northern Nigeria.⁵⁰ The period of Internal Self Government, 1951-60, began with the regionalization of the Departments of Agriculture in 1951, with a Director and an Inspector-General of Agriculture in each region. By October 1954, the post of Inspector General of Agriculture was abolished as a result of constitutional developments which led to independence of the Regional Departments. The Federal Department of Agricultural Research was retained since constitutional provisions placed agricultural research on the concurrent legislative list, while extension work remained a regional responsibility. The research findings of the Federal Research Stations were to be

⁴⁹ *ibid*

⁵⁰ *ibid*

transmitted through Regional ministries responsible for agriculture and natural resources. There was also the setting up, in 1955, of a Technical Committee of the Council of Natural Resources made up of Federal and Regional Ministers and officials for the formulation of national research programmes as well as the co-ordination of Federal and Regional research activities. Regionalization of agriculture created a great awareness of the need for intensification of activities in both the research and extension fields. This led the Regions to expand, considerably, their research and extension activities in agriculture. The post-1960 was one of extensive planning and regional competition in agriculture. Concentration of attention on commodity exports, the utilization of taxation policy by the Marketing Boards as an instrument of development finance, and the belief that food production activities could take care of themselves without any governmental intervention, became the official farm policy. Under regional independence, the agricultural history of the nation entered a new phase of modification of traditional practices, in view of the incapacity of food production to meet the needs of the rising population and the inability of producers to reinvest in land. These maladies were worsened by the inability of the then Federal Government to play a leading role in the nation's agricultural modernization. Before the middle of the 1960s, a Federal Ministry of Agriculture and Natural Resources was set up, and a phase of consolidation and co-ordination of projects for agricultural development began. In 1966, Federal initiative and control of the nation's agriculture were set in motion. This step in the right direction became more manifest with the creation, in 1967, of 12 States and the increased efforts to evolve a coordinated perspective for agricultural development in Nigeria.

Livestock: Livestock production in Nigeria was dominated by nomadic pastoralism long before the advent of the British Colonial Administration. The immediate interest of the colonial government in livestock was with the health and hygiene of the domesticated cattle. Thus, the

Nigerian Veterinary Department was established in 1914 with its headquarters at Zaria. In 1924, a small veterinary laboratory was established in Vom for the production of rinderpest serum⁵¹. Increased field services raised the demands on the laboratory hence the production of vaccines and other biological products was added to the functions of the laboratory. The recognition of the advantages of Vom as the centre for veterinary research and for vaccine production, coupled with the major emphasis on the health aspects of live stock production, led to the transfer of the head quarters of the Nigerian Veterinary Department from Zaria to Vom. In October 1927, proposals for the establishment of a Stock Farm were made to the Government. The stated objective was "to turn out, by purely selective breeding, male stock for use as stud by native stock owners⁵²." It was proposed that three breeds, namely, the White Fulani, Gudali and Shuwa represented by a dairy herd of about 20 heads each be stocked at Shika. By 1934, it was fairly certain that either sweet potatoes or cassava could be fed to the cattle, as sources of energy⁵³. At about that time too, it was realized that there is a heavy and growing export of cattle of the hoof from the North, and the intensity of this demand naturally fluctuates with the price of southern produce. Thus with price ruling high for palm oil in the South and low for cotton in the North, a prospective farmer is subjected to variations in his costs and returns. Such variations urged the planners to introduce the "Mixed Farming Policy." The policy was typified by the importation of six pullets and one cockerel of the Rhode Island Red breed from England in 1933 to Agege where crops like maize, cassava, yam, oil palm, kola, coffee, pineapple and citrus fruits were already cultivated.⁵⁴ The role of educational advancement in agricultural development in Nigeria was given prominence at an

⁵¹Teriba O-(1973), Rural credit and rural development in Nigeria, retrieved on the 3rd of May, 2017 at about 10am-
www.agris.fao.org

⁵² ibid

⁵³ Jones W.O, Akinrele A.I (1976)-Improvement of Cassava Processing and Marketing: Recommendations and Report
retrieved on the 3rd of May, 2017-www.sidalc.net

⁵⁴ ibid

earlier stage. The value of an elementary education in the three Regions to farmers was appreciated and it was suggested that the introduction of a new interest into farming, such as the production of livestock in the Southern Provinces of Nigeria, would attract more educated youths into agriculture. A scheme was started in Katsina Province for teaching sons of farmers the best husbandry methods⁵⁵. Instructions were essentially practical in nature and were centered on mixed farming. Similarly, the study of management of livestock was introduced to the Ibadan Agricultural School where the Education and Agricultural Departments cooperated to train both teachers responsible for the management of school farms and the agricultural assistants for the Department of Agriculture. By 1938, three Conferences of West African Agricultural Officers had been held. Besides, the numerous attempts made between 1924 and 1938 to introduce fodder and browse plants into Nigeria (especially at the Veterinary Station, Vom, the Agricultural Station at Samaru and at the Stock Centre at Shika) were reviewed⁵⁶. The need for concerted effort at pasture and grassland management and improvement was adequately documented and a call for more co-operation between the livestock farmers and the traditional agriculturists was made. This was the beginning of organized efforts towards range management for livestock improvement in Nigeria⁵⁷. In 1940, milk-buying units were established in areas of the Jos Plateau and butter was produced on commercial scale. The production of cheese and bacon was undertaken shortly after and this became intensified during the Second World War. After the War, livestock produce assumed considerable importance, while in 1948 the operations were taken over by the Department of Commerce and Industry⁵⁸. A Veterinary School was established at Vom in the early

⁵⁵ King H.E(1953)- The Empire Cotton Growing Corporation in Africa. Northern Nigeria- retrieved on the 3rd of May, 2017 at about 2pm- www.archives.datapages.com

⁵⁶ *ibid*

⁵⁷ *ibid*

⁵⁸ *ibid*

1940s to train Nigerians for animal health work.⁵⁹ A Livestock Investigation Centre (LIC) was also set up as auxiliary to the school and laboratory. Later, an Egg Production Unit was created to supply fertile eggs for virus research, vaccine for both the Veterinary and the Medical Departments and Poultry for research work and vaccine testing. The Nigerian Veterinary Department played a very prominent role in the early history of livestock development in Nigeria. Indeed, by the end of the 1939-45 War, the Department had become internationally recognized and requests were made by the administration of most of the other West African Territories to the veterinary laboratory in Vom for the supply of vaccines. The serious nature of trypanosomiasis (sleeping sickness) in man and animals was also of great concern to the Colonial Administration in the West African Territories and the need to control this disease led to the establishment in 1947 of a West African Institute for Trypanosomiasis Research (WAITR). A main laboratory to study the animal was cited in Vom-on the Jos Plateau, an ideal location since the tsetse fly vector was absent in that area. Prior to 1951, the Nigerian Veterinary Department had its headquarters, laboratories and a school in Vom, with field offices in each Region. With the coming of regional governments, the Nigerian Veterinary Department was split into separate regional departments⁶⁰. The Director of Veterinary Services became the Inspector-General of Animal Health Services, while the designation of the regional heads remained the same, except for that of Northern Region which was changed to Director of Veterinary Services. The post of Inspector-General carried executive authority in the regions only in so far as matters connected with hides and skins trades were concerned. In October 1954, with the introduction of a new Constitution, the Regional

⁵⁹Olayide S.O., Olatunbosun D., Idusogie E.V. and Abiagom J.D. (1972), A Quantitative Analysis of Food Requirements, Supplies and Demands in Nigeria, 1968-1985, Federal Department of Agriculture, Lagos. Retrieved on the 4th of May, 2017, at about 10am- www.agris.fao.org

⁶⁰Essang S.M and Olayide S.O. (1995), Patterns of estimated agricultural expenditures in the 1975-80 Nigerian Plan: Some implications, Nigerian Journal of Economic and Social studies, 17, 3. Retrieved on the 4th of May, 2017 at about 1pm, www.africabib.org

Departments became completely autonomous⁶¹. The post of the Inspector-General of Animal Health Services was re-designated as the Director of Veterinary Research, responsible to the Federal Government and with executive authority for veterinary matters in Lagos. In 1967, when 12 States were created in Nigeria, each state assumed responsibility for veterinary matters, within its boundaries. The initial breeding policy designed to improve livestock in Nigeria concentrated on the locally available breeds of animal. About 1950, there was a modification of this policy, whereby exotic breeds of cattle were introduced to upgrade the local stock.⁶² The Western Nigeria Development Corporation (WNDC) established the Upper Ogun Ranch for the commercial production and distribution of cattle. In the Eastern Region, South Devon cattle were introduced at the Obudu Ranch.⁶³ Friesian bulls were imported to the farm at Agege in Lagos; the Teaching and Research Farm at the University of Ibadan obtained foundation stock of cattle from Shika. Extensive facilities were also established for research in piggery and poultry. The administrative machinery for agricultural development and co-ordination was also modified.⁶⁴ Technical committees established for the various aspects of primary production were modified. The Veterinary Technical Committee was replaced by the enlarged National Livestock Development Committee which reported to the National Council for Agriculture and Natural Resources. The Livestock Meat Authority, established to serve the northern states, had recently been empowered to act on a national scale in collating data and conducting surveys as well as in researching into various aspects of livestock production, slaughter and marketing in Nigeria.⁶⁵ Fisheries: The history of fisheries development in Nigeria is a comparatively recent one,

⁶¹ ibid

⁶² ibid

⁶³Essang S.M. (1995) Institutional arrangements and income distribution in a primary export economy (Western Nigeria), *Bulletine of Rural Economics and Sociology*, Vol.6, P2, retrieved on the 4th of May, 2017 at about 4pm-www.agris.fao.org

⁶⁴ ibid

⁶⁵ ibid

although reports have shown that a fishing company operated from the coastal waters of Lagos long before 1915. Deliberate efforts at developing the country's fisheries can be said to date back to the Second World War when, because of the naval blockade of the high seas, the then Colonial Administration decided to develop the country's local resources, including fisheries.⁶⁶ A fisheries organization was established in 1941 as a Fisheries Development Branch of the Agricultural Department of the Colonial Office and a Senior Agricultural Officer was appointed to conduct a survey of the industry and its possibilities. The headquarters was sited at Apese village and later at Onikan in Lagos, from where, assisted by a part-time voluntary officer, preliminary experiments in fish culture in brackish water ponds at Onikan were carried out and surveys were conducted on the canoe fisheries of Apese village and Kuramo waters around Victoria Island, Lagos. A small fisheries school was also established at Onikan.⁶⁷ Early in 1945, the Fisheries Development branch was temporarily transferred from the Agricultural Department to the Development Branch of the Secretariat. A Fisheries Development Officer was appointed and a Five-Year Plan for Fisheries Development was formulated and incorporated in the Ten-Year Plan of Development and Welfare in Nigeria, laid on the table of the Legislative Council on 13th December, 1945⁶⁸. From this date to 1947, the Branch became a section of the Department of Commerce and Industries with a Principal Fisheries Officer in charge. In addition to the brackish water fish culture experiments and canoe fisheries surveys, other activities were initiated. Small motor fishing crafts were acquired for exploratory fishing in the estuaries, lagoons and creeks. It was considered "that these fisheries should receive priority treatment at this stage in Nigeria over sea fisheries". This was in spite of the earlier reports on the fishing company which showed that

⁶⁶Otubusin S.O., (1992) Fish Culture studies in floating cages in lake Kainji, Nigeria. Ph.D Thesis. Ahmadu Bello University, Zaria, P41

⁶⁷Agbeja Y.E., and Falaye A.E., (2007) Economic Analysis Industrial Shrimp Fishery in Nigeria, pages 171-177, retrieved on the 5th of May, 2017 about 10am-www.docsdrive.com

⁶⁸Maclaren, P.I., (1949) Brackish Water Fish Experiments at Lagos Nigeria

suitable trawling grounds existed off Lagos at depths of 18-65m. Other activities undertaken included tests of rice growing in tidal mangrove swamps, where such an activity could be combined with fish farming, and improvements in the social conditions of the wholly fishermen populations of two small villages in Lagos. Between 1948 and 1950, major efforts were made at extending the artisanal fisheries programme to other coastal areas of Nigeria. An active extension service was established to demonstrate the benefits of improved fishing techniques and gear to the coastal canoe fishermen. In addition, trawling surveys were undertaken in the vicinity of Lagos and Cameroon, and a sub-station was maintained at Opobo for several years before it was closed down due to lack of funds and personnel. A start was also made in fish culture in inland areas by the construction of experimental ponds and the stocking of the then existing ponds and reservoirs. A Fish Farmer was appointed to extend this aspect of production and this culminated in the establishment in 1951, of a 160ha industrial-scale fish farm at Panyam on the Jos Plateau. By the end of this period, the branch had grown to become the Federal Fisheries Services under the Federal Ministry of Economic Development. Between 1952 and 1957, the bulk of the marine biological research was performed by the West African Fisheries Research Institute (WAFRI) at Freetown, Sierra Leone; a unit was maintained at BirninKebbi to conduct research into the fisheries of River Sokoto. In consequence of Nigeria's and Ghana's withdrawal of their support, the WAFRI was disbanded with effect from 31st March 1957; the fisheries research activities of the Federal Fisheries Service were expanded to take care of this function. Under the 1954 Constitution of Nigeria, the fisheries organization was split between the Federal and Regional Governments.

