

SOCIO-ECONOMIC RIGHTS AS THE PANACEA TO FOOD SECURITY IN NIGERIA: A CONSTITUTIONAL AND HUMAN RIGHTS LAW ANALYSIS

Salmanu M. Rilwanu*, Rebecca. E. Badejogbin**, Arthur .E. Chukwu***, Suleiman.U. Santuraki****, and Abubakar Suleiman*****

Abstract

Food insecurity remains a pervasive and debilitating challenge in Nigeria, despite the country's vast agricultural potential. This paper contends that the prevailing policy approaches, which often treat food security as solely an agricultural or economic productivity issue, are insufficient. Instead, it argues for a re-conceptualization of food security as a fundamental question of human rights and social justice, positing that the entrenchment and justiciability of socio-economic rights are the essential panacea. The paper critically examines the legal foundations for a rights-based approach to food security in Nigeria, engaging with the long-standing judicial and political debate over their justiciability. The central thesis is that the combination of domestic constitutional directives and unequivocal international legal obligations creates a compelling legal mandate for the Nigerian government to prioritize food security as a matter of right, not charity. The paper employs doctrinal method of research to address the issue. The paper concludes that for Nigeria to achieve sustainable food security, it must transcend mere policy rhetoric and undertake concrete legal and institutional reforms. These include adopting a framework law on the right to food, enhancing judicial enforcement mechanisms for socio-economic rights, and aligning national food and agricultural strategies with its human rights commitments, thereby transforming the state's obligation from a moral aspiration into a legal imperative.

Keywords: Food Security, Socio-Economic Rights, Right to Food, Justiciability, Human Rights, Directive Principles.

1.1 Introduction

Food security is a global phenomenon. Nigeria, as a nation, is not insulated from the challenges that plague the provision of adequate food for its polity. Even though the Cambridge Dictionary simply defines food as ‘something that people and animals eat, or plants absorb, to keep them alive’,¹ this simplistic definition encompasses all dilemmas and factors that are related to the basic survival of the human race and wellbeing of nations. The United Nations refers to food security as not only ‘an adequate aggregate supply of food, but also means that “all people at all times have both physical and economic access to basic food”’.² It streamlined human security from the territorial security to states to the security of the individual person which includes food security.³

There has been an intriguing shift in Nigeria’s food security history from being self-sufficient, and locally having enough food supplies for its citizen in colonial times such as in the 40s and well into the 60s in post-

* Salmanu M. Rilwanu., LL.B, BL., LL.M, Deputy Director General, Nigerian Law School, Yola Campus. He can be reached via 08037035518 and rilwanu71@gmail.com.

** Rebecca E. Badejogbin., LL.B, BL., LL.M, PhD Head of Academics and Director of Academics, Nigerian Law School, Yola Campus. She can be reached via 07031865684 and Email badejogbin_re@yahoo.com

*** Arthur .E. Chukwu, LL.B., BL., LL.M, Deputy Director Academics, Nigerian Law School, Yola Campus. He can be reached via 0803333143 and Email arthurelvis4real@yahoo.com

**** Suleiman .U. Santuraki, LL.B., BL., LL.M. PhD. Reader, and Senior Lecturer, Nigerian Law School, Yola Campus. He can be reached via 07030632866 and Email suleisant@gmail.com

***** Abubakar Suleiman., LL.B, BL., LL.M, lecturer with Nigerian Law School, Yola Campus, CLE advocates and a justice for all crusader. He can be reached via 08060603426 and sasmalislam72@gmail.com, abubakar.suleiman@nigerianlawschool.edu.ng

¹ <https://dictionary.cambridge.org/dictionary/english/food>

² Ojo, E.O., and Adebayo, P.F., (2012). Food Security in Nigeria: An Overview. *European Journal of Sustainable Development*, 1: 2: 199-222 at p204.

