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www.abuad.edu.ng, abuadlawjournal@abuad.edu.ng

Appraising the Obligations of the Nigerian State in Achieving Zero Hunger

SHAIBU ENEMONA GABRIEL*

Abstract

Nigeria as a Nation-State is saddled with certain obligations to her citizens, some are justiciable and others are not. The Nigerian-State being a member of the United Nations adopted the Sustainable Development Goals (SDGs) in September, 2015. There are 17 SDGs and one of which is SDG-2, Zero hunger. The primary targets of SDG-2 are aimed to end hunger, achieve food security, improve nutrition and promote sustainable agriculture worldwide, by the year 2030. Nigeria has not fared well under the recently published Global Hunger Index scores as it falls under the group of States faced with serious hunger, despite its efforts in domesticating and implementing the SDGs, particularly, SDG-2 through various policy and institutional frameworks. This paper, *inter alia* appraises the obligations of the Nigerian-State to her citizens, the various policy and institutional frameworks domesticated in Nigeria in order to achieve zero hunger by the year 2030. Being a paper that is situated within the right to food paradigm, it adopts the doctrinal and analytical approach, relying on primary data like the 1999 Constitution of the Federal Republic of Nigeria and other conventions, secondary data like articles and opinions of jurists on the subject matter. It is the finding *inter alia* that it will be very difficult if not impossible for Nigeria to achieve zero hunger by the year 2030. The paper concludes *inter alia* that a well-coherent legal framework for right to food is vital in addressing the serious prevalence of hunger and looming food insecurity in Nigeria.

Keywords: Zero Hunger, SDG-2, Food and Nigeria.

1.0 INTRODUCTION

Nigeria, the focal point of this paper, is a Federation that is made up of multi-ethnic groups with diverse culture.¹ It is presently a democratic Nation-State, and has a Constitution, which is the grundnorm of every other law in the country.² From its constitutional arrangements, it has 36 autonomous States and the Federal Capital Territory, Abuja.³ Nigeria's population is estimated to be over 200 million people⁴. It was reported in 2018, that 40% of Nigerians, that is, about 83 million Nigerians lived below the poverty line and 25%, that is, about 53 million Nigerians were vulnerable.⁵ Nigeria's Multi-Dimensional Poverty Index that was released on 17th November, 2022 indicated that 62.9% Nigerians (i.e., 133 million) are multi-dimensionally poor, in this sense, they suffer deprivation in more than one dimension, such as lack of cooking fuel, sanitation, health, food and shelter.⁶

*LL.B (KSU, Anyigba), LL.M (UI), BL, Ph.D Candidate at Afe Babalola University, Ado-Ekiti, Ekiti State, Nigeria (ABUAD), Head of Criminal Litigation, Okunade Olorundare SAN & Co., Phone No. 0806 045 6859/0807 778 9551. Email: gabbylaw4u@gmail.com

¹ Patrick, A. Edewor, Yetunde, A. Aluko and Sherff, F. Folarin, "Managing Ethnic and Cultural Diversity for National Integration in Nigeria" (2014) 4(6) *Developing Country Studies* 70-76, at 70-73. World Bank, "The World Bank in Nigeria: Overview" < <https://www.worldbank.org/en/country/nigeria/overview> >. See also SCOUTS for SDGS "Nigeria Cultural Diversity" available at < <https://sdgs.scout.org/en/post/nigeria> > All accessed 25 November 2022.

² Section 1(1) & (3) of the 1999 Constitution of Federal Republic of Nigeria (as amended). See the cases of Governor of Borno State v. Gadangari [2016] 1 NWLR (Pt. 1493) 396 at 417, B-C; Coca Cola (Nig.) Ltd. v. Akinsanya [2017]17 NWLR (Pt. 1593)74 SC at 117-118, H-F

³ Sections 2 and 3 of the 1999 Constitution of Federal Republic of Nigeria (as amended)

⁴ Worldometers "Nigeria Population (2022)" < <https://www.worldometers.info/World-population/Nigeria-population/> > Accessed 30th January 2023

⁵ World Bank, "The World Bank in Nigeria: Overview" < <https://www.worldbank.org/en/country/nigeria/overview> > Accessed 30th March 2023

⁶ National Bureau of Statistics < <https://nigerianstat.gov.ng/news/78> > accessed December 5th 2022

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Hunger, which is the ‘uncomfortable or painful feeling’ in one’s stomach, resulting from the need or lack of food,⁷ falls under SDG-2. To end hunger, either domestically or internationally, it requires a great deal of efforts to address the issues of poverty (SDG 1), health and well-being (SDG 3), quality education (SDG 4), climate change mitigation (SDG 13), inequality (SDG 10) and unemployment (SDG 8) and peace and security (SDG 16), because at some points, they either simultaneously or severally interact or interfere with the path to zero hunger. For instance, it has been noted elsewhere that the rout to zero hunger had a positive interaction with SDGs 1, 3 and 4 while food production has a complex interaction with SDG 13, because agriculture contributes about 35% of global greenhouse gas, and climate mitigation constrains certain types of food production.⁸ Another instance, is that, an equitable and sustainable food system, helps in meeting up with some targets of SDG 2 like, improve health and well-being of the people, addresses issues of stunting and waste,⁹ helps productivity at work and place of learning and increases access to decent work. In essence, actions that reduce poverty, inequality, unemployment and mitigation against climate change have a positive result in achieving the goals and targets of zero hunger and improve healthy living. Furthermore, innovation and technology help in the invention of seeds and plants that are resistant to harsh weather and high crop yields, storage, transportation, and help farmers to be more resource efficient.¹⁰

However, a 2021 UNICEF report titled ‘Fed to Fail’ revealed that many children in Nigeria, who are under-two years of age are lacking the necessary food and nutrients for their growth and

⁷ Cambridge International Dictionary of English, 1995 at p. 694

⁸ Stephen Morton, David Pencheon and Neil Squires, “Sustainable Development Goals (SDGs), and their Implementation”, (2017) 124 *British Medical Bulletin*, 81-90, at 86

⁹ Ibid

¹⁰ United Nations Conference on Trade and Development (UNCTAD) “The Role of Science, Technology and Innovation in Ensuring Food Security by 2023” (2017) at 9-25 < https://unctad.org/system/files/official-document/dtlstict2017d5_en.pdf > accessed May 31st, 2023

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well-being, thereby causing harms that are irreversible.¹¹ The Food and Agriculture Organization (FAO) reported in March, 2022 that about 14.4 million people, including 385,000 Internally Displaced Persons (IDPs) in 21 States and the Federal Capital Territory, Abuja were facing food crisis.¹² The National Human Rights Commission reported in 2022 of rising food crisis in Nigeria, particularly, amongst the IDPs and vulnerable groups and this worsen their access to healthy and nutritious food, thereby leading to widespread hunger and low quality of life.¹³ The National Bureau of Statistics (NBS) March, 2023 Food Price Report indicated a continuous rise in prices of food and other commodities over the years and on a monthly basis.¹⁴

Though, Nigeria is blessed with both human and natural resources and large arable land mass that is good for agricultural activities like, cultivation of crops and rearing of animals for human consumption, the country is consistently battling with decline in food sufficiency. Deducing from the Global Hunger Index report, from 2015 to date, Nigeria has consistently maintained its rating under the group of countries faced with serious hunger. For instance, under the Global Hunger Index report of 2015, Nigeria ranked 91 with a score of 32.8.¹⁵ In 2016, it ranked 84 with a score of 25.5¹⁶ while in 2017 it ranked 84 with a score of 25.5.¹⁷ In 2018 it ranked 103 with a score of

¹¹ UNICEF Report ‘ Fed to Fail’ 2021 < <https://www.unicefusa.org/stories/fed-fail-unicef-report-shows-global-crisis-children's> > Accessed 10th December 2022

¹² FAO “2022 Global Report on Food Crises” Chapter 3. < <https://www.fao.org> > Accessed 10th December 2022

¹³ National Human Rights Commission Report, October, 2022. Friday Olokor “Food Crisis has Worsened Hunger in Nigeria – NHRC” The Punch Newspaper, October 16th, 2022 < <https://punchng.com/food-crisis-has-worsened-hunger-innigeria-nhrc/> > accessed May 31st, 2023

¹⁴ National Bureau of statistics ‘Selected Food Price Watch (March 2023)’ < <https://nigerianstat.gov.ng/elibrary/read/1241320> > Accessed May 31st 2023

¹⁵ Yisehac Yohannes, *et al* ‘2015 Global Hunger Index: Armed Conflict and the Challenge of Hunger’ < <https://www.globalhungerindex.org> > last accessed 25th November, 2022

¹⁶ Sonntag Andrea *et al* ‘2016 Global Hunger Index: Getting to Zero Hunger’ < <https://www.globalhungerindex.org> > last accessed 29th August, 2023

¹⁷ Klaus Von Grebmer, *et al* ‘2017 Global Hunger Index: The Inequalities of Hunger’ < <https://www.globalhungerindex.org> > or < <https://doi.org/10.2499/9780896292710> > last accessed 29th August, 2023

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31.1,¹⁸ while in 2019, it ranked 93 with a score of 27.9.¹⁹ In 2020 it ranked 98 with a score of 29.2,²⁰ while in 2021 it ranked 103 with a score of 28.3²¹ and in 2022 is ranked 103 with a score of 27.3.²² This is despite the fact that the Nigerian economy is predominantly agrarian as over 70% of the population are engaged in the agricultural sector, however, majority are at the subsistence level.²³ Evidently, majority of Nigerians are faced with the prevalence of serious hunger.