2.10 Agricultural Development Since Independence (1960-date)

The 1962-1968 development plan was Nigeria's first national plan. Among several objectives, it emphasized the introduction of more modern agricultural methods through farm settlements, co-operative (nucleus) plantations, supply of improved farm implements (e.g. hydraulic hand presses for oil palm processing) and a greatly expanded agricultural extension service. Some of the specialized development schemes initiated or implemented during this period included: (i) Farm Settlement Schemes; and (ii) National Accelerated Food Production Programme (NAFPP), launched in 1972.⁶⁹ There were also a number of agricultural development intervention experiments, notably (i) Operation Feed the Nation, launched in 1976; (ii) River Basin and Rural Development Authorities, established in 1976; (vii) Green Revolution Programme, inaugurated in 1980; and (viii) The World Bank-funded Agricultural Development Projects. While each of the above programmes sought to improve food production, the ADPs represented the first major practical demonstration of the integrated approach to agricultural development in Nigeria. The experiment which started with World Bank funding, with projects at Funtua (1974), Gusau (1974) and Gombe (1974), blossomed into Ayangba (1977), Lafia (1977), Bida (1979), Ilorin (1980), Ekiti-Akoko (1981) and Oyo-North (1982) agricultural development projects. Following successful negotiations for multi-state agricultural development projects with the World Bank, each state of the country, and the federal capital, Abuja, now has one ADP. The years since the early 1960s have also witnessed the establishment of several agricultural research institutes and their extension research liaison services. Some of the major institutions are:

⁶⁹Nzimi I., (1985)- The Green Revolution in Nigeria or Modernization of the Hunger. Zim non-African Publishers, Oguta, Nigeria, retrieved on the 5th of May, 2017 at about 12noon-www.agris.fao.org

(i) Agricultural Extension and Research stock production and fisheries production in Nigeria Liaison Service (AERLS) at the Ahmadu Bello University, Zaria, established in 1963; (ii) The International Institute of Tropical Agriculture (IITA), at Ibadan and; (iii) International Livestock Centre for Africa (ILCA)

CHAPTER THREE: NATURE AND SCOPE OF LEGAL REGIME ON AGRICULTURE IN NIGERIA

3.1 Introduction

Legal framework refers to the actual process of using the laid down law to achieve a thing or a broad system of rules that governs and regulates decision making agreements, laws etc e.g. without a legal framework no company will invest here. Nigeria has a number of legislation that regulates the activities of agriculture in the country. In Nigeria the Constitution is the ground norm of the land and it also provides for agriculture. The Constitution and other relevant legislation with respect to agriculture will be examined in this chapter.

Legal Framework for Agricultural Development in Nigeria has evolved over time, commencing from the crude and subsistence policies to commercial and advanced systems we have currently. However for the purpose of this chapter and research, we would concentrate on the constitutional and other legal frameworks with respect to Agricultural development presently in Nigeria.

3.1 Constitutional provisions for agriculture in Nigeria.

The Constitution of the Federal Republic of Nigeria, 1999¹ is the highest law of the land that created a legal framework for agricultural development, this it did in two notable ways, namely: (a) Regulation for acquisition of land for agricultural purposes and (b) Creating institution for making of laws and policies for the development of agriculture in Nigeria.

1.1.1 Regulation of Land Acquisition for Agricultural Purposes

Land is an essential instrument in agriculture anywhere in the world and Nigeria is not an

¹ CAP C23 LFN, 2004

exception. The acquisition of land is by the Constitution of the Federal Republic of Nigeria made a fundamental right. *Section 43 of 1999 Constitution of Nigeria*² provides thus:

Subject to the provisions of the Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

This right to acquire immovable property includes acquisition of land for agricultural purposes. The right is further protected and guaranteed by *Section 44 (1) (a) and (b)* where it provided the following:

“(1) No movable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purpose prescribed by a law that among other things-

- (a) Requires the prompt payment of the compensation thereof; and*
- (b) Gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in any part of Nigeria”.*

Section 315 (5) of the Constitution also makes it impossible for the amendment of Land use Act to serve any parochial interest without the amendment of the constitution, which is obviously not easy. It is noteworthy to point out here that an important legislation made pursuant to the above provision is the Land Use Act amongst others. Ownership of land or interest in land either by acquisition, lease or mortgage both for agricultural and other

² *Section 43 of Constitution of Nigeria 1999 (as amended) CAP C23 LFN, 2004*

purposes is largely regulated by the Land Use Act and Conveyancing Act/Law of the various parts of the country.

To a large extent therefore, the Constitution by these provisions makes it possible for anyone interested in agriculture either on subsistence or commercial scale to apply for and acquire land in any part of the country.

3.1.2 Creation of Institutions for Making Laws and Policies for the Development of Agriculture in Nigeria

Apart from the regulation for acquisition of land for agricultural purposes, the Constitution also created and empowered institutions and agencies for making of laws and policies for agricultural advancement. *Paragraphs 17 (c) and (d), 18 and 20 Part II of Second Schedule to the Constitution of the Federal Republic of Nigeria* provides as follows:

17. The National Assembly may make laws for the Federation or any part thereof with respect to:

- a. The establishment of research centers for agricultural studies*
- b. The establishment of institution and bodies for the promotion and financing of industrial, commercial or agricultural projects.*

18. Subject to the provisions of this Constitution a House of Assembly may Laws for that State with respect to industrial, commercial or agricultural development of the state.

20. For the purposes of the foregoing paragraphs of this item, the word “agricultural” includes fishery.

The provisions of the Constitution above empowered both the State and National Assemblies to make laws for agricultural development both for the Federation and States respectively.

Further to the preceding paragraph, some of these laws created agencies of governments charged with the responsibilities of making and implementing policies geared towards agricultural advancement. For instance, the National Assembly in exercise of the powers granted by the above provision enacted *National Agricultural and Development Authority Act*, which established National Agricultural and Development Authority, charge with the responsibilities provided in *Section 3 of the Act*, to among others;

... contributes significantly towards the attainment of a national food fiber self-reliance, self-sufficiency and national food security through optimum utilization of available abundant land resources which ensures minimum soil and environmental degradation, while simultaneously promoting sustainable agriculture.

The following are some Nigerian legislation in the agricultural industry:

3.2Agricultural and Rural Management Training Institute Act³: section 3 of this legislation provided for the functions of this legislation as follows:

- a. Provide detailed identification of management training needs in agricultural organizations and of technical employees in the rural sector of the economy and develop training programs to meet these needs:
- b. Carry out training of students in areas identified in paragraph (a) of this subsection;
- c. Establish a residential campus at Ilorin and such other place as may be decided by the board;
- d. Establish an audio-visual production unit which shall produce suitable teaching support materials;
- e. Promote or undertake any other activity that in the opinion of the board is calculated to help achieve the purpose of the institute.

³ CAP.A10 LFN, 2004

2. The institute shall ensure that the training approach to be followed at the Institute shall be highly job-specific and practical and shall utilize modern methods of management skills development usually utilized by similar establishments in other to attain the highest standards. This Act has been amended and properly cited as Agricultural and Rural Management Training (Amended Act) 2016. This amendment is to allow other Federal Universities participate in the board of the institute. The authenticity was signed by Mohammed Ataba-Sanni-omolori-Clerk to the National Assembly on the 20th day of October 2016. In the late 70's, it became clear that our dependence on oil revenue to the neglect of agricultural development was unreliable for national economic and social development. The Federal Government of Nigeria then pumped a lot of money into reviving agricultural activities and productivity in Nigeria. However, it was soon realized that the huge investment in agriculture would not yield the desired result because of an acute shortage of man power with requisite managerial skills and capability.

Consequently, an institute to train and develop the require man power to manage the many agricultural and rural development project existing and been planned, became a necessity. In 1980, with the assistance of World Bank loan, ARMTI was established to satisfy this need. Please note ARMTI is a parastatal organization under the Federal Ministry of Agriculture and Rural Development of the federal government of Nigeria.⁴

Section 2(1) (d) states that one representative is to be chosen from the University of Ilorin, Ahmadu Bello and the University of Nigeria Nsukka in rotation by the National University Commission. Subsection (1) (d) of the above provided for one representative only from Kwara state polytechnic. One troubling question with regards to this provision is how this

⁴Oladipo F.O, Olorunfemi O.D, Ajiboye G.E, Iyilade A.O (2015) the Vulnerabilities of Rural Women and Methods of Adaptation to food Security in ARMTI. Contemporary Journal of Social Sciences, Volume 6 p61-74, published by Faculty of Social Science, Kogi State University, Anyigba, Nigeria.

will effectively meet the vacuum the legislation came to fill in the first place? However the new amendment of 2016 has substituted the institutions mentioned above to read “any of the Federal University in Nigeria”. This is respectfully submitted as a positive step in the right direction. The provisions for the function of the legislation as enshrined in Section 3 above is clear and the Court in plethora of cases has held that when the words of a statute is clear and unambiguous, it should be given its ordinary dictionary meaning. In *Health Practitioners &2 Ors V. Medical And Health Workers AndOrs*⁵, the Supreme Court stated that when the provision of a statute is unambiguous, its ordinary and grammatical dictionary meaning should be given to it.... From section 3 of this legislation reproduced above, the object of this law is to train man power to manage the many agricultural and rural development project existing and been planned. I or any other Nigerian may ask- how effective has this legislation been? The population of Nigeria as at today is above 180 million people, we have over hundred universities in Nigeria (federal and private) and over hundred polytechnics(federal and private) out of the list only few are Federal Institutions, thousands upon thousands students are in State University and Polytechnic and the legislation did not make provision for them. This is a great defect in this statute. The aim of the federal government of Nigeria by enacting this legislation may not be actualized because it is highly defective. The government must re-amend this statute to make room for all institutions in Nigeria, both state and private institutions.

Subsection 1(c) of section 3 of the legislation provides that the institute shall establish a residential campus at Ilorin, the question is, can that alone help to actualize the objective of this legislation? Before pointing out a better approach, it is pertinent to take a look at their work in the University of Ilorin. The faculty of agriculture in the University of

⁵ (2008)1 S.C (PT111)

Ilorin presently comprises of seven academic departments viz: agricultural economics and farm management, agricultural extension and rural development, agronomy, animal production, crop protection, home economics and food science, and forest resources management.

