

## Editorial Comment

Nsoh, Walters

*License:*

Creative Commons: Attribution-NonCommercial-NoDerivs (CC BY-NC-ND)

*Document Version*

Publisher's PDF, also known as Version of record

*Citation for published version (Harvard):*

Nsoh, W (Guest ed.) 2018, 'Editorial Comment', *Journal of Sustainable Development Law and Policy (JSDLP)*, vol. 9, no. 1, pp. xiii - xvi. <<https://www.ogeesinstitute.edu.ng/volume-9-issue-1-2018>>

[Link to publication on Research at Birmingham portal](#)

### General rights

Unless a licence is specified above, all rights (including copyright and moral rights) in this document are retained by the authors and/or the copyright holders. The express permission of the copyright holder must be obtained for any use of this material other than for purposes permitted by law.

- Users may freely distribute the URL that is used to identify this publication.
- Users may download and/or print one copy of the publication from the University of Birmingham research portal for the purpose of private study or non-commercial research.
- User may use extracts from the document in line with the concept of 'fair dealing' under the Copyright, Designs and Patents Act 1988 (?)
- Users may not further distribute the material nor use it for the purposes of commercial gain.

Where a licence is displayed above, please note the terms and conditions of the licence govern your use of this document.

When citing, please reference the published version.

### Take down policy

While the University of Birmingham exercises care and attention in making items available there are rare occasions when an item has been uploaded in error or has been deemed to be commercially or otherwise sensitive.

If you believe that this is the case for this document, please contact [UBIRA@lists.bham.ac.uk](mailto:UBIRA@lists.bham.ac.uk) providing details and we will remove access to the work immediately and investigate.

# JOURNAL OF SUSTAINABLE DEVELOPMENT LAW AND POLICY

AFE BABALOLA UNIVERSITY, ADO-EKITI, NIGERIA

---

VOLUME 9 ISSUE 1

SPRING 2018

---

SPECIAL ISSUE ON

## **COMPETING CLAIMS FOR LAND, FOOD, WATER AND AGRICULTURAL RESOURCES: PERSPECTIVES FROM THE GLOBAL SOUTH**

Editorial Comment

**Walters Nsoh**

### **ARTICLES**

Reconciling Human Rights and the Environment: A Proposal to Integrate the Right to Food with Sustainable Development in the 2030 Development Agenda

**Ana García Juanatey**

Addressing Gender Gaps in Agricultural Productivity in Africa: Comparative Case Studies from Tanzania, Malawi and Uganda

**Asa Torkelsson and Francis Onditi**

Towards an Effective Cattle Grazing and Rearing Legal Framework: An Imperative for Environmental Protection

**Tolulope Ogboru and Oluwatoyin Adejonwo-Osho**

The Land Use Act and Land Administration in 21st Century Nigeria: Need for Reforms

**Akintunde Otubu**

Much Ado about Food Safety Regulation in Nigeria

**Jane Ezirigwe**

Trophy Hunting: To Ban or Not to Ban? Legal Pathways for Zimbabwe in the Aftermath of Cecil the Lion

**Precious G. Makuyana**

### **PUBLIC LECTURE**

The Quest for Sustainable Education in Post-Colonial African States

**Aare Afe Babalola**, OFR, CON, SAN, LL.D, FNAILS, FCI.Arb

Print ISSN: 2467-8406

e-ISSN: 2467-8392

***Journal of Sustainable Development Law and Policy***

is a publication of the Institute for Oil, Gas, Energy,  
Environment and Sustainable Development (OGEES)

Afe Babalola University, Ado Ekiti

8.5 Afe Babalola Way, Ado Ekiti

Ekiti State, Nigeria

E-mail: [info@ogeesinstitute.edu.ng](mailto:info@ogeesinstitute.edu.ng)

Tel: +234 81 40000 988



Institute for Oil, Gas, Energy,  
Environment and Sustainable  
Development

Printed in Nigeria by

Afe Babalola University Press

All rights reserved. No part of this publication may be reproduced or transmitted in any form or means, or stored in any retrieval system of any nature without the prior written permission of the Institute for Oil, Gas, Energy, Environment and Sustainable Development, Afe Babalola University, Ado Ekiti, Nigeria. Applications for permission should be made to the Editor-in-Chief.

