

BOOK REVIEW

FOOD AND AGRICULTURAL LAW: READINGS ON SUSTAINABLE AGRICULTURE AND THE LAW IN NIGERIA

Edited by Rhuks T. Ako and Damilola S. Olawuyi

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Reviewed by:

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OVERVIEW

The book, *Food and Agricultural Law* is Nigeria's first authoritative book publication on food, agriculture and renewable energy. In reviewing this book, the ultimate aim is to examine the key arguments and fundamental assumptions of the book and to evaluate whether it significantly advances knowledge in this unique and important area of law in Nigeria. After a painstaking review and analyses of this book, it is evident that the book delivers more than it promised. This theory-laden, analytical and expository publication offers excellent wealth of materials and knowledge on food, agriculture and renewable energy. The book will be relevant for a long time to come.

1. INTRODUCTION

Food and Agricultural Law is not a mere book. It is a library of some sort. It is a groundbreaking work consisting of nineteen chapters written by twenty-one contributing authors two of whom also double as Editors. It offers compelling and authoritative compendium of facts, data, legal analyses and insightful commentaries on legal and policy frameworks required to promote sustainable agriculture and renewable energy in Nigeria, Africa and the rest of the world.

Prior to reading this book, I had read a lot of articles, papers and blog commentaries, which examine how Nigeria could turn the corner and di-

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versify its ailing economy to place less reliance on oil by stimulating growth in other key sectors such as agriculture. Nigeria's agricultural prowess has never been in doubt. Prior to the discovery of oil, Nigeria was recognised globally as an agricultural super power. Many years of excessive dependence on oil resulted in a near annihilation of other key sectors of the economy. The pertinent question therefore is how can Nigeria put in place adequate legal and policy frameworks to usher a progressive return to sustainable agriculture. Despite the importance of this question, scholars have not given it detailed and book-length exposition and discussion.

The book under review made it very clear from the outset that its aim was to fill this gap in the literature. In so doing, the book adopts a multi-disciplinary approach as the contributing authors are drawn from various professions including law, economics, environmental science, development, agriculture, economics and allied disciplines. The book analytically x-rayed key historical and sectorial challenges to agricultural expansion programs in Nigeria. The book embarked on a scholarly voyage that examined impacts of environment, soils, feed quality, trade, land tenure, human rights, climate change, health, fiscal policies and dispute resolution on sustainable agriculture in Nigeria. To the best of my knowledge, this book is the first attempt by any University in this country to embark on such a comprehensive study of the role of law in sustainable agriculture. It adds another feather to the cap of Afe Babalola University, Ado-Ekiti which is already gaining global acclaim for being a role model in the development of university education. The book is therefore rightly dedicated to the genius behind the uncommon achievements of the University, Aare Afe Babalola. The justification for this is well founded in the dedication page, which states that:

This book is dedicated to Aare Afe Babalola, B. Sc Econ. (Lond), LL.B (Hons), B.L., OFR, CON, SAN, FNIALS, FCI Arb., LL.D, President Emeritus and Founder of Afe Babalola University, Ado-Ekiti, Nigeria. Accomplished lawyer, farmer, educationist, philanthropist, reformer, leader, role model, motivator, and trail-blazer who on March 11, 2015 became the FIRST AFRICAN to be conferred with an honorary Doctorate Degree in Law (LL.D) by the prestigious University of London, United Kingdom. This book is in recognition of Aare Afe Babalola's achievements, vision and passion for sustainable agricultural education and reform in Nigeria, Africa and globally.

The introductory pages of the book aptly document the exploits of Afe Babalola University, Ado Ekiti in the area of agriculture:

Afe Babalola University, Ado-Ekiti (ABUAD) has made an institutional commitment to agriculture and global sustainable development. Located in the serene and beautiful city of Ado-Ekiti, about 250 miles south of the city of Lagos, Nigeria, Afe Babalola University has *the largest University farmland* and plantation in Nigeria. With about 1000 hectares of farmland impeccably apportioned for farming, fishery, processing and packaging, Afe Babalola University has strategically positioned itself to train and equip university graduates with the required skills and practical experience to be leaders in Agriculture, and to return Nigeria to an era of sustainable farming.

Continuing, the authors provide tenable scholarly justifications on why the ABUAD Farm provides a modern and state of the art practical context for any study of agricultural processes and methods:

The ABUAD Farm, separated from the main campus of the institution by a fence and located to the North of the Elemi River, currently boasts of about 800 fish ponds, over 500,000 teak trees, over 500,000 gmelina trees; 500,000 moringa trees; a moringa factory producing seven products (capsule, leaf powder, body butter, hair cream, tea, seed and oil); diverse nursery for various plants; an elaborate high-breed mango plantation; piggery; snailry; guinea-fowl farm; turkey farm; quail farm; honey farm and a feed mill among others. To ensure their sustainability, a hatchery is on the farm to produce fingerlings while another complex on the farmhouses the post-harvesting of the ponds. The interconnected Elemi River is the principal source of water for the ABUAD Farm. As Nigeria's Honourable Minister for Agriculture, Dr. Akinwumi Adesina noted during his visit to the University: "*The most impressive part of my visit was the University farm. There is no university in Nigeria with this kind of commercial farm*"

One cannot but agree with the declaration by the iconic Editors that:

The expansive ABUAD Farm encapsulates the unique vision and passion of the President and Founder of the University-Aare Afe Babalola, OFR, CON, LL.D, DLITT, SAN- to provide total and holistic education graduates and emerging Nigerian leaders. This book is a celebration and acknowledgement of that vision. The book recognises the trail-blazing efforts of Aare Afe Babalola who is establishing the University has single-handedly spearheaded an educational reform agenda that hopes to return Nigeria back to an era of a strong, robust and diversified economy underpinned by sustainable farming.