Efforts to achieve zero hunger in the continent of Africa informed the decisions of the African Union Assembly to declare 2022 as the African Union year of Nutrition, under the theme, ‘Strengthening Resilience in Nutrition and Food Security on The African Continent: Strengthening Agro-Food Systems, Health and Social Protection Systems for Acceleration of Human, Social and Economic Capital Development’.²⁴ The objective of the declaration is to galvanize African leaders towards taking the opportunity to provide solutions that are essential to

¹⁸ Klaus Von Grebmer, *et al* ‘2018 Global Hunger Index: Forced Migration and hunger’ < <https://www.globalhungerindex.org> > last accessed 29th August, 2023

¹⁹ Klaus Von Grebmer, *et al* ‘2019 Global Hunger Index: The Challenge of Hunger and Climate Change’ < <https://www.globalhungerindex.org> > last accessed 29th August, 2023

²⁰ Klaus Von Grebmer, *et al* ‘2020 Global Hunger Index: One Decade to Zero Hunger, Linking Health and Sustainable Food Systems’ < <https://www.globalhungerindex.org> > last accessed 29th August, 2023

²¹ Klaus Von Grebmer, *et al* ‘2021 Global Hunger Index: Hunger and Food Systems in Conflict Settings’ < <https://www.globalhungerindex.org> > last accessed 29th August, 2023

²² Klaus Von Grebmer, *et al* ‘2022 Global Hunger Index: Food Systems Transformation and Local Governance’ < <https://www.globalhungerindex.org> > last accessed 25th August, 2023

²³ Okonkwo, I.I., “Differentials in Adoption Stages of Improved Cassava Production Technologies among Small-holder Farmers in Anambra State: A Gender Situation Analysis” (2018) 49(2) *Nigerian Agricultural Journal*, 188-194 at 188. See also Food and Agriculture Organization “Nigeria at a Glance” available at < <https://www.fao.org/Nigeria/fao-in-nigeria/Nigeria-at-a-glance/en/> > accessed last 25th November 2022

²⁴ African Union ‘Launch of the 2022 Theme of the Year on Nutrition in Botswana’ < <https://au.int/en/pressreleases/20220907/launch-2022-theme-year-nutrition-botswana...> > accessed 29th August 2023

addressing the nutrition crisis the continent of Africa is bedevil with since the adoption of SDGs in the year 2015.²⁵

Frantically, the above sets in motion, the question, whether the Nigerian-State has fared well in meeting its obligations to its citizens with respect to welfare and the fight against hunger. The preamble of the 1999 Constitution of the Federal Republic of Nigeria (CFRN), as (amended) provides *inter alia* that the Constitution is meant to promote good governance and the ‘welfare of all persons’ in Nigeria ‘on the principles of Freedom, Equality and Justice’.

This paper therefore appraises the obligations of the Nigerian-State, particularly, with respect to SDG-2. The paper is divided into nine sections. After this introductory section, section two appraises the obligations of the Nigerian-State in the light of the 1999 Constitution and other extant laws, while section three examines the SDGs, particularly, the key targets of SDG-2. Section four examines the various institutional and policy frameworks put in place to achieve SDG-2 in Nigeria by the year 2023. Section five examines the challenges of achieving SDG-2 in Nigeria by the year 2030. Section six discusses the right to food approach in Nigeria while sections seven and eight respectively examine the legal and institutional frameworks for right to food in Nigeria. Section nine is the concluding section which highlighted the findings of the paper and gave recommendations.

2.0 OBLIGATIONS OF THE NIGERIAN STATE TO HER CITIZENS UNDER THE CONSTITUTION AND OTHER EXTANT LAWS

²⁵ Ibid

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When State obligations are mentioned, what comes to mind easily is the Social contract Theory of the State, which generally postulates of how society came about forming a State for the purpose of protection of lives and properties.²⁶ State obligation is simply defined as the various duties a State owes its citizens, either under international or domestic laws. It is a “corresponding duty of a State to the citizens” notwithstanding the failure of the citizens to perform their civic duties to the State.²⁷ These duties the modern State is obligated to perform are most often predicated on what the provisions of the Constitution of the State in question and other extant laws stipulated.²⁸

The primary obligations of the modern State entail the provision of security for the protection of lives and properties of her citizens from either external or internal aggressions. A State that is unable to achieve this is bound to fail. Since Nigerians, under the social contract theory, collectively agreed to place on the Nigerian-State their respective rights and in return for the security and protection of their lives and properties by the State, the State is in this circumstance, duty bound to see that these are achieved. The obligations of modern States transcend what they used to be in the 16th and 17th centuries when the social contract theory was propounded. The obligations of modern States are no longer limited to protection of lives and properties, but now include providing for the welfare and development of their citizens. The Nigerian Court of Appeal has made a pronouncement in this regard, in the case of *Bargha-Amange v. Adumein*,²⁹ where it held that “*the governmental functions of a State have but one purport, namely the*

²⁶Thomas Hobbes, *Leviathan* (First published 1651, Penguin 1985), John Locke, *Two Treatises of Government*, 1690 and Jean-Jacques Rousseau, *Discourse on the Origin of Inequality*, 1755.

²⁷ “Obligations of States and Non-State Actors” < <http://hrlibrary.umn.edu/modules> > accessed November 25th 2022

²⁸ Ibid

²⁹ [2016]13 NWLR (Pt.1530)349 at 384-385, H-D.

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welfare and security of the people.” Therefore, it is of paramount importance and necessity that the Nigerian-State carters for the welfare of her citizens. Failure on the part of the Nigerian-State to perform these paramount obligations amount to a fundamental breach of the terms of the Social Contract as contained in the Constitution.

The Nigerian-State is obligated to maintain peace and order and to enforce laws. These can be achieved either through persuasion (negotiations) or the use of force, or through the threat of the use of force. A State that lacks the capacity and ability to maintain peace, and order, and the enforcement of laws, is automatically a failed State. The Nigerian-State is under the obligation to respect fundamental human rights standard provided for in the Constitution and other statutes. It is to respect the law and the rule of law because it is through these the State and the people are governed, and the fundamental human rights of the people are fully realized. The State is under the obligation to obey courts decisions whether or not they are in favour of the State. The Nigeria Supreme Court held in the case of *Governor of Lagos State v. Ojukwu*³⁰ that “... *it is the authorities for they more than anyone else, need the application of the rule of law in order to govern properly and effectively.*” Obedience to the rule of law by both the State and the citizens is beneficial to both parties for the actualization of the objectives of the social contract they contracted.

It is the obligation of the Nigerian-State to create conducive environments for development to strive and this can be achieved by creating incentives for economic growth and development. The State is to take the lead in the development process by formulating development policies and programmes, establishing institutions and creating both policy and regulatory frameworks,

³⁰ [1986] 1 NWLR (pt.18) 621 SC at 639

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providing capital intensive infrastructures solely or through public-private partnership, encouraging direct foreign investment where local entrepreneurs do not have enough capital to undertake development projects. The State is obligated to undertake these projects where foreign investment and local entrepreneurs are not forthcoming. It is to provide good governance, leadership and accountability. Failure on the part of the State in these regards will definitely make the citizens to lose confidence in the State and might lead to resistance against the State. Leadership has been the major setback of the Nigerian-State.³¹ The Nigerian-State has not been manned by leaders that have the boldness and sincerity to annex the various enormous human and natural resources the country is endowed with, in order to resolve the development crisis that has continued bedeviled the State since independence.

It is the obligation of the Nigerian-State to eradicate or bring to the barest minimum poverty, unemployment, and inequality and provides a clean and healthy environment for its citizens.³² The Nigerian-State is to create jobs through public- private partnership, public institutions and create the necessary environment for private businesses to thrive.³³ The more the society advances, either domestically or internationally, the same way new obligation emerges for the State.

3.0 THE SUSTAINABLE DEVELOPMENT GOALS (SDGs)

Sustainable development has been defined by Saba as the ‘development that meets the needs and aspirations of the current generations without compromising the ability to meet those of future

³¹ Achebe, C. 1984. *The Trouble with Nigeria*, Oxford: Heinemann Educational Publishers, P.1

³² SERAC & CESR v. Nigeria, African Commission on Human and Peoples’ Rights, Communication No. 155/96, 13-27, October, 2001, para. 54.