***Citation:*** Cite as (2018) 9(1) Journal of Sustainable Development Law and Policy, Afe Babalola University, Nigeria

## SUBSCRIPTION INFORMATION

### ***Journal of Sustainable Development Law and Policy***

**Print ISSN** 2467-8406

e-ISSN 2467-8392

*Volume 9(1) 2018*

*The Journal of Sustainable Development Law and Policy* is a peer-reviewed interdisciplinary journal published by the Institute for Oil, Gas, Energy, Environment and Sustainable Development, Afe Babalola University, Ado Ekiti, Nigeria. It is published in June and October by the Afe Babalola University Press, Nigeria.

The Journal promotes the dissemination of research results and scholarly papers by teaching and research scholars in Africa and across the world in broad areas of sustainable development law and policy. The thematic focus of the journal covers sustainable development law and policy, ranging from the economic, social and environmental dimensions. As such, papers that explore broad themes of sustainable development such as environment, natural resources, green economy, international trade, banking, taxation, public policy, public private partnerships, alternative dispute resolution, human rights, peace, and conflict studies are normally given top consideration.

The Editorial Board of the Journal comprises international development scholars and experts from Italy, United Kingdom, Indonesia, Nigeria, Canada and the United States who all provide leadership and lend their expertise to promote and enhance the scholarly relevance of the journal internationally.

The *Journal of Sustainable Development Law and Policy* is archived on Google Scholar and on African Journals Online, South Africa (<http://www.ajol.info/index.php/jsdlp/index>). The Journal is available online for download, while we welcome subscriptions for hard copies at our standard rates. We provide a discounted rate for institutional subscriptions from universities, colleges and corporate organizations.

For more information or to order your copies, please contact: [info@ogeesinstitute.edu.ng](mailto:info@ogeesinstitute.edu.ng), Tel: +234 81 40000 988

## **CORRESPONDENCE AND SUBMISSIONS**

The Editorial Committee of the *Journal of Sustainable Development Law and Policy (JSDLP)*, Afe Babalola University, Ado Ekiti welcomes the submission of unsolicited manuscripts. We welcome submissions that focus on any aspect of sustainable development law and policy ranging from the economic, social and environmental dimensions. Consequently, papers that explore broad themes of sustainable development such as agriculture, banking, e-commerce, environment, natural resources, public private partnerships, alternative dispute resolutions, human rights, peace, and conflict studies would be most welcome. We also welcome book reviews, case comments and public lectures.

Selected articles would be published in hard copy and also prominently displayed on the institutional website as a resource for scholars and practitioners worldwide.

Papers must be based on original research, conform to the usual standard of academic publishing, be fully referenced and presented in the standard format employed by the series. Papers will be evaluated based on their contemporary relevance, contribution to their selected fields of research, structure and analytical rigour. Please refer to the submission guide below.

### **SUBMISSION GUIDELINES**

#### **Length and Footnotes**

- (1) Articles should be between 5000-8000 words and advance legal scholarship and knowledge in a specific area of sustainable development law and policy.
- (2) Articles should include an abstract of approximately 250 words that is not an extract from the article itself.
- (3) Information about the author should be supplied as the first footnote and marked by an asterisk after the author's name.

#### **Form of Submission**

- (4) Articles must be submitted in Word format and sent as an email attachment to [info@ogeesinstitute.edu.ng](mailto:info@ogeesinstitute.edu.ng)
- (5) Contributions will only be considered for publication if they comply with the style guide. All citations should be footnoted and accord with

the Oxford Guide for Legal Citation. A copy can be found at <[http://www.law.ox.ac.uk/published/OSCOLA\\_4th\\_edn.pdf](http://www.law.ox.ac.uk/published/OSCOLA_4th_edn.pdf)>

- (6) In terms of punctuation, where a quotation is made directly within the author's own sentences, only punctuation forming a part of it should fall within the quotation marks. For example, the author's text is "followed by a relevant quotation". All footnotes should follow the final punctuation mark of the sentence except where that mark is a colon or semi-colon.
- (7) **Authors should please make use of the following checklist prior to submission:**
- An abstract is included;
  - Headings are consecutively numbered without automatic numbering;
  - Headings are not underlined;
  - Paragraphs are not separated by a full blank line, but only by an indent at the beginning of the new paragraph;
  - Footnotes are consecutively numbered by way of automatic numbering;
  - Footnotes are not separated by a full blank line;
  - Footnotes appear at the end of each page of the manuscript and not at the end of the manuscript;
  - Quotations have been checked for accuracy; and
  - References comply with the style requirements.