The formal Chief Justice of Nigeria, Moddibo Alpha Belgore, while delivering a lecture at ARMTI testified that university of Ilorin has the largest land area in Africa. He also agreed that University of Ilorin has a vast farm land where it has planted thick trees, palms, citrus and mangoes, moringa. The question still remain is the man power effectively trained? The aim of this legislation is geared towards empowering men with skills needed to drive this sector. The institute has not come down to the grassroots or perhaps the students and inculcate some skills, until this is done, the provisions of this legislation is more or less a cosmetic provision. A proper training of students should spur them ahead in that direction after their program in the school. But unfortunately, this is not the position in this case, there are other universities across the country especially the state and private institutions and with a vast expands of land to enable them have this training but the institute has not been able to cover this vacuum

3.3 Agricultural Credit Guarantee Scheme Fund Act⁶

The Agricultural Credit Guarantee Scheme (ACGSF) is a policy instrument of the federal government of Nigeria on agricultural credit. The scheme was established by Decree number 20 of 1977 but started effectively in 1978. The scheme was established to provide

⁶ CAP A11 LFN, 2004

guarantee on loans granted by banks to farmers for agricultural production and agro-allied processing.⁷

Various studies have shown that Credit plays an important role in enhancing agricultural productivity of the farmer. The general purpose of the Nigerian Agricultural Credit Guarantee Scheme Fund is to encourage banks to lend to those engaged in agricultural production and agro-processing activities. Thus the specific objectives of the scheme is the stimulation of total agricultural production for both domestic consumption and export; and the encouragement of financial institutions to participate in increasing the productive capacity of agriculture through a capital lending programme. The scheme is expected to provide guarantee on loans granted by financial institutions to farmers for agricultural production and agro-allied processing. The fund's liability is limited to 75% of the amount in default net of any amount realized by the lending bank from the sale of the security pledged by the borrower⁸. The agricultural activities that can be guaranteed under the scheme include the: Establishment and/or management of plantation for the production of rubber, oil palm, cocoa, cotton, coffee, tea and other cash crops; Cultivation and production of cereals, tubers, and root crops, fruits of all kinds, beans groundnuts, peanuts, beniseed, vegetables, pineapples, bananas and plantains; Animal husbandry that covers poultry, piggery, rabbitry, snail farming, rearing of small ruminants like goats, sheep and large ruminants like cattle. The scope of the third reason above was expanded in the amendment decree of 1988 to include fish culture, fish captures and storage. The scheme guarantees loans to farmers from lending institutions up to the tune of 5 million naira for individual farmers and 10million

⁷Nwosu, F.O., Oguoman.N.O., Ben-Chendon.G., Henri-Ukoha A, (2012) *the Agricultural Credit Guarantee Scheme: its roles,problems and prospects in Nigeria's quest for agricultural development*, department of agricultural economics, Federal University of Technology, Owerri, Imo State.

⁸ supra

naira for group/cooperative farmers (CBN 2007). In the event of default in loan repayment, the lending bank will serve the guarantor (the CBN) a notice of default. Afterwards the lending bank is expected to make further effort as it deems fit to recover the amount in default from the borrower. If any balance remains after the above steps and the default persists after 6 months of notice of default, the lending bank could realize the pledged security and there after put a claim on the scheme fund so as to realize 75% of the balance outstanding as at the time of application for claim to the bank.

Section 3 of the Act provides for the function as follows:

- a. Monitor the operation and evaluate the progress of the Scheme
- b. Advise the Minister as to changes required to improve the operation of the fund;
- c. Receive and consider the report of the management agent of the Fund and advise the minister thereon;
- d. Determine the remuneration of external auditors and solicitors;
- e. Perform such other duties relating to the Fund as may be referred to it by the Minister;
- f. publish names of defaulters of loans granted under this act in the national newspapers
- g. approve the operational budget of the fund; and
- h. Solicit the assistance of government loan machineries in the recovery of loans granted under this act.

These functions as stipulated in this Act has not been very effective, largely because of ignorance, a lot of Nigerians are not even aware that some of these laws exist and, the executive with respect has failed in their implementation functions/duties.

3.4 Agricultural Research Council of Nigeria Act⁹

Section 5 of this Act provides for the function of the council as follows:

⁹ CAP A12, LFN 2004

- 5(a) advise the federal government on national policies and priorities in the agricultural research, training and extension activities
- (b) Prepare periodic master plans for agricultural research, training and extension and advise the federal government on the financial requirement for the implementation of such plans;
- (c) Ensure the implementation of the approved master plans by the appropriate research institutes, universities and other bodies;
- (d) Supervise and co-ordinate the research, training and extension activities of research institutes established under section 14 of this Act;
- (e) Prepare the annual budget for agricultural research, training and extension programmes of the institutes under its aegis and receive grants for allocation to the institutes for the implementation of the annual programmes and to universities and other bodies for special research or training projects;
- (f) Maintain an up-to-date record of all existing facilities for research, training and extension in the agricultural sciences in Nigeria and advise the federal government on their adequacy and efficient utilization;
- (g) advise the federal government on the re-organization of existing institutes, including the creation of new ones, as are required to implement or further the efficiency of research, training and extension in the agricultural sciences;
- (h) Promote collaboration between scientists engaged in research in the agricultural sciences in Nigeria and their counterparts in other countries or international bodies;
- (i) Establish and maintain a National Agricultural Science Library and Documentation Centre and publish or sponsor the publication of the research results in the agricultural sciences; and

(j) Carry out such activities as may, in the opinion of the Council, further the advancement of research, training and extension in the agricultural science.

The agricultural research council of Nigeria dedicates itself to achieving significant improvements in agricultural productivity, marketing and competitiveness by generating appropriate technologies and policy options, promoting innovation, establishing a knowledge management capacity and strengthening the agricultural research system.¹⁰ Agricultural research seems to be the oldest form of organized research in the world. Agricultural research can be broadly defined as any research activity aimed at improving productivity and quality of crops by their genetic improvement, better plant protection, irrigation, storage methods, farm mechanization, efficient marketing, and a better management of resources.¹¹ Since the middle of the 18th century attempts were made to apply scientific knowledge to improvement of agriculture. By the middle of the 19th century, organized agricultural research was taking place in the Agricultural Chemistry Association of Scotland and the Agricultural Experiment Station. During the first half of the 20th century, most industrialized countries developed systems for agricultural technology development. It is generally believed that investment in agricultural research will result in beneficial returns.¹² The definition of the mission of agricultural research has varied over the years.

In the 1960s Aldrich (1966) included in it: “To apply all possible sources of scientific discovery to the solution of the technical and practical problems of agriculture; to engage in basic research where the lack of fundamental knowledge may impede progress; and to solve

¹⁰Agbamu, J. U (2000) Agricultural Research–Extension Linkage Systems: An International Perspective. *Agricultural Research & Extension Network (AgREN) Network Paper No.106.* pp 1 – 24.

¹¹ibid

¹²ibid

the specific problems with which agriculture is faced.” In essence, the mission of agricultural research was to increase yields and stability in yields over the years.

During the last decade the mission of agricultural research has been defined in greater detail, considering not only yields, but also other factors as sustainability of resources and effects on the environment. Research aimed at better varieties, plant nutrition, and water use as well as agricultural economics and farm management is an important component of agricultural research and the sustainable utilization of resources for the benefit of humanity and the environment.

The global mission of agricultural research will be to feed the ever-increasing population from 6.4 billion (2005) to an expected 9.4 billion in 2030¹³. This can only be achieved if agricultural and biological research come up with novel technologies, both conventional and biotechnological, which will increase food yields substantially in present and marginal environments.

The missions and goals of agricultural research vary between highly developed and developing countries, and between countries in each category. Generally it can be said that the overall mission of agricultural research is to increase efficiency of agricultural production and its quality, enabling a decent income and living to the farmer, and taking into account the ecological and social constraints.

¹³Agbamu, J. U (2000)Agricultural Research–Extension LinkageSystems: An International Perspective.*Agricultural Research & Extension Network (AgREN) Network Paper No.106.* pp 1 – 24.

An example of the mission of agricultural research in an industrial nation is that from the United States¹⁴viz:

- a. Protecting crops and livestock from pests and disease;
- b. Improving the quality and safety of agricultural products;
- c. Determining the best nutrition for people from infancy to old age;
- d. Sustaining soil and other natural resources;
- e. Ensuring profitability for farmers and processors;
- f. Keeping costs down for consumers;

In other developed countries missions are not presented in such detail. For example, the French Agricultural Research Organization (INRA) defines its mission thus: “To provide solutions to current and potential (agricultural) problems of major significance. To ensure better nutrition for people and preserve their health. To sensibly develop and manage land and the environment. To promote scientific and technological innovation, particularly in the life sciences, while remaining vigilant and responsible. To understand and control the complexity of our biological, economic, and social systems”.

It is interesting to note that development of knowledge for long-term needs, versus current and medium-term knowledge needs, is now being more and more emphasized, as in the United States and the Netherlands¹⁵.

Thus, new terms are now being introduced such as “sustainable development” in addition to economic, ecological, social, cultural, technological, and spatial elements. New possible

¹⁴ ibid

¹⁵Anyanwu, A.C and Agu V.C, (1996).“Gender Issues and Priorities in Agricultural Extension Delivery System”. In Adedoyin, S.F and Aihonsu, J.O.Y (Eds) Sustainable Development in Rural Nigeria. *Proceedings of the Eight Annual Conference of the Nigerian Rural Sociological Association*. pp. 108 – 118.

combinations of highly diverse functions (agriculture, recreation, nature, housing, infrastructure, water collection, etc.) will have to be integrated, and agribusiness and green space will be part of the mission of agricultural research. Thus, in the future, distinctions between fundamental researches, strategic research, applied research, and practical research will decrease¹⁶.

In developing countries the mission varies according to their, mostly short-term, needs, the mission of Nigeria, with respect to agricultural research is as stated above. In the last 40 years food availability in the world has changed in both quality and quantity. Regions like Asia which were considered to have attained self-sufficiency are again becoming importers of food, due to their rapidly increasing populations. Africa remains deficient in local food supply, and the gap between food production and need is widening markedly. This unfortunately is one of the things that have be delved Nigeria recently and with utmost respect the implementation of this Act in Nigeria is still at the infant stage. The primary goal of agricultural research is to support agricultural and rural development by proposing technical innovations adapted to the physical and socio-economic conditions and providing technical information as soil maps, inventory of biological resources, surveys of farms, pests and diseases, etc., the reason why a lot of people are no longer into agriculture in Nigeria is partly because the implementation of this Act is poor, those in rural area do not even know that some of these laws exist.¹⁷

¹⁶ *ibid*

¹⁷ Anyanwu, A.C and Agu V. C(1996).“Gender Issues and Priorities in Agricultural Extension Delivery System”. In Adedoyin, S.F and Aihonsu, J.O.Y (Eds) Sustainable Development in Rural Nigeria. *Proceedings of the Eight Annual Conference of the Nigerian Rural Sociological Association*. pp. 108 – 118.

3.4 Agriculture (Control of Importation) Act¹⁸

The purpose of this act is to the importation of articles for the purpose of controlling plant diseases and pests. That is, restricting or laying down conditions for the importation from any or all countries of plants, seeds, soil, containers, straw and other packing materials, artificial fertilizers, and any other similar goods or things, and without prejudice to the generality of the fore going any such regulations may prescribe or provide for-

- a. The places at which such goods or things may or may not be imported;
- b. The detention and examination of such goods and things on arrival;
- c. The charging of fees in respect of matters to which the regulation relates.

The National Agency for Food and Drug Administration and Control (NAFDAC) is the Government of Nigeria's (GON) regulatory body responsible for the regulation and control of food product manufacturing, importation, exportation, advertisement, sale and distribution in Nigeria. Under the provisions of the GON Act No 19 of 1993 (as amended) and the Food and Related Products (Registration) Act No. 20 of 1999 and the accompanying Guidelines, no food item may be imported, manufactured, advertised, sold or distributed in Nigeria unless it has been registered by NAFDAC. NAFDAC was established to protect and promote public health by ensuring the wholesomeness, quality, safety and efficacy (as applicable) of food, packaged water, drugs, cosmetics, medical devises, chemicals and detergents (referred to as regulated products) consumed in Nigeria. NAFDAC defines food as any "article manufactured, processed, packaged, sold or advertised for use as food or drink for human consumption, chewing gum and any other ingredient which may be mixed with food for any purpose whatsoever." Over the past few years, the management of NAFDAC has increased

¹⁸ CAP N13, LFN 2004

surveillance to curb widespread adulteration of food products. The main strategy employed by the Agency for the enforcement of Nigeria's food laws is the process of product registration. Contravention of the provisions of existing food laws is subject to prosecution and punishment as specified in the code. In recent years, NAFDAC appears to have become more active and stringent in enforcing existing food laws, which has increased the level of awareness of the consumer to make informed choices and has also encouraged local producers. In theory, any food item not registered with NAFDAC is not legally importable. In practice, many processed foods are routinely illegally smuggled into Nigeria through the land borders, by sea and by air without having gone through the registration process.