³³ Ese Malemi *The Nigerian Constitutional Law*, (Princeton Publishing Co., 2010 Edition) p.9

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generations.’³⁴ In essence, sustainable development means the process of ‘balancing the conservation of nature’s resource with the needs for development.’³⁵ It means that, in as much as the present generation intends to improve on the peoples’ quality of life, same must definitely be done in such a way that it does not compromise the ability of future generations to meet their own needs during their time. The present generation is obligated to leave an eco-friendly environment for the future generation when exercising its right to explore nature’s resources, and must not lose sight of exploring nature’s resources in a rational and sustainable manner.³⁶ It is believed that this idea informed the adoption of the SDGs in 2015. Therefore, the SDGs are documented goals the community of States consented to, aimed at transforming the world into a more prosperous one in the best sustainable way, without compromising that of future generations. According to Morton *et al* the SDGs are ‘a set of objectives within a universal agreement to end poverty, protect all that makes the planet habitable, and ensure that all people enjoy peace and prosperity now and in the future.’³⁷

Though Members States adopted the SDGs in September, 2015, the SDGs became operational in January, 2016. The SDGs are made up of 17 goals, 169 targets, all bordering on development issues. The framing of the 17 SDGs, the 169 targets and the 230 key performance indicators clearly demonstrate that the 2030 Agenda ‘envisions a present and a future that is economically

³⁴ Saba AbdulRasheed K., “After Rio- What Next” in Ajomo, M. and Adewale, O., (eds), *Environmental Law and Sustainable Development in Nigeria*, (NIALS and British Council 1994) at p. 1

³⁵ Lawrence Atsegbua, Vincent Akpotaire and Folarin Dimowo, *Environmental Law in Nigeria: Theory and Practice*, (Ababa Press Ltd., 2004) at p. 54

³⁶ Michael Ayeni Obute, “Socio-economic Challenges of Sustainable Development in Nigeria and the Need for Human Development, Social Inclusion and Government Policies/Programmes in Actualizing sustainable Development Goals by the Year 2030” (2021) (26)11 *IOSR Journal of Humanities and Social Sciences*, 26-39, at p. 26

³⁷ Stephen Morton *et al* (n 8) 82.

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sustainable, socially inclusive and environmentally resilient'.³⁸ Therefore, for all intents and purposes, the SDGs can be taken to be a clarion call on all humans to end poverty, safeguard the planet and ensure that everyone in the world enjoys peace and prosperity come the year 2030.³⁹

3.1 SDG 2 and its Key Targets and Indicators

The first target of SDG 2 is, to end hunger, ensure peoples' access, particularly the poor, people in vulnerable situations and infants, to safe, nutritious and sufficient food all year round by the year 2030.⁴⁰ Under this target, the indicators, are, prevalence of undernourishment and prevalence of moderate or severe food insecurity in the population, based on the Food Insecurity Experience Scale (FIES).⁴¹

The second target is, to end all forms of malnutrition by the year 2030, to achieve the internationally agreed targets on stunting and wasting in children under five years of age, and address the nutritional needs of adolescent girls, pregnant and lactating women and older persons by the years 2025.⁴² Under this target, there are three indicators and which are prevalence of stunting among children below the age of five and the prevalence of malnutrition among children below the age of five which in this case is identifiable by wasting and overweight and prevalence of anemia in in women of age between 15 to 49 and by pregnancy status.⁴³

³⁸ Nigeria Integration of the SDGs into National Development Planning: A Second Voluntary National Review. June 2020, Office of the Senior Special Assistance to the President on SDGs (OSSAP – SDGs), at p. 1

³⁹. Ibid

⁴⁰ United Nations Department of Economic and Social Affairs "SDG Indicators: Metadata Repository" < <https://unstats.un.org/sdgs/metadata/?Text=&Goal=2&Target> > accessed May 31 2023

⁴¹ Ibid

⁴² UNICEF "SDG Goal 2: Zero Hunger" < <https://data.unicef.org/sdgs/goal-2-zero-hunger/> > accessed November 25th 2022

⁴³ United Nations Department of Economic and Social Affairs (n 40)

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The third target is, to double agricultural productivity, incomes of small-scale farmers or food producers, particularly women, indigenous people, family farmers, pastoralists and fishers, through secured and equal access to land, other productive resources like inputs, knowledge, financial services, markets and opportunities for value addition and non-farm employment.⁴⁴ The indicators are, volume of production per labour unit by classes of farming/pastoral/forestry enterprise size and average income of small-scale food producers, by sex and indigenous status.⁴⁵

The fourth target is, to ensure sustainable food production systems, implement resilient agricultural practices that increase productivity and production, that help maintain ecosystems, that strengthen capacity for adaptation to climate change, extreme weather, drought, flooding and other disasters, that progressively improve land and soil quality by the year 2030. The indicator is, proportion of agricultural area under productive and sustainable agriculture.⁴⁶

The fifth target is, to maintain the genetic diversity of seeds, cultivated plants, farmed and domesticated animals and their related wild species, through soundly managed and diversified seed and plant banks at the national, regional and international levels, to promote access to fair and equitable sharing of benefits arising from the utilization of genetic resources and associated traditional knowledge, as internationally agreed by the year 2020.⁴⁷ The indicators are, number of plant and animal genetic resources for food and agriculture secured in either medium or long-

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ UNICEF (n 42)

⁴⁷ United Nations 'Transforming our World: The 2030 Agenda for Sustainable Development' A/RES/70/1 < www.sustainabledevelopment.un.org > Accessed 30th March, 2023

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term conservation facilities and the proportion of local breeds classified as being at risk, not-at-risk or at unknown level of risk of extinction.⁴⁸

The sixth to eight targets are supplemental. The sixth target is, investment in rural infrastructure, agricultural research, technology and gene banks, particularly in least developed countries. The indicators are, the agricultural index for government expenditures and sum total of official flow to the agricultural sector.⁴⁹

The seventh target is, to prevent agricultural trade restrictions, market distortions and export subsidies. The indicator is, agricultural export subsidies.⁵⁰ The eight target is to ensure stable food commodity markets and timely access to information in order to help limit extreme food price volatility. The indicator is, food price anomalies.⁵¹

4.0 INSTITUTIONAL AND POLICY FRAMEWORKS FOR IMPLEMENTING SDG-2 IN NIGERIA.

After the adoption of the SDGs in September, 2015, the Office of the Senior Special Assistance to the President on SDGs (OSSAP – SDGs) reported that, the Nigerian Government, under the administration of President Muhammadu Buhari, ‘almost immediately’ began the implementation of the SDGs, by domesticating it and establishing the necessary institutional and policy frameworks, both at the National and Sub-national levels, for it efficient and effective

⁴⁸ United Nations Department of Economic and Social Affairs (n 40)

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Schwind Anke, “Sustainable Development: A Journey to Sustainable Development, 2019 at <<https://sustainingdevelopment.com/sdg2-indicators/>>, <<https://unstats.un.org/sdgs/metadata/>>, <<https://www.globalgoals.org/resources>> and <https://unstats.un.org/sdgs/indicators/Global%20Indicator%20Framework%20after%202020%20review_Eng.pdf> accessed last 20th October 2022

implementation.⁵² In the light of the above, the succeeding subsections examine the various institutional and policy frameworks for the effective and efficient implementation of the SDGs in Nigeria.

4.1 Institutional Framework for Implementing SDG-2 in Nigeria

The respective Standing Committees on SDGs of the Senate and House of Representative, the Presidential Council on SDGs, Inter-Ministerial Committee on SDGs, Focal SDG Committee across all the 36 States of the Federation, the respective Focal SDG Points of Federal and State MDAs,⁵³ the OSSAP – SDGs are the various institutions established for the successful implementation of SDGs in Nigeria. This shows that the institutional framework for the implementation of SDGs in Nigeria cut across the legislative and executive arms of government, and arguably, the judiciary, for its enormous primary function of dispute resolution. For the purpose of this paper, our study will be limited to the Federal Government.

The National Assembly is an arm of government at the National level, saddled with the primary responsibility of enacting laws for peace, order and good government of Nigeria.⁵⁴ It comprises the Senate and the House of Representative.⁵⁵ The National Assembly, apart from the primary function of enacting laws for the Federation of Nigeria, has oversight powers or functions over the activities of the executive arm of government.⁵⁶ In exercising its constitutional oversight functions in respect of matters on SDGs, two Standing Committees on SDGs have been established respectively in the Senate and House of Representative to ensure money allocated for

⁵² OSSAP – SDGs (n 38)

⁵³ Ibid

⁵⁴ Section 4, 1999 CFRN (as amended)

⁵⁵ Ibid

⁵⁶ Section 88 1999 CFRN (as amended)

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SDGs matters and projects are well used and accounted for. The executive arm of government in Nigeria can only withdrawal and spend money from the Federation Account only if same has been appropriated by an Act of the National Assembly.⁵⁷ It suffices to say that, the Standing Committee on SDGs respectively residing at the Senate and the House of Representative ensure that money is appropriated for the implementation of SDGs in Nigeria and same are transparently used and accounted for by the agents of the Federal Government.⁵⁸ The Committees exercise their oversight functions and power pertaining to the implementation of SDG-2 by appropriating money for the executive arm of government to implement targets under SDG-2 and ensure accountability. It is apposite to state that the National Assembly has failed to enact a law that elevates the right to food to a justiciable and enforceable right in Nigeria. This is a major setback in the fight against hunger in Nigeria.

