

Editorial Comment

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Document Version

Publisher's PDF, also known as Version of record

Citation for published version (Harvard):

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

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JOURNAL OF
SUSTAINABLE DEVELOPMENT
LAW AND POLICY

AFE BABALOLA UNIVERSITY, ADO-EKITI, NIGERIA

VOLUME 9 ISSUE 1

SPRING 2018

SPECIAL ISSUE ON

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

Editorial Comment

Walters Nsoh

ARTICLES

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

Ana García Juanatey

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

Asa Torkelsson and Francis Onditi

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

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

Precious G. Makuyana

PUBLIC LECTURE

The Quest for Sustainable Education in Post-Colonial African States

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

Print ISSN: 2467-8406

e-ISSN: 2467-8392

Journal of Sustainable Development Law and Policy

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

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

Printed in Nigeria by
Afe Babalola University Press

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

SUBSCRIPTION INFORMATION

Journal of Sustainable Development Law and Policy

Print ISSN 2467-8406

e-ISSN 2467-8392

Volume 9(1) 2018

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

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

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

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

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

EDITORIAL COMMENTS

Walters Nsoh

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

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

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

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

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

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

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

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

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

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

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

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

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

Yours truly,

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

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

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