³ UNDP, 1994:24

independence Nigeria. At that time, Nigeria was a keen exporter of food from its surplus food supply.⁴ Then, food exportation generated over 75% of its export income.⁵ According to Abubakar Kyari Nigeria's Minister of Agriculture and Food Security, the Country expends 'over \$10 billion annually importing food such as wheat, rice, sugar, fish, and even tomato paste.'⁶ This amount is approximately 16 trillion Naira.⁷

Despite the focused programmes and policies to enhance agricultural produce in Nigeria, only about \$400 million i.e. approximately N600 billion is earned from agro based exports in Nigeria,⁸ which is barely about 2.5% of what Nigeria spends on the import of agro based products. In other words, it is not producing sufficient food for its citizens. This is a far cry from what it should be and a gross underutilisation of its resources to provide basic needs for its people and generate adequate income. Despite this, according to the Minister of Agriculture and Food Security, 35 per cent of the Gross Domestic Income comes from agriculture which employs about 35 per cent of Nigeria's workforce. The Country can certainly do better with a landmass of about '85 million hectares of arable land with a youth population of over 70 per cent under the age of 30',⁹ it is not commendable that only 0.5 of global agro-export is attributed to Nigeria.¹⁰

This paper contends that the prevailing policy approaches, which often treat food security as solely an agricultural or economic productivity issue, are insufficient. It argues, utilising doctrinal analysis, for a re-conceptualization of food security as a fundamental question of human rights and social justice, positing that the entrenchment and justiciability of socio-economic rights are the essential panacea. The paper generally critically examines the legal foundations for a rights-based approach to food security in Nigeria.

1.2 The Legal Foundations for a Rights-Based Approach to Food Security in Nigeria.

Nigeria, as a country, has virtually enacted laws that regulate everything, either by the National Assembly, the State Houses of Assembly or the local government councils across the 774 Local Governments in the Country. The issues on food security and right to food are equally enshrined in the Nigerian Constitution, which is the foundation of every law and a barometer to measure the legality of any law.¹¹ There are also other legal instruments, regional and international, that give food security the standing to be recognized as a right, which shall be analyzed below:

1.2.1 Chapter II of the Constitution and the Justiciability Debate

Chapter II of the Nigerian Constitution is one of the people-oriented chapters of the Constitution. It contains purposeful provisions relating to political, economic, and social, as well as food security, foreign policy, educational and environmental objectives that every responsible organ of government should adopt toward uplifting the standard of its common people.

⁴ Ojo, E.O., and Adebayo, P.F., (2012). Food Security in Nigeria: An Overview. *European Journal of Sustainable Development*, 1: 2: 199-222 at p. 205

⁵ Utuk, I. O., Akpan, B.L., et al. (2023). Agricultural Export and Economic Growth in Nigeria: Does Agriculture Value Added Matter? DOI: <https://dx.doi.org/10.47772/IJRISS.2023.7011067>

⁶ Punch News Paper of 19 August, 2025. 'Nigeria spends \$10bn annually on food imports, minister laments' <https://punchng.com/nigeria-spends-10bn-annually-on-food-imports-minister-laments/>

⁷ <https://usd.currencyrates.today/convert/amount-10000000-to-ngn.html>

⁸ Ibid

⁹ Punch Newspaper, Op.cit.

¹⁰ Ibid.

¹¹ Section 1(3) of the Constitution of federal Republic of Nigeria, 1999.

Before the 5th Alteration to the Constitution,¹² the relevant provisions of the Constitution that dealt with the right to food and food security were Section 16 (2) (d). This provision only identified the right to food and food security in the list of items the government should provide for Nigerians, without any obligation attached to the same or a blueprint on the nature of availability of the right to the citizens.

However, the 5th Alteration introduced a specific section for food security, just as the Constitution has for political, economic, social, foreign policy, educational and environmental objectives of the government. The innovative section, which is headed “Food Security” provides thus:

- (1) The State shall direct its policy towards ensuring that
 - (a) strategies that guarantee food security of the nation regarding availability, accessibility, and affordability of food to the citizens are initiated, undertaken, and implemented;
 - (b) the means of production, conservation and distribution of food are upgraded and improved upon on a continuous basis; and
 - (c) adequate measures are provided to ensure that food security of the nation is not compromised by any individual, group, or institution.
- (2) The State shall promote and sustain activities that enhance food security.¹³

The gamut of the above provision clearly mandates government to develop a plan that will guarantee food security in the country with reference to food availability, accessibility, and affordability to the citizens. The government is also required to ensure that the means of production, preservation, and circulation of food to the citizens are upgraded and improved sequentially. Additionally, the government should design measures to ensure that the country’s food security is not compromised by anyone.¹⁴

However, the availability, accessibility, and affordability of the food to citizens remain a mirage, as food is not usually available. Even when it is available, citizens often cannot afford it. Furthermore, when the citizens work hard to cultivate their farmland to obtain food, they usually lack access to their farm products due to insecurity caused by banditry and terrorism from a small number of Nigerians that the government has failed to tame.