The Presidential Council on SDGs was established in September, 2017 and has the mandates to provide policy direction for the implementation of SDGs and ensures coherence in their implementation in Nigeria, at all levels. It is to mobilize resources for SDGs, to prioritize interventions, periodic assessment and overall insight of SDGs implementation in Nigeria.⁵⁹ The Presidential Council has given birth to other institutions like the Inter-Ministerial Committee on SDGs, Focal SDGs Committee across all the 36 States of the Federation, the various SDGs Focal Points at the Federal and States' Ministries, Departments and Agencies (MDAs).⁶⁰

⁵⁷ Section 59 1999 CFRN (as amended)

⁵⁸ OSSAP – SDGs (n 38)

⁵⁹ Office of the Vice-President of the Federal Republic of Nigeria. < <https://www.yemiosinbajo.ng>sdgs> > Accessed September 19, 2022.

⁶⁰ OSSAP – SDGs (n 38)

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The OSSAP – SDGs is another institution of the Federal Government of Nigeria, established to coordinate the successful implementation of SDGs in Nigeria. It is situated within the Office of the President, an indication of the Federal Government’s strong political commitment to the actualization of the SDGs within the targeted year. Its mandates are, to coordinate SDGs-related interventions, tracking Nigeria’s progress on SDGs, report performance and managing operational processes for results.⁶¹ The OSSAP – SDGs has since its establishment been active in seeing that it meets up with its mandates. Some of the activities of OSSAP – SDGs in ensuring the delivery of its mandates are, conducting SDGs-data production mapping activity, SDGs indicator dictionary which defined each indicator within the context of Nigeria,⁶² publication of Nigeria’s SDGs National Voluntary Review in 2017 and 2020 and creating awareness on SDGs-related issues through various forums.

The Federal Ministry of Agriculture is an institution of the Federal Government that has been in existence before and after the adoption of the SDGs in 2015. It is an arm of the Federal Executive which implements the various Federal Government’s agricultural policies and programmes and it has been working towards creating an enabling environment for the advancement or development of agricultural activities, in all its facets in Nigeria.⁶³ Deductively, the Ministry’s activities before and after the adoption of the SDGs, are targeted towards, ending hunger, ensuring foods security in Nigeria through various initiated programmes and scientific innovations.

⁶¹ Implementation of the SDGs: A National Voluntary Review. Published by the Office of the Senior Special Assistance to the President on SDGs (OSSAP – SDGs), June 2017, p.11

⁶² Ibid at p.12

⁶³ Global Alliance for Improved Nutrition < <https://www.gainhealth.org/careers/our-people/federal-ministry-agriculture-and-rural-development> > Accessed 30th December 2022

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The Central Bank of Nigeria (CBN) is an institution of the Federal Government. Most of its programmes are continuously targeted at farmers and Agric-businesses, with the aim of advancing agriculture in Nigeria. For instance, the Anchor Borrower's Programme is an initiative of the CBN which is meant to compliment the Growth Enhancement Support (GES) Scheme of the Federal Ministry of Agriculture and Rural Development.⁶⁴

The Nigeria Meteorological Agency (NiMET) is another Federal Government's agency whose annual prediction of rainfall has to a great extent contributed positively to the successful implementation of SDG-2 in Nigeria. By giving farmers, herders and fishers who rely on weather conditions per season, information about weather, they are able to manage their agricultural activities, thereby reducing risk and helping them maximizing productivity.⁶⁵ The implication of having the right information of weather condition helps people who are in different agricultural activities like crop cultivation, rearing of animals and fisheries manage their activities for maximum agricultural yield, thereby leading to food security and help improve agric-businesses. This to a great extent helps in achieving some targets of SDG-2.

In the private sector, we have the Nigeria Zero Hunger Forum (NZHF). It was established in 2017, with the support of the World Food Programme (WFP).⁶⁶ Its secretariat is domicile at the International Institute of Tropical Agriculture, Ibadan, Nigeria. Its primary purpose is to ensure that the various targets of SDG-2 are accomplished in Nigeria, by 'optimizing the use of available resources for the same purpose.'⁶⁷ The Forum has published a book that analyzes the

⁶⁴ OSSAP – SDGs (n 38) at p. 38

⁶⁵ Ogbodo, J.A. *et al*, "Analyzing the Progress, Pitfalls and Prospect for Attaining Environmental-Related Sustainable Development Goals in Nigeria." (2021) 18(1) *Animal Research International*, pp. 3990-4004, at 3999.

⁶⁶ *Ibid* at 3998.

⁶⁷ *Ibid*

strategies government at all levels need to implement, to successfully achieve SDG-2 targets in Nigeria within the agreed year.

4.2 Policy Framework for Implementing SDG 2 in Nigeria

Certain strategic plans, policies and programmes have been initiated and implemented to address the issues of malnutrition, food security and sustainable agricultural activities in Nigeria. Some were initiated before and others, after the adoption of the SDGs in 2015. After the adoption of the SDGs, the Federal Government have continued to make frantic efforts to ensure that National Development Plans are in alignment with the SDGs.⁶⁸ Regarding SDG-2, certain policies or programmes like, Agricultural Transformation Agenda (ATA) (2011 – 2015), National Strategic Plan of Action for Nutrition (NPAN) (2014 -2019), Growth Enhancement Support Scheme (GESS), the Nigeria Incentive-Based Risk-Sharing System for Agricultural Lending (NIRSAL), Agricultural Promotion Policy (APP) (2016 – 2020), National Policy on Food and Nutrition and National Social Investment Programmes (N-SIP) have been initiated and implemented. They are briefly discussed below.

A. Agricultural Transformation Agenda Support Programme (2011- 2016)

This programme was initiated by the President Goodluck Jonathan regime in 2011, but implemented by the Federal Ministry of Agriculture. It was funded by the African Development Bank (AfDB). It was initiated with the objective to improve food and nutrition security, create job, improve rural infrastructure and increase income in value chain of rice, cassava and sorghum

⁶⁸ OSSAP – SDGs (n 38) at p. 37

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production.⁶⁹ The reported success of ATA is that, it has helped to input supply through subsidies to small-scale farmers and improved their access to fertilizers and other farm inputs and as a result farmers incomes improved. ATA also led to the recapitalization of Bank of Agriculture and re-establishment of certain commodity marketing boards.⁷⁰

B. National Strategic Plan of Action of Nutrition (NPAN) (2014 – 2019).

This programme was established by the President Goodluck Jonathan administration with the objectives⁷¹ to improve government’s capacity for effective interventions and delivery of adequate nutrition to all Nigerians, particularly, the vulnerable. To help the government find a way to effectively control diet-related non-communicable diseases and to promote efficient and effective researches, monitoring and evaluation in the area of provision and adequate delivery of nutrition. To enhance peoples’ participation in nutrition intervention.

The Federal Government predicted that an effective implementation of this programme will result in the following outcomes by the year 2018: (i) a 20% reduction in the number of under-five children stunting, (ii) a 15% reduction in low birth weight, (iii) a 50% reduction of anemia in women of reproductive age, (iv) a 50% increase in exclusive breast-feeding rate in the first 6 months of child delivery, and (v) reduction in the rate of over-weight children.⁷²

⁶⁹ Gbolade, B. Ayoola, “Rural Infrastructures and the Challenges of Food Insecurity in Nigeria: Are Good Intentions of Policymakers Enough?” (2019) 7 *Nigerian Agricultural Policy Research Journal*, 21-35, at 25. See “The Agricultural Transformation Agenda Support Program Phase One” < <https://www.atasp1.gov.ng> > accessed 25th November, 2022

⁷⁰ FMARD “Agricultural Promotion Policy (APP) (2016 – 2020)” FMARD Policy Document, 2021, p. 3

⁷¹ Olutosin A. Otekunrin, Oluwaseun A. Otekunrin, S., Momoh and Idris A. Ayinde “How Far has Africa Gone in Achieving the Zero Hunger Target? Evidence from Nigeria” < <https://www.researchgate.net/publication/335137718> > Accessed 30th May, 2022

⁷² Global Database on the Implementation of Nutrition Action (GINA), “National Strategic Plan of Action of Nutrition (NPAN) (2014 – 2019)” <

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Upon the expiration of the time frame of this programme, the National Council on Nutrition in January, 2021, chaired by the Vice President, approved a five-year plan aimed at guiding the implementations of various government intervention programmes against hunger and malnutrition in Nigeria. The action plan is titled “National Multi-Sectoral Plan of Action for Food and Nutrition (NMPFAN) 2021-2025. An effective implementation of NMPFAN is targeted at reducing victims of malnutrition in Nigeria to 50% and increase exclusive breastfeeding rate among lactating women to 65%. Reduce stunting among under-five-years-old children to 18%.⁷³

C. Agricultural Promotion Policy (APP) (2016 – 2020)

This programme was initiated by the Federal Ministry of Agriculture and Rural Development (FMARD). It was designed to build on the legacy of ATA.⁷⁴ Its purposes are: to build Nigeria’s agric-business economy and enable it meet up with domestic food challenge, to promote export of agricultural products, and sustain income and growth generally in the agriculture sector.⁷⁵ The policy was founded on the understanding that agriculture is a business, agriculture is key to Nigeria’s long-term economic growth and security and food as a human right.⁷⁶

