

**ANALYSIS OF THE LEGAL FRAMEWORK FOR THE REGULATION
OF TOURISM AND HOSPITALITY INDUSTRY IN NIGERIA**

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ZARIA**

JANUARY, 2018

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BY

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PhD/LAW/31156/2012-2013**

**A DISSERTATION SUBMITTED TO THE SCHOOL OF POSTGRADUATE
STUDIES, AHMADU BELLO UNIVERSITY, ZARIAIN
PARTIALFULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF
THE DEGREE OF DOCTOR OF PHILOSOPHY OF LAWS - PhD**

JANUARY, 2018

DECLARATION

I declare that this thesis entitled “**AN ANALYSIS OF THE LEGAL FRAMEWORK FOR THE REGULATION OF TOURISM AND HOSPITALITY INDUSTRY IN NIGERIA**” is a product of my research work. It has not been presented in any previous application for a higher degree. The information derived from literature had been duly acknowledged in the text and a list of references provided. No part of this thesis was previously presented for another degree or diploma at any university.

LateefatAdeola BELLO
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Signature

Date

CERTIFICATION

This Dissertation entitled, ANALYSIS OF THE LEGAL FRAMEWORK FOR THE REGULATION OF TOURISM AND HOSPITALITY INDUSTRY IN NIGERIA, by **Lateefat Adeola BELLO** meets the regulations governing the award of the degree of Doctor of Philosophy (PhD.) of Ahmadu Bello University, Zaria, Nigeria and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This humble effort is a dedication of my love and appreciation to my darling husband Dr. Yunusa 'Ladi Bello, a husband like no other for his faith in me, and our children, Saliu Tolani, Abdul-Ba'asi and Ummul-Khair. For their love and sacrifices! - Without this gift of family, this work would not have been possible, I love and cherish you all.

ACKNOWLEDGMENTS.

My gratitude goes to Almighty Allah, for granting me the grace to complete this academic exercise for HE teaches the pen to write, and taught man that which he knows not.

I am indebted to every teacher, tutor, lecturer, academician and administrator, who in one way or the other, contributed to my academic pursuit both in Law and Biochemistry. With utmost respect and humility, I appreciate the assistance of my Supervisors, Prof. N.M. Jomo and Prof. Y. Dankofa both of whom created time, in spite of their extremely busy schedule, to supervise this work to completion.

My special thanks to my third Supervisor and Head of Department Prof A. R. Agom. One could not have wished for a better brother than you and you shall continue to occupy a place of pride in my heart and bibliography. I also appreciate Prof. Y.Y. Bambale, Prof. Y. Aboki, Dr. A.M. Madaki, Prof. M. T. Ladan, Prof. I. Sani, Dr. S.A. Apeniga, Dr. A. A. Akume, Prof. D.C. John, Prof. I.A. Bappah and all lecturers of the Faculty of Law who are all special but too numerous to mention for the respective roles they played to make this work a reality.

My profound appreciation to my External Examiner, Prof. Jamila Nasir of University of Jos, Nigeria, from whose wealth of experience, wisdom and knowledge I had the singular honor to have richly benefited.

My immense appreciation goes to my sister from another mother, Dr. I.A. Akande, who helped to grow, nurture and support the conclusion of this work. I am also eternally indebted to my parents, Alhaja Moriliat M. Adepoju and dad of blessed memory, the

Late Alaranse Adini of Erin-Ile, Alhaji (Chief) Jimoh Goje Adepoju for watering the thirst for academic pursuit and lofty teachings of morals of life and people.

I am eternally indebted to my beloved husband Dr. L. Y. Bello of FUT Minna, for his love, support and for spurring me on to reach for heights and create a niche in my career.

To Dr. E. Popoola, Barr. E. Bristol and Barr. I. L. Yahaya, all colleagues, I owe debt of gratitude for giving useful assistance and suggestions when I almost gave up the effort to complete this thesis! My special thanks to Dr. I. Shero of Ahmadu Bello University, Zaria for preparing the statistical data for this work. Dr. H. Ibrahim of FUT Minna and Dr. K. A. Adedokun of Kwara State University, Kwara for their support and assistance during the course of writing this thesis.

Finally, a thesis work, especially a reference text can never be the work of a single individual. I would like to thank all those family and friends who made this effort possible, most especially all my lecturers at graduate and postgraduate level of the Faculty of Law A.B.U, Zaria and the entire families of Jimoh Adepoju Goje and Bello-Lawalbiyemi for their prayers.

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ABBREVIATIONS

ANJET	–	National Association of Journalist and Writers
ARIPO	–	African Regional Intellectual Property Organization
BITS	–	Bilateral Investment Treaties
CAC	–	Colonial Antiquity Commission
CFRN	–	Constitution of the Federal Republic of Nigeria
CMS	–	Church Mission Services
FESTAC	–	World Festival of Arts and Culture
FIRS	–	Federal Inland Revenue Services
GAT	–	General Agreement in Trade and Services.
GCE	–	Global Ethics Code
GDP	–	Gross Domestic Product
GSM	–	Global Satellite Communication
IATA	–	International Airport Association
IHA	–	International Hotel Association
ILO	–	International Labor Organization
IOUTO	–	International Union of Official Travel Organization
ITF	–	Industrial Training Fund
LGA	–	Local Government Area
MDPM	–	Master Development Master Plan
NANTA	–	National Association of Travel Agencies
NICO	–	National Institute for Hospitality and Tourism
NIHOTOURS	–	National Institute for Hotel and Tourism Studies
NITT	–	Nigeria Institute of Transport Technology
NSITF	–	National Social Insurance Trust Fund
NTA	-	Nigeria Tourist Association
NTDC	–	Nigeria Tourism Development Corporation
NTP	–	National Tourism Master Plan
PAYEE	–	Pay as you earn

PPP	–	Public Private Partnership
SC	–	Supreme Court
SEAMP	–	Small Medium enterprise Development Programmed
SMEs	–	Small and Medium Enterprises
SSSTR	–	Subject to regularization
T&T	–	Travel and Tourism
TRIPS	–	Trade Related aspects of Intellectual Property Law
TSA	–	Tourism Satellite Account
TTCI	–	Travel and Tourism Competitive Index
TWP	–	Temporary Work Permit
UAC	–	United African Corporation
UAE	–	United Arab Emirate
UDHR	–	Universal Declaration of Human Rights.
UNCTAD	–	United Nations Conference on Trade and Development
UNDP	–	United Nations Development program
UNESCO	–	United Nations Economic and Science Organization
UNWTO	–	United Nations World Tourism Organization
VAT	–	Value added Tax
VFR	–	Visiting Friends and Relatives
WCTE	–	World Committee on Tourism and Ethics.
WTM	–	World Travel Market
WTO	–	World Tourism Organization
WTTC	–	World Travel and Tourism Council

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ABSTRACT

Nigeria like other micro economies heavily dependent on petroleum, and sometimes Agriculture had to explore alternatives to grow its Gross Domestic Product as a result of fluctuations in oil price and effects of climate change on agriculture .Since the country have geographical landscapes with clusters of potentially endowed tourism sites coupled, with increase in disposal income, demand for leisure the Government took the initiative to prioritize Tourism and Hospitality as one of its options for economic diversification. The tourism industry is a non-production and multifaceted economic inlet that has linkages with other sectors of the economy culminating in increased opportunities and relationships requiring proper management. In order to maximize benefits from these linkages, Nigeria like many other countries developed policies, plans and laws which defined scope, functions of tourism and hospitality institutions, as well as rights accruable to consumers and suppliers of tourism products .The enactment of Nigerian Tourism Development Corporation Act is a product of Nigeria's commitment to develop its tourism sector and ensure compliance to regulatory guidelines.In analyzing the Nigeria Tourism industry, this research adopted both the doctrinal and empirical Research method. In the former, primary and secondary documents like the Nigerian Constitution, the Nigerian Tourism Development Corporation Act and other legislations that impinged on the affairs of the industry were examined while in the later, questionnaires, response to telephone interviews and emails were used to generate statistical data from both private and public sector.The findings of this research revealed, extremely awareness of tourism and its legislation. apparent conflict between the position of the Constitution and the Nigerian Tourism Development Corporation Act on grading, classification and regulation of tourism establishments and institutions despite a Supreme Court decision that altered the prior position. This research further revealed that in spite of government's efforts the country was yet to derive sufficient benefits to make it compete favorably with other countries who have similarly regulated their tourism and hospitality industry. There is dearth of information on the activities of the sector and low level of awareness by the populace. This research recommended an urgent presentation of a bill to review/amend these area of conflict,improve funding for the use of established tourism institutions, increase public awareness and encourage the introduction of tourism and hospitality at all levels of the Nigerian schools. It is optimistic that these remedies amongst other will ensure future growth of the Nigeria's Tourism and Hospitality industry.

CHAPTER ONE

GENERAL INTRODUCTION

1.1 Background to the Study

Modern tourism is closely linked to development and encompasses a growing number of new destinations. These dynamics have turned tourism into a key driver for socio-economic progress. According to the United Nations World Tourism Organization, (UNWTO) tourism sector ranks fifth after fuel, chemicals, and automobile products in many economies in the world.¹ The World Travel and Tourism Council (WTTC); also reported, that tourism generates more than 230 million jobs directly and indirectly and contributes to more than 10% of world gross domestic product (GDP) this accounts for USD 5000 trillion United State dollars which gives it a global economic significance.² Hitherto, tourism was seen not only as an aspect of culture, but also as a manifestation of naturally endowed potentials both in concrete and abstract, located within a community or society through which it entertains and enhances its members' living condition. By so doing, it indirectly creates an enabling environment that attracts local and foreign investors through whom the society concerned generates revenue, creates employment opportunities and meets the requirements for economic growth and development³.

In line with this concept, Egypt over the centuries, became a notable tourists' destination that captivated the attention of the world⁴. While, United Arab Emirates (UAE), Abu

¹ World Tourism Organization (1990). *Recommendations on Tourism Statistics, and Concepts Definitions and Classification For Tourism Statistics* <http://www.worldtourism.org> Retrieved 4 May 2013, 8.15pm

² Akwara, A.F, Biu I.M, et –al (2014). "Human Resource Management and Development of the Tourism and Hospitality Industry in Nigeria. " *Journal of Good Governance and Sustainable Development in Africa, Vol. 2, No.1*. Available at <http://www.rcmss.com> Retrieved 4 December, 2015 at 11.42 pmp. 97

³ *Ibid* p.98

⁴ Mohammed. M. (2011) "Tourism and economic diversification". TNV Nigeria voice 11 December, 2011, Available at www.thenigerianvoice.com Retrieved 28 June, 2016 at 2.30pm p.1

Dhabiis today reputed to be amongst the world's wealthiest countries because of the development and vibrant gains recorded in its tourism and hospitality industry ⁵ where it recorded a Gross Domestic Product (GDP) put at nearly \$100 Billion. This gave its population of just 1.463 million people a total per capita GDP that exceeds \$68,000⁶ making the country's development comparable to what is obtainable in countries like USA and UK. The Tourism Industry has also significantly contributed to the Gross Domestic Products of countries like Kenya, Gambia, South Africa and Ghana in Sub Saharan Africa. These empirical analysis of the benefits of tourism has encouraged many countries to developed tourism policy for purposes of strengthening their tourism industry⁷. The question to ask is why has Nigeria not made this list?

Up to the 60s, and prior to the discovery of oil, Nigeria was a major exporter of cocoa palm oil, rubber and groundnut, but by the year 2000, Eighty percent (80%) of its revenue was derived from crude oil alone. For example, from a total revenue of about N3.915.56 billion derived in June 2008, the proportion from crude oil alone was N3, 133.00 billion - an indication of over dependence on oil revenue. The exhaustible nature of petroleum oil, characterized by run out of reserves, instability and price fluctuations, are presently manipulating the global oil market to the disadvantage of major oil producers especially, the developing countries of the world. In the same way the uncertainty in agriculture characterized, by climate change, flood, drought and diseases (like the recent tomatoes blight that affected its production and usage across the country) amongst other challenges

⁵ UNWTO (2010). Tourism Highlights, World Tourism Organization, Madrid, 2010 Edition. Available at www.wto.org Retrieved on 28 June, 2016 at 12.07 am

⁶ Ibid

⁷ Fourie. J., and Santana -Galego, M. (2013). "The Determinants of African Tourism, Development Southern Africa" ,30:3, 347-366 Available at <http://dx.doi.org/10.1080/0376835x.2013> and www.tandfonline.com Retrieved on, 12 June, 2014 and 7 January, 2018 at 9.30am p.2

havemade economic diversification a necessary alternative for developing the Nigerianeconomy⁸.

With a current population made up of about 184.23 million people⁹ consisting of 300 ethnic groups, a vast land of about One million Square meters, a beautiful coastland of about 835km, a rich diversity of cultural and ecological resources, it appears that the Nigeria is destined to indeed be the “Giant” of Africa as far as tourism is concerned.¹⁰ But in spiteof theabundance of resources, the country has recorded little or no revenue from tourism. The general perception from available research attributes this pitfall in revenue generation from the tourism industry to inefficient institutional framework, low disposable income to pursue tourism activities, insecurity, lack of political will that will ensure implementation oftourism regulations and policy and lack of awareness of the benefits of the sector amongst other challenges.

Nigeria has similarly lost the relics of most of its physical and cultural monuments to the impact of colonialism. This has led to abject neglect of local tourism related activities like - cultural shows, drama, fairs , exhibitions , festivities, dances, souvenirs carvings, weavings sculptures and amongst others and facilities like- national parks, game reserves (many people did not know that the Sambisa forest, which became the enclave of Boko-Haram Terrorists activities was in fact one of Nigeria’s forest reserve), beaches , plateau, forestry developments, natural sports, hotel accommodation, hostels , parks, conferences,

⁸Ajadi, B.S (2012). “An Evaluation of the Performance of a National Tourism Organization: Nigeria Tourism Development Corporation”. *European Journal of Business and Social Sciences*.Vol.1 Available at <http://ejbss.com/recent.aspx> .ISSN:2235-767X Retrieved 25 August ,2016 at 2.23pm p.40

⁹ National Population Commission (2018) Worldometers available at www.worldometers.com Retrieved 7 January,2018 at 1.55pm p.1

¹⁰Ayeni, O. O, Saka. D.N., and Ikwuemesi, G. (2016).” *Developing a Multimedia Gis-Database for Tourism Industry in Nigeria.*” Available at www.researchgate.net Retrieved 20 November, 2016at 11.05 pm p.1

guest houses, camps catering services and increased desire for outbound tourism by the affluent in the society¹¹.

In order to revamp its Tourism and Hospitality Industry and to showcase the life style and creativity of its people, the Nigerian Government developed a number of its landmarks into tourists' sites, and made tourism one of six priority areas central to the revival of the economy and a cardinal stone for achieving the country's 7 –point Agenda, its vision 20:20:20 programme and as a Foreign Direct Investment earner¹². The aim was to attain competitive sustainable tourism development within the confines of the world tourism market and open up Nigeria as a major tourist destination in Africa¹³. To achieve this, the thrust of government legislation on Tourism became directed at capitalizing on the heritage diversity that will make Nigeria a regional hub for integrating all blacks particularly those of Nigerian extraction¹⁴. Hence the enactment of the Nigeria Tourism Development Corporation Act¹⁵ to regulate the activities of the sector.

The development of Tourism and Hospitality industry often raises such issues like protection of premises, food liability, franchising, employment, management contracts, and many other daily occurrences raising new trends and issues that have necessitated, constant review of laws, and rapid emergence of related legislation¹⁶. The need to define the framework for efficient management of the sector, has made it imperative to identify forces which influences the overall performance of the industry. It is regrettable, that even

¹¹Umoh G.I and Ndu E.U, (2013).“The Use of Soft Systems Methodology (SSM) in evaluation the Tourism Industry in Nigeria: Prospects and Challenges”. *European Centre for Research Training and Development UK, International Journal of Business and Management Review* Vol.1 No. 3, p. 115

¹² Bello Y. O et al (2014). “Travel and Tourism Business Confidence Index in Nigeria: Issues and Challenges.” *Africa Journal of Hospitality, Tourism and Leisure* Vol.3 (2) .Available at [http://.www.ajhtl.com](http://www.ajhtl.com) Retrieved 28 August, 2014 at 2 .02 am.

¹³Umoh G.I and Ndu E.U, (2013) Op. cit at p.114

¹⁴ National Tourism Policy for Nigeria, (2005). Government Printer, Lagos Nigeria. p.2

¹⁵ Cap N137 LFN,2004

¹⁶ Ibid

in the face of the Supreme Court's judgment in *AG Federation vs. AG Lagos State*¹⁷ where the jurisdiction to legislate on tourism and charge tax consumption on tourism institutions was reversed in favor of the Lagos state government, the Nigeria Tourism Development Corporation Act (NTDC)¹⁸ has till date not been amended to capture the impact of this landmark judgment that put to rest, one of the fundamental issues affecting the legal framework of the industry.

Tourism like other forms of economic activity, takes place in an environment that is shaped by different forces. One of the most important of these forces is exerted by a complex web of policies, laws, regulation and other actions of government. Therefore, the businesses that provide tourism services, must contend with actions of different levels within a government and of a variety of types of laws and regulations aimed at different industries and activities that stretch not only across nations and regions, but across traditional lines of business and industry as well¹⁹.

To be competitive, a country's law must address the different issues that arise in its tourism and Hospitality industry. This will include generating guidelines and objectives for the growth and management of tourism and hospitality business. This is because, to a large extent, it is the constituent of a policy framework on tourism, which determines the attendant socio-economic benefit that will accrue to investment in this business sector²⁰.

The substratum and focus of the present research work, is to encourage government, to create an enabling environment to encourage a necessary reform and review of existing regulatory and institutional framework on tourism so that the country and its people can

¹⁷ (2013) 7 S.C Pt.1

¹⁸ Cap N137, LFN, 2004.

¹⁹ Alamai, M. M and Fada. A. A. (2014). "Examining the Legal Issues relating to Tourism Policy Implementation in Nigeria". Being a paper presented at the *Touravel 14th Tourism Travel and Leisure Conference at Bogazic University Istanbul Turkey* 5 to 7 June, 2014 p.2

²⁰ Adora, C. I. (2010). "Managing Tourism in Nigeria: The Security Option." *Management Science and Engineering. Vol 4, No.1, 2010.* www.cscanad.net Retrieved on 12 July, 2015 at 1. 21 am.p. 15

benefit from many of its untapped tourism potential and propel the expected growth of the industry towards economic diversification.

1.2 Statement of the Problem

The problem which necessitated this research was that:

1. Nigeria has neither been able to generate sufficient revenue nor compete favorably with countries like Kenya, South Africa, Dubai and Egypt amongst others despite the abundance of tourism potential, legislation and institutions.
2. The lack of political will by government to implement objectives of the Nigerian, National Tourism Policy (NTP) and recommendations in the Tourism Development Master Plan (TDMP)
3. The apparent conflict between the provisions of the Nigerian Constitution²¹ and the Nigeria Tourism Development Corporation Act²² with regards to grading, classification and regulation of tourism and hospitality outfits and establishments and the continued use of obsolete tourism related legislations²³
4. The effect of inefficient manpower, institutional decay and lack of public awareness that has affected efficient service delivery in the tourism and hospitality industry.

These issues amongst others has raised questions on the effectiveness of the Nigerian Tourism Development Corporation Act and initiated doubts on the competence and recognition of the Nigeria Tourism Development Corporation as the country's agency for the development of the Tourism and Hospitality sector²⁴.

²¹ CFRN, 1999 (As Amended)

²² Cap N137, Op.cit

²³ For example, The Inns and Hotel Proprietor 's Act

²⁴ Akinwale Akintunde (2014). "Tourism Lawyers Set Agenda for Making Nigeria a Desired Destination". THISDAYLIVE. Available at www.ThisDayLive.com .Retrieved 18 June, 2014. 6.20pm. p.1

The above problems have necessitated the need to find answers for the following pertinent research questions.

- i. Why has Nigeria failed to compete favorably with its counterpart in deriving maximum benefits from its tourism and hospitality industry?
- ii. What is the current position of the Nigerian Constitution vis-à-vis the Nigerian Tourism Development Corporation Act? What are the prospects and challenges if any in the implementation and enforcement of the legal framework of tourism and hospitality industry in Nigeria?
- iii. Its effects on Federal and State Government with regards to classification, grading and regulation of the tourism and hospitality Industry?
- iv. How efficient are established tourism institutions in the discharge of their statutory obligations and clamor to promote the development of a robust Tourism and Hospitality business in Nigeria?
- v. Does the NTDC Act comply with Nigeria's various obligations under international law?

1.3 Aims and Objective of the Research

The aim of this research includes to:

1. Examine the adequacy or otherwise of the existing rules or laws on tourism in Nigeria
2. Improve public awareness on tourism activities and legislations especially the Tourism Development Corporation Act (NTDC Act)²⁵ and encourage improve holiday culture and patronage of local/inbound tourism by Nigerians at home and in diaspora.

²⁵ Cap N137 LFN 2004

3. Facilitate a necessary review of the legal and institutional framework of the tourism and hospitality industry for the purpose of economic diversification.

While the objectives of this dissertation includes to:

1. To critically examine the constitutional scope and limitations of the Nigeria Tourism Development Corporation Act as delivered in the Supreme Court's Judgment in Ag. Lagos State vs. Ag. Federation on the tier of government that legislatively empowered to register, classify, grade and regulate tourism establishments and outfits in Nigeria.
2. To encourage a review of the Nigeria Tourism Development Corporation Act²⁶ and other tourism related legislations so as to remove impediments to tourism activities in Nigeria.
3. To encourage government to increase funding to the tourism and hospitality sector and establish a tourism investment bank that will provide long tenure and low interest loans for participants while creating additional job opportunities for the Nigerian populace and improve earnings for government.

It is hopeful that achieving the above objectives will enable a much awaited review of the Nigerian Tourism Development Corporation Act and related legislations, as well as pave way to revamp decayed tourism institutions and their activities in ways that will avail Nigeria the opportunity to succeed as a major player in international tourism and hospitality services and contribute to the objective of diversifying the economy.

1.4 Justification of the Research.

The rationale for this research work is that existing legal and institutional framework did not provide the enabling environment and facilities for tourism development in

²⁶Cap N137, No.18, 2004

Nigeria. Thus encouraging the review of the existing legal and institutional framework of the tourism and hospitality industry to incorporate facilities and services that ensure tourism comfort at destination and to also encourage the provision of a one Stop Centre which synergize the relationship between the law- The NTDC Act and the Regulator (NTDC) and at the same time allow Nigeria to efficiently utilize tourism not only as a tool for sustainable development but as an instrument of social, economic empowerment and poverty eradication.