### **Deadlines**

- (8) We review articles on a rolling basis for publication in any of our two editions published in a year. Authors should take note for the following deadlines:

**Spring Edition:** Only articles submitted on or before 12 noon on **31st March** would be considered for publication in the spring edition.

**Fall Edition:** Only articles submitted on or before 12 noon on **31st August** would be considered for publication in the fall edition.

Deadlines are firm, articles submitted after the deadline may not be published. All papers should be submitted by email.

### **Evaluation**

- (9) Contributions are submitted for evaluation to at least two referees, and the identities of the contributors and referees are kept confidential.

- (10) Further details about the Journal can be found at:  
<<http://www.ogeesinstitute.edu.ng/index.php/ogees-journal>>  
<<http://www.ogeesinstitute.edu.ng/index.php/research-publications>>

### **Questions and Enquiries**

All enquiries or questions should be directed to:

The Editor-in-Chief  
Journal of Sustainable Development Law and Policy  
Afe Babalola University, Ado Ekiti, Nigeria  
Email: [info@ogeesinstitute.edu.ng](mailto:info@ogeesinstitute.edu.ng)

# **DISTINGUISHED FELLOWS AND BOARD OF DIRECTORS OF OGEES INSTITUTE**

## **PRESIDENT AND FOUNDER**

Aare Afe Babalola, OFR, CON, LL.D, D.Litt, SAN

## **CHAIRMAN OF THE BOARD, OGEES INSTITUTE**

Odein Ajumogobia, SAN

## **MEMBERS OF THE BOARD**

Sir Remi Omotoso

Dr Emmanuel Ibe Kachikwu

Dr Chinyere Ozumba

Dr Olu Oluleye

Joseph Oluwatomisin

Elizabeth Preye Joseph-Obene

Tony Agbojo

## **DIRECTOR, OGEES INSTITUTE**

Professor Damilola S. Olawuyi



## EDITORIAL BOARD

PROF MARIE-CLAIRE CORDONIER  
SEGGER  
Ph.D (Oxford), LL.M (Yale), LL.B  
(McGill)  
Senior Director, Center for  
International Sustainable  
Development Law, Montreal  
Canada

PROF ALASTAIR R. LUCAS Q.C.  
B.A., LL.B. (Alberta.), LL.M.  
(British Columbia)  
Professor and former Dean  
Faculty of Law, University of  
Calgary, Canada

PROF MELDA KAMIL ARIADNO  
LL.M (Washington), Ph.D  
(Washington)  
Associate Professor, Faculty of Law,  
University of Indonesia

PROF FRÉDÉRIC MÉGRET  
LL.B (London), LL.M (France),  
Ph.D (Geneva)  
Associate Professor of Law, Faculty  
of Law  
McGill University, Montreal,  
Canada

PROF UCHÉ EWELUKWA  
LL.M (Harvard), SJD (Harvard)  
Professor of Law, University of  
Arkansas School of Law  
United States of America

PROF LAWRENCE ATSEGBUA, SAN  
LL.M (Alberta), LL.M (London)  
Professor of Law, University of Benin

PROF 'LANRE FAGBOHUN, Ph.D  
Chike Idigbe Distinguished Professor  
of Law, & Director of Studies,  
Nigerian Institute of Advanced Legal  
Studies

PROF ADEOLA ADENIKINJU  
B.Sc (Econ), M.Sc (Econ), Ph.D  
(Ibadan)  
Professor of Energy Economics and  
Director, Centre for Petroleum  
Energy and Law  
University of Ibadan

PROF RANDALL S. ABATE  
B.A. (Rochester), J.D. and M.S.E.L.  
(Vermont)  
Professor of Law and Director,  
Center for International Law and  
Justice  
Florida A&M University,  
United States

PROF YINKA OMOROGBE  
LL.B, LL.M (LSE)  
Nabo Graham Douglas  
Distinguished Professor of Law  
Nigerian Institute of Advanced Legal  
Studies