Evidently, this timely book causes us to understand the extent and depth of institutional resources and facilities that Afe Babalola University has committed to spearheading agricultural reform and education in Nigeria. By exploring legal, policy, and institutional challenges facing agricultural development in Nigeria, the editors seek to educate us on emerging impetus for change and how policy leaders can support and build on private sector innovations and reforms as exemplified by Afe Babalola University and the ABUAD Farm.

2. EVALUATION OF KEY CONTRIBUTIONS AND CONTENT

The 19 chapters of the book provide facts, ideas and reform proposals on the relevant laws, institutions and best practices on agriculture internationally and in Nigeria. The book is an eye-opener, a signpost, and timely response to the clarion call to diversify the Nigerian economy away from its precarious dependence on oil.

Chapter 1 deals with the 'Meaning, Nature and Scope of Agricultural Law'. Here Damilola Olawuyi, a first class lawyer and writer engages in a penetrating analysis of the trajectory of Agricultural under-development in Nigeria. He aptly underscores the fact that the neglect of agriculture is closely intertwined with a sharp rise in poverty and hunger in the country. Further, the author/editor discusses the role of agricultural lawyers and the concepts of sustainable agriculture, sustainable development, the right to adequate food and environmental sustainability.

Chapter 2 is on the 'Evolution of Agricultural Policies and Laws in Nigeria'. Authored by Olayinka Ajala, the chapter traces the development of agricultural policies and laws in Nigeria from 1960 to the recent times.

However, this chapter falls short of taking account of the most significant intervention in this field in recent times—the Agricultural Transformation Agenda (ATA) which is undoubtedly the most important legacy of the immediate past Goodluck Jonathan administration in the country. Nevertheless it makes recommendations for greater private sector participation, which is the essence of the ATA. The recent introduction of the National Agricultural Growth Enhancement Support Programme (NAGESP) and the Staple Crops Processing Zones (SCPZ), the paradigm shift in Agriculture from being a developmental project to being a business and other components of the ATA have significantly impacted on agricultural policy in the country. The gap observed in this chapter is filled in Chapter 11 where the book discusses the Agricultural Transformation Agenda (ATA) of the Federal Government in some detail.

Chapter 3 by Chilenye Nwapi considers key issues and challenges in ‘Land Ownership, Mineral Development and Agriculture in Nigeria’. The Chapter makes recommendations for resolving perennial conflicts between agriculture and mineral development.

In Chapter 4, Bethel Ihugba focuses on ‘Resolution of Farmland Disputes and Agricultural Development’. Observing that lawyers are too eager to resort to litigation, the author x-rays the adverse effects of delay of land litigations on agriculture and recommends the use of alternative dispute resolution (ADR) techniques for resolving land disputes.

Chapter 5 draws important lessons from Zimbabwe’s so-called land-reform policy of 2000 which brought about serious decline in agricultural production in the country and resultant reversal of the country’s status as Africa’s ‘Bread-basket’. The author makes suggestions for avoiding the pitfalls in which Zimbabwe has found itself.

Chapter 6 examines ‘Agriculture and the Environment: A Legal and Human Rights Assessment of the Impacts of Pollution on Agriculture in the Niger Delta of Nigeria.’ The author maintains that there is a positive obligation on the part of the government to ensure food security and that this obligation implies a duty to punish those who engage in the activities likely to affect food production.

Chapter 7 is a unique chapter that exhaustively analyse why soil is crucial to agricultural processes. It considers the International Legal Regime for Sustainable Soil. The authors make a persuasive case for a specific international instrument to promote soil sustainability. As the authors rightly note: ‘it all starts with the soil’.

Chapter 8 discusses Climate Change and Agriculture: Legal and Policy

Framework for addressing Impacts. The authors laments the over-reliance by farmers on rainfall as the main source of water for agricultural purposes and advocates access to information on new farming methods and technologies to reduce the negative impact of declining rainfall due to climate change.

Chapter 9 is an assessment, legal and theoretical of the right to food in Nigeria. The authors analyse the emerging concept of the right to food in international law and argues for the introduction of the right to food through a liberal interpretation of the right to life as the Indian courts have done.