1.5 Significance of the Research

This research is significant as a legal study on the Nigeria Tourism Industry. It examined the Nigeria Tourism Development Act and related legislations that impinges on the activities of the industry in a bid to remove legal impediments to participation and investment in tourism at the Local, State and Federal Level.

It will also assist legislators in the National and State Houses of assemblies to sponsor Bills relevant to the review of identified statutory lapses in the Nigeria Tourism Development Corporation Act, as well as other obsolete legislations that may affect the future of tourism and Hospitality management and development in Nigeria.

This research is a reference material on Hospitality and Tourism Law to improve public awareness and enlightenment on various laws affecting the Tourism and hospitality industry and encourage private /public investment, partnership and sustainability of the industry. The research further highlight grey areas affecting the Tourism and Hospitality industry and galvanize Government to embark on necessary reforms that will invigorate Nigeria's image as a tourist hub and investment opportunity. The cumulative effect of this work is the positive projection of Nigerian tourism and hospitality's legal and institutional image in the global tourism Market and encourage inbound tourism for

purpose of economic diversification, creation of employment opportunities and increase Gross Domestic Product.

1.6 Scope and Limitation of the Research

The scope of this research is the legal and institutional framework of the tourism and hospitality industry in Nigeria. The Nigeria Tourism Development Corporation and NTDC Act as relevant to the activities of the sector²⁷ are critically espoused. The extent of Nigeria's compliance to²⁸ existing policy on tourism and other obligations under various international treaties in the industry are also previewed. These issues are carefully considered to suggest laws relevant to the future development of the Nigerian tourism and hospitality industry.

This research was limited by difficulty in assessing materials that has specific relevance to tourism law and legislations and the reluctance of people and some practitioners in the affected Ministries to provide information that will have assisted this work. The lack of awareness of the activities of the tourism industry in the sampled areas also hindered the data collection because many of questionnaire distributed for purposes of assessing information on this research were either not completed or returned as a result of inability of respondent to provide answers to the issues raised therein.

1.7 Research Methodology

The research was descriptive and made use of both the doctrinal and empirical method. This included the use of qualitative data drawn from both secondary and primary documents. Primary documents like the Nigeria Tourism Development Corporation Act, State Edicts Licensing laws, Tax laws, Hotel Registration were consulted and relevant

²⁷ Cap N137 LFN, 2004

²⁸ Hereinafter referred to as UNWTO

sections applied. The secondary materials, included inductive inquiry and case analysis based on written documents. Most of these written documents contain voluminous data from the website, portals, and survey report from the Nigeria Tourism Development Corporation and other relevant government agencies, and books written by both foreign and local writers as well as unpublished materials from workshops organized by the Federal Ministry of Culture, Tourism and National Orientation, Newspapers and statistical data relevant to the hospitality and tourism industry were also considered and consulted.

To investigate the extent of public awareness of tourism regulation and policy in Nigeria, questionnaire, e-mail and telephone conversations²⁹ were adopted as method for data collection. Five hundred questionnaires were circulated amongst practicing lawyers, final year law students, Staff of Ministry of Culture and Tourism and the public at two of the International Airports in the country (NnamdiAzikwe and Murtala Mohammed International Airports). The data collated was used to verify the extent of stakeholder and public knowledge of tourism, tourist site in their locality, institutions responsible for its management, and laws guiding the activities of the industry.

1.8 Literature Review

The paucity of knowledge on tourism as well as of the rules guiding activities of the Tourism and Hospitality industry makes it an evolving and relatively new practice area to the legal profession³⁰. Many of the existing literature on tourism and hospitality emphasized the principles of sustainable tourism development with only brief mention of

²⁹Abomeh, O.S. (2012). "Hospitality and Tourism Manpower Training and Education in Nigeria ". *Afro Asian Journal of Social Sciences*, Vol.2, No.3, p. 12

³⁰Anolik Alexander (1988). "Travel, Tourism and Hospitality Law" Elmsford, National Publishers of Black Hills NY, p. ix In: Richardson, Joanna (1995), *Tourism and The Law: A Web Challenge, Information Technology Liberia, Gold Coast, QLD 4229*. Available at www.AUSWeb95-education-tourism Retrieved 28 March, 2015 at 3.14pm

the regulation in some cases .Most of such works emanated from the developed world³¹. The present work compliments while distinguishing some literature on the legal and institutional framework of tourism and hospitality industry in Nigeria.

Pengilley³² sheds some light on this area when he adumbrated that “Except in the case of specific regulatory legislation such as the licensing of travel agents, for example, there is no such thing as “one cap fits all” in the law of tourism and hospitality. Hefurther, explainedthat the law speaks in terms of general principles and one has to adapt such general principles to specific fact situations. For instance law of competition, contract, and law of consumer protection are all applicable in the tourism industry³³. Invaluable as Pengilley’s work would appear, it does not contemplate Nigeria in its scope. This is because no specific mention of these area of law as it relates to the Nigerian Tourism Industry was made in the Nigerian Tourism Development Corporation Act.

A leading author on tourism in Nigeria Munzalli³⁴ in one of his works, alluded that the pillar of effective tourism operation is legislation.³⁵ He added that creating a legal framework is essential because most of the existing laws need to be reviewed with appropriate enforcement machinery that will ensure the development of Nigeria as a preferred tourist destination.³⁶ Taking a cue from the position of this Nigerian Author this

³¹Hunter, C. (1997).“Sustainable Tourism as an adaptive paradigm” , *Annals of Tourism Research*, 21940, 850-867) In: CevatTosun, (2001), “*Challenges of Sustainable Tourism Development in Developing World; The Case of Turkey* “,*Tourism Management Retrieved from www.elsevier.com* 22 July, 2016 at 2.31.pm p.850

³²Pengilley, W. (1994). “*The Law of Travel and Tourism*. Blackstone Press,Bond Junction, NSW,p.115

³³Ibid

³⁴Munzali, A. D. (2010). “*Enhancing and Enforcing a Regulatory Framework for Hospitality Industry in Nigeria-Challenges and Prospects*”.Being a paper presented at the Nigeria Hotel Association Annual General Meeting (AGM) and Symposium Held at Abuja Sheraton Hotel and Towers, Abuja, Nigeria. Retrieved from www.nihotour.org and www.scribd.com 20 January, 2015 at 2.15 and 3.30 respectively. p.30

³⁵ Ibid

³⁶Munzali, A. D. (2011). “*Tourism Development in Nigeria: Challenges and prospects for Resource diversification*”. Available at www.nihotour.org 20 January,2015 at 2.12 pm p.30

research, is focused in its intent to pave way for an encompassing and holistic future review of tourism Law in Nigeria.

According to Gamble³⁷, for tourism to become a key growth area of the state economy, government of both developed and undeveloped countries have taken initiatives to evolve laws to ease the transfer of money in and out of the country, providing tax incentives for investors, restricting the rights of trade unions, speeding up the processes of planning, land purchase and ease political stability. The private sector on its apart has been providing money used in building hotels, amusement parks, telecommunication, transportation, recreational centers and supporting infrastructural development. All these are aimed at increasing export and stimulating tourism industry.³⁸

Adumbrating the importance of legislation to tourism development, Thea and Jennifer, opined that the travel and tourism regulatory framework is one of the three variables that facilitate or drive the travel and tourism competitiveness of a country. The others are the travel and tourism business environment and infrastructure; and the travel and tourism human, cultural, and natural resources³⁹. These have also formed the focus of some literature. For instance, Kenya has one of the most far reaching piece of legislation regarding conservation which is titled “Environmental Management and Coordination Act”, which creates a framework for the management of not only the environment, but of ways in which industry can interact with the environment⁴⁰.

³⁷ Gamble, I.I. (1989). *Tourist development* Longman New York In: Udumo, B.O and Ekpo-Eloma E.O (2013) “Public and Private Sector Participation and Tourism Development in Cross River State”, *Nigeria. Global Journals of Science Frontier Research (E)* Volume xiii issue 1 version 1 Inc. (US). p.2

³⁸ Ibid p .2

³⁹ Jennifer, B., and Thea, C., (2013) “Travel and Tourism Competitiveness Report: Reducing Barriers to Economic Growth and Job Creation “Geneva, *World Economic Forum* in: Esu, B.B (2012) Op.cit.

⁴⁰ Eco-tours in Kenya- Sustainable Tourism & Conservation Laws, International Wildlife Law, Conservation Laws, Sustainable Travel and Ecotourism Retrieved from www.internationalwildlife.org 23, June, 2016 at 2.03 pm

In furtherance of this, Eja E.I et al ⁴¹ asserted that allowing private sector to participate in tourism development, will appreciably improve the financial standing and developmental strides of the public sector (government). This research, partly agrees with these learned authors on the need to improve public private partnership in tourism development but the reality is that tourism development has always been from top - bottom rather than in the reverse order in most economies across the globe. Nigeria is not an exception. That is to say tourism development has always been at government level to the exclusion and detriment of private participation. The emphasis is encouraging private sector investment in not just the hotel and travel business, but in the establishment of amusement parks, family vacation, resorts and outdoor games facilities. Doing this will hasten tourism development in Nigeria.

Robinson noted that the economic significance of tourism, can be seen from income accruing from the actual expenditure involved in tourism and its effects on the products of other industries in meeting the demands of tourists⁴². This work adumbrates the opinion of this writer in the sense that tourism is an interlinked and multi-faceted industry with a seamless interaction of actors and participant involved in tourism activities.

John Lea opined that the primary economic benefits of tourism are generally regarded as contributions of foreign exchange earnings and the balance of payments, the generation of employment and of income, the improvement of economic structure and the encouragement of entrepreneurial activity⁴³. It is the opinion of this writer that tourism benefits transcend the physical as it includes the appreciation of the aesthetics and scenic

⁴¹Eja, E. I, Otu, J.E et- al (2011), The Role of Private Sector Participation in Sustainable Tourism Development In Cross River State, Nigeria , International Journal of Business and Social Sciences, Vol. 2: 2 Available at www.ijbssnet.com Retrieved 6 January, 2018 4.32 pm .p.153

⁴²Robinson, H. (1979) *Geography of Tourism*. SAGE Journals, Available at www.journals-sagepub.com/doi/pdfpp-3-5 Retrieved 5 January, 2018 at 4.12 pm p.

⁴³ John, L. (1993). *Tourism and Development in the Third World*. Routledge, New York. pp. 5-6

view of natural environments, the restfulness that accompany it and the integration of social and cultural values of countries across the globe.

Shurmann opined that the most common argument in favor of promoting tourism is the anticipated foreign exchange profit especially where a country lacks an efficient export oriented agricultural sector of any significance⁴⁴. The opinion of this writer is rife, but then, developing inbound tourism can also generate the same benefit as international tourism. At the same time encouraging a resource mix of agriculture and tourism will enhance a country's economy rather than sacrificing one at the altar of the other.

In a further contribution, *Atherton*⁴⁵ explains that tourism "products"- as he calls it- is a mixture of many components, all of which are stand –alone units by themselves . Thus tourism law is the epitome of an interdisciplinary field. Although one cannot but appreciate the opinion of this writer, he failed to articulate the integrated nature of tourism product. This work will bring to bear that the multidisciplinary nature of tourism preclude lack of clear-cut distinctions that make tourism products: "stand –alone" units as opined by the learned author. Thus tourism regulation must by extension be all encompassing to allow the flexibility of covering all related tourism activities.

It is further pertinent to note that tourism is characterized by interpretations that are conflicting⁴⁶. Past and contemporary writers endeavor to arrive at a single definition to the subject. Their efforts/attempts however resulted in different understanding and idea

⁴⁴Shurmann, L. (2001). "The Effect of International Tourism on the Regional Development of Third World Countries ". *Tourism and Prospect in Developing World*, 5(1), p 20-26.

⁴⁵ Atherton, T. (1994). "Tourism Law: the last resort or the next frontier". Being a paper presented to *Global Action to Global Challenge Conference, Bali, Indonesia*, 4-6 October, 1993.

⁴⁶ Hunt, J. D, and Layne, D. (1991). "Evolution of Travel and Tourism terminology and definitions " *Journal of Travel Research*, 30, 7-11 In: Ashikodi T. I. S (2010). *Tourism development in the Coastal Region of Nigeria: Economics of Tourism Development a Shift from Oil Dependence*, Available at www.resourcedat.com/document. Retrieved 13 August, 2017. p.6

of the concept of tourism. For example, Leonard ⁴⁷ defined tourism is an activity which cuts across conventional sectors in the economy. It requires input of economic, social, cultural and environmental nature. In this sense, it is often described as being multifaceted”. Tourism is described here as an “industry”. This definition is however riddled with faults, this is because tourism does not have the usual formal production function and output capable of physical measurements like tons of meat, and liter of whisky or beverages -as is the practice in agriculture.

Burke et al⁴⁸ defined Tourism as “the phenomenon arising from temporary visits (or stay away from home) outside the normal place of residence for any other reason than furthering an occupation, remunerated from within the place visited”. This definition is more comprehensive than the former ones since, it focused on leisure, relaxation, recreation, amusement and excludes business trip. This implies that tourism is not static, but associated with the search for pleasure. The problem with this definition, is that the writer neglected business trips. After all, tourists go on business trips and that does not mean leisure time. Hence limiting tourism to leisure time is inappropriate.

The International Association of Scientific Experts in Tourism (AIEST) maintained that “Tourism is the sum total of the phenomenon and relationships arising from travel and stay of non- residents in so far as they do not lead to permanent residency and not connected with earning activity”⁴⁹. In its definition of tourism The World Tourism

⁴⁷ Leonard , L.L (1997), An introduction to tourism, Retrieved from www.booksgoogle.com.ng 15 May, 2015 at 2.43pm p.15

⁴⁸Burke J.F et-al (1989). “Strategies for Evaluating Direct Response Tourism and Marketing” Available at www.Sage Journals.com. Retrieved 15 August, 2016 at 2.21pm p.3

⁴⁹Bell-Gam, .H.L.H (2009). “Strategies for the Development of Tourism and Theatre Industries in Nigeria; Rivers State Perspective”. Available at www.ajol.info Vol 3. No.1 p. Retrieved 20 July, 2015 at 204 am

Organization⁵⁰ similarly maintained that Tourism refers to all activities of visitor, including both tourists (overnight visitors) and same day visitors.

There are ambiguities in these definitions. Firstly, the concept makes it impossible to identify tourism between countries as well as tourism within a country. Secondly, the nature of activities of the visitors overnight and the day were not differentiated. The activities may include legitimate activities like leisure, sport, and illegitimate activities like burgling a house, vandalizing infrastructure. It could include economic activities business and other purposes. It may be extra –motive i.e. to assassinate and loot property belonging to people. Evil people also travel far even if not in the spirit of tourism. Thus contrary to the provision of Global Ethics for Tourism (GCET)⁵¹ which provides that the tourism industry is expected to take appropriate measure to ensure the health , safety and security of tourists by giving complete and honest information on destination. Most tourists are unaware of the potential risks in their destination and are therefore ignorant or passive in their response to emergencies arising from unexpected security situations like the bombing of the UN headquarter in Abuja and various other sites across the country and the world like the USA terrorist attack⁵². Many other related cases that will be examined in the course of this Research.

This proliferation of definitions amongst researchers' remains one of the most frustrating aspects of studying tourism. It is the position of this research that security consideration should be made a necessary component in the content definition of tourism. This is because security is an area for which the highlighted works have not spared any serious consideration. A properly secured, regulated and institutionalized tourism destination will

⁵⁰ World Tourism Organization Report 1994. Available at www.wto.org. Retrieved 10 November, 2016 at 11.00am

⁵¹ Article 1 and 6 Global Ethics on Tourism

⁵² 11, September, 2001

be a haven for consumers of its products and also generate greater economic growth for the country.

Even though Tourism is now a constant feature in international literature, the legal aspect of tourism, that is Tourism Law has received minimal attention from Nigerian writers except for one⁵³. Most of the definitions of tourism are related to the generally accepted concept in the industry without the inclusion and appreciation of cultural and moral values which are indicative of distinctiveness of Nigeria as a nation.

Some of these definitions include, Baggio⁵⁴ who defined tourism destination “as a geographical location with a pattern of attractions, facilities and services which tourists visit. This work agrees in part with the opinion of Baggio and other Western authors to an extent that same is only applicable to Europeans who appreciate the scenic nature of environment and do not mind spending their entire savings on annual holiday to enjoy the beauty of such surroundings. This work will show case that the quest to develop tourism in Nigeria is mostly purpose driven i.e. religious, educational or to visit relatives for social events or for sport. Thus the geographical landscape is the least of reasons to spur a Nigerian/African to embark on a trip to a tourist destination whether for a short or long period as proffered by the content definition of tourism. Probably because nature is present in the foothold of every African home from cockcrow till dawn it is therefore needless to spend an entire life saving on ‘geography ‘that is readily available as

⁵³Munzali, A. D a former Director of Nigeria Institute of Hospitality and Tourism is perhaps one author that has written a fair number of books and articles in this area of law compared to a few other proliferation of writings from other authors.

⁵⁴Baggio. R (2008) Symptoms and Complexity in a Tourism System. *Tourism Analysis* 9(13).1 p. 1-20 In: Esu, B. B. (2014). “Strategies for Harnessing Investment Opportunities through Tourism in Nigeria.” *Journal of Research in Hospitality, Tourism and Culture*. Being a paper presented at Tourism Sector Human Resource Forum organized by the Chartered Institute of Personnel Management Held in Calabar, Nigeria July, 2014 Available at <http://www.interestjournals.org/JRHTC> . Retrieved 15 June, 2016 at 1.15am p.2

part of a daily routine. Little wonders then that Africans or to be more specific- Nigerians hardly go on vacation!

According to Eja et al,⁵⁵ many countries see tourism as a means to promote a good and relatively inexpensive strategy that can attract foreign Direct Investment. The present research disagrees completely with this opinion on the premise that, developing a viable tourism industry, that will generate sufficient Foreign Direct Investment and adequate return on investments requires overhauling the existing legal and institutional frame work as well as train the manpower necessary to drive the industry, this no doubt will require more than an *inexpensive strategy* (emphasis mine) as opined by the learned authors.

On his part Ayodele⁵⁶ opined, that Tourism is a tool for economic empowerment and poverty eradication. Although this is a cardinal objective of government's involvement in the tourism and hospitality industry as encapsulated in the tourism policy, but unfortunately one that has not met the required expectations bearing in mind the abject neglect and level of poverty of most tourist sites/communities in Nigeria.

Most evolving literature on tourism, stresses that luxury is the new standard and hotels around the globe are feverishly elevating their room stock to match the need of new breed of discriminating guests. This however does not apply to the Nigerian hospitality industry as can be seen from the deplorable state of some of the hotels in semi urban and some urban areas in the country and bearing in mind the conflict of hotel registrations' and grading between the federal and state governments. While considering the determinant of a competitive tourism industry, the UNWTO⁵⁷, categorized the variables that facilitate and drive the tourism competitiveness of a country into three; that is, the travel and

⁵⁵Eja, E. I, et- al (2011) Op. cit

⁵⁶Ayodele, I.A. (2002). *Essentials of Tourism Development*, Ibadan: Elshadai Global Venture.

⁵⁷ World Tourism Organization, (2012) *Tourism Highlights*. Available at ,www.unwto.org/pub/index.htm Retrieved 5 February,2014 at 2.02 pm

tourism regulatory framework, the travel and tourism business environment and infrastructure, and the travel and tourism human, cultural and natural resources⁵⁸.

Nigeria's performance on the tourism Competitive Index is sufficient evidence of the failure of its tourism sector to make deliverables on its various policies.

On his part Okoli⁵⁹ opined, that travel and tourism regulatory framework captures those elements that are policy related and generally under the purview of the government and that this includes rules and regulations, environmental sustainability, safety and security, health and hygiene and prioritization of the travel and tourism⁶⁰. This research will highlight defects in legislations as well as cultural values that have led to Nigeria's low rating in the Competitiveness Index of its Hospitality and Tourism industry.

According to Esu B.B et al⁶¹ Suppliers of tourism services products compete in volume in the quality of tourists they attract and retain. The competition may be between or amongst destination in the region or different countries. He added that destinations that cannot survive the competition usually suffer from reduced or lack of patronage with its attendant consequences. The destination that offers tourists' greater satisfaction has a competitive edge over the other destinations⁶². Although this writers' opinion summarizes the realism of the problems that has stymied the development of Nigerian tourism industry. This research is nonetheless an attempt to identify reforms to revolutionize the legal framework and related activities of the industry.

⁵⁸ Ibid

⁵⁹ Okoli, C.I.C (2001). "Travel and Tourism Development in Nigeria" Jeep Communication. Enuguin: Bello. Y.O, et al (2014) "Travel and Tourism Business Confidence Index in Nigeria: Issues and Challenges". *African Journal of Hospitality, Tourism and Leisure*, Vol. 3, Available at <http://www.ajhtl.com> Retrieved 6 February, 2016 p. 4

⁶⁰ Jennifer, B. and Thea. C. (2013). "Travel and Tourism Competitiveness Report: Reducing Barriers to Economic Growth and Job Creation Insight Report. Available at www.3.weforum.org Retrieved 18 March, 2017 at 12. 07 am. p.2

⁶¹ Esu, B.B. and Etuk, E.J. (2007). "Tourism as a Development Strategy in River State", *J Manage and Enterprise Development* 4(10), 5

⁶² Jennifer, B. and Thea. C. (2013). Op.cit at p.4

In a similar vein, Njoku, opined that in tourism business, the demand factors are those things that enhance the desire for tourism products and services, these include quality of sectoral management, the state of development of national security, the international reputation of the nation amongst others. While the supply factors are the variety of attractions present in the tourism market. These are arts, the cultural programs, availability and the quality of game reserves. From the analysis, the supply angle is richly developed. But the position of this paper, is that though supply angle are available in the Nigerian tourism industry, but many of them are not readily accessible due to poor road networks and other constraints too numerous to mention⁶³.

In a related development, Bello and Adebayo⁶⁴ opined that safety and security are critical factors determining the competitiveness of a country's travel and tourism industry and that tourists and tourism investors are likely to be deterred from travelling to, or, investing in a country perceived to be insecure. The present research reiterates that if appropriate machinery is put in place to implement tourism regulations it would improve the sense of security for both investor and consumers of tourism products.