3.4 Nigerian Agricultural Insurance Corporation Act¹⁹

By virtue of Section 3 of the Act, the functions of this corporation include;

- (a) To implement, manage and administer the Agricultural Insurance Scheme, established by section 6 of this Act;
- (b) To subsidize the premiums chargeable on selected crops and livestock policies from the grants obtained from the Federal and State Governments and the Federal Capital Territory, Abuja;
- (c) To encourage institutional lenders to lend more for agricultural production having regard to the added security for their loans provided by the Corporation;
- (d) To promote increased agricultural production generally in order to minimize or eliminate the need for ad hoc assistance previously provided by governments during agricultural disasters;
- (e) To carry on insurance business on normal commercial basis and without subsidies on premiums as insurers of buildings, machineries, equipment and other items which form part

¹⁹ CAP N89 LFN, 2004

of the total investment on farms and to reinsure this aspect of its operations through well-established channels with reputable re-insurance companies;

(f) To operate other types of insurance business as may be permitted by the Commission of Insurance at competitive premiums; and

(g) To do anything or to enter into any transaction which in the opinion of the Board is calculated to facilitate the due performance of its functions under this Act.

Prior to the establishment of NAIC, Nigerian farmers suffered various losses on their investment and had no means of going back to production. The frustration made them to move into cities in droves in search of easy means of livelihood. This situation led to depletion of farming populace, which was a serious threat to food security. The Federal Government was disturbed by the ugly trend, hence the establishment of NAIC to address the need of farmers. The need for a specialized Agricultural Insurance Company to provide insurance cover to farmers was informed by Government's concern over the vacuum created due to the unwillingness of conventional Insurers to accept Agricultural risks, which they considered too risky.

This led to the establishment of the Nigerian Agricultural Insurance Scheme on 15th of November, 1987. The implementation of the Scheme was initially vested in the Nigerian Agricultural Insurance Company Limited, which was later incorporated in June, 1988 but later turned into a Corporation in 1993 by the enabling Act 37 of 1993.

Section 6 of the same Act provides for the establishment of the agricultural insurance scheme as follows;

1. There is hereby established a scheme to be known as the Agricultural Insurance Scheme (in this Act referred to as “the Scheme)

2. The objective of the Scheme is to protect the Nigerian farmer from the effects of natural hazards by introducing measures which shall ensure an indemnity sufficient to keep the farmer in business, but specifically the objectives of the Scheme are to-
 - a. Provide financial support to farmers where loss to crops or livestock arises from natural hazards;
 - b. Induce the provision of credit by financial institutions to farmers;
 - c. Promote agricultural production; and
 - d. Minimize or eliminate the need for Government to provide ad hoc assistance to farmers during agricultural disasters.

Agriculture plays a vital role in the Nigerian economy and a critical source of growth in many developing countries. It is also a means of livelihood for rural populace and a source of investment opportunities for the private sector.

However, Agriculture is exposed to adverse natural events, such as drought, flood, windstorm, pest, diseases etc. The impact and economic costs of such disasters may increase further in the near future because of climatic factors occasioned by climate change. These events, in most cases can lead to impoverishment of farmers if not checked or controlled by the machinery of law.

Agricultural Insurance is a veritable tool that Agricultural producers can use to mitigate and manage the risks associated with adverse natural events and disasters. Agricultural Insurance is important to Nigerian farmers in view of its role in Agricultural development as it complements and enhances risk management activities.

In recognition of the specialized nature of Agricultural Insurance, the Federal Government established the Nigerian Agricultural Insurance Scheme (NAIS) which is implemented and managed by the Nigerian Agricultural Insurance Corporation (NAIC).

The Corporation is to implement, manage and administer the scheme, offer protection to the farmers from the effects of natural hazards, ensure payment of appropriate compensation sufficient to keep the farmers in business after suffering a loss, promote Agricultural production and encourage the flow of Agricultural credit facilities from banks and other lending Institutions to the farmers.

NAIC products and services have grown with time due mainly to Government policies and increased Agricultural activities.

NAIC products and services can be broadly classified into three (3);

Agricultural Insurance Policies, which includes; Subsidized Crops, Subsidized Livestock, Commercial Crop, Commercial Livestock, Multi-Peril Cover (MPC), and Farm Assets and Investments, the second is: *General Insurance Policies*, which includes: Fire and Special Peril, Motor Insurance (Private and Commercial), Burglary and House Breaking, Group Personal Accident (GPA), Workmen's Compensation Insurance, Consequential Loss Insurance, Money Insurance, Fidelity Guarantee Insurance, Plant All Risk (PAR) Insurance, Marine Cargo/Marine Hull Insurance, Personal Indemnity Insurance and thirdly, *Risk Management/Farm Advisory Services*.²⁰

Benefits of NAIC agricultural insurance cover to farmers²¹

²⁰44th AIO Conference In Kampala. <http://www.naic.gov.ng/news-inside/insurable-risks-in-the-agriculture-value-chain>, retrieved on the 24th of January, 2018 at about 1pm

²¹ibid

Agriculture in Nigeria is highly susceptible to risk like drought, flood, pest diseases etc. Thus it becomes necessary to protect the farms from natural and non-natural calamities, secure farmers' investment, ensure food security and inflow of credit from lending Institutions.

It is for these reason the Federal Government of Nigeria established Nigerian Agricultural Insurance Scheme (NAIS) implemented by Nigerian Agricultural Insurance Corporation (NAIC).

Agricultural insurance is an effective mechanism for reducing the losses farmers suffer due to natural calamities such as floods, droughts, and outbreaks of pests and diseases. It enables farmers to obtain credit and financing for investment in new technologies, tools, and equipment to enhance and sustain their productive capacity. It also assists farmers in regulating cash flows and provides a financial buffer with which to rehabilitate damaged enterprises. Enhancing the knowledge of those involved in agricultural insurance from both the private and public sectors on its principles, mechanisms, and management is vital.

3.4 National Agricultural Land Development Authority Act²²

By virtue of Section 3 of the Act, the objectives of the authority include:

- a. Provide strategic public support for land development which presently constitutes a major infrastructural development bottleneck hindering the development of viable economic farm holdings;
- b. Promote and support optimum utilization of Nigeria's rural land resources for accelerated production of food and fiber;

²² CAP N4 LFN 2004.

- c. Encourage and support economic-size farm holdings and promote consolidation of scattered fragment holdings to generate net income from agriculture which is aimed at sustaining living standards above the poverty line and thereby narrow rural-urban income inequalities;
- d. Encourage the evolution of economic-size rural settlements that will reap the economies of scale in the provision of social infrastructures;
- e. Provide gainful employment opportunities for rural people, raise rural incomes and improve on the general living standards in rural areas;
- f. Expand productive capacity in agriculture and regain export capability in traditional and non-traditional crops;
- g. Contribute significantly towards the attainment of a national food and fiber self-reliance, self-sufficiency and national food security through optimum utilization of available abundant land resources which ensures minimum soil and environmental degradation, while simultaneously promoting sustainable agriculture;
- h. Facilitate appropriate cost-effective mechanization of agriculture; and
- i. Institute strategic land use planning schemes to deal with major allocation problems including the creation and location of forest and grazing reserves and other areas with restricted use, and the re-location of population, should this be necessitated by localized population explosion, pressure or national disasters.

Section 6 of the same act provides for the functions of the board:

- a. Acquire suitable tracts of land in various parts of Nigeria for purposes of development;
- b. Develop and parcel out any land into economic-size farm plots and assign such plots to selected farmers to own and manage for their own benefit;

- c. Acquire and consolidate scattered, fragmented farm holdings and re-parcel the consolidated units into economic-size holdings for re-distribution to their owners and such other persons within the locality who can conveniently benefit from the scheme;
- d. Supervise, monitor and assist in the overall operation and management of the scheme and assist in the organization of the farmer-participants in projects specified under the scheme;
- e. Provide general extension support services and technical information on soil types, land, capability for various agricultural purposes including livestock and arable farming;
- f. Assist, engage in and advise the participants in the scheme on all aspects of land conservation and land degradation control at the projects sites in particular and, in appropriate circumstances, outside the project sites;
- g. Assist the participants in the scheme on the method of acquisition or procurement of production inputs and in the development or provision of appropriate technology for processing, where feasible, of farm produce and in the marketing and disposal of the processed farm produce;
- h. Engage in or assist with on-farm and off-farm training of farmer-participants and project management personnel;
- i. Designate delineate protected areas (for biodiversity or their fragility);
- j. Allocate land for large scale farming in a manner which allows peasant farmers to have continued access to land sufficient for their needs in the face of rapid population growth;
- k. Assist large scale farmers, where possible in the development of this lands, provided such services are on a commercial basis;

- l. Develop a code of sound land management procedures for all land resources development proposals in order to ensure that they conform with national needs and policy of minimizing land degradation and enhancing land and other resource conservation;
- m. Assist in the provision of social infrastructural facilities for the emergent growth-centres at or around the project sites; and
- n. Engage in any other up-stream or down-stream activity which, in the opinion of the Board are incidental to or necessary for the attainment of the objectives of the authority.

Nigeria is situated within latitudes 4°20'-14°10' North of the equator and longitudes 7°15'-14°15' East.²³ The rainfall pattern varies in annual average with less than 70 mm at the fringes of the Sahara Desert North to over 5000 mm in the Delta area bordering the Atlantic Ocean. The problem of inadequacy of food supply in Nigeria has continued unabated for the past 2 decades. It is part of the food insecurity in Africa and the dreadful global food crisis. Walsh J²⁴ emphasized the prediction of many experts in the 1950s that developing countries would run out of food within two decades. For more than two decades, Nigerian policy makers and development planners have been grasping with the ways and means of resolving the food crisis. This crisis became obvious during the oil boom years (1970s) when the several years of neglect of agriculture and disequilibrium in the distribution of production resources manifested in the total collapse of the production of traditional export crops of the country. As a result of this, various programmes were embarked upon in the late 1960s and 1970s such as the Agricultural Development Projects (ADPs), the River Basin Development Authorities (RBDAs), the Directorate of Food, Road and Rural Infrastructure (DFRRI),

²³ NALDA (1992- 1998) National Agricultural Land Development Authority Annual Report.

²⁴ Walsh, J. (1991). *Preserving the Options; Food productivity Issues in Agriculture 2*, Washington D.C. CGIAR Secretariat

Nigerian Agricultural and Co-operative Bank (NACB) and Nigerian Agricultural Insurance Company (NAIC). National Agricultural Land Development Authority (NALDA) was established after most of the earlier programmes have not been able to achieve the expected results. Then this does not indicate a total failure. Areas of successes were observed in some parts. The initiators of the NALDA programme also realized that despite the achievements made in the agricultural sector, land management and planning is another area where successes have not been made. It is then believed that this and the earlier deficiencies could have been responsible for the teething problem experienced in the agricultural sector and thus the need for the establishment of National Agricultural Land Development Authority (NALDA) in 1992. The objectives of NALDA were the provision of strategic support for land development of viable economic farm holdings in the country, the consolidation of scattered fragmented peasant farmers in order to encourage the evolution of economic size farm holdings, provision of income and employment opportunities for the rural people in order to raise rural incomes. Other objectives are expansion of productive capacity in agriculture so as to regain export capability in the traditional and non-traditional export crops through optimum utilization of the nation's abundant land/soil resources in a manner that will ensure minimum soil and environmental degradation and the promotion of appropriate and cost effective mechanization of agriculture.