This brings us to the question of whether the above provisions are enforceable, also known as the justiciability debate? This debate is an age-long discussion regarding the enforceability of the provisions under Chapter II of the Constitution. A cursory look at the provisions of the Constitution concerning the judicial powers of the Court reveals that the courts have no business adjudicating on any issue related to the implementation of the provisions under Chapter II of the Constitution.¹⁵ Is’haq and Suleiman, while discussing the justiciability of the provisions of Chapter II of the Nigerian Constitution, opined thus:

Gorgeous as these objectives seems to be, they do not confer any rights on individual to approach our courts for lack of their implementation by the Government. They are

¹² Constitution of the Federal Republic of Nigeria 1999, 5th Alteration Act (No. 34, of 2023).

¹³ *Ibid.* Section 16A.

¹⁴ The fear that some Nigerians have regarding the impact of Genetic Modified Organisms (GMOs) or Genetic Modifications on their health and farmlands is one of the issues that the government ought to address. It is essential to ensure that GMOs do not compromise our food security as a nation.

¹⁵ Section 6 (6) (c) of the Constitution of Federal Republic of Nigeria, 1999, *Ugwu v. Ararume* (2009) Vol. 37 NSCQR (pt. II) 1326-1327 and *Archbishop Anthony Olubunmi Okogie (Trustee of Roman Catholic School) & Ors v. Attorney General of Lagos State* (1981) 1 NCLR 218.

only meant to serve as a guide to the Government as to the appropriate programs the Government should implement.¹⁶

The new provision of the Constitution as it relates to food security will have to abide by the long-established precedent on the enforceability of the provisions of Chapter II of the Constitution. As far as Nigeria is concerned, the issue of food as a right and food security as an objective of the government is not enforceable.

1.2.2 The African Charter on Human and Peoples' Rights.

The African Charter is a regional human rights instrument and among the few such instruments properly domesticated by Nigeria.¹⁷ This Charter did not make an express provision for the right to food or food security. However, Article 4 of the said Act makes provisions for right to life, which provides that "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."¹⁸ The African Commission recognizes right to food and food security, which is deduced from the right to life.¹⁹ The Commission further in the case of *SERAC & Anor v. Nigeria*²⁰ jurisprudentially held thus:

The right to food is inherent in the right to life, the right to health and the right to economic, social and cultural development under the African Charter; and that this right is realized when everyone alone or in community with others has physical and economic access at all times to adequate food or means of its procurement and is free from hunger even in times of natural or other disasters.

The African Commission in its 2019 resolution restated its commitment to enforce the right to food and food security. The commission calls on member States to recognize the right to food, which includes constantly accessible and quality of food that meets the requirement of nutrition and cultural accessibility.²¹ It equally calls on States parties to stop the farm grabbing that will affect agriculture, and ensure prisoners have access to healthy and adequate food to enjoy their fundamental rights to physical and mental health.²² To further protect this right, the Commission encourages the production of local and organic food production and consumption, and banned any form of food production through GMOs, because of its potential risks to human health.²³

The above stance of the African Commission is commendable, which makes the rights enforceable in Nigeria, who is a signatory to the African Charter. Therefore, the rights and obligations therein covered under the said Charter became fully and legally enforceable in Nigeria as any other municipal or domestic law of the land.²⁴

1.2.3 The International Covenant on Economic, Social and Cultural Rights (ICESCR)

¹⁶ Abubakar I. and Abubakar, S., (2018). An Appraisal of the Freedom of Information Act as an Apparatus for the Implementation of the Provisions of Chapter II of the Nigerian Constitution 1999. *Human Rights Review: An International Human Rights Journal*, Vol. 3, No.1. p. 92.

¹⁷ Known as the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, Cap. A9, L.F.N. 2004

¹⁸ Article 4 of the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act, Cap. A9, L.F.N. 2004.

¹⁹ Resolutions ACHPR/Res. 374 (LX) 2017.

²⁰ (2000) AFCHPR, *Communication 155/96*, 52.

²¹ The African Commission on Human and Peoples' Rights, ACHPR/Res. 431 (LXV) 2019: Resolution on the Right to Food and Nutrition in Africa, Banjul, The Gambia.

²² Ibid.

²³ Ibid.

²⁴ *Abacha & Ors v. Fawehinmi* (2000) LPELR-14(SC), Pp. 53 paras. B.