D. National Policy on Food and Nutrition (NPFN) (2001)

This programme was initiated by the National Committee on Food and Nutrition of the National Planning Commission (NPC) in the year 2001 and its objectives are to improve the socio-

⁷³ “National Council on Nutrition Approves a Five-year Nutrition Action Plan for Nigeria” available at < <https://reliefweb.int/report/nigeria/national-council-nutrition-approves-five-year-nutrition-action-plan-for-nigeria> >

⁷⁴ FMARD (n 70)

⁷⁵ Ibid

⁷⁶ FAO “Agricultural Promotion policy (2016-2020)” < <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC165890/> > accessed 25th November 2022

economic well-being of Nigerians, with particular focus on the welfare of the vulnerable groups in the society, and to increase investment in the social sector and to enable women access and control productive resources.⁷⁷ It has eight targets, which were aimed to address generally, the problems of food and nutrition in Nigeria. Some of the targets are: reduction of poverty by 10% in 2010, reduce starvation and chronic hunger to its barest minimum through intake of food, reduce under-nutrition among children under-five-year-old, women and the aged to 30% by the year 2010. To ensure food and nutrition security in Nigeria across all classes and sectors of the society with a projection that by the year 2010 there will be a 50% reduction of incidence of vitamin and mineral deficiencies disorder.⁷⁸ It has been reported that this programme could not achieve its expected result due to poor funding, little or no coordination and monitoring amongst implementing government agencies, therefore, necessitating its reversion in the year 2016 for optimal efficiency.

E. The National Social Investment Programmes (N – SIP) (2016 till date)

The President Muhammadu Buhari administration launched in 2016 the N – SIP. It is a conglomeration of diverse programmes put into one programme as the N – SIP. The N – SIP programme is a social investment programme which various programmes are targeted at assisting the most vulnerable in the society and aimed to address unemployment, poverty and hunger in Nigeria. The purpose of the programme is to ensure equitable distribution of resources to the vulnerable, children, women and the young. It was reported that the programme has

⁷⁷ National Planning Commission (2001) “National Policy on Food and Nutrition in Nigeria” at 6-7

⁷⁸ Ibid

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supported over 4 million Nigerians.⁷⁹ The Federal Executive Council (FEC), on 7th September, 2022 approved the presentation of the National Social Investment Programme Bill to the National Assembly and same was signed into law on 21st May, 2013. The four cluster programmes implemented under the N – SIP are discussed as follows:

i. The National Cash transfer Programme (NCTP)

This programme was launched in 2016 and is also known as the Household Uplifting Programme (HUP). It is one of the various social safety net programmes initiated by the Buhari led government.⁸⁰ It is designed to directly support the poorest of the poor in Nigeria, with the aims of improving their nutrition, increasing household consumption and improving human capital. It is implemented through a monthly cash transfer of the sum of N5,000.00 (Five Thousand Naira Only) to the poorest of the poor. Household with pregnant women and children of school age are given double of the money which is N10,000.00 (Ten Thousand Naira Only).⁸¹ By implication, this programme has tremendously addressed the issues of hunger, malnutrition and extreme poverty in the various households that have benefitted from this programme since inception. The programme has three components, which are: base cash transfer, top-up based on State selected conditions and livelihood support.⁸²

ii. **The National Home Grown School Feeding (NHGSF) Programme.**

⁷⁹ National Social Investment Programme < <https://www.statehouse.gov.ng/policy/economy/national-social-investment-programme> >

⁸⁰ National Social Safety Coordinator (NASSCO) “National Cash Transfer Programme” < <https://www.nassp.gov.ng/national-cash-transfer-programme/> > accessed 25th November 2022

⁸¹ Ibid

⁸² Ibid

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It's one of those programmes under the N – SIP initiated to directly address the issue of hunger and malnutrition among primary school children, with the aim of assisting them to learn comfortably during school hours. The programme is to provide a meal for pupils during school hours.⁸³ The meal must be a balanced meal, and as such, it must include protein (one of – fish, beef, chicken and egg) and carbohydrate.⁸⁴ Apart from addressing hunger in school, it has a linkage with other targets under SDG-2.⁸⁵ For instance, the NHGSF programme improves the agriculture commodities chains and the economy at large, whereby all the components of the meals served on the pupils are bought from small-holder farmers by contractors.⁸⁶ It was reported in 2018 that about 183 million dollars have been spent on this programme and about nine million pupils from 26 States across Nigeria have daily benefitted from this programme.⁸⁷

iii. N – Power Programme

It is also part of the N – SIP programme. It is an empowerment programme targeted at the youths and is aimed at reducing the high rates of poverty and unemployment in Nigeria.⁸⁸ Volunteered graduates are trained and employed in the public sector for 12 months and paid monthly the sum of N30,000.00 (Thirty Thousand Naira Only). The N – Power programme is sub-divided into (a)

⁸³ Action Health Incorporated “National Home Grown School Feeding Programme” <https://www.actionhealthinc.org/school-feeding-project/> > accessed May 31 2023

⁸⁴ Ibid

⁸⁵ Ibid

⁸⁶ World Food Programme “Nigeria Home Grown School Feeding Programme strategic Plan: 2016-202” < <https://docs.wfp.org/api/documents/WFP-0000116838/download/> > accessed May 31st 2023

⁸⁷ “Nigeria Home Grown School Feeding Strategic Plan” accessed at <<https://docs.wfp.org.goggle.com/>> or < docs.wfp.org >

⁸⁸ OSSAP – SDGs (n 38) p. 37

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N -Power Agro, (b) N – Power Tax, (c) N – Power Build, (d) N – Power Creative, (e) N – Power health, (f) N – Power Tech, (g) N – Power Tech Hardware, and (h) N – Power Tech Software.⁸⁹

Under the N – Power Programme, over 500,000 persons between the age of 18 and 35, have been trained and 10 million Nigerian is targeted to be trained in 2023, while over 500,000 persons have been employed.⁹⁰ The direct impact of this programme is that it enables the youths to acquire skills, through this they become employable or self-employed. By being employed, their economic capacity is increased, they become self-reliant⁹¹ and can afford to buy the food needed for their well-being.

iv. The Government Enterprises and Empowerment Programme (GEEP)

This is also part of the N – SIP programme. It was initiated to cater for Micro, Small and Medium Enterprises (MSMEs) in Nigeria by providing financial support to millions of them. It was to offer interest and collateral free credit facilities to these enterprises.⁹² Farmers and agricultural workers are part of the groups of persons that have benefitted from this programme since inception, with the aim to increase farmers input and income. It was reported that a total of 308,737 loans was disbursed in 2018 across the 36 States in Nigeria.⁹³ The programme has three loan products and they are, (a) Market Moni, (b) Trader Moni, and (c) Farmer moni.⁹⁴

F. The Anchor Borrower’s Programme

⁸⁹ Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development <<https://nsip.gov.ng/n-power/>> accessed May 31st 2023

⁹⁰ OSSAP – SDGs (n 38) p. 37

⁹¹ Ibid

⁹² Ibid at p. 37

⁹³ “Government Enterprise and Empowerment Programme: Trade Moni, Market Moni and Farm Moni” Federal Ministry of Humanitarian Affairs, Disaster Management and Social Development, available at <<https://www.fmhds.gov.ng/programms/geep-enterprise-and-empowerment-programme>>

⁹⁴ OSSAP – SDGs (n 38) p. 37

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This is a Central Bank of Nigeria (CBN) programme designed for Small Scale Farmers and processors in order to increase their input and income.⁹⁵ The broad objectives of the programme are to improve small-scale farmers' access to finance, diversification of the economy from oil and gas, job creation and growth that trickles down to all sectors of the economy and persons in the country.⁹⁶ It is meant to compliment the Federal Ministry of Agriculture and Rural Development, Growth Enhancement Support Scheme and so far, over 3.8 million Nigerian farmers have directly benefitted from this programme.⁹⁷

5.0 THE CHALLENGES OF ACHIEVING SDG-2 IN NIGERIA

From our study so far, it is clear that it is not the lack of policies and institutions that will affect the achievement of SDG-2 zero hunger in Nigeria by 2030. Rather, factors like poverty, inequality, unemployment, insecurity, corruption, flood, pre and post-harvest losses resulting from incidences of pest and diseases, desertification⁹⁸ and the continuous increase in food prices which the purchasing power of majority of the populates do not correspond with, can be identified to have a linear relationship with the prevalence of severe hunger in Nigeria, and have continued to constitute themselves as fundamental challenges in the achievement of SDG-2 in Nigeria, within the agreed timeframe of 2030.