Wanhill⁶⁵ similarly observed, that there are local and global forces representing historical, political, economic, socio-cultural and technological factors that influence the tourism sector, and the interplay of these forces (environmental determinants) is the main cause of the sector's heterogeneity. The opinion of this writer is laudable for it maybe the requisite

⁶³Njoku, P.C. (2003) "Government Policies and their effect on tourism development in Nigeria". Available at www.placid.njoku.com Retrieved 16 April, 2013 at 1.20 pm p.3

⁶⁴Bello, Y.O & Adebayo. N.I (2009), "Food Beverages Service Operations, Theory and Practice", Grace Excellent Publishers Ondo in: Bello Y.O et- al (2014). "Travel and Tourism Business Confidence Index in Nigeria: Issues and Challenges". *African Journal of Hospitality, Tourism and Leisure* Vol 3(2) ISSN: 2223-814X Copyright AJHTL. Available at www.ajhtl.com . Retrieved 6 February, 2016, at 2. 18pm

⁶⁵Wanhill, . S. (2003). "Interpreting the Development of Visitor Attraction Product" In: Akwara A. F .et-al (2014) "Human resource management and development of the tourism and hospitality industry in Nigeria, *Journals of good governance and sustainable development in Africa* Vol.2. No.1. Ret <http://www.rcmss.com> Retrieved 24 July, 2015 at 10.18 p.101

explanation for the government's inability to implement the 1976 tourism policy⁶⁶. The failure of which was hitherto attributed to scarcity of funds, poor staffing and lack of significant autonomy and policy guidelines to operate. The present writer humbly submit that failure to appreciate the interplay of the heterogeneity of tourism had hindered the then Tourism Board from carrying out tasks a factor that also robbed Nigeria from deriving the inherent benefits from the potentials in its tourism sector⁶⁷.

Getz, on his part defined tourism planning as a process based on research and evaluation, which seeks to optimize the potential contributions of tourism to human welfare and environmental quality. He insisted that development plans at national, or state levels should be made with tourism in mind- in other words, industrial and economic planning should integrate facilities that will ensure sustainability of the human tourism industry⁶⁸. Although the learned author's suggestion is laudable but the present writer is of the opinion that such future projections for tourism planning should be aimed at preventing incidences of land grab, forced displacement, as well as abuse and molestation of vulnerable individuals/communities in the attempt of enforcing governments' rights to acquire land for development⁶⁹. This will prevent unlawful alienation of community/individual right to peaceful enjoyment of their environment.

An overview of literature so far considered, points in the direction of the immeasurable values and benefits that the development of tourism and hospitality will bring to bear as an alternative resource earner to petroleum. The snag is when an industry is of benefit to a nation, it is imperative to put in place legislations and institutions that will guide its

⁶⁶ The 1976 Nigeria Tourism Policy

⁶⁷ Ayodele, A. I. (2002). *Essentials of Tourism Development*, Elshadai Global Ventures Ibadan: In Eja E.I. (2011). "Tourism as Catalyst for Hospitality Industry Development in Calabar, Nigeria, *e-Review of Tourism Research (Ertr)* Vol .9, No 1. Available at <http://ertr.tamu.edu> Retrieved 20 June, 2015 at 2.22 pm p.3

⁶⁸ Bell-Gam, .H.L.H (2010). "Strategies for the Development of Tourism and Theatre Industries in Nigeria; Rivers State Perspective". Available at <http://www.developmentofNigeria.com>

⁶⁹ The case of the Endorios Community vs Kenya is a land mark case in this regard.

activities. This is with a view of encouraging Governments at different level, as well as communities, corporate organizations and wealthy individuals to invest and strategize on ways of improving existing legal and institutional frameworks of the industry.

To achieve this, relevant Bills and review of existing legislation on tourism must be sponsored and pursued to the level of acceptance and enactment by the National Assembly. Such enactment must have provisions that will revamp the composition of Tourism Ministries and Boards with membership drawn from interest groups and stakeholders. This will encourage greater commitment that will lead to compliance to regulation and improve supervision and close monitoring of the activities and management of tourist sites in conformity with acceptable global standards and predetermined tourism development goals.⁷⁰

Umoh and Ndu⁷¹ supported this assertion when they emphasized that the Nigerian tourism industry boasts of potentials capable of generating significant investments towards economic development. These potentials are however undeveloped as several factors militate against them. For instance, contrary to Government's policy that it will encourage investment in tourism through the grant of financial incentive to participants in the sector by giving tax relief and exemptions, stakeholders such as hotel operators still face multiple taxation from federal state and local Government. This rendered nugatory the intent of the policy.

⁷⁰Umoh G.I and Ndu E.U, (2013). "The Use of Soft Systems Methodology (SSM) in evaluation the Tourism Industry in Nigeria: Prospects and challenges" *European Centre for Research Training and Development UK, International Journal of Business and management Review Vol.1 No. 3, p. 123*

⁷¹ Ibid.

1.9 Organizational layout

This research is divided into seven chapters. Chapter One is the introduction chapter and cover the aim, statement of the problem, objective of the research, the research questions, research methodology and literature review. Chapter Two focused on conceptual exploration, history and development of the Tourism and Hospitality Industry. While the third chapter discussed the legal and institutional framework, for the regulation of the Tourism and Hospitality Industry in Nigeria. In the fourth chapter, attempt was made to examine problems militating against the development of the industry. Chapter five examined the impact of the lack of security on the Tourism and Hospitality Industry. Chapter Six discusses the data collected from questionnaires and interview sessions and analyzed the research findings. While Chapter seven presented the concluding remarks and recommendations to this research.

CHAPTER TWO

HISTORY, CONCEPTUAL CLARIFICATION, AND DEVELOPMENT OF TOURISM AND HOSPITALITY INDUSTRY

2.1 Introduction

Tourism is said to be as old as humanity. Writers on the subject have traced its origin to the beginning of human existence on earth¹. Some of the early tourists in the international sphere were the early Egyptians whose civilization displayed a primitive social structure that rewarded the privileged classes with leisure time to enjoy such activities as dance, music, drama and archery. Most travel in Egyptians times was mainly for purpose of trade or associated with religious activities. Rising standard of living, increased leisure time and the developments in transportation resulted in sharp increase in demand for international travel, which has grown steadily to present day. The spread of education also increased the desire among people to discover the new world by travelling. This sporadic travel which was tagged “tourism” has transcended to become the world’s most successful economic sector².

Tourism thus started its wealthy contribution to the development of the economy, humanity and cultural heritage. For much of recorded history, travel was difficult, uncomfortable, expensive and frequently dangerous due to lack of proper transport facilities, safety and comfort enrooted. Development in science and technology have however made travel more organized. The amalgamation of computer and telecommunications became an almost universal feature of the tourism industry. It facilitated trading partnerships with other industries, provide facilities, distribution of

¹Esu, B.B (2012) “Linking Human Capital Management with Tourism Development and Management for Economic Survival: The Nigeria Experience”. *International Journal of Business and Social Science* www.ijbssnet.com>vol_3_No.11_june_2012 p.3

²Bhatia, A. K. (2008). *Introduction to Tourism*. Available at www.Scribd.com. Retrieved 19 August, 2015 at 2.34pm p.10

products and services, provide online information to consumers in order to plan their trip, created a new business environment and also helped tourism professionals to define the boundaries of the proposed tour sites and its surroundings. Communication thus became a driving force in an information driven society and its role in tourism industry cannot be quantified, for it has led to the progressive growth of the industry in most economies³.

Prior to 1960s, international travel was an activity in which relatively few people participated regularly. It was primarily confined to Europe, North America and a small number of locations in other parts of the world. It was largely the preserve of a wealthy minority who had the time as well as money to afford long distance sea or air travel. Major changes in the second half of the twentieth century led to the rapid and massive growth of the phenomenon known as modern tourism⁴. Information reveals that Africa was after the East Asia and Pacific, the part of the world in which tourism made the most progress in the last two decades. Tourism has also played increasingly vital role as one of the fastest tools in the socio-economic development of most countries in the world today with Nigeria inclusive⁵.

It is an intellectual contraption to assume that tourism did not take place in West Africa before the arrival of the Arabs and Europeans. History adduced the development of Tourism and Hospitality to the explorers, scholars, and adventurers. This could be said to have dated back to the early empires of West Africa. The pre-colonial era, brought about the trans-Saharan trade route that linked many West African people. It was through this trade route that Arabs got to Western Sudan. It was also through this route that Ghana Empire fell to witness the chronological emergence of the Kanem Bornu Empire. The

³Ogbu, S.E and Idris, S. et-al (2011). "*Information Technology (ICT) : A veritable Tool For Tourism Development In Nigeria*", being a paper presented at the 10th International Conference of Nigeria Computer Society (NCS) held in July 25-29, 2011 Available www.ncs.org.ng , Retrieved 19 August, 2015 at 3.15pm p. 10

⁴ Mason, P. (2003). *Tourism, Impacts, Planning and Management* Butterworth Heinemann New York Retrieved at www.mu.edu.et/iphc/library/heritage 25 February, 2014, 3.23pm p.4

⁵Ajadi B.S (2012) Op.citat p. 41

influence of the Kane Bornu Empire extended to Hausa land, which crystallized into city-states of Katina, Gobir, Zaria and Kano, constituting part of the present day North Central Nigeria⁶.

History recalls that Nigerians have been good travelers within and outside their traditional homes, and even outside the country in pursuit of leisure and trade as well as for purposes of cultural obligations and ceremonies. They visited distant neighborhoods to participate in events such as festivals, traditional sports, such as wrestling, funeral ceremonies, traditional marriages, religious worships and ritual ceremonies, meeting for the preparation of wars, community development and trade⁷. In the early days, there were no such things as inns or hotels in Nigeria. But because Nigerians are hospitable, those who travelled long distance and had cause to pass the night simply visited the nearest house in the village and it is not unusual for the host to gladly receive and stay up a good part of the night to dance in celebration of the arrival of his guest⁸. With the coming of Christianity, the Missionary came along with Mission houses and Vicarage to accommodate the travelers. Example of such mission house belonging to CMS (Church Mission Services) can still be found along Marina, Lagos with branches in other parts of the country⁹.

During the Colonial period, the Colonial Administrator established Catering Rest Houses as administrative headquarters for his officials. In 1928 the Nigeria Railway Caterers Limited were formed. It was jointly managed by UAC and GBO. This company managed

⁶ Victor, E. Ecoma (2012). *Obudu Ranch Resort: Flagship of Nigeria Tourism*, University of Calabar Press, Calabar, Nigeria p.7

⁷ Bell-Gam, .H.L.H (2009) "Strategies for the Development of Tourism and Theatre Industries in Nigeria; Rivers State Perspective" www.ajol.info>Vol 3, No.1 Retrieved 29 July, 2015 at 2.13pm p. 2

⁸ Ibid

⁹ Babalola, W. and Olapade, O. (2014). "Direction for the future of Tourism, Hospitality and Event Management Education in Nigeria" *Journal of Tourism, Hospitality and Sports* Vol.2. Retrieved at www.iiste.org 20 February, 2016 at 2.03 pm p.39

the Railway Transport Catering and Railway Guest House. In 1952 Ikoyi Government Guest Houses was established and added to the Company's operation. The Name of the Company was later changed to Nigeria Hotels Limited. After Independence, it was discovered, that the country lacked hotels that had the capability of providing standard international services. This led to the coming of new hotels like Airport hotel and Ikoyi Hotel in Lagos. Hamdalahotel, Kaduna, Presidential Hotel, Enugu and Premier Hotel, Ibadan. The oil boom era and FESTAC (World Festival of Art and Culture) in 1977 ushered in another set of development involving the establishment of Eko Hotel in Lagos, Durbar Hotel in Kaduna. Since then, the inflow of hotels has increased leading to establishment of hotel and catering management in most of Nigerian Polytechnic and some few of its Universities¹⁰.

The scale of development in Tourism and its growth has attracted the interest of a large number of regions and countries. A focus on tourism replete with the building of entertainment and cultural amenities to attract the human capital needed to propel economic growth and visitors has become a policy staple for most countries¹¹. The demand for tourism within a region, the built environmental assets that have the potential to attract visitors and the association between any built- environmental asset and the educated workers are some of the factors that informed the selection of tourism policies and programs. While the supply side focuses on the sets of amenities' a community could build and their impact on attracting tourists, entrepreneurs are also needed as they identify what has worked for different types of communities relative to demand¹².

¹⁰Babalola, W. et-al. (2014). Op. cit. p.40

¹¹ Mark, .S. and Rosentraub, M. (2009). "Tourism and Economic Development: Which Investments Produce Gains for Regions", *Tourism Management*. Available at www.elsevier.com/locate/tourman . Retrieved 12May, 2015 at 4.13pm p.762

¹²Ibid. p.28

Tourism destination is affected by businesses that facilitate and provide services that enhance and support area's attractiveness and appeal. Such businesses include hotels and restaurants as well as other forms of entertainment which increase the number of available amenities for both visitors and residents. If areas are to attract large number of visitors, the needed support services and complimenting activities must be present. For an area to attract human capital it must have amenities that provide opportunities for entertainment, day –trips and other forms of local tourism, which enhances a region's reputation and appeal¹³. There is no full agreement on the meaning of the term tourism, nor is there complete agreement on what a tourist is. Thus defining tourism concept is an important step to understanding the planning and management of the tourism industry. This chapter briefly discusses the conceptual clarification, development and background to Tourism and Hospitality Industry in Nigeria.

2.2 Conceptual Clarification

The term travel or tourism are so closely interlinked, and it is difficult to separate them when trying to find definitions of what these two words mean. Travel is very much about the methods and organization of getting people to their destinations. Scholars, researchers and professionals in the field of Tourism and beyond have accepted that the concept 'Tourism' is conceptually weak and ambiguous¹⁴. There are a variety of 'definitions' of the Tourism and Hospitality industries some are formal and based upon official research and data collections, whereas some are informal and based on the divergent perspectives of industry personnel¹⁵. The continuing problems caused by a lack of clear definition of tourism is that tourism studies are often poles apart in philosophical approach, methodological orientation or intent of the investigation. Nevertheless, since there is no

¹³ Mark, .S. and Rosentraub, M. (2009). p.28

¹⁴ Ibid

¹⁵ Tourism, Hospitality and Events, Environmental Scan (2011). *Service Skills, Australia, 2009*, Available at www.servicesskills.com.au . Retrieved 25 July, 2014. At 2.15pm p.3

complete agreement on the definition of tourism, for instance, many scholars, and different institutions' and countries have defined tourism to suit their situations. It is still important to understand the key aspects of the processes of tourism and the reality of being a tourist¹⁶. Some of these concepts are briefly examined.

2.2.1 Tourism Concepts and definitions

Tourism can be classified as an interdisciplinary discipline conceptually diverse in explanation. Tourism connotes movements which could be movement for different purposes, but acceptable tourism is a means to an end. It encompasses the lucrative field of business tourism, where the purpose of travel is not for pleasure but work. There are two important elements - journey to a destination, and the stay (including activities) at the destination. The journey and stay taken outside the usual environment or normal residence and work places. Therefore, tourism gives rise to activities that are distinct from that at resident and work places. Indeed, at most times, the movement to destinations is temporary and short in outlook, and this could be within (domestic) or outside (International) a country. It is difficult to arrive at a conclusion of how far one has to travel to be categorized as a tourist and how many nights one has to stay away to be classified as a tourist.

The term *tourist* or *traveler* described a person who was touring. But the terms can be distinctive-, a tourist is someone who buys from a tour operator a vacation package while a traveler arranges their tour independently¹⁷. There are however exceptions, to this because, any person touring in a coach, cruise ship or car to more than one destination

¹⁶ Fennell, D.A 1999). *Ecotourism: An introduction*. Routledge, London. Online Research. Available at <http://www.questa.com>library>. Retrieved 24 February, 2015 at 2.15pm .p. 5

¹⁷ Ashikodi, T. I. J. (2010). "Tourism Development in the Coastal Region of Nigeria: Economics of Tourism Development A Shift From Oil Dependence". Available at [www.worldculturelink.org.fileuploads](http://www.worldculturelink.org/fileuploads). Retrieved 28 February, 2015 p.4

would not technically fit into this definition of a tourist¹⁸. The word tourist was first used in 1772¹⁹ while the word tourism was adapted for use in 1811²⁰. The term tourism was used to describe the activities of young male British aristocrats involved in the grand tour of the European continent for the purpose of being educated for careers in politics, government and diplomatic services. Etymologically, the word “*tour*”, is derived from the English Turin, from old French *turner*, from Ancient Greek *‘tornos’*²¹ and the Latin *‘Tornare’* meaning a *‘lathe or circle’*, the movement around a central point or axis”. This meaning changed in modern English to represent “one’s turn” the suffix-ism is defined as an action or process, typical behavior or quality, while the suffix –ist denotes one that performs a given action. When the word *tour* and the suffix-ism and –ist are combined, they suggest the action of movement around a circle²².

One can argue that a circle represents a starting point, which ultimately returns back to its beginning. Therefore, like a circle, a tour represents a journey in that it is a round trip i.e. the act of leaving and returning to the original point, and therefore one who takes such a journey can be called a tourist²³. Tourism is largely embodied on culture, and culture is conveyed in two forms- the material and the immaterial. The term material culture is used by archaeologists to define a non-specific way to refer to the artifacts or other concrete things left by past cultures. Immaterial aspects of culture include cultural ideas, myths, stories, philosophy, cultural attitudes and behavior. Many modern societies have learnt to profitably transmit their cultural dimensions in such a way that attracts both local and

¹⁸ Rogers, J. (2001). *Advanced Travel and Tourism*, Heinemann AVCE, Heinemann Educational Publishers .Available at <http://books.google.com.ng/books> Retrieved 20 July, 2015 at 2.05pm p.3

¹⁹ Theobald, W.F (1998). *Global Tourism*. Butterworth-Heinemann, Oxford England, 2nd Edition p.6

²⁰ Griffiths, R. Griffiths, G. E (1772) “Pennant’s Tour in Scotland in 1769”. *The Monthly Review, or Literary, Journal, London*: Printed for R. Griffiths 46; 150 Available at <https://books.google.com.ng/books> Retrieved 23 December, 2015 at 4.03pm p.3

²¹ Online etymology dictionary, www.etymonline.com. Retrieved 2 June, 2016 at 2.21pm

²² Theobald, F. W. (2005). Op.cit p.2

²³ Bhatia, A. K (2002). *Tourism Development*. Sterling Publishers Private Limited, New Delhi. Available at www.Scribd.com Retrieved 10 May, 2015 at 4.50pm

foreign attention under the term “tourism.”²⁴ This word is not common in Nigeria but it is inadvertently practiced²⁵.

Even though the terms *tourism* and *travel* are sometimes used interchangeably, there is a traditional opposition between ‘*traveler*’ and ‘*tourist*’, which remains very strong: The word ‘*traveler*’ has a positive profile whilst the word ‘*tourist*’ has a bad reputation and is considered *inter alia* a lazy person ‘killing his time’. In this context, travel has a similar definition to tourism, but implies a more purposeful journey. The adoption of laws on paid days of off-duty enabled working people to enjoy regular holidays and led the upper classes to virtually demonize tourism²⁶. On the other hand, the terms *tourism* and *tourist* are sometimes used pejoratively, to imply a shallow interest in the cultures or locations visited by tourists²⁷. In contrast, the traveler is often used as a sign of distinction. The sociology of tourism has studied the cultural values underpinning these distinctions²⁸.

In 1941, *Hunziker and Krapf* defined tourism as "the sum of the phenomena and relationships arising from the travel and stay of non-residents, insofar as they do not lead to permanent residence and are not connected with any earning activity." In 1976, *the Tourism Society of England* in agreement with this concept defined tourism, “As the temporary, short-term movement of people to destination outside the places where they normally live and work and their activities during the stay at each destination. It includes movements for all purposes.”

²⁴Dahiru, M. H (2011) Op.cit p.2

²⁵Akwara, A.F et –al (2014). “Human. Resource Management and Development of Tourism and Hospitality Industry in Nigeria”, *Journal of Good Governance and Sustainable Development in Africa, Vol. 2, No.1* Available at <http://www.rcmss.com>. Retrieved 20 February, 2016 at 2.05 pm p.100

²⁶Vainopoulos, R. and Mercier, S. (2009). *Le Tourism*, Le Cavalier Bleu Editions. In: Antonios Maniatis (2016). “Tourism and the ‘Rule of Law’”. *African Journal of Hospitality, Tourism and Leisure Volume 5 (1)*. Available at <http://www.ajhtl.com> Retrieved 5 August, 2016 at 3.15pm p.9

²⁷Gbadebo, A.M, and Adedeji, O.H. (Unpublished). “Tourism and Recreation (EMT 508 :)” *National Open University of Nigeria*, Available at www.unaab.edu.ng/attachments/464 Retrieved 12 December, 2015 at 3.30pm

²⁸Dahiru, M. H. (2011).Op.cit p.3

In 1981, *the International Association of Scientific Experts in Tourism* defined tourism in terms of particular activities selected by choice and undertaken outside the home²⁹. *Cooper et al* also defined tourism as the activities of persons travelling to and staying in places outside their usual environment for not more than one consecutive year for leisure, business and other purposes³⁰.

To create harmony and uniformity in tourism definition and analysis the *United Nations World Tourism Organization (WTO)* in 1991 defined Tourism as a form of recreation, involving overnight travel of a distance away from home in search of excitements, relaxation and cure for various ailments. It comprises activities of people travelling to and staying in places outside their usual environments for not more than one consecutive year for leisure, business and other purposes other remuneration from the place visited³¹. The organization further distinguished *between travelers, Visitor and Tourist*. It defined a *traveler* as a person who moves between different geographic locations, for any purpose and duration. A *visitor* as a traveler taking a trip to a destination outside his/her usual environment for less than a year and for any purpose other than to be employed by a resident entity in the country or place visited. It classified a *visitor* (whether, domestic, inbound or outbound) as a tourist if his/her trip includes an overnight stay or as a same-day visitor (excursionist) otherwise. Hence, the visitor is a particular type of traveler and consequently tourism is a subset of travel.³² Tourists are often interested in a destination,

²⁹ Bell-Gam, .H.L.H (2009). "Strategies for the development of tourism and theatre industries in Nigeria" available at <https://www.ajol.info/article/download> Retrieved 20, January, 2015 at 1.07pm. p.5

³⁰ Cooper, C. et al. (1999). *Tourism: Principles and Practice* Longman 2nd Edition in: Obioma B.K. Op.cit p.3

³¹ World Tourism Organization (1990). "Recommendations on Tourism Statistics, and concepts, Definitions and classifications for Tourism Statistics." Available at <http://www.worldTourism>. Retrieved 27 October, 2014 at 2.14 am

³² Fourie, J. J and Gallego, S. M (2013). "The Determinants of African Tourism, Development South Africa" Available at <http://dx.doi.org/10.1080/0376835x2013.817302> Retrieved from *University of Pretoria website* on 11 November, 2014 at 5.16 pm, p. 352

where there are clusters of attractions often referred to as “tourist domain or destination”³³.

A *tourist destination* can be defined as a geographical location (city, region, resort and others) with a pattern of attraction. It can be a place or a resort where tourists go and stay or an area or country in which visitors stay and travel to.³⁴ Tourist destination can also be defined from a structural point of view as the system composed by a number of elements that share some kind of relationship. The elements in this case comprise of the tourism operators, the support structure, public and private organizations and associations³⁵.