MARGARETTE MAY MACAULAY  
LL.B (Holborn College, London)  
Former Judge of the Inter American  
Court of Human Rights

DR EBENEZER I. ADODO  
LLM, PhD (National University of  
Singapore)  
University of Surrey  
United Kingdom

PROF. ADEMOLA POPOOLA  
Professor of International Law  
Obafemi Awolowo University, Ife  
Nigeria

PROF. KOLAWOLE O. ODEKU, PhD  
School of Law, University of  
Limpopo  
South Africa

PROF. EZENDU ARIWA  
FBCS, CITP, SMIEEE, FHEA, PhD  
Associate Professor and Course  
Leader for Business Information  
Technology Management  
London Metropolitan University, UK

PROF. SUMUDUATA PATTU  
LL.M (Cambridge)  
Ph.D. (Cambridge)  
Associate Director, Global Legal  
Studies Center Associate Professor  
University of Wisconsin Law School

BUKOLA FATUROTU  
LL.M (LSE), LL.M (Robert Gordon),  
Senior Lecturer and Course Leader  
for MBA Oil and Gas Programmes  
Robert Gordon University, Aberdeen  
Scotland

PROF. DAMILOLA S. OLAWUYI  
LL.M (Calgary), LL.M (Harvard), PhD (Oxford)  
Editor-in-Chief, Journal of Sustainable Development Law and Policy

## **EDITORIAL COMMITTEE**

### **EDITOR-IN-CHIEF**

Professor Damilola S. Olawuyi  
LL.M (Calgary), LL.M (Harvard), Ph.D (Oxford)

### **MANAGING EDITOR**

Omolola Olarinde  
B.Sc (Romania), M.Sc (Ibadan)

### **ASSOCIATE EDITORS**

Professor Bayo Oluduro, MPhil (Ife), Ph.D (Gent)  
Dr. Rhuks Ako, MPhil (Ife), Ph.D (Kent)  
Dr. Mohamed Evren Tok, Ph.D (Carleton)  
Dr. Chilenye Nwapi, LL.M (Calgary), Ph.D (British Columbia)  
Dr. Walters Nsoh, M.Sc (Hull), Ph.D (Surrey)  
Dr. Abosede Babatunde, M.Sc (Ibadan), Ph.D (Ibadan)

### **ASSISTANT EDITORS**

Damilola Odetola, BCL (Oxford)  
Ayobami Olaniyan, LL.M (Aberdeen)  
Ifeoluwayimika Bamidele, LL.M (Liverpool)  
Adure Uzo-Peters, LL.M (Cambridge)

### **STATUTES AND CASE NOTE EDITOR**

Opemiposi Adegbulu, LL.B (Hull), LL.M (Paris)  
Umair Dogar, B.Sc (Georgetown), JD (Qatar)

### **EDITORIAL OFFICE**

Moronkeji Kolawole, *Editorial Secretary*  
Tosin Adewunmi, *Editorial Assistant*

# CONTENTS

Editorial Comment <b>Walters Nsoh</b>	xiii
<b>ARTICLES</b>	
Reconciling Human Rights and the Environment: A Proposal to Integrate the Right to Food with Sustainable Development in the 2030 Development Agenda <b>Ana García Juanatey</b>	1
Addressing Gender Gaps in Agricultural Productivity in Africa: Comparative Case Studies from Tanzania, Malawi and Uganda <b>Asa Torkelsson</b> and <b>Francis Onditi</b>	34
Towards an Effective Cattle Grazing and Rearing Legal Framework: An Imperative for Environmental Protection <b>Tolulope Ogboru</b> and <b>Oluwatoyin Adejonwo-Osho</b>	58
The Land Use Act and Land Administration in 21st Century Nigeria: Need for Reforms <b>Akintunde Otubu</b>	80
Much Ado about Food Safety Regulation in Nigeria <b>Jane Ezirigwe</b>	109
Trophy Hunting: To Ban or Not to Ban? Legal Pathways for Zimbabwe in the Aftermath of Cecil the Lion <b>Precious G. Makuyana</b>	133
<b>PUBLIC LECTURE</b>	
The Quest for Sustainable Education in Post-Colonial African States <b>Aare Afe Babalola, OFR, CON, SAN, LL.D, FNAILS, FCI.Arb</b>	168

### **About Dr Walters Nsoh, Editor in Chief for this Special Issue**

Walters Nsoh, LLM (Kent), PhD (Surrey), is a Lecturer in Law at Birmingham Law School, University of Birmingham, United Kingdom, and a Senior Fellow (Food and Agricultural Law), Institute for Oil, Gas, Energy, Environment and Sustainable Development, Afe Babalola University, Nigeria. Previously he worked as a Lecturer in Law at Anglia Law School, Anglia Ruskin University, United Kingdom and as a Postdoctoral Research Assistant at the School of Law, University of Dundee, United Kingdom.