Studies have shown that there is a linkage between hunger and corruption, in the sense that the various resources allocated to implement projects like energy, food, agriculture, deforestation,

⁹⁵ Central Bank of Nigeria "Anchor Borrowers' Programme (ABP) Guidelines" (2021) <<https://www.cbn.gov.ng/out/2021/ccd/abp%20guidelines%20october%2013%202021%20-%2>> accessed May 31st 2023

⁹⁶ NIRSAL Microfinance Bank < <https://www.nmfb.com.ng/anchor-borrowers-program> > accessed 25th November 2022

⁹⁷ Central Bank of Nigeria (n 95)

⁹⁸ *Synthesis Report of the Nigeria Zero Hunger Strategic Review*, (IITA, 2017) p.26

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provision of social amenities and infrastructures which have the effects of ending or ameliorating the prevalence of hunger in Nigeria are often diverted into private purses thereby denying the people the impacts of these projects, if they were executed with the resources been diverted.⁹⁹ In essence, so many government policies and programmes targeted towards agriculture and addressing the issues of hunger and malnutrition have been thwarted by corruption, leading to a total failure of delivery of the objectives of these policies and programmes.¹⁰⁰ It has been empirically proven that control of corruption has a positive impact on food security in Nigeria.¹⁰¹

Agriculture is no doubt a major source of livelihood for many Nigerians and once a main-stream of the Nigerian economy before the discovery of oil, and beyond that it is a cure to food insecurity and hunger in any part of the world. However, the prevalence of insecurity in Nigeria has negatively impacted on agriculture in Nigeria. It has led to the inability of farmers to access their farms and carry on their farm activities. For instance, the major excuses given by farmers who accessed loans under the Anchor Borrower's Programme for their inability to pay back the money was that they could not access their farms due to the various Bandits and Boko Haram and kidnapers activities within the location of their farms, leading to their inability to carry on their farm activities.¹⁰² There are reports that Boko Haram and Bandits have killed and

⁹⁹ F.N., Uchendu and T.O., Abolarin, 'Corrupt Practices Negatively Influenced Food Security and Expectancy in Developing Countries' (2015) 20, Pan Afr. Med. J. at 110; Romanus Osabohien, Evans Osabuohien and Precious Ohaleté, 'Agricultural Sector Performance, Institutional Framework and Food Security in Nigeria', (2019) 8(2), Bio-Based and Applied Economics, 161 - 178

¹⁰⁰ A.S., Olomola, "Effective Resource Management for Improving Food and Nutrition Security in Nigeria" *Africa Growth Initiative*, p. 2

¹⁰¹ Osabohien, *et al*, (n 99)

¹⁰² Okechukwu Nnodim, *et al*, "Bandits/Herdsmen Farm Occupation: Insecurity Grounds CBN Borrowers, Farmers say Loan Repayment Difficult" Punch, June 22, 2021 < <https://www.google.com/amp/s/punchng.com/bandits-herdsmen-farm-occupation-insecurity> > accessed 30th March, 2023

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kidnapped for ransom, a lot of farmers while carrying on farm activities in their farms.¹⁰³ There are reports that Bandits and Boko Haram members tax or levy farmers before they could access their farms and failure to pay these levies or taxes led them to be killed or kidnapped for ransom.¹⁰⁴ These show that the government has failed to create or give the people the enabling environment necessary for farming and for other agricultural activities to thrive in Nigeria.

Furthermore, millions of farmers and people who are into different agricultural activities have been rendered internally displaced person (IDPs), as they flee their homes and farms to strange lands for safety.¹⁰⁵ They have been rendered unproductive, unemployed, poor and not treated equally, in respect of prevailing land tenure system of where they run for safety, therefore they become exposed to hunger and poverty.¹⁰⁶ IDPs lack the adequate economic capacity to acquire food and the needed nutrition for themselves and their respective household due to unemployment in their new place of residence.¹⁰⁷ Therefore, the presence of either poverty, inequality and unemployment are often the direct causes of hunger and malnutrition in Nigeria. This is because, almost all people who suffer hunger are either poor, unemployed and affected by inequality or are suffering from all of them. Those who cannot produce food and nutrition for

¹⁰³ Daphne Ewing-Chow, “In Nigeria, Terrorism has become a Major Threat to Food security” < <https://www.forbes.com/daphneewingchow/2022/02/28/in-nigeria-bandtry-has> >, Josephine Okojie, “Farmers Flee Farms on worsening Insecurity” Business Day July 6th 2022 available at < <https://www.google.com/amp/s/businessday.ng/amp/agriculture/article/farmers-flee-farms> > accessed 25 November 2022

¹⁰⁴ John Shiklam, “Bandits Impose N12m Levy on Kaduna Communities” This Day Live, September 29, 2022 < <https://www.google.com/amp/s/www.thisdaylive.com/index.php/2022/09/29/bandits> > accessed 30th March, 2023; Isaiah Benjamin, “We Paid N400m in Taxes to Bandits to Allow us Farm, Says Kaduna Community Leader” Leadership < <https://www.leadership.ng/we-paid-n400m-in-taxes-to-bandits-to-allow-us-farm-says-kaduna-community-leader> > accessed 30th March, 2023

¹⁰⁵ Uza Dooshima, *Et al* “ Internal Displacement of Farmers and Food Losses in Benue State, Nigeria” (2022) *12(10) Research on Humanities and Social Sciences*, 50-61 available at <<https://www.iiste.org/Journals/index.php/RHSS/article/viewFile/58917/60833> > accessed May 31st 2023

¹⁰⁶ Ibid

¹⁰⁷ Oliver De Schutter, “Countries Tackling Hunger with a Right to Food Approach” Briefing Note 01, May 2010, at pp. 1-2

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consumption will have to resort to purchasing them. It is when they are gainfully employed that they can earn income to have the economic capacity to purchase food and the needed nutrient for survival.

Climate change is a global challenge and a major factor affecting food production across the globe and Nigeria is not exempted from its negative impacts. Extreme weather condition has been proven to have negative impacts on agricultural activities, consequently leading to low food production.¹⁰⁸ Droughts and floods which annually wreak heavy havoc on agricultural yields in Nigeria are not unconnected to climate change. Climate change is a major challenge to the fight against zero hunger in Nigeria.

Population increase is another explanation that has found its way as the reason for food shortage in Nigeria, consequently leading to serious constraints on government efforts to achieve zero hunger in Nigeria by the year 2030. For instance, Osabohien *et al*, in applying the Malthus theory of population posited that the food insecurity Nigeria is facing is as a result of the exponential or geometric growth in Nigeria's population that does not commensurate with the simultaneous food growth, which is in an arithmetic order, therefore leading to a situation where food production is below the number of people to be fed. In essence, a huge number of people will go after little available food, which in turn will lead to food insecurity.¹⁰⁹

Finally, the empirical study of Osabohien *et al*, on the impacts of institutional framework on the struggle for food security in Nigeria, revealed that institutional framework on food security in

¹⁰⁸ Stephen Morton *et al* (n 8); Agus Dwi Nugroho, *et al*, "Effects of Corruption Control on the Number of Undernourished People in Developing Countries" (2022), 11(7), *Foods*, 924 < <https://doi.org/10.3390/foods11070924> > Accessed 29th August, 2023

¹⁰⁹ Osabohien, *et al*, (n 99) at 168

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Nigeria exerts a negative effect on food security which is as a result of weak institutional quality.¹¹⁰ In essence, weak or institutional failure has constituted itself as a challenge to achieving zero hunger in Nigeria by 2023.

In a nutshell, if at all there is any progress made in the struggle to end hunger in Nigeria, since the adoption of the SDGs in 2015, the current happening has wrestled such progress down. By all indications, Nigeria is not faring well in the struggle to end hunger.

6.0 **ADVOCATING A RIGHT-BASED APPROACH TO FOOD IN NIGERIA**

Right to food is defined as, the protections being giving to humans for them to have unrestricted access to food in order for them to feed themselves either by producing their own food or by buying it themselves.¹¹¹ The right to food entails not only the obligation of the State to make food available to the people, but also include the obligation of the State to make food accessible and to ensure it adequately satisfies the people,¹¹² and this must be devoid of any legal, political, social, cultural and economic constraint either externally or internally. Right to food is the constitutional or statutory rights of the people to adequate food and nutrients and the legal obligation of the State to ensure that these rights are protected, and are also achieved by the people without any form of restraint, either from the State and its officials or from other citizens. It must be a right that is enforceable by the people as recipients of this right against the State who is the duty bearer of this right. The enjoyment of this right must not be at the discretion of the

¹¹⁰ Romanus Osabohien, Evans Osabuohien and E., Urhie, “Food Security, Institutional Framework and Technology: Examining the Nexus in Nigeria Using ARDL Approach” (2018) 14(2), *Current Nutrition and Food Science*, 154 – 163

¹¹¹ South African Human Rights Commission “Right to Food: Fact Sheet” < <https://www.sahrc.org.za> > accessed September 18, 2022.

¹¹² Ibid

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State or a privilege the people enjoy from the State, but must be one that can be remedied in the court of law. Anything short of this is no longer a right but a privilege. Right to food which placed these kinds of obligations on the State has the ability to change government's strategies in its policy and institutional frameworks in ensuring the provision and access of the people to food and nutrition.