Chapter 10 examines Trade and Agriculture in Nigeria, the deficiencies in Nigeria's Constitutional Framework for international trade in Agricultural commodities. The author identifies gaps in the Nigeria's development-trade strategy and argues for the reintroduction of the 1963 Constitutional framework, which enabled states (regions) to engage in the export of agricultural commodities and to regulate standards of commodities produced within their domain. On the contrary, the provisions of the 1999 Constitution truncate the ability of states to develop their export capacity in agricultural commodities. There is also the need to adopt the OECD trade policy framework, which involves a four-stage trade policy cycle of formulation, negotiation, implementation, monitoring and evaluation to effectively interact in the International trade system.

Chapter 11 considers 'Fiscal Policy and Agriculture: Legal and Policy Framework for stimulating Growth in Nigeria's Agricultural Sector'. The author advocates for legislation to back up the several laudable policies and fiscal instruments of government, which, as the courts have decided do not have the force of law.

Chapter 12 is on Commercial Aquaculture in Nigeria: Designing a Legal Framework. Written by six authors, this chapter defines Aquaculture as the cultivation of freshwater and saltwater populations under controlled conditions as distinct from commercial fishing, which is the harvesting of wild fish. The authors argue vehemently for the enactment of laws to regulate the subsector in order to protect the industry, the environment, other resource users and the consumers. In the meantime, it is advocated that the Environmental Impact Assessment law may be amended or regulations made under them to mandate aquaculture enterprises to carry out EIAs as the basis for sound technical approach for the development of sustainable aquaculture management systems in Nigeria.

Chapter 13 is on Regulating Animal Feed Quality in Nigeria. To checkmate the conflicts that often arise between herders and crop farmers, reg-

ulation should consider the establishment of government cattle ranches in different parts of the country and the allocation of land at affordable costs for pastoralists to establish their grazing fields as well as intensification of education for the herders. The authors could have shed further light on how these ideas would work in practical terms. They however rightly called for the adequate personnel and laboratory facilities to ensure the quality of animal feeds.

Chapter 14 critically analyses the role and impact of the European Union (EU) legislation and policy on sustainable agriculture. Using England as case study, the author draws lessons from the implementation of the Common Agricultural Policy (CAP) of the EU. Notably, the author notes that the implementation and adaptation of EU legislation and the CAP in England mostly permitted the recovery of targeted species and habitats by expanding environmentally friendly farming techniques based on local needs.

Chapter 15 provides a compelling overview of the development of the EU bioenergy legal framework and, in particular of the sustainability regime introduced for biofuels and bio liquids. This includes the integration of environmental issues into renewable energy policy.

Chapter 16 considers 'Legal Framework for the Sustainable Production of Non-Eatable Products of an Agricultural Origin: The Example of Biofuels. It analyses the concept of sustainable agriculture in connection to the sustainable production of biofuels of an agricultural origin. Such non-eatable products of agricultural origin include cotton flax, other kinds of fibres, rubber, wood for timber and fuel, animal feed, etc. The chapter examines how the production of these biofuels can be unsustainable and highlights how it can cause insecurity of food supply with negative effects on land use and land development; its tendency to pollute soil and water, harm the existing eco-systems through excessive use of chemical fertilizers and pesticides. The need for a legal framework is strongly advocated. Nigeria certainly has much to learn from the experiences of America and European countries in this respect.

Chapter 19 brings us back home to Nigeria. The author, Professor Smaranda Olarinde analyses legal and policy frameworks for addressing the linkages between agriculture, nutrition and health in Nigeria. The author brilliantly calls the attention of policy makers to the need for laws and policies not only for making the agricultural system more productive and sustainable, but also maximizing its contributions to human well-being. She aptly advocates greater collaboration between nutrition and health institutions.

Chapter 18 deals with ‘Critical Linkages Between Forest Ownership and Unsustainable Forest: Lessons from Cameroon’. The author points out the problem of enforcing forestry laws to curb illegal logging and excessive exploitation of forest resources. The Chapter argues against destruction of the habitats of indigenous peoples and notes that even when national laws do not protect such people, there are international legal regimes for the protection of natural resources.

Chapter 19 is the closing chapter. Authored by Rhuks Ako, it is a preview of the Future of Agricultural Law in Nigeria. The chapter establishes the connecting chord running through all the chapters of the book and comes to a powerful conclusion that agriculture could be reformed and strengthened in Nigeria to support increased investment and sustainability of the sector. He rightly argues that Implementing the reforms suggested in this book would undoubtedly address some of the most fundamental lacunae in Nigeria’s extant regulatory framework on food and agriculture.

3. CONCLUSION

From the above run down of chapters, it is very easy to see the wealth of useful facts, ideas and timely materials that this book brings to the Nigerian legal community. The book is undoubtedly a weighty and scholarly contribution to the body of knowledge in the field of Food and Agricultural Law and Policy. Anyone who cares about vital issues of food, agriculture and renewable energy must acquire a copy of the book.

Afe Babalola University has again taken the lead in this all-important area of advocacy for the development of appropriate agricultural law and policy. The University is certainly well placed to champion the development of this area of Nigerian law as it has successfully charted the path for the reform of university education in the country. I strongly recommend this book to legal practitioners, policy makers, legislators, governmental and non-governmental organizations law students and institutions of learning.