The International Covenant on Economic, Social and Cultural Rights (ICESCR)²⁵ is an international legal instrument that guarantees the basic economic, social, and cultural rights of individuals and groups, which Nigeria has ratified.²⁶ The ICESCR guarantees the right to an adequate standard of living,²⁷ encompassing essential needs such as sufficient food, clothing, and housing, while promoting ongoing improvements in living conditions. States must take necessary measures to ensure individuals have access to minimum conditions required for a dignified life, going beyond mere survival to foster well-being and security.²⁸

This instrument affirms the right to food,²⁹ vital for dignity and the fulfillment of other rights like health and life. Realizing this right means ensuring that every individual has consistent physical and economic access to adequate food, which must be safe, culturally suitable, and available in sufficient quantity and quality.³⁰ The core content of the right requires food to be available in a quantity and quality that is sufficient to satisfy dietary needs, safe and culturally appropriate, and accessible without interfering with other human rights.³¹ Violations occurs when States fail to protect this right from interference by others, as seen in the case of *SERAC & Anor v. Nigeria*,³² where Nigeria was held to have neglected its responsibilities to preserve food sources and allow self-sufficiency.

1.3 Food Security as National Security

The conventional understanding of national security has long been dominated by a state-centric, militaristic paradigm, focusing on territorial integrity and protection from external aggression. However, a more holistic and contemporary view recognizes that a nation's true security is inextricably linked to the well-being of its citizens.³³ This is because a state's stability and sovereignty are equally threatened by internal crises.³⁴ Chronic food insecurity represents one of the most potent of these internal threats. This expanded concept of human security prioritizes the safety of individuals from chronic threats like hunger, disease, and repression. At the very core of this human security framework lays food security. Without guaranteeing that a population is fed, the more traditional notions of national security become precarious.³⁵

Food is a fundamental prerequisite for human existence, yet its consistent and adequate availability remains a pressing global challenge. The concept of "food security" is traditionally defined as existing "when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life."³⁶ However, this definition belies the profound political and ethical dimensions of food provision. Food security is not merely an agricultural or

²⁵ 1966

²⁶ The resolution came into force in 1976.

²⁷ Article 11 of the International Covenant on Economic, Social and Cultural Rights.

²⁸ Ikpeze, O. VC., and Udemezue, O.L., (2022). Enforcement of Economic, Social and Cultural Rights In Nigeria – A Slippery Slope? *UNIZIK, Law Journal* 18, p. 60.

²⁹ Article 11 (2) of International Covenant on Economic, Social and Cultural Rights

³⁰ CESCR, General Comment No. 12, The Right to Adequate Food, UN Doc. E/C.12/1999/5, 12 May 1999, para. 6.

³¹ Ibid. p. 6 para. 8

³² *Supra*

³³ Food and Agriculture Organization, "Trade Reforms and Food Security: Conceptualizing the Linkages" (Rome: FAO, 2003), as cited in Samantha Noll & Esme G. Murdock, "Whose Justice is it Anyway? Mitigating the Tensions Between Food Security and Food Sovereignty" (2020) 33 *Journal of Agricultural and Environmental Ethics* 1 at 3.

³⁴ Kim R. Holmes, "What Is National Security?" in 2015 Index of U.S. Military Strength (The Heritage Foundation, 2015) at 1-2.

³⁵ Benedict Sheehy & Ying Chen, Let Them Eat Rights: Re-Framing the Food Insecurity Problem Using a Rights-Based Approach, 43 *MICH. J. INT'L L.* 631 (2022).

³⁶ Food and Agriculture Organization (FAO) (1996). Rome Declaration on World Food Security and World Food Summit Plan of Action. Rome.

economic issue but is intrinsically linked to two critical frameworks: it is a cornerstone of national security and a fundamental question of human rights and social justice. Analysing food security through these lenses reveals the tensions and imperatives that define contemporary food systems.