Many countries have taken the right-based approach towards addressing the nagging issue of hunger and malnutrition within their respective territories. This was done through constitutional or statutory provisions that recognize the right to food as part of fundamental right of the people. The Republic of South Africa is one of those countries that adopted the Right-Based Approach to food through constitutional provisions. Section 27(1)(b) of the South Africa Constitution provides that everyone has the right to have access to sufficient food and water and section 27(2) provides that the State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of each of these rights. Section 35(2)(e) of the South Africa Constitution further provide that all prisoners and detainees have a right to sufficient food and section 28(1)(c) provides that every South African child has the right to basic nutrition, shelter, basic health care services and social services. In as much as it is the primary responsibility of the people to engage in economic or agricultural activities in order to enable them provide food and nutrition for themselves and their household under the South Africa Constitution, however, the State is under obligation to support the people's efforts in this regard and in circumstances where certain individuals and group of persons are unable to feed

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themselves and their families, it becomes the obligation of the South African State to step in and provide food for them directly.¹¹³

Brazil¹¹⁴, Bolivia¹¹⁵ and Ecuador¹¹⁶ are among the countries that have inserted in their respective Constitutions citizens unrestricted right to food and nutrition for a healthy and dignify life. The inclusion of the provision of the right to food and nutrition in the Constitution of any country is the strongest and safest basis of this right, being that in the hierarchy of laws in any country, the Constitution is the apogee of all laws, as all other laws live and breathe through the provisions of the Constitution. However, whether the right to food and nutrition is provided for either in the Constitution or Statute of any country, fundamentally, it must be justiciable for it to have a meaningful impact on the people and on the fight to eradicate hunger. It is through the justiciability of this right, that the full participation and ownership of the right of the people can be fully guaranteed.

Furthermore, some countries' judiciary like that of India, by way of judicial activism and pragmatism have held in some decided cases¹¹⁷ that the right to food and nutrition is a fundamental right notwithstanding the fact there was no express provision in the Constitution or statute at that time. The decisions were held at that point in time in order to ensure that the well-being of the people is taken care-off by the State. According to Shah, the Supreme Court of India injected 'flesh, blood and vitality into the skeleton of the words used in different articles of the

¹¹³ South African Human Rights Commission (n 111)

¹¹⁴ On 4th February, 2010, Brazil's House of Representatives inserted into its Constitution the right to food.

¹¹⁵ Bolivia in 2008 and 2009 inserted in Article 16 of its Constitution the right to food

¹¹⁶ Article 13 of Ecuador Constitution

¹¹⁷ See the cases of *Dena Nath v. National Fertilizers Ltd.* (1992)1 SCC 695, *Francis Coralie Mullin v. Administrator, Union Territory of Delhi* (1981)1 SCC 608 at 615, Pr. 117 and *Kesavananda Bharati v. State of Kerala* (1973)4 SCC 225 at 875, Pr. 1700.

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Constitution and gives colour and content to the expressions made therein and also provides it with the skin of living thought.’¹¹⁸ For instance, the case of *People’s Union for Civil Liberties v. Union of India & Ors.*¹¹⁹ was instituted as a public interest litigation concerning starvation deaths that occurred in the State of Rajasthan in the midst of plenty of grains available to the government.¹²⁰ Articles 21 and 47 of the Indian Constitution was considered by the Supreme Court in this case and part of the interim orders given by the Supreme Court was directing government authorities to provide food for the aged, infirm, disabled, pregnant and lactating women and destitute who are in danger of starvation and who or their family member lacks the economic power to provide food for them. The Court, after considering the Integrated Child Development Scheme (ICDS) that was designed to provide supplementary food to pregnant women and children between age 0 – 6 years noted that a lot ought to be done in order to ensure that nutritious food reaches the undernourished and malnourished and other category of persons covered under the ICDS and it went further to give an order, directing the Anganwadi Centres that has the responsibility of implementing the ICDS to mandatorily supply children, adolescent girls, pregnant and lactating women under the Scheme, nutritious food and supplements for 300 days in a year.¹²¹

Adopting the right-based approach to food is underpinned by its linkage to fundamental human rights like rights to life, dignity of human person, liberty, among others, which many States’ Constitution and statutes, like that of the Nigerian-State have made enforceable and, in some

¹¹⁸ M.B., Shah, “The Indian Supreme Court Acknowledges the Right to Food as a Human Right” (2006) 2 *Agriculture and Rural Development*, 24-26 at 26

¹¹⁹ (2004)12 SCC 108, Writ Petition (Civil) No. 196/2001

¹²⁰ Ibid

¹²¹ Ibid

cases, inalienable. Realistically, the rights to life, good health and education are often under threat and unrealistic when people are starved. This means that the enjoyment of other rights is fundamentally predicated on the fulfilment of the right to food by the State to the people. In answering the question ‘why should the right to food be considered a human right?’ Shah submitted that, generally, human beings and animals by nature, lack the ability to survive without food for a very long time, therefore, it is a determinant of the right to self-preservation.¹²² This therefore, puts a duty on the State to provide the necessary enabling environment by which the people can produce or acquire adequate food and nutrition for themselves and their household.¹²³ Some of the ways the State is to provide the necessary enabling environment for the people to produce or procure adequate food and nutrition for themselves and their household is to ensure farms and other places where agricultural activities do take place are secured and free from kidnappers, bandits and terrorists attacks. It is for the State to provide jobs or create the environment where people can easily get jobs in order for the people to earn income and be economically empowered to purchase the food and nutrients they need for themselves and their household. Where they do not have access to income, it is the obligation of the State to provide social security for them and their household in order for them to access adequate food and nutrient.¹²⁴

7.0 LEGAL FRAMEWORK FOR AN ENFORCEABLE RIGHT TO FOOD IN NIGERIA

¹²² Shah (n 118) at 24

¹²³ South African Human Rights Commission (n 111)

¹²⁴ Ibid

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An examination of the constitutional provision in respect of the rights contained in Chapter IV¹²⁵ of the CFRN 1999 as amended and the courts pronouncements regarding the inalienability of these rights demonstrate that they are justiciable and enforceable against anyone, including the State, its agencies and any of its officials that breached or intends to breach these rights.¹²⁶ Comparing these rights with the ones provided for in the Fundamental Objectives and Directive Principles of the State Policy,¹²⁷ it shows that they are not in the same class of rights under Chapter IV of the Constitution, notwithstanding the mandatory imports of section 13 of Chapter II, on all organs of government, including all persons and authorities ‘exercising legislative, executive or judicial powers to conform to, observe and apply the provisions of’ Chapter II of the Constitution.” Section 6(6)(c) of the same Constitution brings down these development-oriented provisions of the Constitution to a level of non-justiciability and the courts have given pronouncement on the non-justiciability of the said Chapter II. Luckily, the Supreme Court in its pronouncement on the non-justiciability of Chapter II, gave an exception, which is to the effect that, any law in enforcement in Nigeria or any subsequent enactment of the National Assembly that reaffirms any provisions of Chapter II of the Constitution, the said provision of Chapter II become justiciable and enforceable against any person, government and its agencies and officials.¹²⁸

Nigeria is signatory to many international treaties that give international legal backing to right to food and nutrition, such as, the United Nations’ Universal Declaration of Human Rights (UDHR)

¹²⁵ Sections 33-46 1999 CFRN as amended

¹²⁶ Section 46 (1) & (2) Ibid. See the cases of Eze v. IGP [2017]4 NWLR (Pt. 1554)44 CA at 79-80, G-A, Okafor v. Lagos State Government [2017]4 NWLR (Pt. 1556)404 CA at 433, E-G & 439-440, H-B.

¹²⁷ Sections 14-24 1999 CFRN as amended

¹²⁸ A.-G., Ondo State v. A.-G., Federation [2002]9 NWLR (Pt. 772)222 SC at 381, B-F, 382, A-B, 383-385, G-D, 391, F-G, and 410, D-G.

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of 1948, International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966, however, none of them have been domesticated in Nigeria by an Act of the National Assembly and by implication, they lack the force of law and are unenforceable in Nigeria.¹²⁹ Though the African Charter on Human and Peoples Rights (African Charter) have been domesticated in Nigeria by an Act of the National Assembly,¹³⁰ which by implication, is enforceable in Nigeria, but there is no express provision for right to food in any of its provisions. Section 16 of the Constitution that seems to remedy this issue lacks the vibes and bites of enforcement by virtue of section 6(6)(c) of the Constitution. Section 16(2)(d) provides that the State is to provide suitable and adequate shelter, food, ‘reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled’ who are Nigerians. Article 16 of the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act, provides for the right to physical and mental health and makes it a duty on the Nigerian-State to ‘take the necessary measures to protect the health’ of Nigerians and ensure they are treated when sick. Article 17(1) provides for the right to education and article 18(3) & (4) provide for the protection of the rights of women and children ‘as stipulated in international declarations and conventions’ and the aged and the disable shall have ‘the right to special measures of protection in keeping with their physical and moral needs’. The above provisions of the Constitution and the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act and the decision of the Court of Appeal in *Bargha-Amange v. Adumein*¹³¹supra practically put it without doubt that Nigeria is a welfare State. Therefore, in

¹²⁹ Section 12 CFRN 1999 as amended

¹³⁰ African Charter on Human and Peoples’ Rights (Ratification and enforcement) Act, Cap. A9 Laws of the Federation of Nigeria, 2004

¹³¹ [2016]13 NWLR (Pt.1530)349

corollary, the right to life become meaningful and livable with dignity if the Nigerian-State performs its welfare obligations to the people by creating, enhancing and ensuring the existence of a secured and conducive environment for the people to gainfully engage in economic activities in order to enable them produce or access food and nutrition, clothing and shelter which are the basic needs of a dignified and livable life. Food and nutrition, clothing and shelter are traditional values of the Nigerian society for a healthy and meaningful life. They have taken a universal status in this regard, therefore, it becomes an obligation on the Nigerian-State to provide the needed secured and conducive environment whereby the people can produce their own food and nutrition for themselves and their household or engage in gainful economic activities whereby they can conveniently and in a dignify manner access suitable and adequate food and nutrition for themselves and their household. In situations they are unable to achieve these themselves, the State is to provide directly for them these basic and traditional needs of life for a healthy and meaningful living.