The majority of tourists are concerned about the destination in which they will spend their holiday. So, the natural environment of the host regions, their buildings and tourist institutions, their people, culture and history and other forms of tourist elements are what the tourists want to experience in the destination³⁶. The success of a tourist destination is anchored on the managers' ability to identify, adapt and/or overcome forces that may confront its operations in the market. The destination regions must therefore have many values ranging from cultural, historical and even environmental which must be necessarily maintained in order to attract tourists. Destinations that are able to attract the right quality and volume of tourists will enjoy attendant socio-economic benefits that are commensurate with the level of investment in the business sector.³⁷ The import of these definitions is that tourism involves eating, sleeping and moving around both at domestic

³³ Okonkwo, E. and Ikegwu, U. J. (2013). “The Career Prospects of Tourism in Nigeria”, *Research on Humanities and Social Sciences*. Available at www.liste.org. Retrieved on 14 July, 2016 at 2.12 pm p. 126

³⁴ Holloway, J.C. (2001). “The Business of Tourism.” Pearson Educational Limited Edinburgh Gate, England in: Umoh, G.I., and Ndu, E. C (2013). Op.cit. p.114

³⁵ Baggio, R. (2008). “Symptoms and Complexity in a Tourism System Analysis” 13(1). 1-20 in: Esu, B.B (2012). Op. cit. p. 2

³⁶ George, W. et-al (2009). *Rural Tourism Development. Localism and Cultural Change*. Butterworth-Heinemann. Oxford, England. p.10

³⁷ Umoh G.I and Ndu, E. C (2013). “The Use of Soft System Methodology (SSM) in evaluating the tourism industry in Nigeria: Prospects and challenges” *International Journal of Business and Business Management Review*, Vol .1 No.3 pp-111-127,

and international levels, the activity undertaken during their stay in those destinations, and the facilities created and the services provided to cater to their needs.

To analyze the extent of tourism 's contribution to the macroeconomic factors of a country, an instrument known as Tourism Satellite Account (TSA)³⁸ methodology was developed by the United Nations World Tourism Organization in association with the UN Statistics Division and International Labor Organization (ILO) amongst others. The TSA is also an instrument to support countries in developing their own system of tourism statistics and provides a complete picture of the true impact of Tourism on a country's economy. That is each sector of the economy is measured in terms of its imports and exports. Tourism services have their own balance of payments.³⁹

In the context of this research, it is worth adding that wider definitions of tourism frequently include visitor attraction sector which encompasses natural, cultural and heritage sites, museums as well as zoos and theme parks. Such locations frequently include the presence of other related hospitality operations including famous hotels, restaurants, cafes fast food outlets, small guest houses and all others considered by most organizations to belong to the hospitality characteristic industries and are therefore subsumed under tourism⁴⁰. Adding credence to this position, a writer opined that the Tourism industry cannot thrive without the existence of auxiliary industries such as hotels, communication and commerce which provide the necessary facilities and services to ensure tourist comfort at destination. He pointed out that hotels today have grown

³⁸ Is a statistical instrument, a satellite revolving around the concepts, definitions and aggregates of the system of national accounts, that makes it possible to make a valid comparison with other industries, as well as between countries or group of countries.

³⁹ TSA provides the following data: tourism's contribution of GDP, tourism's ranking compared to other economic sectors, the number of jobs created by tourism, the amount of tourism investments, tourism consumption, tourism's impact on national balance of payments and the characteristics of tourism human resource

⁴⁰ International Labor Organization Sectoral Programme (GDFTS/2010), "Development and Challenges in the hospitality and tourism sector" issues *paper for discussion at the Global Forum for the Hotels, Catering, tourism sector* (23-24th November, 2010 pp. 1-2

beyond domestic markets and are playing a key role in the development of the international tourism industry⁴¹. Thus the hotels and other sub sectors are constituent structures of the tourism industry.

2.2.2 Hospitality concepts and definitions

The word *hospitality* on the other hand, predates the use of the word tourism, and first appeared in the 14th Century. The word “hospitality” is an English version of the Latin noun *hospitium* or *hospitalitas* derived from the Latin word *‘hospes* - a medieval word for house of rest for travelers *which encompasses the word guest, host and foreigner*’. ‘even to this day, some Alpine villages in Europe continue the tradition of offering food and rest to weary travelers⁴². Hospitality refers to both host and guest brought together in a mutual relationship, which could be seen as courteous and generous reception given to guests or strangers. From the above definition, it can be inferred that the business of hospitality must include service. Service is a function of all the actions and reactions customers perceive they have legally purchased. In hospitality, service is performed for the guest by the employee. In most case, it is intangible and the guest and worker are both part of that transaction⁴³.

Thus hospitality is defined as friendly and generous behavior towards visitors and guests, it could be food, drink, room and entertainment given to customers by a company or organization intended to make them feel welcome. Hospitality is also said to be concerned with the provision of physiological and psychological comfort within define levels of service. The primary interesting elements is that of social relationship fostered by the warm, friendly, welcoming, courteous, open, generous behavior, of host as well as the

⁴¹Eja, E. I., and Otu, J.E et-al (2013). “The catalytic role of Hotel Industry in Sustainable Tourism Development in Calabar, Nigeria” *Journal of Sustainable Development Studies*, Vol.2, No.2, p.187

⁴²Theobald, F.W. (2005). *Global Tourism*. Elsevier – Science Publication. U.S.A 3rd Edition.

⁴³Okoli, C., (2007). *Event Management Spotlight on Tourism and Hospitality*. Webs Media Communications, Owerri, Nigeria. p.4

security and comfort created by physical structure, design, décor and location of facility called hotel which provides accommodation facilities to sleep, eat, relax and wash, together with the supply of beverage, service and entertainment in exchange for payment by client.⁴⁴ According to Mutazali. Hospitality legislation is rooted in the laws of the United Kingdom inherited with the colonialization of Nigeria effective from 1st day of January, 1900. The laws that rules the industry today is deeply rooted in the Inns and Hotel Proprietors Acts⁴⁵. Hospitality industry can be set within the context of Tourism industry which contains numerous, subsectors like visitor attractions, transport, meetings, and tourism services such as tour operations, travel agents and airlines among others⁴⁶.

2.3 The Structure of the Nigerian Tourism Industry.

The tourism industry is made up of a number of different components that complement each other to form an overall tourist product. Although these components are very closely linked, they are quite individual in themselves. Invariably, these component work together for the success of a tourist destination, which relies on a balance of attractions, amenities, facilities and the accessibility of the destination itself. Unlike other countries like United Kingdom, USA, and UAE amongst others whose Tourism Industry is made up of such key units like the transport, tour operators, travel agents, call centers, websites, attractions, and accommodation to mention a few. The Nigerian tourism industry only has proximately developed hospitality sector. The other sub units of tourism like airlines, rail transport, cruise tour operators are either not properly developed or have been rendered comatose due to mismanagement. But are nonetheless briefly examined here.

⁴⁴Ofobruku S. A. (2012). "Hospitality and Tourism Manpower Training and Education in Nigeria" *Afro Asian Journal of Social Sciences Volume 3, No. 3.4 Quarter IV Available at www.onlineresearchjournals.com>aajoss*. Retrieved 20 January, 2016 at 1.18 am p.2

⁴⁵Ibid

⁴⁶Theobald. F. W (2005), Op. Cit

Transport is an important integral part of the tourism industry. Without the ability to get to a destination easily, the opportunities for tourism will be limited. Transport provides the means for by which a tourist travel to and back from his destination. It could also be a means of travelling around the destination either on organized excursions or through the traveler finding his or her own way around the area. Travel can be split into different modes of transport which could be air, sea, and water, rail and road⁴⁷.

It is important to note that since independence, there has been no single comprehensive transport policy in Nigeria. The Nigeria transport sector majorly consists of Railway, inland waterways, maritime, aviation and inter modal transportation. While the aviation industry is faced with myriad of problems. For instance, as at the time of this research the country does not even have a National Carrier and the few private airlines like Chanchangi and Kobo Airlines have been grounded. While others like Arik Airlines, Aero Contractors are distressed. Azman, Overland and some few other airlines offer flight service only in select parts of the country. Most of such flight services, are often times epileptic. Similarly, most of the airport runways have degenerated to emergency situations that required urgent renovations and construction. A good example is the Nnamdi Azikwe International Airport Abuja, which was undergoing renovations that occasioned the transfer of its service to Kaduna international airport as the time of writing the research. This situation which was initially rejected by both the parliament and majority of the public will have been averted if government had carried out the necessary maintenance of the infrastructure as at when due. Unfortunately, the situation is similar in most of the airports across the country. Many of which are also in dire need of renovations or outright reconstruction.

⁴⁷ Rogers, J. (2001) Op. cit p.28

There is no doubting that hospitality (Accommodation) industry is the live wire of tourism at all levels. The World Tourism Organization confirms that between 70-75% international tourists' expenditure goes to the hospitality services on an annual basis. This confirms the strategic importance of the hospitality sector to tourism⁴⁸.

2.4 Interrelationship between Tourism and Hospitality

The hospitality industry is one of the service industries which benefits from tourism. The tourism industry cannot thrive without the existence of auxiliary industries which provide the necessary facilities and services to ensure tourist comfort at a destination. Hotels provide the most common type of accommodation used by leisure and business tourists particularly those traveling internationally⁴⁹, Some examples of which include Hotels, Guest Accommodation, Self –Catering and other related services Today, the Hospitality industry has grown beyond domestic markets and has contributed substantially to development of Tourism Resorts and location and are playing key roles in the development and continuity of the international tourism industry.⁵⁰ Others include transportation services such as airlines, taxicabs, cruise ships, hospitality services such as accommodation ,including hotels and resorts, and entertainment venues, such as amusement parks, casinos, shopping malls, music venues and theatres. This is in addition to goods bought by tourists, such as souvenirs, clothing and other supplies⁵¹.

⁴⁸Babalola, W. &Olapade. O., (2014).“Direction for the future of Tourism and Hospitality in Nigeria”, *Journal of Tourism, Hospitality and Sports*, Vol. 2. Available at www.iiste.org. Retrieved on 8 April, 2016

⁴⁹Eja, I. et –al (2011). "Tourism as a Catalyst for Hospitality Industry Development in Calabar, Nigeria." *e-Review of Tourism Research (eRTR)*, Vol. 9, No. 1, 2011 <http://ertr.tamu.edu/>. Retrieved 2 September, 2016. At 3.05pm p.24

⁵⁰Uysal, M. (2007). “The Determinants of tourism Demand “In:EjaEja I et –al (2011). *e-Review of Tourism Research (err)*, Vol. 9, No. 1, 2011 <http://ertr.tamu.edu/>. Retrieved 2September, 2016 at 2.44pm p.2

⁵¹Eja, E. I. et –al (2011). Op. cit p.2

This interlinked relationship of Tourism and hospitality was given statutory recognition in Section 4.1 (b) NTDC Act⁵² which empowered the Nigeria Tourism Development Corporation “to encourage the provision and improvement of tourism amenities and facilities in Nigeria including the development of hotels and ancillary facilities as part of its functions”. The presumed services provided in the Tourism and Hospitality was summarized in Section 4.3 NTDC Act⁵³ thus:

To carry on any undertaking which appears to it to be necessary for the promotion and development of a tourist industry, such as assist in the development of museums, parks, game reserves, beaches, natural beauty spots, holiday resorts, souvenirs industries, advise appropriate authorities on ways of improving tourist facilities, publicize tourism and do all such things, incidental to the foregoing functions, which in its opinion are calculated to facilitate the carrying on of the duties of the Corporation under this Act.⁵⁴

The implication is that without the hospitality sector, there cannot be a tourism industry, this is because the activities of one industry, compliments the other, and this thus forms the basis of their relationship and the foundation upon which the growth of the industry lie.

2.5 Development of tourism and hospitality in Nigeria

In specific terms, Nigerian tourism and hospitality industry has gone through many phases. Documentary evidence of the growth of the hospitality industry is scanty because of the poor management of records. The establishment of catering houses across the country in the 1950s marked the beginning of what turned out in later years to form the nucleus of formal hospitality business in Nigeria. The earliest hospitality establishment in Nigeria were initially built and run by government and located at very important seaport,

⁵² Cap N137, LFN, 2004

⁵³ NTDC Act, Cap N137, LFN, 2004

⁵⁴ Ibid

railway terminals and state capitals. In 1923 and 1931, European Rest Houses at Port Harcourt and Lagos rest house were established⁵⁵.

The next most important development phase of the hospitality industry in Nigeria is the introduction of different institutions such as guesthouses, hotels, staff canteens and clubs. Hospitality in Nigeria has been largely government driven except the pre-colonial times. This has made hospitality development in Nigeria different from the way it is run in other countries like USA, UK and South Africa that have successful hospitality industries⁵⁶.

The importance of the growth and development in number and quality of hospitality business in Nigeria cannot be over emphasized. This is because the availability of comfortable and safe accommodation constitutes a determinant in a tourist's decision to visit a particular destination. Hospitality business account for about 50% of the tourism expenditure and. It is for these reasons that countries around the world are expanding and adapting their hospitality enterprises to satisfy the "home away from home" market in the tourism business⁵⁷.

Nigeria though geopolitically detached and not infrastructural developed, had tourism in practice in the pre-colonial and colonial era. This is displayed in its diverse cultures, cultural sites, and natural habitats. And the continuous attempt to preserve the country's objects of art, cultural heritage, and develop new tourist destination⁵⁸. The scope of Nigeria's tourism is as great as her landmass and size⁵⁹. Evidenced by the mangrove swamps and forest in the Niger Delta region, the flat savannah grassland in the north and

⁵⁵ Federal Government of Nigeria Report on National Hotels classification and grading exercise 1989 p. 67

⁵⁶ Ofobruku, S. O. (2013). "An assessment of Leadership Style Amongst Hospitality Business in Abuja," *Arabian Journal of Business Management Review Vol. No.6 p. 5*

⁵⁷ Ibidp.7

⁵⁸ Such as the Obudu Cattle Ranch and Tinapa holiday resort all in the Cross River State, amongst other sites and tourist destination locations across Nigeria

⁵⁹ All 36 states and the federal capital territory, Abuja have tourist sites.

Rain Forests in the south. In the long and short run, the socio-economic benefits are determined by the extent of proper synergy of human and material resources already endowed upon the country⁶⁰.

There are mainly three views on the development of tourism in Nigeria. These are the pre-colonial, colonial, and the post-colonial periods. The first which is the pre-colonial proffered that tourism began in 1472 when the first Portuguese arrived in Lagos on a trading Mission. The second- the colonial period, argued that tourism started in 1953 when the Colonial Antiquity Commission (CAC) was designed to manage the cultural aspect of Nigeria under the British Rule. The third view which is the post-colonial and the most favored of the suggested periods, proffered that tourism in Nigeria began in 1962, with the formation of the Nigeria Tourist Association (NTA) founded as a non-Profit organization with objectives to encourage the creation and development of tourists facilities, project the image of Nigeria as a destination of abundant attractions and interests that could be offered to both international and local visitors⁶¹..

This view marked the beginning of organized tourism in Nigeria.⁶² The efforts of the Association led to the admission of Nigeria as a full member of the International Union of Official Travel Organization (IUOTO) now World Travel Organization (WTO)⁶³.

In 1971, the Federal Military Government Commissioned the African Development Bank (ADB) to conduct a feasibility study on the tourism potential in Nigeria. The report of the study turned out positive, showing that Nigeria possessed enormous tourism potentials

⁶⁰Akwara, A. F. et al (2014). "Human Resource Management and Development of the Tourism and Hospitality Industry in Nigeria" *Journal of Good Governance and Sustainable Development in Africa*, 2(1).p.6

⁶¹Anyanwu, I.O (2005). "Tourism Development in Nigeria, 1962-2002, an Appraisal", *Nsukka Journal of Humanities* N0.15. p.198

⁶²Ecoma, E. V. (2012). "Obudu Ranch Resort, Flagship of Nigeria Tourism", *University of Calabar Press, Calabar, Nigeria*, p. 7

⁶³Anyanwu. I.O (2005). Op.cit p.198

that would boost the economic sector. As a result, tourism was for the first time granted an allocation of N120Million⁶⁴.

1976, Tourism was placed under the auspices of the Federal Ministry of Trade following the efforts of the Nigeria Tourism Association. That same year, the Nigerian Tourist Board was established ⁶⁵ to assume the rights, obligation and activities of the Nigerian Tourist Association. The Decree came into effect in 1978. The Decree empowered the Board with the function to promote tourism and provide tourist facilities in the country. It also made provisions for each state in Nigeria to set up a Tourism Committee to assist and advise the Board on the implementation of the Decree amongst others.

In 1986, the Nigerian Tourist Board and The National Council on Trade and Tourism met, prepared and submitted a document on Tourism Policy to the Federal government. In 1987, a Tripartite Agreement was signed by United Nation Development Programmer (UNDP), the International Labor Organization (ILO) and the Federal Government of Nigeria, for the establishment of an institute that will carter for Tourism manpower development needs. Nigeria Tourism Board now Nigeria Tourism Development Corporation (NTDC) was the executing agency on behalf of the Federal Ministry of Commerce and Tourism. In 1990, the Tourism Policy was launched. It accorded tourism a “preferred sector” status in the national economy, to demonstrate government’s commitment to the development and promotion of tourism into an economically viable industry⁶⁶.

⁶⁴Third National Development Plan (1975-1980)

⁶⁵Under Decree 54 of 1976

⁶⁶Anyanwu. I.O (2005) Op. cit p. 199

The National Tourism Policy implementation commenced in 1992, and in the same year, the Federal Ministry of Trade and Tourism was renamed Federal Ministry of Commerce and Tourism and tourism was accorded a departmental status. In 1991, the Federal Government completed and commissioned the project titled ‘The Federal Republic of Nigeria: Tourism Development Strategy’⁶⁷. It contained specific proposals on programmes that will place Nigeria in an enviable position in the league of tourist nations. In furtherance of this objective a Decree⁶⁸, was promulgated to ensure implementation of recommendations contained in the report. The Decree also transformed Nigerian Tourism Development Corporation with broader operational base of promoting, developing and regulating the Tourism and Hospitality industry⁶⁹. In 1993, NTDC commenced operation by putting the necessary machineries for a successful launch of the tourism awareness campaign in the country⁷⁰.

It is pertinent to note that the main tourism legislation in Nigeria is the Nigerian Tourism Development Corporation (NTDC) Act which established the NTDC as the regulatory governance body for the Tourism industry. The Act gave the NTDC impetus to embark on aggressive registration of hospitality and tourism Enterprises. The exercise, which was aimed at bringing sanity into the operations and services of the various Hospitality and Tourism establishment, had the achievement of locally and internationally accepted standard as its watchword⁷¹.

⁶⁷ It was a 337-paged document which contained a comprehensive appraisal of the Tourism potential of Nigeria.

⁶⁸ NTDC Act, Cap N137

⁶⁹ Anyanwu, I.O. (2005). Op.cit pp 203-204

⁷⁰ The current brand for tourism campaign is “fascinating Nigeria”, which was launched in July, 2013

⁷¹ Dantata, M. (2008). “Enhancing and enforcing a Regulatory Framework for Hospitality Industry in Nigeria- the Challenges and Prospects”. Being a paper presented at the Nigeria Hotel Association Annual General Meeting (AGM) and Symposium held at Abuja Sheraton and Towers, Abuja. Available at www.scribd.com p.12

There was also a tourism workshop in 1994, which was supported and sponsored by the management of old Oyo National Park. There was another workshop on “The Local Government and Tourism Development in Nigeria” in 1995. These workshops streamlined the importance of the role to be played by the Local Government because they would provide the local environment within which the tourist trade could develop. In 1996 some tourism stakeholders organized, a workshop on Development of Cultural Eco-Tourism in Nigeria Environment which took place at the University of Ibadan. The workshop was financed by the Nigeria Tourism Development Corporation⁷².

In 1997, the NTDC again made a subsidiary regulation, which was provided for as a supplemental provision in the 1992 Hospitality and Tourism Establishment Regulation⁷³. It empowers NTDC to either grant a certificate of registration, refuse to grant or exempt from registration. It went further to provide in regulation 14(6) that the corporation may close down any hospitality or tourism establishments that fail to comply with any provision of the Regulation. 1998, the National Institute for Hospitality and Tourism Studies (NIHOTOURS) was established⁷⁴. The most interesting period in the history of tourism development in Nigeria is perhaps 1999, as a period when the country made monumental strides at both local and international scene of the industry. The achievements recorded included⁷⁵:

The completion of the fencing of Mary Slessor’s Tomb Site at Calabar, Cross River State, the rehabilitation of Obudu Cattle Ranch, Mambilla Holiday Resort, the Qua falls, Zungeru Colonial Ruins, Hippo pools in Zamfara State, the Ejagan Lake in Cross River

⁷²Alabi, A. A. (2001). “The Role of National Tourism Development Corporation in the Development of Tourism Industry in Nigeria “In: Anyanwu. I.O (2005). “Tourism Development in Nigeria, 1962-2002, an Appraisal “, *Nsukka Journal of Humanities* N0.15. p.198

⁷³ Section 14, NTDC Act Cap N137

⁷⁴ The institute is situated at Bagauda, Kano State, Nigeria. It undertakes the training of personnel in the catering and tourism industry in Nigeria, the ECOWAS sub region and Africa as a whole.

⁷⁵Alabi A.A. (2001), Op cit. p. 197

State and the Yankari National Park represent some other accomplishments recorded in the industry. Other monumental strides were recorded in 2006, when the Government recorded a new set of reforms in the tourism industry with the aid of the United Nations Development. This led to the creation of the “Nigeria Tourism Master Plan”. The tourism master plan advocated for partnership programs between the internationally operated hotels in Nigeria and tour operators in the west to use spare capacity in these at favorable rates. Nigeria also participated in the 23rd session of the UNESCO World Heritage Committee in Marrakesh, Morocco, where Sauer Landscape in Sukur Kingdom, Adamawa State was officially included in the world heritage list⁷⁶.