When a significant portion of a population is hungry, malnourished, or unable to afford a basic diet, the social contract between the state and its citizens is broken. This can lead to social unrest, political instability, and mass migration, all of which undermine a nation's internal cohesion and security.³⁷ The high political prioritization of food security, particularly in high-income regions like the European Union, is often explicitly linked to national security concerns.³⁸ The rationale is that countries with integrated and protected food supplies are more stable and less vulnerable to external pressure or internal collapse. For instance, policies that shield domestic agricultural producers are frequently justified not only on economic grounds but on the imperative of ensuring a reliable food supply as a buffer against global market shocks or geopolitical conflicts.³⁹ There have been attempts by the Nigerian government to address food security. It is important to recall that food security problems, policies and interventions are not new to Nigeria. Past policies which endeavoured to address this include: Timber/Non Timber Policy 1937, Food Policy 1946 and Food Policy for the Western Region 1952. Some policy legislations were identified, namely: Adulteration of produce ordinance No.67 of 1917; 29 of 1920, 8th November 1917, Weight and measurements Act No. 32 of 1974 to June 1975 and River Basin Development Authorities Act No.35 of 1st October, 1986.

1.3.1 Some Inventory of Right to Food Sovereignty Strategies in Nigeria:

Sovereignty strategy formulations, commodity boards, National Accelerated Food Production Project (NAFPP), National Livestock Development Project (NLDP), Operation Feed the Nation (OFN) and Green Revolution among very many others. The first recorded poverty alleviation intervention in Nigeria was the Farm Settlement Scheme (FSS) in the 1960s/post-independence period. It was initiated in the old Western Region and targeted young school leavers to support them in developing a farming career, especially on production of cash and food crops. It was however short-lived. Several food production and agricultural development projects followed in the successful era. In fact, it seemed to be a key feature of the military regime- from General Yakubu Gowon's Agriculture Development Project (ADP) to General Obasanjo's Operation Feed the Nation (OFN). Obasanjo's Land Use Decree (Now Land Use Act) promulgated in 1978 which was aimed at empowering the government to expand land ownership in Nigeria and by implication support food production has turned out to be a bane to development, only serving to enrich an elite few and entrenching inequitable land distribution and administration. Other failed attempts include Shehu Shagari's Green Revolution Program (GRP) and General Buhari's Go-Back-to-Land Program, both in the 80s.⁴⁰ National Development Plans adopted by successive civilian governments also highlighted food security as a major policy issue however change in government, lack of commitment, poor monitoring, corruption and mismanagement of funds ensured that these initiatives did not make sustainable gains. Unfortunately, continued frequent programmatic changes around food security and agriculture would continue to impact sustainable food production and accessibility in Nigeria if firmer measures are not taken. Despite these attempts, food security remains a major challenge in Nigeria.

³⁷ Helen Walls, "Food security, food safety and healthy nutrition: are they compatible?" (Presentation, EGEA Conference, 7 November 2018) at 13.

³⁸ Ibid.

³⁹ Busiso H. Moyo & Anne-Marie Thow, "Fulfilling the Right to Food for South Africa: Justice, Security, Sovereignty and the Politics of Malnutrition" (2020) 11:3 World Nutrition 112 at 118-119.

⁴⁰ Ibid.

Furthermore, the "corporate food regime," characterized by the concentration of power in a handful of agribusiness corporations, can create vulnerabilities.⁴¹ When control over food production, distribution, and pricing is highly centralized, national food systems become susceptible to anti-competitive practices and market manipulations, which can jeopardize the food supply for entire nations.⁴² Therefore, ensuring food security is a strategic imperative for any state seeking to maintain its autonomy, stability, and ultimately, its national security.⁴³

In a country like Nigeria where food and nutrition insecurity has been on worsening trend, with food insecurity and the prevalence of under-nutrition considered among the worst globally.⁴⁴ The situation in Nigeria provides a stark and tragic illustration of the theoretical link between food security and national security. Nigeria, despite having vast arable land and favorable agro-ecological conditions, is severely food insecure, importing billions of dollars' worth of food annually. This vulnerability is critically exacerbated by rampant national insecurity, primarily from the Boko Haram insurgency, conflicts between farmers and Fulani herders, and banditry in the Country.⁴⁵ The impact is devastatingly clear. National insecurity directly sabotages all dimensions of food security: availability, accessibility, and adequacy.

Indeed, the connection between food security and national security is constitutionally established in Nigeria. Hence, the fundamental objectives categorically attest to this when it stated: "*the security and welfare of the people shall be the primary purpose of government;*".⁴⁶ This highlights the significance of citizens' welfare, ranking it at par with security. This also signifies that no meaningful security can be achieved where welfare of the citizens is deficient. Most prominent on citizens' welfare is food. To accentuate this point, the Fifth Amendment to the constitution, specifically made the right to food an integral part of the objectives of government.⁴⁷ Without guaranteeing that a population is fed therefore, the more traditional notions of national security become precarious.