8.0 INSTITUTIONAL FRAMEWORK FOR AN ENFORCEABLE RIGHT TO FOOD IN NIGERIA

The decisions of the Supreme Court of India linking the right to food, to rights to life, dignity of human person, education and liberty which are found under articles 14, 19, 21 and 300 of the Constitution of India is most relevant and apposite for the Nigerian courts, particularly the Supreme Court of Nigeria, which is the apex court in the land, to within the spirit of judicial activism, just like the Indian Supreme Court, follow this sane part and give life to the right to food within the provisions of sections 16(2)(d), 33, 34 and 35 of the Nigerian Constitution and articles 16, 17(1) and 18(3) &(4) of the African Charter on Human and Peoples' Rights

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(Ratification and Enforcement) Act, by an expansive interpretation. It can also take coverage under article 1 of the United Nations' Universal Declaration of Human Rights (UDHR) of 1948, and article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) of 1966. The foundations have already been laid by the Supreme Court of Nigeria on its power to make an expansive interpretation of the Constitution and other statutes in Nigeria and to also adopt the approach and interpretations of foreign courts on similar statute and issues. For instance, the Supreme Court of Nigeria per Nweze, JSC, held in the case of *Skye Bank Plc v. Iwu*¹³² that an interpretation that will do violent to the provisions of the Constitution and failed to achieve the goals of the Constitution must be avoided by the courts by all means, rather, a construction of the Constitution that allows for alternative open construction, which if read as a whole, will be consistent with the smooth working of the system and capable of addressing the issue at hand and meeting the growth of the future must be applied. This is referred to by the present writer as sustainable construction of the Constitution and statutes. In the case of *Nweke v. State*,¹³³ the Supreme Court, per, Nweze, JSC, took cognizance of the fact that fundamental rights provisions guaranteed under Chapter IV of the 1999 Constitution as amended were greatly influenced by the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) which in turn was influenced by the provisions of the United Nations' Universal Declaration of Human Rights (UDHR) of 1948 and the fundamental guarantee to these rights is a generous interpretation that is suitable to give to every individual the full measure of

¹³² [2017]16 NWLR (Pt. 1590)24 SC at 88-89, D-C

¹³³ [2017]15 NWLR (Pt. 1587)120 SC at 144-147, C-F

the fundamental rights and freedom provided for in the treaty. His Lordship went further to cite the case of *Kim v. State*¹³⁴ where the Supreme Court earlier held that:

Human rights in our written Constitution mark a standard of behaviour which we share with all civilized countries of the world. Since the United Nations Universal Declaration of Human Rights in 1948, though it is still left for various member nations to determine which rights form the plethora of rights then declared they would wish to incorporate into their domestic laws, once incorporated, their application lose the character of insular isolationism. Rather they assume a universal character in their standard of international application ...

His Lordship, Nweze, JSC in the above case observed that the Supreme Court had in previous cases, been ‘well-guided by decisions of international and domestic courts which have interpreted provisions, similarly, worded like the fundamental rights provisions of our Constitution’, which is due to the ‘universal character’ of interpretation been promoted by the judiciary and the prevalence of ‘extraterritorial interpretation’ approach of interpretation of fundamental rights provisions in many jurisdictions. However, in adopting this approach, his Lordship advised that regards must be given ‘to our peculiar circumstances, the generally held norms of society and our value, aspirations and local conditions’ in the exercise of the interpretative function of the courts, particularly, the Supreme Court.

Therefore, the Nigerian Courts are not in lack of judicial precedents and extra-territorial guidance in taking a paradigm stance by way of judicial activism, to link the right to food to rights to life, dignity of human person under Chapter IV of the Constitution and to also give

¹³⁴ [1992]4 NWLR (Pt. 233)17 SC at 37, C-D

force of life and enforceability to section 16(2)(d) of Chapter II of the Constitution and articles 16, 17(1) and 18(3) &(4) the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, since they have all received a universal character and interpretation by various courts in their jurisdiction, particularly, the Supreme Court of India. Therefore, in the absence of an express provision in the Constitution and other extant laws for the enforcement of right to food in Nigeria, it becomes incumbent on the judiciary, particularly the Supreme Court of Nigeria, to follow the paradigm and the judicial activism of the Supreme Court of India, since in the present circumstance of this struggle, it is most situated as the last standing institution for the effective and efficient promotion and realization of SDG-2, zero hunger in Nigeria. The ability of the courts to contribute to the achievement of this struggle, though in the absence of any justiciable constitutional or statutory provisions is not overrated. The experience in India clearly demonstrated the ability of the courts to call for policy change that have the potentials of empowering the people to demand accountability, their full participation and public awareness through public interest litigations for a hunger free Nigeria. More so that, courts decisions are often used as guides to effective legislative enactment, which in this circumstance, can be used as a guide towards achieving the right to food in Nigeria.

9.0 CONCLUSION AND RECOMMENDATIONS

This paper, from the outset, was aimed at appraising the obligations of the Nigerian-State and to examine how far Nigeria has fared in its struggle to achieve the targets of SDG-2 zero hunger within the stipulated year of 2030. In the course of this academic voyage, it was discovered that Nigeria, as a modern State has numerous obligations placed on it to fulfil, one of which is to provide suitable and adequate food, clothing and shelter for the citizens and to ensure a secured

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and conducive environment is provided for the people in order for them to be economically and gainfully engaged. But unfortunately, the data and statistics from the reports of various organizations, within and outside Nigeria are pointing to the fact that it is very difficult, if not practically impossible for the Nigerian-State to end hunger within the stated time frame. Evidence abounds that the Nigerian-State has not fared well in meeting up or fulfilling its obligations under Chapter II of the 1999 CFRN (as amended), particularly, section 16(1)(b), (2)(d) of the Chapter, as it relates to the provision of suitable food for the people. However, hope to make reasonable progress in this struggle has turned to the judiciary as the last standing institution of government, to bring about the desired right-based approach to right to food for the actualization of this goal, basically, since the National Assembly is not ready to enact any law that will make the right to food enforceable in Nigeria. The following are recommended:

- a. Institutional reforms within the programmes to end hunger are generally needed for an effective and result-oriented fight against hunger in Nigeria. Starting from the judiciary which is seen as the last hope of the common man. The judiciary must endeavour to always apply sustainable constructive interpretation of the constitution and other extant laws in Nigeria. The Supreme Court's decision striking down section 396(7) of the Administration of Criminal Justice Act, (ACJA) in *Ude Jones Udeogu v. FRN*¹³⁵ does not go down well with the fight against corruption and legal reforms in the fight against corruption in Nigeria.¹³⁶

¹³⁵ SC. 622^C/2019

¹³⁶ Omede Philemon Iko-ojo and Shaibu Enemona Gabriel "Analysing the Impact of the Supreme Court of Nigeria's Decision in Ude Jones Udeogu v. FRN & 2 Ors SC/622^C/2019 on ACJA, 2015' (2021) 7(1) ABUAD Journal of Public and International Law, 1 – 27

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- b. The government must endeavour to create a secured and enabling environment for economic and agricultural activities to thrive. Insecurity must be brought to zero level. This will address the issues of kidnapping, banditry, Boko Haram inhumane activities and IDPs. This will go a long way in the fight against hunger.
- c. Government must consciously and heavily invest in agriculture, particularly in the areas of research, science and technology and innovation to help in the invention of seeds and plants that are resistant to harsh weather and high crop yields, storage, transportation and resource efficient. It will address issues of poverty, unemployment and hunger.
- d. Lawyers and human rights activists should take the lead to start instituting actions for the enforcement of right to food under sections 13, 16, 33, 34 and 35 of the 1999 CFRN (as amended) and articles 16, 17 and 18 of the African Charter. Victims of terrorism and IDPs should be the class of persons legal actions are to be taken on their behalf, since it is easy to prove that the failure of the Nigerian-State to provide the needed safe and secured environment for them to produce or purchase food and nutrition needed, caused their state of hunger or malnutrition.
- e. It is recommended that the people must wake up and start putting pressure on members of the National Assembly to pass into law the bill that is resting in their chambers, which is meant to provide an enforceable right to food in Nigeria.