The years 2000-2010 were made the decade of tourism development in Africa by the General Assembly following a resolution submitted by Nigeria and supported by other African countries. Through this, Nigeria re-established her position as a major player at the highest level of global tourism forum. It was during this period, that Nigeria secured a seat on the Strategic Tourism Development Committee under the WTO where it indicated her willingness to host the 15th session of WTO General Assembly, Abuja 2003 and further sought financial and technical support from both WTO African Representative and WTO Secretary General for the production of the National Tourism Master Plan⁷⁷

Today’s massive Tourism Industry has been driven by a number of factors and these are factors whose future directions need to be considered. They are, growth in real incomes, the advance in personal wealth as expressed in the ability of individuals to generate resources beyond those needed to pay for life’s basic needs like food, housing, clothing, education, health and, in more recent times, ‘essential’ consumer goods .In other words,

⁷⁶ Anyanwu, .O.I. (2005). “Tourism Development in Nigeria 1962-2003: An appraisal “, *Nsukka Journal of the Humanities No.15*, p.201

⁷⁷ BGL Research and Intelligence Economic. Available at www.bglgroup.ng.com p.1 Retrieved 20 August, 2016 .p.4

the expanding ability for discretionary expenditure on non-essential items, increase in leisure time, and peace amongst nations, freedom from administrative restraints on international travel, freedoms within international currency markets, expansion of fast, efficient and widely affordable public transport, coupled with wide access to private transport. The dynamism of tourism is displayed when people still find a way of involving in tourism as part of their daily life, even as economic problems arises.

2.6 Potentials of Tourism industry in Nigeria

Tourism potential refer to the pool, array and collection of natural, cultural and man-made tourism resources possessed by a Community, State and/or Country that can be developed into visitor ready attractions or finished products in the future. Tourism investment opportunities are capital goods or services that have economic and commercial benefits for the entrepreneur and social benefit for the society⁷⁸.

It is a general phenomenon that the availability of tourism products and services combined with abundant tourism destination stimulate tourism development in any nation. In this regards, Nigeria has abundant tourism components that could make her the leading tourism provider for Africa. The attractions are numerous ranging from places of natural beauty to cultural and historic heritage. Nigerian Tourism components include transportation, accommodation, recreational facilities and the entertainment facilities amongst others. All these combined to make Nigeria Tourism a science and art of business attraction which cater for various individual visitor's needs⁷⁹.

Apart from that, Nigeria is a potential tourist paradise which boasts of good tropical weather, variety of wildlife, awe-inspiring waterfalls, historical relics, captivating

⁷⁸Esu, B.B (2012).

⁷⁹Adora C.U (2010). "Managing Tourism in Nigeria" a security option: Available at <http://www.cscanada.net/index.php/mse/article/viewFile/1226/1300> . Retrieved 20 April, 2014 at 2.02pm p.16

beaches, and rolling hills, coupled with the warm-hearted and culturally active populace. The weather, vegetation, and climate render Nigeria a tourism destination of variety and contrast. This includes the semi-temperate climate of the Jos plateau, the harmattan haze of the north, and the humid weather of the south. The country's vegetation ranges from the light shrubs of the arid north to the thick mangrove swamps of the south. The attractive weather and climate notwithstanding, the number of tourist attractions is the ultimate key to the demand for tourism in any economy⁸⁰.

There are at least 101 tourist attractions in Nigeria, spread across the six geopolitical zones and spanning different types of tourism assets such as rocks, plateaus, hills, springs, lakes, waterfalls, beaches, museums, shrines, cultural festivals, parks, gardens, game reserves, zoos amongst others. However, the sheer number of tourism assets is insufficient to attract tourists, it is rather, the existence of the supply of tourism services. Thus, the most important success factor for tourism demand is a unique tourist product that is maintained qualitatively over time. Indeed, distinct tourist assets such as sand beaches, springs, climate, and sunshine are required by a country for a full-scale development of the tourist industry. Proximity of tourist destinations/attractions to tourism importing countries is also a determining factor, while there must also be a domestic demand for the tourism industry⁸¹.

Tourism also has a significant potential to influence and change the use of natural and cultural resources in a number of regions. It provides new opportunities, employment and economic benefits to local communities and promotes the growth of the Hospitality industry. Resultantly, many analysts of the Tourism sector agree that the tourism sector in Nigeria has the potentials to generate significant foreign exchange earnings,

⁸⁰ Hall, C. M (2007). Pro –Poor Tourism: Who Benefits: Perspectives on Tourism and Poverty Reduction, Channel View Publications. Available at <https://www.academia.edu/151599> Retrieved 10 April, 2015 at 2.15 pm. p.2

⁸¹ Bankole, .A.(2002). Op.cit p.74

employment and investment towards economic development⁸². Just like agriculture and oil, the tourism industry is a world of opportunity waiting for harvest.

These abundant tourism resources present numerous opportunities for investors in the tourism sector of the economy. The Nigeria Tourism Master Plan⁸³ grouped the tourism resources and attractions into identified classes. The nature or type of tourism a potential tourist chooses is usually dependent on the available tourist sites which are classified as summarized below.

2.7 Classification of Nature and Types of Tourism

Tourism in the Modern world is manifested in different phenomena, connections and relationships that determines how it is classified, depending on specific or practical purposes. The most common classification of tourism is its division into types and nature.⁸⁴

In 1994, the United Nations in its *Recommendations on Tourism Statistics* classified tourism into three forms: That is, Domestic tourism, involving residents of the given country travelling only within this country. Inbound tourism, involving non-residents travelling in the given country. And out bound tourism, involving residents travelling to another country⁸⁵.

As to nature, tourists are grouped into five categories, based on the type of experience they seek. Summarily, the *Recreational tourist* for whom physical recreation is important, and can include spectacular entertainment programs hunting, fishing, music

⁸²Umoh, G. I. & Ndu E. C. (2013). Op. Cit p.3

⁸³ Nigeria Tourism Development Master Plan, 2006

⁸⁴Alexandrov, A. (1996). "Economy and territorial Organization of International Tourism" –The evolution of tourism, classification of tourism. " Available at www.psna.ru/index.php?p=turist&st=z .Retrieved 25 August, 2016

⁸⁵United Nations. (1994). Recommendationson Tourism Statistics. *Statistical Papers*. Available at http://unstats.un.org/unsd/newsletter/unsd_workshops/tourism/st_esa_stat_ser_M_83.pdf. Retrieved 12 July, 2015 at 2.05pm.

and artwork, visit to sport events as spectator , the *Diversionary tourist* for whom forgetting everyday life at home is what he seeks, the experimental tourist, who seeks to get in contact with local people, *the experiential tourist*, it is an approach to travelling which focuses on authentic experience of a country, city or particular place by connecting to its history, people, food and culture and the *existential* tourist who seeks immerse culture and lifestyle of vacation destination⁸⁶. The desire to travel is linked to the purpose for travelling. This is reflected in the types of tourisms, some of which are examined below.

2.7.1 Types of Tourism

Tourism is one effective way to see the world, experience new, cultures and people at the same time. For many tourist, however travelling accomplishes many other purposes that do not even have anything to do with the joy of visiting a new place. This explains why tourist chose a particular destination and the things that they expect to do when they are there, accounts for several type of tourism with each having its own uniqueness, nature, structures and historicalbackground, some of these are examined below

A. Social Tourism:

Social tourism is an element for raising social awareness, on local issues it is an extension of the benefits of tourism to disadvantaged people who otherwise could not travel for their education or recreation. It includes youth hostels and low priced accommodations run by churches and voluntary organizations trade unions, or in communist times publicly owned enterprises which gained national and global recognition. The globe is creating an investment trend towards interpreting natural and cultural resources. The attraction to natural and heritage values helps to generate revenue and provide opportunities to

⁸⁶United Nations. (1994)Op.cit

effective management in the sensitive and vital destinations. However, socio-cultural values of the destination that create attraction are not the only drive for attractions, but provide one of many experiences. In that case, social tourism is a factor for tourism development in any given destination region.

There is a growing effort of local communities to promote and improve social tourism. Destination regions are trying to attract the interest of visitors with their cultural heritage, natural beauty, norms and values and their contribution toward protecting biodiversity. Social tourism, is a tourism initiative comprising of programs and projects aimed at ensuring the right to holiday and access to tourism to all population groups, including poor children, low-income earners and individuals with limited capacities. From that point of view, social tourism is for everyone in as much as there is an intention to travel. Social tourism is an interface for social and cultural exchange. It facilitates the interaction between communities and tourists both on domestic and international level. Tourists want to interact with other cultures, want to learn more about their values, learn about traditions and even confront themselves with a new way of life and society. Research been revealed that travel is a means of discovering those things unknown or forgotten within oneself. Social tourism is indeed an experience driven industry and local culture is a unique experience. Moreover, local personality and hospitality bring about what tourists regard as built attractions whereby the more one learns about a particular destination, the more fulfilling the travel experience will be⁸⁷. Nowadays many states in Nigeria have commenced activities to restore social tourism. Examples include the Eyo masquerade festival in Lagos state, the Calabar and Abuja festival, but the diversity of the Nigerian

⁸⁷Hunziker, W., and Krapf, K. (1942) "Grundriss der allgemeinen Fremdenverkehrslehre (the outline of General Tourism Science). Zurich; Polygraphischer Verlag. In: Cunha, .I.(2014) the definition and Scope of tourism a necessary inquiry-Revistas- Universidade Lusofona Available at www.revistas.ulusofona.pt> Retrieved 14 April, 2017. p. 97

cultures require the government to do more in this area and input legislations to preserve this activity to broker national unity and generate income for its economy.

B. Economic Tourism:

This is one type of tourism that is most crucial to the economic development of any region. In fact, majority of daily activities are surrounded by economic tourism. The importance of economic tourism is that it gives the tourism industry much needed respect among business community and public officials. From the economic point of view, economic tourism analyses provide tangible estimates of all economic interdependences and importance of tourism in the economy of a given region. Furthermore, the activities of tourism involves economic cost which includes direct costs incurred by tourism businesses, government cost for infrastructure to serve the tourist, as well as congestion and related cost borne by the individual in the given region⁸⁸. It is quite reasonable to believe that all tourism business starting from transportation to accommodation depends heavily on each other as well as other businesses of government and the people of the region or community. These features and principles have been translated into policies to promote tourism activities. For economic tourism to thrive, extensive local and community support is very important because economic activities affect everyone in the community. An example of economic tourism in Nigeria is the exchange of food between different agricultural zones in the country, that is kolanut, cassava, plantain amongst others are transported to the Northern part of the country for sale, while Groundnut, maize, millet, tomatoes amongst other are transported for sale to the southern and Eastern part of the country.

A. Domestic leisure tourism:

⁸⁸Ecoma, V. E. (2012). Op.cit p.43

The role of domestic tourism and its importance for the creation of a sustainable tourism industry has been widely acknowledged, but limited writings on the subject exist and few tourism policies include domestic tourism, neglecting its potential. Domestic tourism has been shown to have had a great impact on the tourism economies of several countries, demonstrating that countries can only serve to benefit from participating in domestic tourism⁸⁹.

Domestic tourism in Nigeria is evident during the holidays and festive season, when Nigerians living in the diaspora as well as those resident in the country travel to their hometowns. Most of them prefer to stay at hotels rather than stay with friends and relatives. By so doing, they contribute to income earning mostly for the hospitality sector of the industry⁹⁰. In many developing nations, priority is still given to international tourism often at the expense of the domestic because of the much-needed foreign exchange earnings the industry generates for the host country.

African countries, mainly in sub-Saharan Africa, often over-reliant on one or two sectors for economic development, have recognized the potential of the tourism industry to diversify local economies and contribute to poverty alleviation, economic regeneration and stability, affording many Africans the opportunity to participate in and benefit from tourism. The participation of local populations in Africa's tourism industries, however, is often limited to employment opportunities. Travel by local tourists is often overlooked by members of the tourism industry, and is often considered a luxury by many in the local population. This is because the promotion and progression of tourism in developing countries has been based primarily on the attraction of international tourists, with domestic tourism playing a less considerable role in tourism planning and

⁸⁹Gbadebo, A.M., and Adedeji, O .H. (unpublished) Tourism and Recreation (EMS 508) University of Agriculture, Abeokuta, Available at <https://www.unaab.edu/ng/attachments> Retrieved 6 January, 2018 at 2.38pm p.31

⁹⁰Ecoma, V.E. (2012) Op.cit p.46

development⁹¹. This means that most tourism strategies are still geared towards European, American and other foreign markets that continue to be attracted by the continent's diverse people and natural environments. The main motivation for domestic travels in developing countries include visiting friends and relatives (VFR), leisure travel, business, and religious pilgrimages. Mass domestic tourism motivated by leisure purposes is a more recent phenomenon related mostly to economic growth and the consequent expansion of the urban middle classes. Even as a more recent phenomenon, domestic tourism strictly for leisure purposes is still, as mentioned earlier, a rare occurrence in most developing countries⁹².

D. Niche Tourism:

This also referred to as adjectival tourism. i.e. Adjectival tourism refers to the numerous niche or specialty travel forms of tourism that have emerged over the years, each with its own adjective. Many of these have come into common use by the tourism industry and academics. Others are emerging concepts that may or may not gain popular usage. Niche Tourism is also known as 'special interest tourism' in which tourists look for unusual products which offer new experiences different from what they are used to. Special interest travel is travel of people who are going somewhere because they have a particular interest that can be pursued in that destination. The scope of niche tourism is very wide and offers multiple opportunities including photography, tradition health, religious culinary, nature, ethnic, health, educational etc. to mention just a few⁹³.

D. Health/Medical Tourism

Medical tourism has been identified as the practice of travelling across international borders to obtain health care. This include use of hospitals. Clinics, and spas specialized

⁹¹Gbadebo, A.M., and Adedeji, O.H., (undated) Op. cit p. 32

⁹² Ibid .p 33

⁹³Ecoma, V.E., (2012).Op.cit p.46

in fields of surgery (heart, liver, kidneys, joint replacements, eye and dental care. Cosmetology) and rehabilitation of those recovering from illness or surgery. Besides the lower cost, shorter waiting lists and the possibility for patients to combine treatment with conventional tourism attractions like climate, regional cuisine, local activities and culture. The growing option to link medical tourism is one of the core offerings in countries like India, Egypt and Saudi Arabia where it thrives as a major foreign exchange earner⁹⁴.

Traditionally, India is reputed for use of herbs. Advance technology has assisted in pharmacy leading to conversion of most herbs to drugs and cosmetics. The potency of some has gained publicity and encouraged people with ailing health issues to travel to India in search of healing. Nigeria is similarly endowed such that both local and international tourists annually throng to the such historic places like Osun Oshogbo Groove renowned for their efficacy in curing certain ailments. Nigeria is abundantly enriched with wide range of herbs and traditional doctors versed in their use, but the appropriate fora to harness the resources has neither been put in place nor regulated. In recent times however concerted efforts are being made at some state government level to improve medical tourism and discourage the practice of travelling overseas for treatment. One of such states is Bayelsa which recently commissioned the Bayelsa state Diagnostic Centre, AkwaIbom state also has an international Medical Centre.

The federal government has in the recent past put medical response teams in place during emergency situation like in the Ebola and Lasafever cases where the country was able to stop the wide spread of these virus with minimal assistance from international sources. There have also been many private healthcare intervention schemes where Nigerians medical professionals in diaspora under different fora organize themselves into

⁹⁴ GDFHTS/2010 International Labor Organization, Development and challenges in the hospitality and tourism sector, issues paper for discussion at the global dialogue forum for hotels, catering, tourism sector, 23-24 November, 2010 p.42

teams to mount mobile clinics for treatment and surgical operations of eye and heart related ailments. These efforts have to some certain extent improve public confidence in the Nigeria healthcare system and relatively reduced the population of Nigerians who embark on medical treatments. The Nigeria Tourism Development Corporation has not been visible in the activities of this tourism type. Public sensitization through circulation of flyers, rebranding and training of local traditional healers in dosage administration of herbal remedies which has been the problem area for this tourism type will assist in revenue generation from this tourism type.

B, Conference/Business Tourism:

This refers to travel for commercial purposes. It includes meetings, conferences, symposia, workshops, exhibitions, conventions incentive travels, conducting official, government or private businesses. Business tourism is group orientated⁹⁵. Conferences represent one of the avenues through which Nigeria is fast selling her credentials to the rest of the world. There is an international conference center located in Abuja which is used for international conferences. Tinapa business Resort located in Calabar Cross River State is also an international Business Resort which has a complementary mix of facilities that enables its tenants to profit from both its leisure and business sector.

B. Ecotourism:

Ecotourism is recognized as the fastest growing segment of the tourism industry. It is a form of tourism that aims at promoting and conserving the environment while ensuring improved wellbeing of local people⁹⁶. This form of tourism is much more complicated

⁹⁵Ecoma, V. E., (2012). Op.citp.42

⁹⁶Njoroge, J.M. (2015). "Tourism, millennium development goals and climate change in Kenya." *African Journal of Hospitality, Tourism and Leisure*. Vol.4 (1). Available at www.ajhtl.com . Retrieved 20 May, 2016 p.8

and require a lot of planning .Some of the notable ecotourism spots in Nigeria includes , the FarinRuwa Water Fallsin Wamba Local Government of Nasarawa State, the AssopFalls in BarkinLadi Local Government Area of Plateau State, the Gurara Falls in Minna, Niger State to mention just a few⁹⁷.

H. Sport Tourism:

Nigeriahas always prided itself in the area of Sport Tourism and has hosted myriadof regional and international sporting events. The country also produced sport and soccer veterans many of whom became household names in Sports. These are ChiomaAjunwa, Akeem Olajuwon, John Fashanu, Bash Ali, NwankwoKanu, Jay JayOkocha, and amongst other others. In 1994, young talented Nigerians captured the Maiden Kodak Under16 World Cup held in China. The Flying Eagles,Nigeria’s junior Team made an impressiveouting at the Olympics held in Atlanta in 1996. The hosting of the 1999 Edition of the World Soccer Championship in Lagos, brought in players and spectators from at least over 60 countries around the world. Nigeria also hostedthe All African Games in Abuja in 2003 .These events are evidence of high level of activities in sport tourism in Nigeria⁹⁸.

2.7.2 Classification of Tourist Attractions in Nigeria

To provide return on public sector investments and encourage commitment to different tourist amenity packages, government is encouraged and advised to adopt a classification system for the development of tourism resources. This classification system can then be

⁹⁷Nigeria Pearl of Africa (Undated). *A publication of Federal Ministry of Tourism, Culture and National Orientation*, Petra Digital Press Nigeria. p.26

⁹⁸ Nigeria Pearl of Africa (Undated) p.28

used to measure outcome.⁹⁹ . In line with this suggestion, the Nigerian Tourism Development Master Plan as part of its recommendations, grouped the Nigeria Tourism resources into five clusters, these clusters are: The Tropical Rainforest Cluster, Conference Capital Cluster, Atlantic Gateway Cluster, Scenic Nature Cluster, and Sahara Gateway Cluster¹⁰⁰. Each cluster is made up of core attractions/products and other supporting and ancillary products packaged to give tourists maximum satisfactory experience. The Tourism Master plan also elaborated and proposed enhancement that must be carried out to transform these tourists' sites/attractions to visitor ready status¹⁰¹.The potential inherent in these clusters are explained below:.

a. The Tropical Rain Forest Cluster

The tropical rainforest is very rich in tourism, recreational and cultural resources which have the potential to be developed and upgraded to international standards. The significant tourism assets in this cluster include TinapaBusiness, Leisure and Conference Resort at Calabar, Obudu Mountain Resort, the slave routes in Cross River extending to AkwaIbom with special mention of Oron, aquatic facilities within the cluster, Afikpo Cave, Cross River National Park. MarySlessor historical relics and the Cross River Monoliths and stone circles.¹⁰²

b. The Sahara Gateway Tourism Cluster

This is an area of rich culture and a history based upon wars, conquests and romantic tales of desert crossings. They are possessing a wealth of cultural monuments and events and its colorful Durbars make for spectacular viewing. The Sahara Gate Gateway Cluster

⁹⁹Rosentraub , M.S., and Mijin. J., (2008). "Tourism and economic development: Which investment produce gains for regions? "Tourism Management. Available at www.elsevier.com/locate/Tourman Retrieved 30 March, 2016 at 2.15 pm p.763

¹⁰⁰ Volume II, Recommendation II Nigeria Tourism Development Master Plan, 2006 Op. cit p.11

¹⁰¹Esu, .B.B., (2013) Op. cit p. 4

¹⁰² Ibid p.6

is intended to restore the historical monuments of Kano City (Including Kano City Walls and Gates, Kano Old City Markets, Traditional Hausa architecture, Kano Dye Pits and Kano Museum) and to rebrand the area as the “Ancient City of Kano Sahara Gateway”. The intent for the developing the Sahara cluster is to promote investment in this sector through guidedmarket and village tours, that will enable tourists see people in their natural environmentand being greeted by village elders, joining villagers in activities such as fishing and hunting. Watching age old crafts making techniques and appreciating culture in its pure form¹⁰³.

c. The Conference Capital cluster

The tourism cluster possesses outstanding conference facilities eco-tourism sites, recreational and cultural resources which have the potential to be upgraded and developed to international standards with a view to fully exploiting their truism potential. The attractions that have strategic significance for tourism development include: the conference facilities at ECOWAS Centre, the International Conference Centre, the ShahYaradua center, along with the conference facilities at a number of international operated hotels including the Nicon Hilton and Sheraton Hotel¹⁰⁴.

Others are the National Mosques, Ecumenical Centre Abuja, Abuja Cultural Festival and Carnival, National Stadium, IBB Golf and Country Club, Traditional African Village, Historical Monuments in Lokoja, Zuma Rock Abuja, LaidKwali Pottery Centre, Suleja,

¹⁰³Esu, .B.B., (2013). “Strategies for Harnessing Investment Opportunities through tourism in Nigeria” *Journal of Research in Hospitality, Tourism and Culture*. Being a paper presented at Tourism Sector Human resource forum organized by the chartered Institute of Personal Management Held in Calabar, Nigeria. July, 2014 .Available at [http:// www.interestjournals.org/JRHTC](http://www.interestjournals.org/JRHTC). Retrieved 15 June, 2016 at 2.09am. p. 4

¹⁰⁴Ibid

and the eco-tourism project at Farinruwa, cultural and evening entertainment in Abuja amongst others¹⁰⁵.

d. The Atlantic Gateway Cluster

This tourism cluster is very rich in cultural events. The tourism resources and sites that have strategic significance for development in the cluster include: Slave Trade Relics and Museum in Badagry, Olokola Free Trade Zone, National Museum, Muson Centre, National Theatre, Olumo Rock, proposed mega Library, Tarzan Riverside Water activity Centre, Oshun Oshogbo World Heritage Centre, The local Lagos Markets, Brazilian Quarters in Lagos Mainland, Beachrecreation area of Lekki, Epe and Akodo beach, Ile – Ife- the cradle of the Yoruba people, Oyo Centre of Traditional Arts and Crafts. Lagos Music Clubs/Night live amongst others¹⁰⁶.

e. The Scenic Nature Cluster

This comprise of an area of incredible scenic beauty with its undulating mountainous views, awe-inspiring rocky terrain and national park all of which makes the area attractive to tourists seeking wildlife, un-spoilt nature and volcanic rock formations. The attractions that have strategic significance include: Assop Falls, Jos Wildlife Park and Game Reserve with wildlife Museum, the Museum of Traditional Architecture, Yankari National Park, the Emirs Place in Bauchi, and the Rock Formations of the volcanic and the Shere Hills. The scenic Nature Cluster is to regenerate and upgrade the Museum of Traditional Nigerian Architecture in Jos Plateau State as a major tourist attraction. To achieve this the Tourism Master Plan suggested private sector investment to leverage the investment

¹⁰⁵ Ibid

¹⁰⁶ Esu, .B.B., (2013). “Strategies for Harnessing Investment Opportunities through tourism in Nigeria” *Journal of Research in Hospitality, Tourism and Culture*. Being a paper presented at Tourism Sector Human resource forum organized by the chartered Institute of Personal Management Held in Calabar, Nigeria. July, 2014 .Available at [http:// www.interestjournals.org/JRHTC](http://www.interestjournals.org/JRHTC). Retrieved 15 June, 2016p. 4

opportunities in the cluster. On this premise, the following are the various types of tourist attractions in Nigeria¹⁰⁷

2.7.3 Manmade Attractions:

These forms part of the tourist attraction that the country is endowed. The most popular of this sites are the Yankari Games Reserve set up in 1952 and commissioned in 1962. Others in the list includes Tinapa which is the first integrated business and leisure resort located in Calabar, Nigeria, Mary Slessor Cottage, the Ray field Holiday Resorts in Jos, the Bower's Tower in Ibadan, and various amusement parks that dot the length and breadth of major towns and cities in Nigeria. All of these were created for the purpose of relaxation¹⁰⁸.