1.4 Food Security as a Fundamental Question of Human Rights and Social Justice

It is axiomatic that the existence of a nation largely depends on the accessibility and availability of food to the population. A starving, hungry, or malnourished population is intrinsically insecure. The prevailing approaches to solving food insecurity technological, economic, and business-oriented frames—are inadequate on their own. They often address symptoms rather than the root cause, which is a failure of governance and institutional frameworks to recognize food as a fundamental human right. The solution, therefore, lies in adopting a rights-based approach, embedding the right to food within a nation's highest legal order—its constitution—to create a legally enforceable obligation on the state to ensure the food security of its people. This perhaps explains the attempt to make the right to food a human right under the Fifth Amendment to Nigerian constitution which provides:

⁴¹ Ibid.

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Fadare, O., Akerele, D., Mavrotas, G. & Ogunniyi, A. (2019). Effect of conflict and food price shocks on calorie intake and acute malnutrition in Nigeria: A micro-panel data analysis. Paper presented at the 93rd Annual Conference of the Agricultural Economics Society, University of Warwick, England 15 - 17 April 2019.

⁴⁵ Agaptus Nwozor, John Shola Olanrewaju, Modupe B. Ake, National Insecurity and the Challenges of Food Security in Nigeria, Vol 8 No 4 December 2019, Academic Journal of Interdisciplinary Studies, 9.

⁴⁶ Constitution of the Federal Republic of Nigeria 1999, S. 14 (2) (b).

⁴⁷ Ibid. S 16 (2) and 16A.

that suitable and adequate shelter, **right to food and food security**, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.⁴⁸

The introduction of these aspects in the constitution is commendable; in fact, a new section 16A was introduced to provide comprehensive guidelines for government to ensure the right to food to all citizens. Why then was it provided under chapter four of the constitution, which is notoriously unenforceable? There is no gainsaying that the legislators, and everyone involved knew that genuine human rights are inherently enforceable. This deliberate aberrance demonstrates the contempt with which poor citizens are treated in all matters pertaining to their welfare. Placing the right to food under chapter two of the constitution typically reflects the mindset where food is treated as a mere commodity. The rights-based frame in contrast, reframes food as an entitlement rooted in human dignity. This approach, well-established in international law through instruments like the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, shifts the dynamic. It makes the state the primary duty-bearer, legally obligated to respect, protect, and fulfill the right to food for its citizens.

Entrenching the right to food as a constitutionally enforceable right ensures that citizens are not subjected to the "whims of government and fads of politicians."⁴⁹ Establishing a constitutional right to food is the most effective strategy for achieving food security, which in turn is a non-negotiable prerequisite for a stable and secure nation.

A constitutional right creates a non-derogable obligation. It provides citizens with a legal tool to challenge government inaction. More importantly, it forces the state to build the necessary long-term regulatory infrastructure—effective safety nets, coordinated administrative measures, and independent judicial oversight—that transcends short-term political cycles. This legal bedrock is what transforms food security from a charitable policy goal into a guaranteed component of national security.

1.5 The Imperative for Legal and Institutional Reform

Enhancing food security in Nigeria requires intentional legal and institutional reforms; without these reforms, the issues surrounding food as a right guaranteed under Section 16A of the Constitution will remain merely rhetorical.⁵⁰ Some key areas to focus on include:

1.5.1 Legislative Reforms

- **Constitutional Reform:** A paramount reform is amending the Constitution to recognize the right to food as a fundamental human right under Chapter IV, perhaps by linking it to the right to life.⁵¹ Alternatively, section 6(6)(c) must be amended to grant the judiciary jurisdiction over Chapter II matters.
- **Land Use Act Reform:** The Land Use Act⁵² restricts formal agricultural land access to rural areas.⁵³ With rising insecurity in these areas, the Act should be amended to explicitly recognize and encourage urban and vertical farming, adapting to modern realities and economic crises.

⁴⁸ Ibid. S. 16 (2) (d).

⁴⁹ Benedict Sheehy & Ying Chen, Let Them Eat Rights: Re-Framing the Food Insecurity Problem Using a Rights-Based Approach, 43 MICH. J. INT'L L. 631 (2022).

⁵⁰ Constitution of the Federal Republic of Nigeria 1999 (as amended by the fifth alteration Act) S. 16A.