Activities of NALDA Programme²⁵

²⁵Agwu A.E, Dimelu M.U, Madukwe M.C (2008) Innovation System Approach to Agricultural Development: Policy Implementations for Agricultural extension Delivery in Nigeria. African Journal of Biotechnology Volume 7,(Academic Journals Kenya)

In 1993 from its experimental efforts in 3 locations, the programme covered 8 states of the Federation having satisfied the conditions stipulated for the take-off of such programmes in the states. The conditions among others was for the states to make available to NALDA 1,200 hcts of contiguous land, provision of official and residential accommodation for the state director and his key staff and the payment of initial contribution²⁶ of N2 million into the NALDA account for initial execution of the programme in the state. This was to commit the state to the NALDA programme. At the end of the second year, the programme has covered 27 states. Thus NALDA intervention had to put in place some infrastructures as a development strategy to remove the key constraints to small scale agriculture such as provision of farm roads and culverts, farm well, farm centres and procurement and supply of seedlings to farmers on cost recovery basis. Others were formation of farmers into co- operative societies to facilitate loans for farmers from banks and open-financial institutions to assist them in farming operations. In summary, the main component of the programme was the development of large tracts of land in each state, parceling these into 4 hectares plots and re-allocating these to the individual participants to own and work on for their own benefits. NALDA did not intend to own such farm as an organization. All the 4 hectares were owned by the individual farmer. However, except for the initial land development costs all services were rendered by NALDA on cost recovery basis. The operational set up of NALDA was a head office with four major departments: Departments of Land Development, Extension and Agro-Services, Engineering, and Finance and Administration which subsumes the Project Monitoring and Evaluation. Thus, within the framework of the philosophy and objectives of NALDA the operation of NALDA was designed to adopt a multidisciplinary approach. In essence, the aforementioned departments

²⁶ibid

covered activities in agricultural land preparation, soil management and conservation, land use planning and design, crop husbandry, farm management, agricultural input sourcing, procurement and distribution, extension of agricultural technology and related support services. This set up was replicated for each Local Government area and state of the federation with adaptation to their levels. With this structure NALDA collaborated with other agricultural institutions in the country such as the Federal Agricultural Coordinating Unit (FACU) and National Agricultural Extension and Research Liaison Services (NAERLS) which were used as consultants in reviewing existing technologies for crops to be produced by NALDA farmers. Seeds and seedling arrangements were also made with the National Seed Services (NSS) and Private Seed Companies like Pioneer Seeds and Agro Seed and other research institutes like Cocoa Research Institute of Nigeria (CRIN) and National Institute For Oil Palm Research (NIFOR). The arrangement for agrochemicals was made in collaboration with chemical companies like Chemical and Allied Product Limited (CAPL), Rhone Total and others. The National Agricultural Co-operative Bank (NACB) and National Agricultural Insurance Corporation (NAIC) respectively handled the issue of agricultural loan and insurance. These entire organizations worked consistently with NALDA while it existed. In 1993, bush clearing was done in 30 states. Minimal clearing (grubbing) was done in 6 states out of the 30 states due to the nature of land donated which had already been cleared. A total of 14,750 hcts was contacted for clearing of which 11,727 ha (79.5%) was actually cleared. Similarly, out of 12,185 hcts earmarked for seed bed preparation and cropping 8,918 hcts (73.2%) were actually cropped. During the 8 years of NALDA operation/intervention in Nigeria many successes have been experienced. More than 54,000 hectares of land were acquired within the first year of operation alone and 28,000 hectares

cleared and developed. Out of the cleared and developed land about 15,000 hectares were cultivated out of which about 5,400 hectares planted to tree crops. As in January 2000 when NALDA was scrapped a total of 17,820 hectares have been cultivated and the number of active participants in NALDA programme was about 6,811. Within the year 1992 and 1994, the NALDA, programme in Nigeria acquired about 54 thousand hectares. Out of these about 18 thousand hectares which represented 33.3% of the total land were cultivated to crop. This is far a wide gap between what used to exist (i.e. the amount of land that is not cultivated in the country). Of this 33.3% cultivated to crops 30.24% was cropped to tree crops while 83.66% was planted to arable crops. This shows that the rate of opening up the land and its use was far better than what we used to have in the past programmes. The area planned for operation was able to be compared with the work done and area of improvement was also able to be determined. As a result of the way NALDA programme's were implemented, more land cleared, developed and prepared was able to be put to farming within a planned period. During 1992-1998 the major crops cultivated in the 6 zones as divided by the NALDA management for convenience of monitoring and evaluation.²⁷

The middle belt zone represents the zone where majority of the cereals and grain were grown in the country. The zone consists of the savanna and partly rain forest. There the land area was covered with sorghum, millet, maize, rice, cowpea, yam and cassava. In the North East zone the main crops were sorghum, maize and millet and in the North West zone sorghum, rice and millet. The South West zone has the majority of the land cultivated into tree crops of oil palm, cashew and cocoa while only little land were cultivated to cereals and

²⁷Omotayo, A., Okey, D., Chikwendu and Adebayo, K. (2001). *Two decades of World Bank Assisted Extension Services in Nigeria. Lessons and Challenges for the future*. The Journal of Agricultural Education and Extension p. 143–152.

grains (mainly millet and cassava). This clearly shows that tree crops thrive in this zone with more emphasis on oil palm and cashew and with lesser emphasis on cocoa which has always been a good foreign exchange earner in the country in the 50s to 70s. The same trend was observed in the South East zone, where the highest cultivated area was on oil palm. The main issue as regards this data is that every zone was specialized in the crops more suited to that area and to which there was comparative advantage. One of the major challenges for agricultural intervention programmes and projects in Nigeria was the awareness that Nigerian agriculture can be developed from fragmented holdings to a contiguous one. The continued waste of energy and time used in trekking a long distance before getting to the farm site are reduced and more time could be put into farming itself. At a time when the farmers are gradually getting old and their children are not encouraged to come into farming due to its energy demanding nature. It also affords us the understanding that the meager agricultural resources available to the country can be annexed and managed properly for effective and efficient agricultural development. For instance under the NALDA programme, farmers were able to obtain loans and they were easy to be monitored and loan repaid due to the advantage of location and co-operative surety enjoyed by the farmers. Although it has been argued in the past that these farmers lack collaterals, they were still able to enjoy loan facilities. Furthermore, the need to sustain and improve on Nigerian foreign exchange earnings can be encouraged through the sale of cash crops like cashew and cocoa which NALDA have as part of their focus. Grading of such produce will allow for higher earnings and more foreign exchange can be saved for the country and Nigeria farmers can live a better life. The activities of the defunct produce marketing board can also be re-examined and strengthened with the ability to standardize Nigeria's agricultural produce for exportation. The positive

change in the income and savings of NALDA farmers makes it clear that the cost recovery method of giving agricultural loan to farmers can be perfected in future programmes. As farmers produce and make good sales they will also be able to repay back any loan acquired in kind and cash. In this regard, the NALDA agricultural development strategy as practiced in the past can be employed in a larger way involving areas the programme have not covered in the past. In future more efforts should be put to multi-disciplinary and integrated development of the pulled agricultural resources as practiced on NALDA site. The NALDA agricultural development strategy has afford us the awareness that more hectares of Nigerian land can be put into farming within a short time and still be sustained effectively and efficiently. ²⁸

3.4 National Agricultural Seeds Act²⁹

Section 3, provides for the functions of the act as follows;

- a. To analyze and propose programmes, policies and actions regarding seed development and the seed industry in general, including legislation and research on issues relating to seed testing, registration, release, production, marketing, distribution, certification, quality control, supply and use of seeds in Nigeria, importation and exportation of seeds and quarantine regulations relating there-to;
- b. Propose improved management system and procedure relating to the administration of seed activity and advise the Federal Government on the organization, management and proper financing of seed programmes;
- c. Analyze the market and prices of seeds;

²⁸Olusanya, A. K. (1995). National Agricultural Land Development Authority Objectives, Activities and Achievements: Issues In Agricultural And Rural Development. Proceedings of Training Work-shop On Agricultural and Rural Development 07-10 February 1995, pp. 160-172.

²⁹ CAP N5 LFN 2004

- d. Control, supervise and approve the activities of the following committees established by or pursuant to this act, that is-
 - i. The crop Variety Registration and Release Committee;
 - ii. The Seeds Standards Committee;
 - iii. The Seed Industry and Skill Development Committee;and
 - iv. Such other committees as may be established, from time to time;
- e. Advise the national research system on the changing pattern of seed demand farmers needs;
- f. Monitor and evaluate the achievement of the national seed system and recommend improvements thereto;
- g. Encourage the formation or establishment in Nigeria for the purpose of carrying out research, production, processing and marketing of seeds; and
- h. Perform such other related functions as may be required of the Council, from time to time.

Seed constitute the cheapest agricultural inputs and contributes over 50% of the total productivity gain in crop output. Despite this it is usually taken for granted. Seeds also sets the upper limit of efficiency of all other agricultural inputs. In view of these attributes, there is always the need to ensure provision of good quality and improved seed to farmers. Since these desirable traits of seed are not so obvious to farmers, and the fact that they are subject to abuse of various kinds, government usually enacts laws to protect the interest of seed producers and farmers. Consequently, in order to put in place a regulatory framework for the protection of different actions in the industry, government promulgated the National Agricultural Seed Decree in 1992.

Since 1992 when the law was promulgated, the expected gains or results in propelling the agricultural sector have not been significantly achieved. This was largely due

not only to structural deficiencies in the decree, but also that the Director General of the Council was never appointed to actualize the take-off of the Council. Furthermore, the current government agricultural policy thrust is to make the seed industry private sector driven. Therefore it was considered expedient to review the decree in order to make the seed sector vibrant.³⁰

3.5 National Centre for Agricultural Mechanization Act³¹

Section 2 of the act provides for the objective as follows:

1. The Centre shall have the general objective of accelerating mechanization in the agricultural sector of the economy in order to increase the quantity and quality of agricultural products in Nigeria.
2. For the purposes of subsection (1) of this section, the Centre shall-
 - a. Encourage and engage in adaptive and innovative research towards the development of indigenous machines for farming and processing techniques
 - b. Design and develop simple and low-cost equipment which can be manufactured with local materials, skills and facilities;
 - c. Standardize and certify in collaboration with the Standards Organization of Nigeria agricultural machines, equipment and engineering practices in use in Nigeria;
 - d. Bring into focus mechanical technologies and equipment developed by various institutions, agencies or bodies and evaluate their suitability for adoption;
 - e. Assist in the commercialization of proven machines, equipment, tools and techniques;

³⁰Almekinders J.M, NielsP.I, Brujin G.H (1994) Local Seed Systems and their Importance for an Improved Seed Supply in Developing Countries. Euphytica Vol.8, p207-216 (Kluwer Academic publishers)

³¹ CAP N13 LFN, 2004

- f. Disseminate information on methods and programmes for achieving speedy agricultural mechanization;
- g. Provide training facilities by organizing courses and seminars specially designed to ensure sufficient trained manpower for appropriate mechanization;
- h. Promote co-operation in agricultural mechanization with similar institutions in and outside Nigeria and with international bodies, connected with agricultural mechanization.

There is no doubt that the application of farm power to appropriate tools and implements and machines “farm mechanization” is an essential agricultural input in Nigeria with the potential to transform the lives and economies of millions of rural families. For example, Farm mechanization can facilitate increased output products while eliminating the drudgery associated with human muscle powered agricultural production. Improved livelihoods for small holder farmers means increased access to input supply chains and integration in modern food systems, resulting in improved incomes, numerous and renewed business opportunities, further value addition and over all improved livelihoods for smallholder families. Moreover agricultural mechanization in its broadest sense can contribute significantly to the sustainable development of food systems globally, as it has the potential to render post-harvest, processing and marketing activities and functions more efficient, effective and environmentally friendly.

It is sad to note that this institution is not carrying out the spirit of this act. We have 36 states in this country and majority of the members of these states are farmers, unfortunately these farmers are still engaged in muscle power farming resulting in very low output, this is because they have no access to machines to aid their farming activities.

3.5 National Crop Varieties and Live Stock Breeds³²

Section 6 of the act, provides for the function of the commission as follows:

- a. Receive and process applications for the registration, naming and release of old and new crop varieties and livestock breeds;
- b. Officially release the list of superior crop varieties and livestock breeds recommended by any sub-committee established for that purpose;
- c. Approve names for new crop varieties and breeds of life stock certified as new or distinct such that uniformity in nomenclature is ensured;
- d. Render essential information on the released varieties of crops and livestock breeds, their outstanding characteristics, areas of adaptation and the location of foundation of seeds or stocks of the released varieties and breeds;
- e. Monitor the effect of the importation of exotic plants and animals on local species in Nigeria;
- f. Ensure the maintenance of the National Register for all crop varieties and livestock's breeds;
- g. Interact with national organizations and institutions concerned with large- scale seed and livestock production.
- h. Organize in collaboration with the genetic resources Unit of the

It is estimated that more than 95% of organic production is based on crop varieties that were bred for the conventional high-input sector. Recent studies have shown that such varieties lack important traits required under organic and low-input production conditions. This is primarily due to selection in conventional breeding programmes being carried out in the background of high inorganic fertilizer and crop protection inputs. Also, some of the traits (e.g., semi-dwarf genes) that were introduced to address problems like lodging in cereals in high-input systems were shown to have negative side-effects (reduced resistance to

³² CAP. N27 LFN 2004

diseases such as Septoria, lower protein content and poorer nutrient-use efficiency) on the performance of varieties under organic and low-input agronomic conditions. This review paper, using wheat, tomato and broccoli as examples, describes (1) the main traits required under low-input conditions, (2) current breeding programmes for organic, low-input agriculture, (3) currently available breeding and/or selection approaches, and (4) the benefits and potential negative side-effects of different breeding methodologies and their relative acceptability under organic farming principles.