2.7 4 Natural Attractions –

These are physical attractions like hills, lakes and mountains found across the country. They are good sites for leisure, adventure and other tourism related activities examples includes the Old Oyo National Park, Yankari Games Reserves in Bauchi, Obudu (Protea) Cattle Ranch in Cross Rivers State and Jos WildLife Park, in Plateau State amongst others.

2.7.5 National Parks:

These are special ecosystems with unique attributes. They play vital role in national/regional wellbeing and act as catalyst for the development of eco-tourism by enhancing ecological processes, life support systems and aid soil regeneration. There are eight of such parks:

¹⁰⁷ Ibid p.9

¹⁰⁸ Ekundayo, Y.O (2014). "Strategic Development and Sustainability of tourism Industry in Nigeria ". Laurea University of Applied Sciences Kerava Unit p.22

- a. ***Yankari National Park:*** This is situated within Duguri, Pali and Gwana District of Alheri local Government Area of Bauchi State. It could be reached by road from Jos Airport through Bauchi State route and from Kano through Jos-Bauchi route. The Park has the following as part of its tourist facility 110 visitors' chalets categorized along student/low income hotel, a standard restaurant, conference hall, in-door and out-door sport facilities such as table tennis, squash racket and badminton. There are species of large mammals like elephants, hippopotami, lions and about 153 known species of birds, fish, reptiles, and monkeys. It is also rich in ethno-historical and archaeological attractions.
- b. ***Kainji Lake National Park:*** This is closely linked with the famous Kainji lake oil hydroelectric complex. It lies between Borgu and Zugure sectors of Kwara State. It can be reached through Lokoja, from Lagos through Ibadan, Ilorin and. The park is full of diverse wildlife, a variety of ethno-historical and cultural sites amongst which are Kobs, antelopes, hippopotami, lions etc. Its tourist facilities include chalets, restaurants, conference hall and a waterbus for lake cruising.
- c. ***Old Oyo National Park:*** This can be found in the Northern part of Oyo State. It is rich in fauna and flora resources significant species of animals of which are the buttons, cobs, buffaloes, bushbuck and wide variety of birds. The park is close to cities like Ibadan, Ogbomosho, Oshogbo, Abeokuta, Lagos, Saki, Iseyin etc. These are cities and towns that have commercial and rich traditional impacts in Nigeria. Available tourist Facilities in this park includes chalets, tourist camps, standard restaurant, air conditioned bus and facilities for boat cruise and sport fishing.
- d. ***GashakaGumte National Park:*** The GashakaGumte National Park comprises two sectors, each rich in its own unique flora and fauna species. The Gumte sector is located in its Northern fringe while the Gashaka is on the Southern fringe. The twin

park which is reputed to be the largest park in Nigeria is situated on a vast land of mountains and valleys shared between two states: Adamawa and Taraba in the North-East of Maiduguri, Jalingo, Yola and Republic of Cameroon. It features natural, scenic mountains, valleys, rivers, streams etc. It also has pleasant sub temperate climate and a home to some very highly endangered species of wild life. The Park harbor some historic sites, one of which is the old German Fort at the Gashaka hill. Gangarwal peak of the chapalwadi mountain in range located in the park is the highest peak in Nigeria. The fauna includes chimpanzees, cheetah, leopards, giant forest hog, Columbusmonkeys. It is also a spawning ground for some fish species such as Nile perch, electric fish and Tilapia.

- e. ***Chad Basin National Park:*** It situates between Borno and Yobe States. The wetlands of Bade and Buguru are internationally acclaimed as congregation site for migrant birds coming all the way from Europe. The park contains some rare desert-fronted gazelle and other types of animals.
- f. ***Cross River National Park:*** This is about an hour's drive from Calabar and can also be linked through the Port Harcourt route. It is in the forest zone of South East Nigeria. It has two sectors, the Southern urban division near Calabar and the Northern Okwangwo near Obudu. The Park is home to many localized species of plants and animals which include gorillas, drills, chimpanzee, agwantibo, or golden potto forest elephant, saleginella species.
- g. ***Okomu National Park:*** It is located in Ovia South West Local Government Area of Edo State. It lies 45km West of Benin City and immediately South of Udo town; it can be linked from Lagos and Warri. This park is endowed with forest elephants Loxodants Africana, buffaloes, red river hogs, Chimpanzees, leopards, white throated

guenos. Okomu is also rich in bird life. Its tourist facilities include Ranger escorts, canoeing and sports, panoramic view of the park can also be enjoyed.

- h. ***Kamuku National Park:*** It falls wholly within the BirninGwari Local Government Area of Kaduna State. The park could be reached through the Kaduna-Lagos route from the South - West and North-East and with central parts of the country. From Abuja, the park is 305km, from Lagos, it is 780km and from Kaduna, it is 125km. The park has Elephants, Antelopes, and Oribi water busts, hunting dogs, Wet cats, Green Monkeys, side-stripped Hyena and Jackal. A wide variety of birds also are found in the park.

2.7.6 Eco-Tourism and Recreation:

Nigeria is a country of biodiversity and natural landscapes hence making her an ideal destination for ecotourism especially the national parks. Ecotourism parks across the sector.¹⁰⁹ The Nigeria National Park Services (NPSS) has seven National park as enumerated above which span across the various ecological zones of Nigeria capable of enhancing ecological processes and life support system. The seven national parks are on the Exclusive Legislative list of the Constitution¹¹⁰ and are therefore controlled and managed by the Federal Government being the highest authority in the land . Many of the parks have become derelict because of lack of fund to manage them and low patronage of the services they offer

¹⁰⁹ Ajayi ,O.O and Eveson J.A (2017) .Ecotourism in Nigeria :The Okomu National Park Context Available at www.iiste.org . Retrieved 17 July, 2017 at 3.04pm.

¹¹⁰ 1999 Constitution of the Federal Republic of Nigeria (as amended).

On its part, recreation are activities based on the people's way of life expressed in religious beliefs, colorful festivals, dance, songs and artworks. Nigeria cultural assets are the most fascinating in the world, examples include the Osun Oshogbo Festival, the Argungun Fishing Festival, The Calabar Annual Carnival theEyoMasquerade Dance in Lagos, andThe Kano/Kaduna Durbar. Many of this tourism type are annual events. There has been attempts to rebuild partnership with NTDC as part of efforts to promote national park, produce jingles. Billboard and a national eco-tourism expo as a way of promoting tourism in Nigeria. Unfortunately,this has not been achieved because the country scored low in tourism awareness.

This means that there are little or no activities in some of this sites in the period between one event and the other. This lack of activities reduces income generation from the sites.It is therefore imperative for government to identify tourism activities that will fill the period of inactivity in order to continuously generate revenue from tourism sites

2.7.7 National Monuments Sites and Museums

Nigeria's cultural diversity is captured in monuments. The country is richly endowed with the finest collection of arts and crafts as well as archeological relics showing our historical past, replete in ancient walled cities, palaces of traditional rulers, its colonial past and its multidimensional religious tradition. Examples include the terra cotta head, the old Nok culture, The Benin bronze work the exciting Yorubasculptures and the Nupe Beads and Pottery¹¹¹. Many of this sites need urgent renovations and some states like Edo, Lagos and Ekiti States have revamped some of their moments and museums.Inefficient security and the porous nature of our borders has been responsible

¹¹¹Ndanusa, M. M. et-al (2014). "Challenges to the Growth in Tourism Industry of a Developing Country: The Case of Nigeria." Asian Social Sciences; Vol. 10, No.19, Published by Canadian Center of Science and Education. Available at www.ccsenet.org/ass Retrieved 15 April, 2017 at 1.02 am p.2

for pilferage of some Nigerian crafts and artefacts many of which have subsequently been sold at exorbitant prices in the international market. Some of this artefacts can neither be restored nor can their value be taught because the beauty of their physical feature can no longer be displayed.

2.7.8 Nigeria Crafts

These are symbols of Nigeria's material and spiritual Heritage, crafts are integrated into the living patterns of Nigerians and inseparable from their spiritual philosophy they are therefore prized objects for the promotion and preservation of tourism. Nigeria Crafts are grouped into textiles, pottery, and ceramics, fiber crafts, bronze, brass; iron works wood works, leather works, calabash, bead works, ivory¹¹². In the past youths undergo tutelage in this crafts from parent's relations or the local craft man. Activities like basket and cloth weaving, crotchety, pottery were common features in most Nigerian communities, unfortunately many of these have ceased to have values because appropriate strategies to preserve their values have failed to be transmuted down generation lines. Today the past time of youths is centered around social media platforms, many only have a figment of the richness of our crafts and culture. Many cannot even speak their mother's tongue and yet the tourism industry has not realized the need for a review of its objectives to promote and preserve our cultural values.

Nigeria like most other countries has classified its tourism site along the lines discussed. Attractive tourist sites can be found in almost each State of the Federation some of which are yet to be developed into full-fledged tourist destinations. A State by State

¹¹² BGL Research & Intelligence, Nigeria Tourism: A revolutionaries Tourism Sector as a panacea for a thriving Hospitality Business. Available at www.bgltourism.com Retrieved 23 June, 2016 at 2.05 am p.5

highlight of these destinations and the type of attraction found in each of them can be found in appendix one.

An investor, desirous of taking advantage of the various opportunities and potentials inherent and available in any of the states in the federation is required to register a company to give it the required statutory relevance as provided under section 36 of the Companies and Allied Matter Act and other company related legislations in Nigeria.

2.8 Socio Economic Importance of Tourism in Nigeria.

The growth of tourism is widely acknowledged as an effective tool and major driver of socio –economic development in western society, because of its possible backward and forward linkages with other sectors of the economy. This is particularly the case as the notion of tourism has grown from the pursuit of the privileged few to the indulgence of the masses¹¹³. Indeed, tourism has a range of benefits both to the individual tourist, tourism organizations, and the local economies and communities in terms of employment, income, and enhancement to the quality of life¹¹⁴.

The World Tourism Organization (UNWTO) is the United Nations agency responsible for the promotion of responsible, sustainable and universally acceptable tourism. UNWTO assists destinations in their sustainable positioning in ever more complex national and international markets. As the UN agency dedicated to tourism, UNWTO, pointed out that developing countries particularly stands to benefits from sustainable tourism and acts to help make this a reality. The extent to which tourism confers economic benefits on any country to a large extent depends on the expectations of the

¹¹³Ayeni, D. et –al (2012) “Exploring Sustainable Tourism in Nigeria for Developmental Growth” *European Scientific Journal September edition vol. 8, No.20* Available at www.eujournal.org Retrieved 18 July, 2016 at 2.23pm p.129

¹¹⁴Oh, C. O., (2005). “The Contribution of Tourism Development to Economic Growth in the Korean Economy “. *Tourism Management*, 26(Issue 139-44).Available at www.sciencedirect.com Retrieved 20 February,2016 at 2.03 pm. p. 30

tourists, the ability of the host country to provide appropriate facilities and the amount of revenue the tourism offer can generate.¹¹⁵ A vibrant tourism industry is one that can generate sufficient social economic impacts to the advantage of stakeholders of the industry¹¹⁶

Thus the World Tourism Organization (WTO)'s definition of tourism as an activity involving the travels of persons to places outside their usual environment for not more than one year for leisure, is indicative of the impact and benefit of tourism to tourists, communities and local economies. For some major tourist destinations, tourism has become a major alternative form of commodity export and a significant source of foreign exchange that enables the reconciliation of internal and external trade balances¹¹⁷ which assists a country to identify the differences between spending on imports and export.¹¹⁸ Tourism is thus an alternative policy strategy that is important for sustainability and diversification of economy necessary for good governance¹¹⁹.

The development of tourism as a critical sector of the economy has gradually assumed a center stage in the economic agenda of most nations in the world. This has led both developed and developing countries to take concrete steps in developing their tourist industries. The rationale for such steps has always been the huge economic benefits which tourism can contribute to the countries' gross domestic product¹²⁰.

¹¹⁵ Leonard, J.L., and Carson, L. J., (2007) *An Introduction to Travel Tourism and Hospitality* Houghton Mifflin U.S.A. In: Ibimilua A.F (2009). "Tourism Participation: Attractions Influences and Key Trends in Ekiti State, Nigeria", *An international Multidisciplinary Journal, Ethiopia Vol.3(3)*. Available at www.ajol.info/article/download Retrieved 24 August, 2016 at 3.16 pm.

¹¹⁶ Esu. B.B (2012). "Linking Human Capital Management with Tourism Development and Management for Economic Survival: The Nigeria Experience" *International Journal of Business and Social Science Vol. 3 No. 11*. Available at www.ijbssnet.com>vol_3_No.11 Retrieved on 24 August, 2016 at 2.00pm

¹¹⁷ Generally referred to as balance of payment. It is measures transactions between country and the rest of the world and enable it to differentiate between spending on imports and exports.

¹¹⁸ Ayeni, D. et-al (2012) Op. cit p.128

¹¹⁹ Asamoah, K. (2013). "Policy implementation: A Tool for Enhancing Tourism Development in Ghana" *Journal of Law, Policy and Globalization*. Available at www.iiste.org Retrieved 20 May, 2015 p.21

¹²⁰ Ayeni, D. and Ebohon. O.J (2012). Op. cit p. 40

Nigeria is abundantly blessed with tourism resources consisting of rich cultural diversity, scenery and festivals. These attractions have encouraged both foreign and local participation in tourism activities. Explorers or visitors spending can generate further income for both private and public sectors through the income multipliers-effect. These makes tourism a potential source of income generation especially foreign exchange. It encourages the financial flow of funds from developed and developing countries into Nigeria.¹²¹ For example, in 2011, more than 2 million tourists visited Nigeria, due to the activities of various international churches, crusades and conferences. This was coupled with business tourism embarked upon by foreign investors. These bulk of tourists spent an estimated equivalent of about \$3.7 million US Dollars on their various visits to Nigeria and the figure is expected to raise increasingly by 10 percent every year¹²².

Further contributions of the tourism industry to revenue received by government include levies received on registration and other charges from the hospitality sector which recorded an income generation of about N1.149m in 2004, and N100million in 2009. In addition, N313million was generated by Company Tax (National Bureau of Statistics', NBS) in 2011.the industry contributed N1.232.2 billion to the GDP in Nigeria. In its report, the World Travel and Tourism Council (WTTC), forecasts that the industry will generate 897,500 jobs. These jobs includes employment by hotels, travel agents, airlines, as well as the activities of the restaurants and leisure industries directly supported by tourists and other passenger services excluding commuters Services representing 1.4

¹²¹Adora, C. U. (2010), "Managing Tourism in Nigeria: The Security Option", *Management Science Engineering*. Available at www.cscconada.net Retrieved 24 February , 2015 at 8.27pm p.19

¹²² United Nations, World Tourism Organization (2004). Available at www.wto.com Retrieved 20 April, 2016 at 3.08pm

percent of Nigeria's workforce in 2012. This is expected to increase 6.5 percent per annum by 2022¹²³.

Tourism has always been regarded as a means of economic modernization. It has also been described as an industry of cultural modernization and globalization which witnessed the interaction of people of different nations, creates friendships, and leads to interpretation of cultural differences resulting in greater tolerance, better understanding and appreciation of global diversities predicted on the emergence of a synthetic global cultural reality¹²⁴. This concept of socio-economic modernization emphasizes improvements in various indicators, including improvement in living conditions and quality of life and wellbeing of populations'. Tourism is also a vehicle for promoting cultural exchange which enhances international understanding and goodwill amongst diverse people of the world.¹²⁵

The progress of the Nigerian economy in the 21st century solely depends on its ability to increase the productivity of the non-oil –sector, as viable alternative to its present mono-economic dependence on petroleum. It is only through it that a cushion against the transmission of oil price volatility from the rest of the world can be provided¹²⁶. Hence the recent clamor for the country to explore areas where it has potentials that will aid the possibilities of economic diversification.

¹²³Edet, M.I. et –al (2014). "Socio Economic Impact of Tourism Development in the Forest Community of Ikpe, UrueOffongOruko Local Government Area of Akwalbom State". *European Journal of Hospitality and Tourism Research Vol 2 No.1* Available at www.e-Journals.org Retrieved 20 April, 2016 at 118am p.17

¹²⁴UNESCO (2007). "World Heritage Centre, OkeIdanre" Available at www.whc.unesco.org/en/tentativelist Retrieved 23 August, 2016 at 10.30am

¹²⁵ Vanguard Newspaper, 24 June, 2011 Available at <http://Naijaedu.wordpress.com> Retrieved 10 January, 2017 at 2 23pm p.10

¹²⁶AttahAndung. N. P. (2011). "The Nigerian Tourism and the Impact of the Fiscal Policy: A Case study of the 2000-2009 Federal Budgets" (Unpublished) B.Sc. Economic Project of Department of Economics, Faculty of Social Sciences, University of Jos, Plateau State.p.39

In many developing countries, where the tourism sector is a major importer of goods and materials governments earn a substantial proportion of their revenues from duties levied on imports which can lead to considerable revenue generation. The other ways of contributing to the government revenue generation are by taxes on personal and company incomes –this can be direct or indirect. Direct revenues arise from charging taxes on income generated by tourism employment and business, while indirect taxes or revenues maybe generated through taxes levied on goods and services purchased by tourists.

The implementation of levy has been seen as a means of raising revenue from tourists¹²⁷. To enable government, raise revenue necessary for development, there must be some level of economic activity. As tourism activities increases, it is expected to generate employment and income directly in the sectors in which tourist expenditure occurs and more widely, via, inter-industry linkages. These employments are found in tourism sites, hotels, airlines, travel agencies and other associated products to tourism. In fact, the growth of tourism would not have been possible without a vibrant labor force¹²⁸.

Thus, the capacity to generate considerable employment for large numbers of people with different skills and levels of ability is another essential feature of the tourism industry¹²⁹. This is because tourism is essentially a service oriented industry that tends to create more jobs per unit of investment than other more capital intensive activities. Also as at the initial entry level into the industry, skills and training requirements are limited and therefore the costs of creating jobs can be relatively low. The desire to create jobs for the masses has encouraged many governments to support tourism investments and growth

¹²⁷Chukwuka C.O (2013). “Economic Development of Nigeria: The Role of Tourism”. Available at www.doublegist.com. Retrieved 25April, 2016 at 2.02 pm p. 9

¹²⁸Abdurrahman. N. (2014). “The Possible Impact of Tourism Industry on Nigeria Economy”, *Review of Public Administration and Management Vol. 3, No.5 Available at arabianjbm.com/RPAM_index.php* Retrieved 24July, 2016 at 2.15 pm.

¹²⁹Asamoah, .K. (2013), “Policy implementation: A Tool for Enhancing Tourism Development in Ghana “, *Journal of Law, Policy and Globalization* www.iiste.org. Retrieved 20 May, 2015 p.21

This is further heightened by the concept of Tourism income multiplier (TIM) meaning that a demand by a tourist to an area implies spending some money in respect of goods and services of the people in those areas who in turn spend in other places, this continues on and on¹³⁰.

Tourism is also concomitant to environmental sustainability. It is one of the few industries that have high potential for environmental engineering. The establishment of tourist facilities and infrastructure in the rural area is a cost effective way of meeting national development objectives. It may renew local architectural qualities and facilitate the revival of traditional arts, crafts and culture.¹³¹The Tourism industry depends largely on people who work in it as opposed to machinery and technology.¹³²

Tourism further provides the avenue for escape from hurdles and bustles of the city, and creates opportunities to seek peace, tranquility as well as the change in everyday routine and affects social behavior and cultural values.¹³³ It is likewise an effective tool for positive image making as it promotes inter-communal and inter-tribal peace, enlightenment, education and international goodwill.¹³⁴ To enable government benefits from the inherent potential of its tourism and Hospitality industry, effective laws must be in place, applied and enforced. These regulations could be embedded within tax policy, with fines for any act in disregard of regulations, rules or standards or other strategies that

¹³⁰Chukwuka, .C.O (2013). Op. cit p.10

¹³¹ Leonard, J.L and Carson, L. J (2007). "An Introduction to Travel Tourism and Hospitality". Houghton Mifflin U. S.A in: Ibimilua, A.F (2009). 'Tourism Participation: Attractions Influences and Key Trends in Ekiti State, Nigeria", *an international Multidisciplinary Journal, Ethiopia Vol.3 (3)* Available at www.ajol.info/article/download Retrieved on 24August, 2016 at 2.04pm

¹³²Asamoah, K. (2013). Op. cit p.

¹³³Ibimilua, A.F (2009). "Tourism Participation: Attraction, Influences and Key Trends in Ekiti State, Nigeria," *African Research Review, an international Multi-Disciplinary Journal, Ethiopia Vol. 3(3)* Available at www.affrrvjo.com Retrieved 20 August, 2016 p.248

¹³⁴ Ibid

will ensure its efficiency¹³⁵. These strategies involve ensuring tourism company registration, planning and implementation.