⁵¹ Constitution of Federal Republic of Nigeria, 1999, S. 33 of the.

⁵² Land Use Act 1978

⁵³ Ibid, S. 6 and 36.

- Agricultural Laws Update: Outdated laws like the Agricultural Credit Guarantee Scheme Fund Act⁵⁴ need severe revisions. Punishments for the diversion of agricultural funds must be made more stringent to deter corruption that jeopardizes national food security.

1.5.2 Institutional Reforms

- Regulating Corruption: Anti-corruption agencies like the EFCC and ICPC must intensify oversight of agricultural funding, particularly programs like the Anchor Borrowers' Scheme, which have been plagued by allegations of massive diversion.
- Stakeholder Collaboration: Government agencies must foster synergy with farmers, the private sector, and NGOs to ensure coherent and effective policy execution.
- Strengthening Agricultural Institutions: Institutions like the Institute of Agricultural Research and River Basin Development Authorities require technological modernization and increased funding. Establishing at least one research institute per local government would bridge the gap between researchers and farmers.
- The Role of the Judiciary: Courts must adopt a purposive approach to the right to food, as seen in cases like *SERAC v. Nigeria* and *Gbemre v. Shell*.⁵⁵ Expedited hearings for land-related disputes are also crucial to protecting agricultural productivity.

1.6 Conclusion and Findings

No doubt, the dire situation of threatened starvation for millions of Nigerian citizens is glaring. This however is the situation for millions as direct and indirect consequences of faulty food security policies, violence and insurgencies, and other socio economic factors. The recommendation that drastic pragmatic steps be taken is apposite. At the crux of these recommendations is the will power of stake holders and occupants of relevant government sections to ensure this positive change. Even with the pragmatic solutions adopted in resolving or curbing a food crisis which are multifaceted and interwoven and cover legal and socio- economic approaches, the silver lining is yet to be attained. Food security touches on the basic and inherent rights of the citizens. The legal foundations for a rights-based approach to food security in Nigeria cover regional, international and a replete of local laws but the bane has been broadly tied to the unjusticiability of enforcing these rights in a court of law. There are however ways to go about it pending the actualization of what has been a notorious suggestion for constitutional amendments to make this right justiciable. Legislative and judicial interventions must be employed in this regard.

Also crucial is a measure of institutional reforms whereby the government must improve institutional frameworks to create a conducive environment to enhance this. These reforms which must follow suit should cover areas such as the fight against corruption, collaboration with stakeholders, and strengthening agricultural institutions to achieve food security.

The legal framework for the right to food in Nigeria is a complex tapestry of progressive but non-justiciable constitutional directives, enforceable regional treaties, and binding international covenants. The core finding of this paper is that the principal obstacle to a rights-based approach is the non-justiciability of socio-economic rights under the Nigerian Constitution. This creates a legal paradox where international obligations are enforceable, but identical domestic principles are not. The amendment of the constitution (the Fifth Alteration

⁵⁴ Cap. A10, L.F.N, 2004

⁵⁵ *SERAC v. Nigeria* (2000) AFCHPR, Communication 155/96, 52. *Gbemre v. Shell Petroleum Development Company & 2 Ors* Unreported Suit No: FHC/B/CS/53/05/2005

2023) to include the right to food under chapter II is a significant step, providing a statutory basis for food security. However, its effectiveness is inherently limited by its placement within Chapter II. Without justiciability, these provisions remain aspirational.

1.7 Recommendations

1. **Constitutional Amendment:** The National Assembly should initiate a constitutional amendment to move the right to food from Chapter II to Chapter IV as a justiciable fundamental right and repeal Section 6(6)(c).
2. **Legislative Action:** Comprehensively review and update all obsolete agricultural laws, imposing severe penalties for corruption in the agricultural sector.
3. **Policy Implementation:** The government must demonstrate political will by faithfully implementing the Right to Food Act 2023, ensuring transparency in resource allocation, and actively combating corruption.
4. **Judicial Activism:** The judiciary should embrace a progressive interpretation of existing fundamental rights, such as the right to life and dignity, to indirectly enforce the right to food, as demonstrated by the African Commission.
5. **Institutional Capacity Building:** Invest heavily in modernizing agricultural research institutions and extension services to support farmers directly.

For Nigeria to achieve sustainable food security, it must transcend policy rhetoric and undertake these concrete legal and institutional reforms, thereby transforming the state's obligation from a moral aspiration into a legal imperative.