While the livestock sector provides a variety of goods and services to society, from food to income to social functions, its complex interactions with the ecosystem have large environmental implications. The livestock sector is the world's largest user of agricultural land, considering both grazing and feed crop lands, and thus has a major impact on soil, water and air quality as well as biodiversity.³³ It is lack of understanding of this Act and inability to implement the objectives of this Act that made it difficult to handle the issue of Ruga settlement which came up this year 2019

3.3 Actors in Agriculture

The successful implementation and enforcement of the entire body of agricultural policies of this country hinge crucially on the national, state and local institutions designed and established for agricultural development. It will be their responsibility to ensure that government's goals in agricultural development are fulfilled in line with set objectives and operational modalities. The new agricultural policy has spelt out definitive roles and

³³ Adler, P.B, Raff D.A., and Lauenroth, W.K (2001). The effect of grazing on the spatial heterogeneity of vegetation. *Oecologia*, 128:465-479

responsibilities for the federal, state and local governments as well as private sector in order to remove role duplication and overlapping functions among them.³⁴

3.4.1 Responsibilities of Various Tiers of Government

In order to reduce areas of overlap and duplication of efforts between the three tiers of government in the country, the responsibilities of the Federal, State and Local Governments are clearly indicated in this section. The exact mode of operation in some of the areas of intervention are contained in subsequent subsections.³⁵

3.4.1.1 Federal Government

The main areas of direct involvement of the Federal Government will be:

- i) The provision of the general policy framework within which agriculture will develop and guidance to state and other public agencies on areas of emphasis for investment, particularly in strategic products;³⁶
- ii) Research into all facets of agriculture, including the provision of breeding stock and foundation seeds of improved varieties, brood stock and improved fast-growing hybrid species as well as fish seed;³⁷
- iii) The control of pests and diseases of national and international significance;³⁸
- iv) The development of water resources, including the construction and maintenance³⁹
- v) Of small, medium and large dams for irrigation aquaculture (fish farming), rural water supplies and other uses and the construction of boreholes; maintaining strategic grains and animal product reserves for purpose of food security;⁴⁰

³⁴Ladan, M.T., (2014)*Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

³⁵ ibid

³⁶ ibid

³⁷ ibid

³⁸Ladan, M.T., (2014) *Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

³⁹ ibid

- vi) The establishment and maintenance of a national capability for animal and fish diseases control through a virile Federal Veterinary and Public Health Service;⁴¹
- vii) Advise on agricultural produce tariff and pricing policy through representations in appropriate policy formulation committees⁴²
- viii) The promotion of sale of exportable agricultural produce outside the country;⁴³
- ix) The maintenance of a reasonable flow of resources into agriculture and rural development by way of matching grants, subventions and investments in Federal, joint Federal and State, State and other specialized projects and by creating conditions which facilitate resources flows from other sources.⁴⁴
- x) The training of manpower for agricultural development;
- xi) The establishment of an Agricultural Insurance Scheme;
- xii) The promotion of appropriate technology in agricultural production, preservation, processing and storage through the development of prototypes and pilot projects as a follow-up to research inventions;
- xiii) The coordination of the nation's forest development efforts including forest resources development and utilization afforestation, wildlife conservation and management;⁴⁵
- xiv) The coordination of data collection; and
- xv) The inventorisation of land resources through soil survey and soil fertility mapping and the control of land use and land degradation for effective soil conservation;

⁴⁰ ibid

⁴¹ ibid

⁴² ibid

⁴³ ibid

⁴⁴ ibid

⁴⁵ ibid

3.4.1.2 State Governments

The state governments will be primarily responsible for the following activities;⁴⁶

- i) The promotion of primary production of all items of agricultural produce (including crops, livestock and fisheries) through;
 - a. The maintenance of a virile and effective extension of service which can deal with problems of production, preservation, storage, processing and marketing; and
 - b. The promotion of the production of inputs for crops, livestock, fish and forestry using the combined activities of government and private agencies
- ii) Ensuring access to land by those who wish to engage in farming;
- iii) The training of manpower for agricultural development
- iv) The control of plant and animal pests and diseases
- v) The establishment of appropriate institutions for administering credit to small scale farmers, pastoralists, fishermen and fish farmers
- vi) The maintenance of buffer stocks of agricultural produce for purposes of price stabilization
- vii) Investments in rural development, including rural roads and water supply so that the standard of living of rural dwellers is improved;
- viii) Ownership, management and control of forest estates held in trust for the local communities;

3.4.1.3 Local Governments

The Local Government authorities will be expected to take over progressively the responsibility of the State Government with respect to;⁴⁷

⁴⁶Ladan, M.T., (2014) *Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

- i) The provision of an effective agricultural extension service;
- ii) The provision of rural infrastructure;
- iii) The mobilization of farmers for accelerated agricultural and rural development through cooperative organizations and the communities;
- iv) The provision of land for new entrants into farming in accordance with the provisions of the Land Use Decree; and
- v) The coordination of data collection at the primary levels

3.4.1.4 The Roles and Responsibilities of the Private Sector

The philosophy of government is that agriculture is essentially a private-sector activity with the government playing largely support roles and providing facilitating services. In this regard, the private sector will be expected to spear-head the drive for the realization of the objectives of agricultural policies in Nigeria. In particular, the private-sector will be expected to play a leading role with respect to: ⁴⁸

- i) Investment in all aspects of agricultural production;
- ii) Agricultural produce storage, processing and marketing;
- iii) Agricultural input supply and distribution;
- iv) Agricultural mechanization
- v) Provision of certain types of rural infrastructure; and
- vi) Support for research in all aspects of agriculture.

The various roles highlighted above for the actors has not been translated into concrete actions.

⁴⁷Ladan, M.T., (2014) *Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

⁴⁸ *ibid*

All the actors have shifted attention to oil and have greatly neglected the roles highlighted above. With easy oil money being squandered with impunity by government officials at all levels and some privileged individuals in the private sector, the actors have neglected their role.

While revenue from crude oil came in billions of dollars, it is being spent extravagantly. Agricultural sector, infrastructures and other basic needs of humanity that were to grow the country's economy are virtually left unattended.

With the issues of herdsmen and other security challenges in Nigeria at the moment, it will take a conscious effort to draw the attention of these actors to their roles and concretize action towards its attainment.

CHAPTER FOUR : LEGAL FRAMEWORK FOR AGRICULTURAL ACTIVITIES AND THE ENVIRONMENT IN NIGERIA

4.1 Introduction:

Nigeria is blessed with agricultural resources, a large expanse of land estimated at 91 million hectares, of which 81 million hectares are arable. Most parts of the country experience rich soil, well distributed rainfall, not to mention the warm year-round temperatures. And 18 million hectares of land classified as permanent pasture, for livestock production¹

Agriculture has its place in the history of the nation. This is the reason for the 'green' in the flag, and the progressive roles it has played; serving as the major source of livelihood to over 75% of the population². The agricultural history of Nigeria is intertwined with its political history. This can be accessed from the pre-colonial, colonial and post-colonial periods.

Long before the advent of Nigeria's colonization, our ancestors were sustained primarily on farming as the major occupation with the use of crude implements compared to what is obtained today. Yet, they produced enough food crops to feed themselves like most other Africans and also produced cash crops which were used for trade by barter system, across the Trans Saharan trade to the end of the Atlantic trade. They responded accordingly to the demands of their time, the limitations notwithstanding.³

¹Adubi A,(2013) *Agriculture: its Performance, Problems and Prospects. Democratic Government Development*, www.academicjournals.org, retrieved on the 2nd of April, 2018.

² ibid

³ Wada A (2012), *Food Security in Nigeria: The Role of Peasant Farmers in Nigeria* (4) *Multidisciplinary Journal*, 2-4, www.savidnews.com, retrieved on the 2nd of April, 2018.

Modern agriculture makes use of hybrid seeds of single crop variety, technologically advanced equipment, fertilizers, pesticides and water to produce large amounts of single crop. Heavy agricultural machinery results in more permanent damage to the soil than previously believed by researchers. This leads to poorer crop yields and increased pollution from agricultural land.

Compaction of the soil reduces the land's long-term ability to produce food. Researchers have observed that soil compaction which concerns the negative effect of driving heavy machinery on soil that is used for growing plants has negative effect on the environment. Soil compaction is characterized by increased density of the soil, reduced air volume and a reduced ability to drain off surplus water⁴.

All these modern practices of the use of fertilizer and heavy machine affect the environment and the soil as well as affect the rights of individuals in a long run because these practices by extension affects life and by the provisions of the Constitution of Nigeria, everyone has right to life. The question is, with the use of such heavy machines and likely increase of such machines in the nearest future, how can one maintain action in Court when affected by these activities, how can these activities be regulated for the benefit of all and what are the machineries on ground to ensure that our environment is not completely destroyed?

⁴ Borresen T,(2015) *Heavy Agricultural Machine Damages the Soil*.www.forskningsradet.com, retrieved on the 15th of May, 2018 at about 1pm

4.2 Agricultural Activities That Create Negative Impact On The Environment.

4.2.1 Bush Burning:

Population explosion, industrialization, urbanization and intensive agriculture have caused tremendous damage to our environment. Man's ignorance of laws of nature and its over exploitation of natural resources have further aggravated the problem.

Bush burning is the act of setting forest, weeds and grasses on fire. Farmers clear farmland in preparation for the planting season. The weed and grasses cleared are often burnt. Forest is a large area of land that thickly covered with trees. The trees naturally grow on their own or are cultivated by man for different purpose, Mammals', birds and reptiles make the forest their habitat.⁵

Below are a few problems associated with bush burning.⁶

The ability of air pollutants, especially particulates, to reduce visibility is well known. The visibility reduction results from light scattering other than obstruction of light. The particles primarily responsible for this effect are quite small in the range of 0.3 to 0.6 micron in diameter. This reduced visibility can cause road traffic accidents.⁷

Bush burning as it is being studied not only poses health hazard to man but also affects the environment in general via the emission of the various pollutants⁸. From the data above, it is glaring that particulars, carbon monoxide, hydrocarbons, oxides of nitrogen, a negligible percentage of oxides of sulphur are the major pollutants of bush burning and they all have various effects on man and his environment, like reduction of visibility by particulate matters, especially during periods of air stagnation and causing some respiratory diseases.

⁵Adiola F.O(2001) *Environmental Injustice and Human Rights Abuse: The States, MNCs and Repression of Minority Groups in the World*, Vol.8 No.1, Human Ecology Review, 29.

⁶ ibid.

⁷ ibid

⁸ ibid

Oxides of sulphur and nitrogen are also hazardous as they cause respiratory disorders and irritant respectively.