2.9 Tourism Business registration (general and specific)

Regardless of the type of tourism enterprise or service, appropriate steps must be taken to register the tourism enterprise with government. The Companies and Allied Matters Act¹³⁶ codified the procedure for company formation in Nigeria. By the provisions of Part 11 Chapter one of the Act, An enterprise can be registered at the Corporate Affairs Division as either a proprietorship or business Name, partnership business¹³⁷, Limited Liability¹³⁸ Private Company¹³⁹ and Public Company.¹⁴⁰ According to the provisions of Section 36(6) Companies and Allied Matters Act (CAMA), “the certificate of incorporation shall be *prima facie evidence* that all the requirements of this Act in respect of registration and of matters precedent and incidental to it have been complied with and that the association is a company authorized to be registered and duly registered under the Act”.¹⁴¹

Registration confers legal status on an enterprise and endorses the operator as a true entrepreneur. For the purpose of obtaining business license, permit and payment of Taxes the enterprise should also be registered with the Federal Internal Revenue Service (FIRS) of the State where it is located in Nigeria. The different taxes are shared between the State and Federal Government. The entrepreneur should be informed of all the statutory levies and taxes payable in the State/LGA where the business is located. After the general business registration has been completed, there are some Tourism specific registration

¹³⁵ AttahAndung, .N. P. (2011) Op. cit p. 49

¹³⁶ Cap C20. LFN, 2004

¹³⁷ Ibid Section 19 Companies and Allied Matters Act, Cap C20 LFN, 2004

¹³⁸ Ibid Section 21

¹³⁹ Ibid Section 22

¹⁴⁰ Ibid Section 24

which must be complied with in line with the State regulation and legislation¹⁴². All Tourism and Hospitality businesses are required to register with Nigerian Tourism Development Corporation in accordance with the provision of Section 20 of the Nigerian Tourism Development Corporation Act.¹⁴³

2.10 Tourism planning, Implementation and promotion

Over the year's numerous tourism plans have been formulated for tourist destinations across the globe, many have remained relatively unsuccessful. Tourism Planning is crucial to successful tourism development and management. In its broadest definition, planning is organizing the future to achieve set objectives. The merits of planning lies in the willingness to implement as planned¹⁴⁴. For example overlapping responsibilities, bureaucracy and fragmentation amongst government departments and public authorities have been identified as major impediments to implementation of tourism plans¹⁴⁵. One reason for this, is that the formulation and application of Tourism programs by Federal government is out of touch with the needs of local people because many of such programs generally overlook the knowledge, skills and goals, both public and private sector tourism organizations in their design phase, and may subsequently meet with resistance from local government bodies at the time of implementation.

Another factor is that the, institutional arrangements for tourism industry may either facilitate or inhibit the planning and implementation process. Tourism programmes

¹⁴²Esu, B.B (2015), "Transforming the Nigerian Tourism Industry through Tourism Entrepreneurial Development". *African Journal of Business Management*, Vol. 9,(15)<http://www.academicjournals.org/AJBM> Retrieved 20 June, 2016 p.576

¹⁴³ Cap N137, LFN,2004

¹⁴⁴ Kun, L., and Yipping, L. et-al (2006). "Gap between planning and implementation: A case of China," *Tourism Management*. Vol 27(60): 1171-1180.www.sciencedirect.com Retrieved on 20 May , 2016 at 4.22 pm

¹⁴⁵Kicket, .J. M., and Klinj, E. et-al (1997). "Introduction, A management perspective on policy networks": InYuksel, .F. and Yuksel, A. (2000). "Tourism Plan Formulation and Implementation: The Role of Inter-Organizational Relations".p.21

involve interactions between government agencies and quasi-government and private organizations, and information, goals and resources are exchanged in these interactions which, sometimes result in uneven distribution of power and responsibilities. The extent to which power is distributed or concentrated in a relatively small group of organizations that dominate decision processes, can be an important determinant of the success or failure of a tourism plan. In this sense, the empowerment of local governments to deal with local tourism development issues has become a key concept. This is because the success of the planning activity and profitability of the tourism industry is likely to depend on the efficiency, effectiveness and coordinating activities and power of local government. The absence or lack of commitment for common purposes by this important actor at the plan formulation phase and implementation stage, may likely be a key reason for failure of most tourism plans.

The implementation of Tourism Plans involves the joint efforts of various organizational parties, often located at different tiers of government. The implementation success is, therefore, closely tied to whether these organizations interact and co-ordinate fragmented activities effectively so that all decisions, policies and activities are consistent and coherent and not at cross-purposes¹⁴⁶. In addition, the political culture of the country, its general economic conditions, as well as broader government policies may determine plan outcomes by laying the foundation for the nature of relations and communication networks between different levels of governmental agencies, their interdependencies, their strategic perspectives, and their problems solving capacities¹⁴⁷. To ensure tourism development, Tourism planning became one of the focus points for the National Tourism Policy¹⁴⁸ and the Nigeria Tourism Master Plan, the Master Plan concisely explains the

¹⁴⁶ Hall, C.M (1991) .Introduction to tourism in Australia: Impacts, planning and developments. Longman Cheshire. Available at www.cabidirect.com . Retrieved 18 March, 2017 at 1 30am p.15

¹⁴⁷ Kicket, .J. M. and Klinj, E. et-al (1997). Op.Cit p.22

¹⁴⁸ Section 4.12 *Nigeria National Tourism Policy 2005*, Government Printers, Lagos Nigeria

perceived economic impact of tourism on the Nigeria economy if properly executed. The many other recommendations contained in the Tourism Master Plan are yet to be implemented.

2.11 Conclusion

This chapter analyzed, the concept, history, evolution as well as the socio-economic importance of tourism. It also elucidated on the inherent potential, classified nature and type of tourist sites in Nigeria. In all, there was just a brief mention of the law regulating the industry. Yet law is the foundation to the effective management of any industry. To attain its drive for economic diversification, the government must ensure that the provisions in its Tourism Legislations are sufficient to protect and safeguard the land, property, and livelihoods of communities engaged in it tourism products and services. Without laws, chaos will arise to undermine the objectives for tourism development. It is this realm that the next chapter examines the legal framework for Tourism and Hospitality in Nigeria with a view of making it one of the options for its drive to attain sufficiency in its economic diversification plans.

CHAPTER THREE
LEGAL FRAMEWORK AND POLICY IN THE TOURISM AND HOSPITALITY
INDUSTRY IN NIGERIA

3.1 Introduction

The word regulation itself can mean many things. At its most basic, level, regulation is treated as synonymous with Law which is aptly defined as the principles and regulations established in a community by some authority and applicable to its people, in the form of legislation, customs or policies recognized and enforceable by judicial decisions. Regulations are derived from any number of institutional sources, parliaments or legislatures, Ministries or agencies. Given their variety, regulations can be described using many different labels, constitutions, statutes legislation, standards, rules, taxes and so forth¹. The legal system is therefore a main system that regulates every part of a society².

The Tourism and Hospitality industry is closely interlinked with the legal system and thus submitted to many rules of law. In other words, it cannot cover its needs in case of legislative vacuums in interpretation, so it tends to borrow from the autonomous and much older branches of law. Like private and administrative law. While Private law is mainly a legislation on contracts, thus a contracts law, administrative law is mainly connected with such administrative acts, regulations, permits and sanctions³. This dependence on legislation for private individuals and legal persons under private law is exemplified by

¹Adewale, .B. and Ayita, .O. (2015). "How regulators negatively Affect Businesses in Nigeria" Available at www.africaliberty.org . Retrieved 3 December, 2016 at 11.07 am.p.1

²Barth, .S.C (2008) *Hospitality Law; Managing Legal issues in the Hospitality Industry*, Wiley, www.lawteacher.com . Retrieved 22 June, 2015. at 9.24pm

³Maniatis, A. (2016). "Tourism and the 'rule of law'" *African Journal of Hospitality, Tourism and Leisure Volume 5 (1)* Available at www.ajhtl.com Retrieved 19 August , 2016 at 12.23 pm p.7

contracts between hotel companies and tourism companies on the one hand, customers and other stakeholders on the other hand⁴.

In a similar way, Tourism law has been geared mainly to protect the entire society enjoying the right to tourism, although it also has a particular professional interest for the entrepreneurs involved in the tourism industry market and their employees. This contractual relationship is confined to rudiments of law and procedure, the breach of which in most instances can be liable to action in Tort. The Tourism industry is affected by legislation such as the Sales of Goods Act, contract law and Law of Tort amongst others. These legislations affect the way tourism goods and services are described to the Public. For example, for obvious reasons, facilities in a resort and services in accommodation do change. In anticipation of these changes, a Sales person must ensure that the information given at the point of sale is accurate. In this regard the Act⁵ defines a contract of sale of goods as:

A contract by which the seller transfers or agrees to transfer the property in goods to the buyer for a money consideration called the price⁶. And that “where under a contract of Sale, the property in the goods is transferred from the seller to the buyer, the contract is a sale, But where under a contract of sale of property, in the goods is to take place at a future time or subject to some condition later to be fulfilled the contract is called an agreement to sell.⁷

It is true therefore, that when one person transacts with another, that person is essentially contracting with the other party. Law, in this sense, helps to safeguard the rights and obligations incurred to these two contracting parties. Law similarly, comes into play when businesses interact with customers through the provision of goods and services. Thus business organizations such as tourist resorts, hotels, agencies and restaurants rely on

⁴Maniatis, A. (2016) Op cit p.8

⁵Sale of Goods Act 1893

⁶ Ibid Section 2(1).

⁷ Ibid S. (3) (4)

Common Law when dealing with one another. For instance, restaurants have legal obligation to ensure that the foods they offer to customers are safe to consume and the premises do not constitute a fire hazard to occupants⁸. Besides, hospitality and tourism related businesses managers' are required to not only understand the day to day operation of their company but also the legal aspects of hospitality and tourism management⁹. In this regard, the importance of the laws that regulate this industry cannot be overemphasized. Operators and practitioners in this industry, relevant government agencies and lawyers are expected to put hands on deck to ensure that the legal framework of the tourism industry is not only dynamic, but one that can adjust and suit today's global realities¹⁰.

This is because the actions of the hospitality manager will determine by whether the business become the subject of litigation or not. On this premise a study and review of tourism regulation has to consider every aspect that deals with the rights accruable to the consumer of tourist products as well as the obligations of the supplier of these services. This right becomes imminent from the moment a tourist embarks on a journey to the time of return i.e. transport, accommodation and feeding and how effectively his destinations' tourism law protects the rights accruable to him¹¹.

Tourism and hospitality law also includes contracts that are entered into on the internet which is very common in hotel and airline bookings. As well as negligence, innkeepers

⁸Ververi, M. and Maniatis A. (2015). *Tourism Norms*. In: Vrontis, D. E. et-al (Eds). *8th Annual Conference of the EuroMed Academy of Business. Innovation, Entrepreneurship and Sustainable Value Chain in a Dynamic Environment*, EuroMed Press, 2148-2154. Available at <http://emrbi.org/euromed-press/>. Retrieved 20 January, 2016 at 4.56pm

⁹Anzaki, M.B. (2016). "An Overview of Hotel and Catering Law, Business and Intellectual Property Law". *The Lawyers Chronicle* Available at www.thelawyerschronicles.com Retrieved 14 October, 2016 at 2.30pm p.129

¹⁰ Ibid

¹¹ Attah, N. P. (2011). Op. citp. 49

rights, guests' rights and employment practice¹²Hence at both Local and international levels.Laws must safeguard the land, property, and livelihoods of communities affected by tourism, as well as protect environment from overdevelopment¹³. The nature and extent of consumer protection regulation in a modern society is thus a reflection of a society's legal values, social and economic development, policy making and to a large extent, its political sophistication and maturity¹⁴.

Tourism and hospitality in Nigeria is routed in Statute of General Application inherited, with colonialization of Nigeria effective from the 1st Day of January 1900. Although recently billed for review, one of such laws known as the Inn Keepers Act of 1878 regulated the tourism and Hospitality industry in the colony of Nigeria from 1900 to pre - independence. This influenced the Hotel Proprietors Act of 1956 and the Occupiers Liability Act of 1957. The primary concern of this legislations was safety of life and property of visitors, guests with a reasonable "duty of care" placed on hoteliers. This legislation was grossly abused to the detriment of client and the industry.

The call for foreign investment post-independence gave birth to the formation of hotel chains like the Hilton, Sheraton, Meriden and Protean and others through management contract, popularly known as franchise. This formation and taking over of the reign of management of many three and five star hotels in the country, led to cases of tax evasion, false declaration of profits which were some common features causing economic sabotage through leakages in the repatriation of capital¹⁵.

¹²Anzaki M.B (2016). Op. cit p.2

¹³Attah, .N.P. (2011) Op. cit p.4

¹⁴Ekanem, E. E. (2013). "What Remedy for Consumer of Hospitality Services?" *The Nigerian Juridical Review Journal Vol. II*, Facultyof Law University of Nigeria Enugu Campus. Available at www.unn.edu.ng Retrieved on 20 November, 2016 at 10 3 pm pp. 1-2

¹⁵Mutazali, .D. (2008). "Regulating Hotel Franchise in the Nigeria's Hospitality Industry". Being a term paper presented at the Department of Tourism and Hospitality Management, Faculty of Management and Ent. Studies, Lead University, Ibadan. Available at www.scribd Retrieved 15. February,2at 12 .11.pm p.16

The last decades have witnessed a large number of studies produced on the special topic of tourism activities with emphasis on the internal movements of tourist. This reality has made the tourism and hospitality industry a very crucial and vibrant sector of the global economy¹⁶. But interestingly most statutes like, the Consumer Protection Council Act¹⁷ The Nigerian Tourism Development Corporation Act¹⁸, The Innkeepers and Hotel Proprietors Laws of Various States of The Federation, The Hire Purchase Act,¹⁹ The Standards Organizations Act²⁰,The Food and Drugs Act²¹, The Price Control Act²² The National Agency for Food and Drugs Administrations and Control Act ²³ amongst others that regulate or impinges on provision of services or consumption, in the hospitality industry and by extension the tourism industry in Nigeria are penal innature.This makes the enforcement of regulations in the sector, the responsibility of the regulatory agencies created under the relevant statutes²⁴. By implication theresponsibility of protecting both the provider and consumer of tourism products and services is that, of the Nigerian Tourism Development Corporation which is empowered by the Constitution of the Federal Republic (CFRN) to manage and coordinate the activities of the tourism and hospitality industry.

The laws that covers the tourism and hospitality industry are however scattered amongst many statutes as earlier mentioned. This chapter examined some of these statutes, the process for their implementations as well as Nigeria's various obligations under international law and related issues. This is with a view of identifying and assessing

¹⁶Anzaki, .M. B. (2016). Op.cit

¹⁷ Cap C25 LFN, 2004,

¹⁸ Cap N137, LFN 2004

¹⁹ Cap H4, LFN 2004

²⁰ Cap S9, LFN 2004

²¹ Cap.F32, LFN2004,

²² Cap F28 LFN, 2004.

²³ Cap N1 LFN 2004,

²⁴Ekanem, E. E (2013), Op. Cit p.2

those in need of review and those that meet the objective of making the Tourism and Hospitality Industry an alternate resource earner for Nigeria's economy²⁵

3.2 The Nigerian Constitution and Tourism

Nigeria is composed of thirty-six states and the Federal Capital Territory Abuja. The Constitution of the Federal Republic of Nigeria 1999²⁶ is the supreme law of the land, which codified rights granted to individuals as fundamental rights. The apex court defined this rights as not just mere rights, but rights which have become fundamental and belong to the citizens. These rights have existed even before orderliness prescribed rules for the manner they are sought²⁷. According to (Per Esso J.S.C As he then was) in the case of *RansomeKuti&orsvs A.G. Federation &ors*²⁸, "It is a Right which stands above ordinary laws of the land and which in fact is antecedent to the political society itself, it is a primary condition for civilized existence"²⁹. The Constitution provides for these rights.³⁰

Germane to this research is the rights to freedom of movement which provides that, "Every Citizen in Nigeria is entitled to move freely throughout Nigeria and reside in any part thereof"³¹. It is safe to presume that the right to tourism activities especially inbound tourism is derived from this provision. In the same vein, Section 4(2) of the Constitution³² empowered the National Assembly to make laws for the "peace, order and good governance of the Federation or any part thereof" with respect to matters listed in

²⁵Ekanem, E. E (2013), Op. cit p.2

²⁶CFRN, LFN,2004

²⁷Saudevs Abdullah (1989). 4 NWLR Pt 116 p. 387 at 419

²⁸ (1985)2 NWLR P.211 at 230

²⁹ Ibid

³⁰ Chapter IV, 1999 CFRN (As Amended)

³¹ Ibid Section 41.

³² CFRN 1999, LFN 2004 Op.cit

the Exclusive Legislative List as set out in Part 1 of the Second Schedule to the Constitution³³. The matters so listed and applicable to the tourism industry are:

- a. Aviation including Airport, Safety of Aircraft and carriage of passengers and goods by air³⁴.
- b. National parks being such areas in a state as may, with the consent of the government of that state be designated by the National Assembly as National Parks
- c. The establishment and regulation of authorities for the federation or any part thereof *inter-alia*. To identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by the National Assembly to be of national significance³⁵.
- d. Taxation of income, profits and capital gains except as otherwise prescribed by the Constitution³⁶.
- e. To regulate tourist traffic³⁷.

Part II Section 4(7) vests State House(s) of Assembly with powers to make laws for the peace, order and good governance of the state or any part thereof with respect to matters not listed-in the Exclusive Legislative list, any matter included in the Concurrent Legislative List and any other matter with respect to which it is empowered to make laws in accordance with the provision of the Constitution³⁸.

The Constitution stipulates that any law enacted by the State House of Assembly which is inconsistent with any law validly made by the National Assembly shall be void to the extent of its inconsistency³⁹. The implication is that where a matter is not listed on the Exclusive or Concurrent Legislative List, then either the Federal or state government can

³³ CRFN 1999, LFN 2004 Op.cit

³⁴ Item 3, 2nd Schedule. CRFN 1999, LFN 2004 Op.cit

³⁵ Ibid item 30

³⁶ Ibid item 60 (a)

³⁷ Ibid item 60 (b)

³⁸ Item 60(b) 2nd Schedule to the CFRN, 1999 Op.cit

³⁹ Ibid Part II Section 5

legislate on it. Thus the Constitution prepared the foothold for tourism to thrive. Even though its might not have satisfactorily defined the statutory limits of the exercise of jurisdiction of the respective arms of government responsible for supervision and monitoring of the activities of the sector. It is this lapse in the definition of scope, especially with respect to Section 4(2) (e)⁴⁰ – “tourist traffic” that embroiled the Attorney General of the Federation and the Attorney General of Lagos State in a legal battle which culminated at the Supreme Court where a landmark decision reversed the perceived constitutional powers of the Nigerian Tourism Development Corporation Act (a legislation of the Federal Government) to legislate on tourism and hospitality related outfits and establishments. The implication of this judgment may have rendered the NTDC Act null and void to the extent of its inconsistency with the provisions of the Constitutions from which it’s derived the powers to legislate on tourism activities.

3.3 National Tourism Policy:

Tourism policy and planning, is a process by which tourism sector is managed and controlled by a set of regulations, rules and guidelines, directives and development/promotion objectives and strategies that provide a framework within which the collective and individual decisions directly affecting both short and long-term tourism development and the daily activities in all destinations are taken. It affects the extent to which all day –to-day operational activities such as, marketing, event development, attraction operations and visitor reception programs of the tourism industry are successfully carried out.⁴¹

⁴⁰ CFRN 1999, LFN 2004

⁴¹ Agbebi, .P.A., (2014). “Exploring Tourism Policy, Planning and Governance in the Transformation of Nigeria Economy “*J Tourism Hospit 3: 129*. Available at www.omicsgroup.org. Retrieved 27 March, 2017 at 5.21.pm p.5

Although, tourism⁴² which has been neglected is now seen as a means of diversifying the Nigerian economy, notable is the fact that the economic goals of development have been frustrated by poor planning and poor management. Part of some efforts by the government has been the launch of a Tourism Master Plan; however, the absence of effective policies at promoting and marketing Nigeria is a huge gap responsible for its inability to tap into the huge opportunities available in tourism all over the world⁴³. Argument has always been that good governance is a ‘prerequisite for sustainable economic development, it gives the highest priority to poverty reduction, human development, productive employment, social integration and environmental regeneration’. As such the Nigerian economy especially cannot be diversified and tourism would not succeed if proper planning strategies are not streamlined by encouraging state and community participation in tourism planning and development with long term strategies⁴⁴. The consideration of this principle was the foundation upon which the Nigerian National Tourism Policy was developed in 2005 as a policy thrust for the tourism and hospitality industry.

The policy thrust was meant to develop sustainable tourism by capitalizing on heritage diversity as the basis for promoting domestic and international tourism. It also encouraged Nigerians to spend their holidays in Nigeria and know about their country. It proposed the months of November and December as Harmattan Holiday season. The policy is further aimed at encouraging and developing community and public partnership, generating foreign exchange and enhancing income redistribution. It was also directed at alleviating poverty, creating employment as well as promoting geo-political integration and

⁴²Ritchie, B. W. (2003). *Managing Educational Tourism*: Channelview Publications. Pp.6 -10

⁴³Essien, D. (2008). Need to Harness Nigeria’s Tourism Potentials. *Daily Triumph*, Monday, 21 July 2008.

⁴⁴Lyakurwa, .W. (2009). Prospects for Economic Governance: Resilient Pro-Poor Growth. *Foresight*, 11, 66-81. In: Ayeni, D. A (2013). Predicting the effects of Economic Diversification on Sustainable Tourism Development in Nigeria. *American Journal of Tourism Management* 2013, 2(1): 15-21 DOI:10.5923/j.tourism.20130201.02. p.16

ensuring environmental sustainability in the development of tourism resources and to open up Nigeria as a major tourist destination in Africa⁴⁵.

According to the provisions of the, National Tourism Policy, government shall provide the enabling environment for the provision of infrastructure, initiate laws to protect local and foreign investments and tourists. In addition Government shall maintain control over standards and development of the tourism industry observing strictly the previous development strategies as maybe stipulated in the Tourism Development Master Plan⁴⁶.

The policy recognizes Nigeria Tourism Development Corporation (NTDC) as a Technical organ of government and thus provided that the NTDC shall assume a technical posture of professionalism and effectiveness. That it shall through technical orientation and assistance from the world Tourism Organization and International Labor Organization, formulate guidelines for tourist accommodation and grading for the state governments to implement. It shall also coordinate the exercise on the grading through well trained inspectors and its sectors coordination department⁴⁷.

The policy further provided that the Government shall initiate training programs in tourism, travel and hospitality industries through specialized institution such as National Institute for cultural orientation (NICO) National Institute for Hospitality and Tourism (NIHOTOUR) and for tertiary institution in the areas of tour guide, hotel and resort management, catering.⁴⁸ It encourages the federal government to forge friendly relationship with other African countries and refocus the national security agents to be tourism friendly, protect tourists as well as tourism sites. The Policy also adumbrated the need for government to carry out research that will identify areas where it has competitive

⁴⁵ Section 4, *National Tourism Policy for Nigeria 2005*, Government Printers, Lagos, Nigeria.p.4

⁴⁶ Section 13 Ibid

⁴⁷ Ibid

⁴⁸ Section S. 4.14 *National Tourism Policy for Nigeria 2005*, Government Printers, Lagos, Nigeria.p.3

advantage over other African Countries and that local communities should be involved in the planning, development and implementation of tourism⁴⁹. Even though most tourism communities in Nigeria live in abject poverty and squalor because of absence of synergy between the local people and the activities of tourism stakeholders. An effective tourism regulation ordinarily ought to outline the procedure by which the rights of locals can be adequately protected⁵⁰ in the cause of implementation of tourism policies and establishments of tourism concerns.