His research and teaching interests relate primarily to the intersection between land and environmental law, and the legal and policy challenges to the sustainable management of natural resources. Other research interests include sustainable livelihoods, forest law and policy, climate change law and policy, resource use rights, forest and land tenure, payment for ecosystem services, biodiversity offsetting/habitat banking, conservation covenants, and environmental governance. His recent publications include: Nsoh, “The Legal Status of Customary Land Tenure Systems and the Protection of Communal Property in Cameroon”, in T. Xu and A. Clarke (eds), *Legal Strategies for the Development and Protection of Communal Property (Proceedings of the British Academy – Oxford University Press 2018)*; Reid & Nsoh, *The Privatisation of Biodiversity? - New Approaches to Conservation Law* (Edward Elgar 2016); Nsoh, “Customary Land Rights, Indigenous Rights and Land Expropriation in Cameroon” in T. Xu and J. Allain (eds), *Property and Human Rights in a Global Context* (Hart 2015); Nsoh, “Critical Linkages between Forest Ownership and Unsustainable Forest Exploitation in Cameroon” in R. T. Ako and D. S. Olawuyi (eds), *Food and Agricultural Law: Readings on Sustainable Agriculture and the Law in Nigeria* (Afe Babalola University Press 2015); and Reid & Nsoh, “Whose Ecosystem Is It Anyway? Private and Public Rights under New Approaches to Biodiversity Conservation” (2014) 5 *Journal of Human Rights and Environment* 112-135.

## EDITORIAL COMMENTS

**Walters Nsoh**

I am pleased to present Volume 9, Issue 1 of the *Journal of Sustainable Development Law and Policy*. Our Editorial Committee and Board have worked tirelessly over the last few months to bring you this Special Issue on *Competing Claims for Land, Food, Water and Agricultural Resources: Perspectives from the Global South*. The Issue is composed of six articles spanning various genres and aspects of sustainable development.

Ecosystems, such as forests, water and agricultural resources, are not only recognized as an important part of our cultural and natural heritage, but are also considered useful from different perspectives and for a variety of purposes. Forest resources, for instance, act as carbon sink in the global fight against climate change and also constitute a source of livelihood for many. The importance of the exploitation of natural resources and agricultural growth for employment, foreign exchange, government revenue, and food is evident from the percentage of the world's population directly or indirectly associated with or dependent upon forests and other agricultural resources, especially in the Global South. According to estimates from the Food and Agriculture Organization (FAO) of the United Nations, more than 30 per cent of the world's population depend on agricultural resources for some part of their livelihoods, with a significantly higher percentage in the Global South.

Globally, as population and environmental pressures on land grow, competing claims on these resources fuelled by the land tenure systems have, in turn, triggered violent conflicts, destroyed the environment, exacerbated inequalities across gender and geography, displaced populations and undermined democratic governance in many countries in the Global South. At national levels, there are also instances where effective mechanisms to address the conflicting claims to the resources have produced sustainable and equitable human development. These include legal and institutional frameworks for the better integration of customary land tenure features (which remain operational) into the modern land tenure systems, which in turn provides the legal and institutional mechanisms that promote fair and equitable exploitation of the resources and address the social and environmental impacts. Despite these efforts, the challenge for the Global South remains how to address the competing claims on land, food, water

and agricultural resources to leverage the resources needed to avoid conflicts, transform their domestic economies, and enhance their global competitiveness.