Smoke has a range of health effects from eye and respiratory tract irritation to serious disorders such as breathing problems, bronchitis, and increased severity of asthma, cancer and premature death. The very fine particles in smokes can go deep into the lungs and fine particles, by themselves or in combination with other air pollutants, can make preexisting diseases of the heart and lungs worse. Where there is short-term exposure to smoke, the particles are the most significant threat to public health. High levels of carbon monoxide are poisonous to humans. However, carbon monoxide arising from smoke events does not usually reach levels that pose a risk to the general population, although firefighters and people with heart disease can be at risk.⁹

Most healthy people including children, recover quickly from exposure to smoke and do not suffer long-term consequences. However, certain sensitive groups can experience more severe short-term and chronic effects. It appears that the same population groups that are susceptible to particles in cities are also susceptible to particles from biomass burning. These groups are: people with asthma and other respiratory disease, people with cardiovascular disease, children and elderly, pregnant women and unborn children are potentially susceptible, given that smoke from biomass burning contains many of the same compounds found in cigarette smoke.¹⁰

The major target of air pollutants is the respiratory system. Air and entrained pollutants enter the body through the throat and nasal cavities and pass to the lung through the trachea. The

⁹ibid

¹⁰Adiola F.O(2001) Environmental Injustice and Human Rights Abuse: The States, MNCs and Repression of Minority Groups in the World, Vol.8 No.1, Human Ecology Review, 29

respiratory system can be damaged by both particulate and gaseous pollutants. Chronic bronchitis, which is a disorder characterized by excessive mucus secretion in the bronchial tubes can result. Also, emphysema, which is the breakdown and destruction of the alveolar walls in the lungs could take place. Bush burning can during a windy period extend unintentionally beyond the intended area of the farmer. Bush burning can snow ball into huge bush fires with the destruction of vegetation and other farms. This can lead to food shortage.¹¹ Several homes have been destroyed by bush fires rendering occupants of such homes homeless. In developed countries with appropriate emergency responses, government can easily come to the aid of affected persons,¹² but this is not the case in Nigeria.

Bush burning affects the animal population of the area sometimes with risk to the health of man. An example the bush rat which is involved in the spread of lassa fever disease. They are normally resident in the bush but with bush burning they move into homes where they could contaminate food with their urine and stool.¹³

All of the above negative is to show the negative effect of bush burning on human life, this however is regulated by the National Environmental (Control of Bush, Forest Fire and Open Burning) Regulations, 2011¹⁴. The challenge is the implementation of the provision therein which will be discussed in part four of this seminar paper.

¹¹Izah S.C, Angaye C.N, Aigberua A.O, Onduka J (2010) *Uncontrolled Bush Burning in the Niger Delta Region of Nigeria: Potential Causes and Impacts on Biodiversity*. www.researchgate.net retrieved on the 2nd day of May, 2018 at about 2pm.

¹². ibid

¹³. ibid

¹⁴ A Regulation under the NESREA ACT

4.2.2 Spread of insecticide

The term ‘pesticide’ covers a wide range of compounds including insecticides, fungicides, herbicides, rodenticides, molluscicides, nematocides, plant growth regulators and others.¹⁵ Among these, organochlorine (OC) insecticides, used successfully in controlling a number of diseases, such as malaria and typhus, were banned or restricted after the 1960s in most of the technologically advanced countries. The introduction of other synthetic insecticides – organophosphate (OP) insecticides in the 1960s, carbamates in 1970s and pyrethroids in 1980s and the introduction of herbicides and fungicides in the 1970s–1980s contributed greatly to pest control and agricultural output. Ideally a pesticide must be lethal to the targeted pests, but not to non-target species, including man. Unfortunately, this is not the case, so the controversy of use and abuse of pesticides has surfaced. The rampant use of these chemicals, under the adage, “if little is good, a lot more will be better” has played havoc with human and other life forms.¹⁶ If the credits of pesticides include enhanced economic potential in terms of increased production of food and fibre, and amelioration of vector-borne diseases, then their debits have resulted in serious health implications to man and his environment¹⁷. There is now overwhelming evidence that some of these chemicals do pose a potential risk to humans and other life forms and unwanted side effects to the environment. No segment of the population is completely protected against exposure to pesticides and the potentially serious health effects, though a disproportionate burden, is shouldered by the people of developing

¹⁵Altenbach J.S, Geluso K.N, Wilson D.E (1979), *Population size of Tadaria brasiliensis at Carlsbad Caverns in 1973*. In: Grnoways HH, Baker RJ, editors. Biological investigations in Guadalupe Mountains National Park. p. 341. Texas, Natl Park Service Proc Trans Ser No 4.

¹⁶ibid

¹⁷ibid

countries and by high risk groups in each country.¹⁸The world-wide deaths and chronic diseases due to pesticide poisoning number about 1 million per year.

Pesticides can contaminate soil, water, turf, and other vegetation. In addition to killing insects or weeds, pesticides can be toxic to a host of other organisms including birds, fish, beneficial insects, and non-target plants. Insecticides are generally the most acutely toxic class of pesticides, but herbicides can also pose risks to non-target organisms.¹⁹Pesticides can reach surface water through runoff from treated plants and soil. Contamination of water by pesticides is widespread.²⁰Heavy treatment of soil with pesticides can cause populations of beneficial soil microorganisms to decline. According to the soil scientist Dr. Elaine Ingham²¹, “If we lose both bacteria and fungi, then the soil degrades. Overuse of chemical fertilizers and pesticides have effects on the soil organisms that are similar to human overuse of antibiotics. Indiscriminate use of chemicals might work for a few years, but after a while, there aren't enough beneficial soil organisms to hold onto the nutrients”, for example, plants depend on a variety of soil microorganisms to transform atmospheric nitrogen into nitrates, which plants can use. Common landscape herbicides disrupt this process: triclopyr inhibits soil bacteria that transform ammonia into nitrite, glyphosate reduces the growth and activity of free-living nitrogen-fixing bacteria in soil, Mycorrhizal fungi grow with the roots of many plants and aid in nutrient uptake. These fungi can also be damaged by herbicides in the soil. Pesticide sprays can directly hit non-target vegetation, or can drift or volatilize from the treated area and contaminate air, soil, and non-

¹⁸ibid

¹⁹Barcelo' D, Hennion M.C. (1997)*Trace Determination of Pesticides and Their Degradation Products in Water*.Amsterdam, The Netherlands: Elsevier; p. 3.

²⁰ibid

²¹ ibid. (Dr. Elaine Ingham is an American microbiologist and soil biology researcher and founder of soil Foodweb Inc. she is known as a leader in soil microbiology and research of the soli food web).

target plants. Some pesticide drift occurs during every application, even from ground equipment. Pesticides are found as common contaminants in soil, air, water and on non-target organisms in our urban landscapes. Once there, they can harm plants and animals ranging from beneficial soil microorganisms and insects, non-target plants, fish, birds, and other wildlife.

4.2.3 Application of fertilizer

We all know that fertilizers are used for proper and healthy growth of plants. But are they really healthy? What exactly are fertilizers and how do fertilizers affect the environment? Well, a fertilizer is a substance, be it synthetic or organic, which is added to the soil in order to increase the supply of essential nutrients that boost the growth of plants and vegetation in that soil. With the rapid increase in population globally, the demand of food and agricultural yield has been rising tremendously²². This is the reason why statistics show that almost 40-60% of agricultural crops are grown with the use of different types of fertilizers. Not only this, more than 50% people feed on crops that are grown as a result of using synthetic fertilizers²³. On the other hand, there are organic fertilizers that consist of manures and animal wastes, this is not our focus.

Mother Nature has always taught us to balance out everything, and still continues to do so! If you eat a lot, your body naturally bloats up and tells you to exercise and come back to shape. When you exercise too much, your body tells you to slow down and relax. If there is rain, you also get the Sun, each and everything works fine till a balance is

²² Adedapo A (2012) '*Understanding the Growth Enhancement Support Scheme*' available at <<http://www.thisdaylive.com/articles/understanding-the-growth-enhancement-support-scheme/>> retrieved on the 2nd of May, 2018 at about 2pm. P6

²³ *ibid*

maintained. And we all know the consequences of imbalance. A classic example for the same would be the rise in global warming due to various reasons, including deforestation! Same is the case with fertilizers.²⁴ The problem is that humans tend to use too much of fertilizers in the soil because they have to cater to the global demand of food. As mentioned already, more than half of the total yield production is out of synthetic or inorganic fertilizers which contains components like nitrogen, potassium, sulfur, calcium, magnesium, and so on. These chemicals and minerals, although help in boosting the growth of plants, they also have their drastic side effects in the long run.

Mentioned below are some key points defining the effects of using fertilizers on the environment.²⁵

Though this may sound ironic, the fact is that using too much of fertilizers in the soil can alter the fertility of the soil by increasing the acid levels in the soil. Which is why it is recommended to get a soil test done at least once in every 3 years so that one can keep a track whether or not you are using the right amount of fertilizers.²⁶ Too much of fertilizers in the soil, leads to eutrophication (when a body of water becomes overly enriched with minerals and nutrients that induce excessive growth of plants and algae and it can result in oxygen depletion of the water body).²⁷ Fertilizers contain substances like nitrates and phosphates that are flooded into lakes and oceans through rains and sewage. These substances prove to become toxic for the aquatic life, thereby, increasing the excessive growth of algae in the

²⁴ .ibid

²⁵ Adedapo A (2012) ‘Understanding the Growth Enhancement Support Scheme’ available at <<http://www.thisdaylive.com/articles/understanding-the-growth-enhancement-support-scheme/>> retrieved on the 2nd of May, 2018 at about 2pm. p

²⁶ National Environmental (Hazardous Chemicals and Pesticides) Regulation, 2014, B851-891

²⁷ Adedapo A (2012) ‘Understanding the Growth Enhancement Support Scheme’ available at <<http://www.thisdaylive.com/articles/understanding-the-growth-enhancement-support-scheme/>> retrieved on the 2nd of May, 2018 at about 2pm. p

water bodies and decreasing the levels of oxygen. This leads to a toxic environment and leads to death of fish and other aquatic fauna and flora. Indirectly, it contributes to an imbalance in the food chain as the different kinds of fishes in the water bodies tend to be the main food source of various birds and animals in the environment.²⁸The nitrogen and other chemicals present in the fertilizers can also affect the ground waters and waters that are used for the purpose of drinking! One of the most common result for this can be the development of blue baby syndrome which occurs in infants whose skin tissues are low in oxygen, which is why their skin appears to be blue or purplish in color. Again, studies reveal that the use of lawn fertilizers and pesticides can cause health risks like cancer and chronic diseases in humans, especially in children.²⁹Fertilizers consists of substances and chemicals like methane, carbon dioxide, ammonia, and nitrogen, the emission of which has contributed to a great extent in the quantity of greenhouse gases present in the environment.³⁰ This in turn is leading to global warming and weather changes. In fact, nitrous oxide, which is a byproduct of nitrogen, is the third most significant greenhouse gas, after carbon dioxide and methane. Therefore, you can well imagine as to how harmful is the use of fertilizer for our environment... and the ongoing use of fertilizers across the world will only make matters worse. These facts are alarming and a serious step needs to be taken as soon as possible to avoid more severe consequences.³¹ The use of fertilizers for growth and cultivation is keeping our stomach filled for now, but then if things keep on progressing the way they are it won't take long to

²⁸ibid

²⁹ Adedapo A (2012)'Understanding the Growth Enhancement Support Scheme' available at <<http://www.thisdaylive.com/articles/understanding-the-growth-enhancement-support-scheme/>> retrieved on the 2nd of May, 2018

³⁰ Robert M, Ariel D and Larry W(2006), '*The Distributional Impact of Climate Change on Rich and Poor Countries*',*Environment and Development Economics*, P. 159

³¹ ibid

see the times where there is lack of food, water, and health, especially where there is no adequate law to address this issue.

4.2.4 Laws to Address the Above Stated Issues

The environment is the life support system given by the creator to mankind. Sometimes in the past, the three components of the environment-air, soil and water were pure, virgin, undisturbed, uncontaminated and basically most hospitable. But, the reverse is the case today because progress in science and technology is also leading to environmental degradation and serious ecological imbalance, which in long run, may prove disastrous for mankind.³² Environmental laws have been formulated to deal with the variety of environmental pollutants. The Nigerian environmental policy covers the legislations, standards, regulations and administrations adopted to control activities with potential damaging effects on the country's environment. Nigerian environmental laws consist of framework environmental legislation and incidental legislation.³³ A framework environmental legislation is a single law which contains a comprehensive system of laws for environmental management. Such legislation includes the Harmful Wastes (special Criminal Provisions) Act³⁴; Federal Environmental Protection Agency (FEPA) Act³⁵; Federal Environmental Impact Assessment and Nigerian Urban and Regional Planning Act.³⁶ The sectoral legislation addresses specific aspects of environment and human activities and includes Mineral Act of 1956, Oil Pipeline Act, Oil in Navigable Waters Act, Petroleum Act

³²Onyenekenwa C. E and Agbazue V.C, (2011.) Protection of Nigeria's Environment: A Critical Policy Review. Journal of Environmental Science and Technology, P.490-497.