Juanatey in her contribution discusses an important issue in this area and raises important considerations on the nature and scope of a human rights-based approach (HRBA) and its applicability for advancing the right to food. Her article focuses on the utility of adopting an HRBA to food as a way of advancing the realization of the right to food in the next decade, while addressing the effects of environmental degradation, natural resources depletion and climate change on food security. She explores possible avenues of convergence, identifying gaps and opportunities to link the right to food and sustainable development looking at potential synergies for implementation of the 2030 agenda, and concludes that the gaps in the HRBA call for better integration of the right to food within the sustainable development framework.

Torkelsson and Onditi's contribution examines the need to address gender disparities and inequalities in access to and control of arable land and financial resources in Eastern Africa. They raise important considerations on access to land and resources by interrogating whether or not addressing gender gaps in agricultural production significantly contributes to socio-economic well-being (resilience) of women as well as the gross domestic product.

Similarly, Ogboru and Adejonwo-Osho's article provides a legal analysis and assessment of the environmental and sustainable development impacts of nomadic cattle grazing in different parts of Nigeria. The authors highlight the recent conflicts between herdsmen and farmers in Nigeria as not only a consequence of a lack of effective management of access to land, but also a consequence of the lack of an effective regulatory framework to address the environmental degradation caused by unregulated grazing. While highlighting certain factors that are crucial for an effective legal and regulatory framework, they argue that in order to address these environmental challenges, an effective cattle grazing legal framework is imperative to complement existing environmental laws.

Otubu's contribution in this Special Issue provides a legal analysis and assessment of the administrative structure under Nigeria's Land Use Act. The author sheds light on the important role that a good land administration system plays in the sustainable use and development of land in Nigeria. Following a careful examination of the various provisions of the Land Use Act, Otubu argues that the administrative structure under the Act is shoddy and inelegant, and is devoid of clarity of functions and purpose. He calls for legislative intervention to address the issues of lack of clarity of functions and

purpose. Among other things, the author calls for the dichotomy between the governor and the local government in terms of rights and management of land in the state to be abolished.

Ezirigwe's article examines the incidences of foodborne diseases and the extent to which the current regulatory framework addresses the issues. Her contribution helps determine whether the present regulatory framework permits adequate regulation of the informal sector that serves the majority of the Nigerian consumers. Despite the various challenges faced by the regulators, Ezirigwe concludes that current food safety policies and strategies in Nigeria will be effective if the definition of "food" in the food laws are extended, in line with best practices and current realities, to allow for comprehensive regulation and coordination of the food chain system.

Finally, Makuyana's contribution raises important thematic considerations that echo those raised by the other contributors to this issue. Following the highly publicized killing of Cecil the Lion in 2015, she examines the current international and local legal frameworks that govern trophy hunting in Zimbabwe. The author highlights the blurred line between the once purported sustainable trophy hunting with its unsustainable consequences and what now resembles "legal poaching". Makuyana's article highlights the links between the socio-economic realities of trophy hunting and the weakening of well-intentioned legal frameworks in Zimbabwe. She argues that broad exceptions in the legal framework render them toothless to protect wildlife from extinction, leverage the local community, and preserve the environment. The article concludes that an effective enforcement mechanism is one which views these three objectives as interdependent and not mutually exclusive.

The breadth of the contributions under this theme, from approaches for securing land and resource rights to legal frameworks governing land/resource rights, and the geographical spread of the authors, all allude to the complex obstacles that remain before humanity can truly realize sustainable development. Given the complexity of the subject, more issues certainly need to be examined to inform legal and policy reforms in the Global South. We at the *Journal of Sustainable Development Law and Policy* restate our commitment to continue to facilitate scholarly exchange and discourse on this theme. As always, we welcome constructive feedback and look forward to your viewpoints.

With infinite gratitude to our Editorial Board, Managing Board and the President and Founder of Afe Babalola University - Aare Afe Babalola SAN, OFR, LLD – for their invaluable and continuing support, I invite you to turn the pages of this Issue and enjoy the wealth of knowledge therein.



Yours truly,

Walters Nsoh | LL.M (Kent), PhD (Surrey)

Lecturer in Law and Editor-in-Chief (Competing Claims on Land, Food, Water  
and Agricultural Resources Special Issue), Journal of Sustainable Development  
Law and Policy

E: [w.nsoh@bham.ac.uk](mailto:w.nsoh@bham.ac.uk), with copy (cc) to [info@ogeesinstitute.edu.ng](mailto:info@ogeesinstitute.edu.ng)