³³ibid.

³⁴ Cap 165 LFN 1990

³⁵ Cap 131 LFN 1990

³⁶Onyenekenwa C. E and Agbazue V.C, (2011.) Protection of Nigeria's Environment: A Critical Policy Review. Journal of Environmental Science and Technology, P.490-497

of 1969 and Factories Act of 1987. Incidental legislation are those laws that are not specifically intended to address environmental issues, but do contain some elements that have an impact on environmental issues. Nigeria is a signatory to a number of international laws including Harmful Wastes (Criminal Provisions) Act³⁷. Other legislations include Natural Resources Conservation Act of 1989,³⁸ Agricultural and Rural Management Training Institute Act,³⁹ Agricultural Credit Grantee Scheme Fund Act⁴⁰, Agricultural Research Council of Nigeria Act⁴¹, Agricultural (Control of Importation) Act⁴², Nigerian Agricultural Insurance Corporation Act⁴³ etc.

It is worthy of note that FEPA as mentioned above has been repealed and the current law in place with respect to environmental issues in Nigeria is the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007-NESREA.

The objective of the Act is to have the responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines.⁴⁴ NESREA has 24 subsidiary regulations under its authority compared with the meager four regulations promulgation under FEPA Act. Again when talking about agriculture, land is the fulcrum in which all the issues raised have a solid foundation, the Land Use Act regulations ownership of land in

³⁷No.42 of 1988

³⁸Onyenenwa C. E and Agbazue V.C, (2011.) Protection of Nigeria's Environment: A Critical Policy Review. Journal of Environmental Science and Technology, P.490-497

³⁹CAP A10 LFN, 2004

⁴⁰CAP A11 LFN, 2004

⁴¹CAP A12, LFN, 2004

⁴²CAP N13, LFN, 2004

⁴³CAP N89, LFN, 2004

⁴⁴Section 2 of NESREA ACT.

Nigeria as issue of transfer of same to other party. Section 1 and 5 clearly place ownership of all the lands in a state in the hand of the governor. The application of this law possess challenge to the issue of agriculture in Nigeria, because of the rigor involved in the alienation of land, tenants in the land are not willing to go extra mile in taking care of the component of the land and most are care free in handling of the land because they can never acquire the said land. On bush burning which was extensively explained above with respect to the hazards on the environment, the National Environmental (Control of Bush, Forest Fire and Open Burning) Regulations, 2011, was made to stem such activities, but it has not yielded its desired results, Section 3 (1) of the Regulation⁴⁵ states that a person shall not burn any bush/forest or engage in any activity that may cause bush/ forest fire except in accordance with the provisions of the Regulation. On the issue of clearing of ground for agricultural use Regulation 9 of the Regulation⁴⁶ provides, “any area of ground on which the plant wastes is to be burnt shall be so cleared or prepared to ensure that the fire shall not in any circumstances be able to run along the ground. A cursory look at the provisions of this Regulation clearly shows that issues raised above with respect to the hazards relating to bush burning can be curtailed but what has given rise to the hazards relating to bush burning is lack of implementation of the provision of the laws.

The law that regulate the spread of insecticide in Nigeria is the National Environmental (Hazards Chemicals and Pesticides) Regulations, 2014. Regulation 1 provides for the objective and it states “the objective of these regulations is to protect human health and the environment from the harmful effects of hazardous chemicals and pesticides and other agrochemicals and to promote safety in their use, control the import, export, sales and

⁴⁵National Environmental (Control of Bush, Forest and Open Burning) Regulations, 2011

⁴⁶ibid

handling of hazardous chemicals and contribute to the sustainable development of agriculture and the conservation of the environment”. The objective of this Regulation is laudable but the same problem of implementation mentioned above also bedevils the impact of this law.

CHAPTER FIVE: SUMMARY AND CONCLUSION

5.1 Summary and conclusion

In abridgement, this thesis conceptualized a discourse on agricultural law development in Nigeria as the driving force to economic development. The thesis in its chapter one identified and espoused the background to the study, the scope of the research, the methodological adoption and the structural or organizational layout of the work.

Chapter two examined the historical development of Nigeria agricultural policies which have undergone metamorphosis at several stages of the country's development, starting from the colonial era to the post-colonial era of 1963. In the early part of the post-colonial era, the country had a policy based on surplus extraction. This was later transformed to an export-led policy, which brought about an improvement in the economy of the nation. The western region was exporting cocoa, the northern region was exporting groundnut, while the southeastern region was known for oil palm. Nigeria's agricultural policy is the synthesis of the framework and action plans of Government designed to achieve overall agricultural growth and development. The policy aims at the attainment of self-sustaining growth in all the sub-sectors of agriculture and the structural transformation necessary for the overall socio-economic development of the country as well as the improvement in the quality of life of Nigerians.¹The main features of the policy include the evolution of strategies that will ensure self-sufficiency and the improvement of the level of technical and economic efficiency in food production. This is to be achieved through the introduction and adoption of improved seeds and seed stock, husbandry and appropriate machinery and equipment. Efficient utilization of resources, encouragement of ecological specialization and recognition

¹Rhuks T. A., Damilola S. O.,(2015) Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria (Friesens Printing Corporation Canada) P.148

of the roles and potentials of small scale farmers as the major production of food in the country, reduction in risks and uncertainties were to be achieved through the introduction of the agricultural insurance scheme to reduce natural hazards factor militating against agricultural production and security of credit outlay through indemnity of sustained losses. A nationwide, unified and all-inclusive extension delivery system under the Agricultural development Programme (ADP) was put in place in a joint Federal and State Government collaborative effort. Agro -allied industries were actively promoted. Other incentives such as rural infrastructure, rural banking, primary health care, cottage industries etc. were provided, to encourage agricultural and rural development and attract youth, including school leavers, to go back to the land. The agricultural policy is supported by sub-policies that facilitate the growth of the sector.

These sub-policies cover issues of labour, capital and land whose prices affect profitability of production systems; crops, fisheries, livestock and land use; input supply, pest control and mechanization; water resources and rural infrastructure; agricultural extension, research, technology development and transfer; agricultural produce storage, processing, marketing, credit and insurance; cooperatives, training and manpower development, agricultural statistics and information management. Implementation of the agricultural policy is, however, moderated by the macro-economic policies which provide the enabling environment for agriculture to grow paripassu with the other sectors. These policies usually have major impact on profitability of the agricultural system and the welfare of farmers as they affect the flow of funds to the sector in terms of budgetary allocation, credit, subsidies, taxes etc and, therefore, must be in harmony and mutually reinforcing with the agricultural

policy. The macro policies comprise the fiscal, monetary, trade, budgetary policies and other policies that govern macro-prices.

The first National Policy on Agriculture was adopted in 1988 and was expected to remain valid for about fifteen years that is up to 2000² as explained above. In 2001, a new policy document was launched. The new policy document bears most of the features of the old one, but with more focused direction and better articulation.³ In a broad sense, the objectives of the new agricultural policy are similar to those of the old one. They include; (1) the achievement of self-sufficiency in basic food supply and the attainment of food security; (2) increased production of agricultural raw materials for industries; (3) increased production and processing of export crops, using improved production and processing technologies; (4) generating gainful employment; (5) rational utilization of agricultural resources, improved protection of agricultural land resources from drought, desert encroachment, soil erosion and flood, and the general preservation of the environment for the sustainability of agricultural production; (6) promotion of the increase application of modern technology to agricultural production; and, (7) improvement in the quality of life of rural dwellers⁴.

Chapter three of the thesis examined nature and scope of legal regime on agriculture in Nigeria, in looking at the scope the following legislations were examined

1. Constitution Of The Federal Republic Of Nigeria
2. Agricultural And Rural Management Training Institute Act⁵:
3. Agricultural Credit Guarantee Scheme Fund Act⁶

²Ladan, M.T., *Natural Resources and Environmental Law and Policies for Sustainable Development in Nigeria*, Ahmadu Bello Press Limited, Zaria, p179

³ ibid

⁴ ibid

⁵ CAP.A10 LFN, 2004

⁶ CAP A11 LFN, 2004

4. Agricultural Research Council Of Nigeria Act⁷
5. Agriculture (Control Of Importation) Act⁸
6. Nigerian Agricultural Insurance Corporation Act⁹
7. National Agricultural Land Development Authority Act¹⁰
8. National Agricultural Seeds Act¹¹
9. National Centre For Agricultural Mechanization Act¹²
10. National Crop Varieties And Live Stock Breeds¹³

The various actors in the agricultural sector were also examined under this chapter, such as the responsibilities of the various tiers of government, the federal, state and local government as well as the private sector.

Chapter four highlighted in details, An Appraisal of the Legal Framework for Addressing Impacts of Agricultural Activities on the Environment in Nigeria. The study has been graphically and scholarly concluded with chapter five which contains the summary and conclusion.

Nigeria is a developing nation and a close look at the whole policies on ground will show that development cannot be attained without agriculture and a closer look will reveal that this can only be done when there are good policies and law on ground to regulate the sector. The danger of not having a law can never be over emphasized. Almost everything we do is governed by some set of rules. There are rules for games, for social clubs, for sports and for adults in the workplace. There are also rules imposed by morality and custom that

⁷ CAP A12, LFN 2004

⁸ CAP N13, LFN 2004

⁹ CAP N89

¹⁰ CAP N4 LAWS OF THE FEDERATION OF NIGERIA 2004.

¹¹ CAP N5 LFN 2004

¹² CAP N13 LFN, 2004

¹³ CAP. N27 LFN 2004

play an important role in telling us what we should and should not do. However, some rules - those made by the state or the courts -- are called "laws."

If we did not live in a structured society with other people, laws would not be necessary. We would simply do as we please, with little regard for others. But ever since individuals began to associate with other people -- to live in society -- laws have been the glue that has kept society together. Even in a well-ordered society, people have disagreements and conflicts arise. The law must provide a way to resolve these disputes peacefully. If two people claim to own the same piece of property, we do not want the matter settled by a duel: we turn to the law and to institutions like the courts to decide who the real owner is and to make sure that the real owner's rights are respected. We need law, then, to ensure focus in agriculture in Nigeria

5.3 Findings

The impact of this agricultural activities is not just on the fertility of soil, it goes beyond that, it goes to the issue of man's health and survival. From this research I found that:

1. There is need to enact more laws in the agricultural sector. This issues has direct effect on an individual's right to life under the Constitution which is sacrosanct, therefore more attention should be given to this area by the legislative arm of government by enacting more laws to cover for this area.
2. Some existing laws needs to be amended to give room for the revitalization of the sector, for example relevant sections of the Land Use Act vesting ownership of land on the government.
3. Need to have solid strategy for the implementation of existing laws.
4. The effect of failure to implement existing laws is affecting the Nigerian economy.

5. The institutions created by existing laws has failed in carrying out the spirit of the law.
6. That there are gaps between successive governmental policies and the existing laws and institutions.
7. That Nigeria has failed to take a cue from international law to influence the development of agricultural law in Nigeria.

5.4 Recommendations

In view of my findings, the study recommends as follows:

1. There is need to enact a robust law to address this aspect on human existence. Man's population will keep increasing; one aspect that will never be eradicated even in the face of this increasing population is the issue of agricultural activities. Therefore, there is need to enact robust law to preserve the environment for this generation and indeed generations yet unborn.
2. There is need to set up a committee across the country to look into the problems peculiar to different states with respect to agricultural activities and the committee should also recommend aspect of law to address the problems.
3. Agricultural law should be made a core course or for a start an elective course across Universities in Nigeria, to give room for awareness of the existent of these laws to youths in our society.
4. Need to amend existing laws to give room for the revitalization of the sector, for example relevant sections of the Land Use Act vesting ownership of land on the government.
5. Urgent need to revamp institutions created by existing laws to enable them carryout the spirit of the law.
6. There is need to ensure that there is no gaps between successive governmental policies and the existing laws and institutions.

7. There is need to set up committee who will be sponsored to developed international countries to under study how their agricultural law is implemented, their challenges and their problem solving mechanism with the aim of coming back to Nigeria to implement same to influence the development of agricultural law in Nigeria.
8. There is need to implement the existing laws.

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