The policy further, directs the Federal Ministry of Culture and Tourism supported by the Federal Ministry of Information and National orientation, Nigeria Foreign Missions, State Governments and private bodies to adopt National Tourism Slogan for the marketing of its products⁵¹. The former Slogan was “Nigeria, Good People, Good Nation” while the current one is “Fascinating Nigeria”. The National slogan for promoting tourism are usually played as jingles on National Television. This however, does not adequately belie this policy objective because the impact of such public sensitization have been visible only in some few states like Cross Rivers, Oyo, Bauchi and Lagos States where tourism activities are rife. The aforementioned policy guidelines are to be accomplished by government through provision of:

- i. infrastructural facilities at centers of attraction for accelerated tourism development;
- ii. Concession and easy access to land by state government to investors for tourism development.
- iii. Fiscal and other incentives like tax rebate and soft loans with long period of moratorium to potential investors in tourism

⁴⁹ Ibid Section 4.1(3)

⁵⁰ Anyanwu. I.O (2005). “Tourism Development in Nigeria, 1962-2002”, *An Appraisal, Nsukka Journal of Humanities, No.15 p.196*

⁵¹ National Tourism Policy ,2005 Op. cit p.4

- iv. Joint venture opportunities and control/regulations to govern the conduct/operation of the industry.
- v. The demarcation of Nigeria into major tourism development zones and facilitate publicity and aggressive marketing efforts as well as simplifying the procedure for issuance of visas to intending visitors⁵²

3.4 Nigeria Tourism Development Master Plan (NTDM)

The Nigerian Government instituted a new set of reforms in the tourism industry with the aid of the United Nations Development in 2006. This led to the production of the “Nigeria Tourism Master Plan” (NTDMP)⁵³. The Nigeria Tourism Development Master Plan was developed to address a number of vital issues and to provides strategic recommendations in the areas of tourism policy, governance, development of tourism products, tourism management and information systems amongst others⁵⁴. The document which was produced in three volumes,touched on most aspects that dealt with sustainable tourism development in line with global practice. The main objective of the Tourism Master Plan was to achieve tourism growth in volume and value in terms of both demand and supply aspects, through allocation of state owned resources and the provision of a range of incentives to help facilitate the achievement of these goals⁵⁵.

The goals include to promote sustainable development of the tourism industry through capacity building by the Government in the areas of human resource development,research development, improved sectoral planning and governance at the

⁵²Basse, F.O. and Egon, . C. I. (2016). “Nigerian Tourism Policy: Critical Appraisal and RE-Appraisal”. *Journal of Tourism, Hospitality and Sports*. BVol.20. Available at | [www.iiste.org>JTHS>article>download](http://www.iiste.org/JTHS/article/download) Retrieved 17 April , 2017 at 4.30 pm pp. 2-3

⁵³Nigeria Tourism Development Master Plan (2006). “Institutional Capacity Strengthening to the Tourism Sector in Nigeria”. *Nigeria Tourism Master Plan. Vol. I & II. NIR/03/002*. By Government of Federal Republic of Nigeria, United Nations World Tourism Organization, United Nations Development Programme and Tourism Development International.

⁵⁴Ajadi, B. S. (2012). Op. cit p. 47

⁵⁵Ajadi, B. S. (2012). Op. cit p. 47

federal level, capacity building at the local/State level and promoting tourism development at the community level by encouraging local/community participation, ownership and management of the tourism sector. With the formulation of the Tourism Master Plan, the Government was expected to better equip its Ministry of Culture and Tourism, with funding that will enable it engage in people-oriented development activities which would spread the benefits of tourism to all parts of the country and all layers of society. Thereby contributing greatly to the eradication of poverty and the upliftment of Nigeria and its people⁵⁶. The Committee on the preparation and production of the Nigeria Tourism Master Plan observed huge economic potentials of tourism on the country's economy, they also observe some hindrances. Some of which included the following:

- a. The Nigerian Tourism Development Corporation (NTDC) was overstaffed. The staffs lack appropriate training and experience. The organization is badly equipped, lacking computers with very poor office accommodation together with an inadequate budget, the overall results is an ineffective organization⁵⁷.
- b. The commercial sector lacks a much needed strong single voice to articulate its needs to government. The overall state of the commercial sector of the tourist industry and the lack of government support and the multi taxation of the industry underline the need for strong single industry voice⁵⁸.
- c. The collection and compilation of tourism statistics needs urgent improvement. The reliability of the current statistics extremely low and no information was available on tourists spending overall tourists' revenue for the country
- d. The human resources capabilities of the tourism and hospitality sectors are lagging far behind in terms of quality, standards and skills delivery.

⁵⁶ Tourism Master Plan, *Journal of Tourism, Hospitality and Sports*. Available at www.iiste.org retrieved 23 August, 2017 at 10.48 am

⁵⁷ Ibid

⁵⁸ Ibid

- e. There is a lack of balance between management and supervisory training and craft skills training. The numbers receiving craft skills training need to be greatly increased.
- f. The National Institute for Hospitality and Tourism (NIHOTOUR) is grossly overstaffed and ineffective in its present role as a provider of educational services. The institute has no credible onsite practice facilities nor has any experience of delivering skilled personnel to the work force.
- g. The various education providers do not specify skills or program outcomes. There is no way of ensuring consistent delivery of quality outcomes nor is there any way for auditing the quality of outcomes of the various training and education institutions. Some of these institutions are equipped underfunded and equipment are badly maintained⁵⁹.
- h. There is significant shortage of suitably qualified instructors, teachers and lecturers across the teaching faculty. They also lack industry experience and an international exposure. To resolve some of the identified hindrances.

After identifying the challenges plaguing tourism development in Nigeria, the committee came up with twenty-eight key recommendations the implementation of which was believed to give the much needed direction to tourism development in Nigeria. But of particular interest to this research is the one that pointed to the inadequacy of the National Tourism Development Corporation Act that is: “National Tourism Development Corporation (NTDC) Act is “pretty basic” (emphasis mine). Omitted from its text are various provisions which are salient to the development of a viable tourism industry and which ensure continuing sustenance of the present efforts”. This is being addressed with the new Bill that has been drafted by the project team”. It is disheartening to note that

⁵⁹ Nigeria Tourism Master Plan.

despite the aforementioned recommendations, the planning approaches to the implementation of the tourism Master plan lacked a time dimension. This is because. More than ten years later, the draft Bill that was meant to address the perceived inadequacies in the Nigeria Tourism Development Corporation Act⁶⁰, has not been passed into law till date. The most likely reasons are those arising from political instability. For example, Since Nigeria's independence, there have been frequent changes in government that affected the taxonomy and also led to changes in Ministers and Director Generals of the Ministry most of whom, once appointed, also changed the personnel in their departments. These changes in government usually give birth to something of a political hiatus and re-ordering of priorities, changes in policies and personnel. These unstable policies have caused uncertainty, which has led to the emergence of a laissez – faire approach to regulatory and institutional development of Tourism and Hospitality. Recently there seems to be renewed effort by the current administration to get the Nigerian tourism sector up and running. Being a labor-intensive sector, with supply chain that links across sectors the sector seems to be a priority in the ongoing efforts to diversify the nation's economy. In furtherance of this, the United Nations World Tourism Organization has rolled out a number of measures, including technical assistance, capacity building and review of the country's Tourism Master Plan, as part of efforts to lift tourism in the country. These measures were announced at the end of a two-day meeting between the Minister of Information and Culture, Alhaji Lai Mohammed, and the global Tourism Agency in Madrid Spain. The session which marked the return of Nigeria to the center stage of the organization it joined in 1975, was held at the instance of UNWTO Secretary General, who invited the Minister to the Agency's Headquarters. As a follow up to their meeting at the 58th UNWTO CAF Meeting held in Abidjan, Cote d'Ivoire, in April, 2015.

⁶⁰ Cap N137 LFN 2004

Based on this partnership, the global Agency is widening access to its e-Library for Nigerian tourism officials, as well as offering support for relevant tourism institutions and agencies in Nigeria. Under the UNWTO's technical assistance programme, Nigeria will be assisted in the area of data collection for the elaboration of tourism statistics, rural development, hotel classification and creation of awareness. The Global body has also indicated interest in helping Nigeria to review the Tourism Master Plan.⁶¹

To further ensure the implementation of the National Policy, the Nigerian Tourism Development Corporation Act was enacted as the foremost legislation on tourism⁶²

The development of a vibrant tourism industry will rest on array of actions and implementation processes showing the way forward. This brings forth, the need to beam the searchlight on the NTDC Act so as to identify the inherent and perceived omissions in it and adduce plausible reasons for its necessary and urgent review to reflect the strategic recommendations contained in NTDM. Such a step will be directed at determining the direction, and actions the government must take if tourism is to become a profitable and sustainable economic activity.

It is imperative to note that most great economies derive powers from their constitution which in most climes is regarded as the grand num. The baseline for Tourism in Nigeria is right of freedom of movement in and outside Nigeria as granted and provided in Chapter IV of the Constitution⁶³. The constitution similarly empowered the National Assembly to make laws in respect of matters listed in the Exclusive Legislative List. Interestingly, only "Tourism traffic" was mentioned in the list, there was neither specific mention of what constitute Tourism nor was there specific mention on whom between the

⁶¹Nwanne, .C. (2016) "Tourism development in Nigeria... Beyond rhetoric, grandstanding ".The Guardian Newspaper, 2 September, 2016. Available at <https://guardian.ng>. Retrieved 17 April, 2017 at 11.12am

⁶²Dantata, M. (2008). "Regulating Hotel Franchise in the Nigeria's Hospitality Industry." *Term paper presented to Dept. of Tourism and hospitality Management*. Faculty of Management and Ent. Studies. Lead City University Ibadan.

⁶³ Section 41 CFRN, 1999 (As amended)

Federal and State Government, lies the responsibility of regulating the activities of the industry. The implication was that Tourism was neither in the Exclusive nor Concurrent Legislative list of the Constitution. But since Section 4(7) (a) provides, “that The House of Assembly of a state shall have power to make laws on any matter not included in the Exclusive legislative list set out in Part 1 of the Second Schedule to the constitution”⁶⁴. This invariably means that the prerogative to legislate on tourism is that of the government of the state in which a tourism site is situated. This being the case, it appeared that the constitutional base for the enactment of the NTDC Act is subject to debate. This is perhaps the most fundamental area of the Nigeria Tourism and Hospitality industry that is in dire need of review in order to avert conflict of law and to give the Act the necessary background for inclusive implementation of its provisions as examined hereunder.

3.5 Nigerian Tourism Development Corporation Act⁶⁵.

The Nigerian Tourism Development Corporation Act 1992⁶⁶ was enacted by the National Assembly in line with objectives of the National Tourism Policy, and pursuant to Section 4(2) (3) , item 60 (d) Part 1 of the Second Schedule of the Constitution of the Federal Republic of Nigeria⁶⁷. It has since become the apex tourism legislation for coordinating tourism activities in Nigeria⁶⁸. The Act created the Nigerian Tourism Development Corporation whose functions were to register, classify, grade and regulate all Hotels.

Section 14 of the Act established the Hotel Inspectorate Division and vested it with power to register, classify, grade and monitor hotels and other hospitality establishments, as well as charge fees and impose such sanctions as may be prescribed by the Nigerian

⁶⁴ Ibid

⁶⁵ Cap N137LFN, 2004

⁶⁶ Ibid

⁶⁷ CFRN, 1999 (AS amended)

⁶⁸ Ajadi B. S, (2012) Op. cit pp. 43-44

Tourism Development Corporation on erring persons. Operating a hospitality establishment in Nigeria requires that such enterprise be registered⁶⁹, classified and graded by the Corporation, operating otherwise is prohibited.⁷⁰

Further, Section 20 NTDC Act⁷¹ empowers the Minister of Tourism to make regulations requiring hotels and similar establishments to display information with respect to prices charged, and prescribing standards to be observed by these establishments. A careful study of the provisions of the Act and Regulations seems to reveal that they are directed at maintaining acceptable standards in the Tourism and hospitality industry.

3.6 Hospitality and Tourism Establishments (Regulation, Grading and Classification) Regulations⁷².

The Hospitality and Tourism Establishments (Regulation, Grading and Classification) Regulations⁷³ was primarily made in exercise of the powers conferred on the Minister by Sections 4(2) and 20 of the NTDC Act⁷⁴. It regulates operations of hotels, inns, *and related outfits*. It sets appropriate standards for the industry. For example, Regulation 1 provides that:

Every Owner of every hospitality and tourism establishment in Nigeria is mandatorily required to register its business with NTDC within sixty (60) days of its commencement of operations. Every certificate of registration issued by NTDC expires on the thirty-first (31st) day of December in the year of the issue of such a certificate; with renewals required on a year to year basis upon the payment of such fees as may be prescribed by NTDC⁷⁵.

⁶⁹If it involves an association of more than 20 persons not being a cooperative, the law required that it also be incorporated. See s. 19(1) of the Companies and Allied Matters Act 1990 Cap C20 LFN 2004.

⁷⁰ Section 16 NTDC Act Cap N137 LFN ,2004

⁷¹ Ibid

⁷² This regulations, hereinafter referred to as “the Regulations”, came into effect on January 1, 1995.

⁷³ Ibid

⁷⁴ Regulation 1, Hospitality and Tourism Establishments (Registration, Grading and Classification) Regulation

⁷⁵ Hospitality and Tourism Establishments (Registration, Grading and Classification) Regulation

In the same vein, The Owner of every registered hospitality or tourism establishment must display in a prominent place, at its business premises, its NTDC certificate of registration indicating the name of the establishment, its classification and the grading status of the tourism and or hospitality establishment. There are fines and criminal penalties for individual owners and corporate bodies who fail to register their hotels, tourism and hospitality establishments with NTDC⁷⁶.

The Regulations allow officers of the Corporation to enter the premises of hotels and other hospitality establishments for the purpose of inspection to ensure that the quality of their services conforms with the Regulations⁷⁷. The schedule made pursuant to regulation 10 of the Regulations prescribes minimum standards for the classification and grading of hotels from one star to five star, and restaurants are classified and graded as one, two, three, or four crown restaurant⁷⁸. The Regulations prohibit the use of a star or crown by an enterprise other than as classified and graded by the Corporation⁷⁹. To do so constitutes an offence punishable on conviction by a fine of N5, 000.

Furthermore, the Corporation may order a revocation or suspension of the certificate of registration of a hospitality service where the business of the establishment is conducted in an unhygienic, unclean, unsanitary or inefficient manner; or the food and drink served in the establishment is not properly prepared or served; or the owners of the establishment have failed, refused or ignored to comply with any of the provisions of the Regulations; or where the Corporation is satisfied that the failure or refusal of the establishment to comply with the Regulations or other directions issued by the Corporation constitutes a danger to the health of persons who may patronize the services of such establishment⁸⁰.

Where proprietors of hospitality establishments operate their businesses below the

⁷⁶ Ibid Reg. 2

⁷⁷ Ibid Reg. 12

⁷⁸ Ibid Reg. 11.

⁷⁹ Ibid Reg. 14(4)

⁸⁰ Regulation 5 (1) Op. cit

regulated standard, sanctions may equally be meted out to such service providers. The duty to enforce the provisions of the Act seem to be imposed on the hospitality establishment and its proprietors. Therefore, regulation 5 implies that besides sanctioning an erring establishment⁸¹ as a corporate entity, the providers of such services may be sanctioned as well.

Presently in Nigeria, the Hospitality and Tourism Establishment (Registration, Grading and Classification) Regulation derived its powers from the Nigeria Tourism Development Act which is the codified legal framework for the tourism and hospitality industry. Thus the Act can be best described as a legislation that mainly established an administrative agency to regulate the industry with the (commercial) objective of ensuring general standard in the provision of hospitality services. But the course charted by Section 1 of the NTDC Act⁸² became altered on the 9th of July 2013, when the Supreme Court of Nigeria delivered its judgment in the case between **Attorney General Lagos State vs Attorney General of the Federation**⁸³.

3.6.1 The conflict between the Nigeria Constitution and the Nigeria Tourism Development Corporation Act.

The case between AG Federation vs AG. Lagos State, resulted in a conflict situation which tested the constitutional legitimacy of the Nigerian Tourism Development Corporation Act. As a prelude to the case, the National Assembly had Pursuant to Section 4(2)(3) item 60(d) part 1 of the Second Schedule of the Constitution⁸⁴ created the Nigerian Tourism Development Corporation whose functions were to register, classify, grade and regulate, all hotels, Motels, hospitality and other tourism enterprises, and tour operators.

⁸¹ NTDC Act Cap N137 . Op.cit

⁸² Ibid

⁸³ (2013) 7S.C (Pt.1) 1

⁸⁴ AG. Lagos State. vs. AG. Federation (2013) 7S.C (Pt.1) 1

In 2003, the Lagos State Government⁸⁵ passed into Law the Hotel Licensing Law Cap H6 Laws of Lagos State of Nigeria 2003, which conflicted with the mandate of the Nigerian Tourism Development Corporation Act. In 2009, the Lagos State Government published a public notice that registration of hotels and tourism related establishments in Lagos was the exclusive responsibility of the Lagos State Ministry of Tourism and Intergovernmental Relations.⁸⁶ The law was subsequently amended by the Hotel Licensing (Amendment Law), Lagos State Official Gazette dated 20th July, 2010.

This seemingly abuse of the jurisdiction of the NTDC by Lagos State led to swift reaction of the Nigeria Tourism Development Corporation which issued, a public notice advising all operators of hotels, and Companies alike to disregard the earlier notice issued by the Lagos State Government pursuant to its Hotel Licensing Laws. In this regard, the Attorney General of the Federation (AGF), on behalf of the Federal Government, commenced an action by way of originating Summons at the Supreme Court in case No SC.462/40 against the Attorney General of Lagos State (AG. Lagos State), challenging the validity of the laws enacted by the Lagos State House of Assembly.

In a counter reaction, the Attorney General of Lagos State vide an originating summons in Suit No. SC.340/2010 also invoked, the original jurisdiction of the Supreme Court against the Attorney General of the Federation challenging, the validity of the Nigeria Tourism Development Corporation Act, enacted by the National Assembly.⁸⁷ But because the two suits were of same facts, antecedent, and parties, (which were the same except in the swapping of status) the learned counsels for the parties agreed to be bound by the final

⁸⁵Ehijeagbon. O. (Is and Hospitality establishments grading, classification regulations” *Legal Alert*. Available at, www.osaraogheassociates.com Retrieved 18 June, 2015 at 10.45 pm p.2

⁸⁶Federal Republic of Nigeria, 1999 (as amended)

⁸⁷Ayansina .C. (2014), “Nigeria tourism sector: the good, bad and ugly”, *Vanguard*, 24 January, 2014 Available at www.vanguardngr.com Retrieved 10 January, 2016 at 11.08pm

decision in Suit.SC 340/2010. The Supreme Court therefore dismissed suit SC.462/2010⁸⁸.

The issues for determination were (1) whether regulation, registration, classification and grading of Hotels, guest houses, motels restaurants, travel and tour agencies and other hospitality and tourism related establishment are matters in the Exclusive and Concurrent Legislative List and outside the legislative power of Lagos State House of Assembly, and (11) Whether the laws enacted by the Lagos State Government on the subject are invalid by reason of their inconsistency with the provision of the Nigerian Tourism Development Corporation Act⁸⁹.

The Plaintiff's counsel contended that by the provisions of item 60(d) of the Second Schedule, Part 1 of the 1999 Constitution, (as amended) matters pertaining to the regulation, registration, classification, and grading of Hotels, Motels Guest inns, Tour Operating outfits, Restaurants, Travel Agencies, Fast Food Outlets and other tourist related establishments were under the Exclusive Legislative List. Thus the Lagos State Government had no power to legislate and promulgate laws on those matters. The Plaintiff's counsel fortified his position by reference and reliance on the provisions of the "Tourist Traffic Act" 1939 of the Republic of Ireland which dealt essentially with items such as enumerated in the Exclusive legislative list of the 1999 Constitution of the Federal Republic of Nigeria to urged the Court to declare the three enactments made by the Lagos State Government illegal, null and void.

In response, the Defendant's counsel submitted that a scrutiny of the Constitutional provisions revealed that the power of National Assembly over tourist related matters was limited to regulations of "tourist traffic" which is not defined in the 1999 Constitution,

⁸⁸ Alexander. O, (2014) "The Hotel Licensing Case: The Attorney General, Lagos State.vs. the Attorney General of the Federation". Available at <http://www.academia.edu> Retrieved on 27 March, 2016 at 1.15am

⁸⁹AG. Lagos State. vs. AG. Federation (2013)

therefore, the Plaintiff's definition as contained in the Republic of Ireland's Tourist Traffic Act of 1939 was misleading and totally irrelevant. And the Constitution of the two countries are dissimilar in their system of Government, relying on the decision in **Oguguvs The State**⁹⁰.

On the first issue, the court found in favor of the Defendant. His Lordship Honorable Justice Galadima considered the intention of the lawmakers and relied on Oxford Advanced Learners Dictionary 7th Edition, which defines "**tourist**" as a **person who is travelling** or visiting a place. While **traffic is movement of people or goods** from one place to another. That the power of the National Assembly to make laws on Tourism is restricted to tourist traffic which was held to be within Residual powers of the States Houses of Assembly. The Court in defining the scope of the phrase tourist traffic as used in the Exclusive Legislative List held that:

The words "tourist traffic" alludes to ingress and egress of tourist from other countries. The deduction, is that it applies to anyone who moves from one place to another for sightseeing, relaxation and possibly cultural purposes. But may not necessarily be from another Country, but within a country; i.e. from one town to another. But within the context of item 60(d) the connotation is that a tourist is an international traveler who travels to another country for the purpose of sightseeing, and who must thus obtain a visa to visit the said other country, (in this case Nigeria) which calls for the exercise of the function of the Immigration department of the Ministry of Internal Affairs as governed by the Immigration Act Cap 1 2004 of the Laws of the Federation of Nigeria.⁹¹

Applying the definitions, His Lordship was of the view that the words in item (60(d)) confines the powers of the National Assembly to the regulation of only "tourist traffic" and held that the contention of the Plaintiff could not be sustained. He stated further that Nigeria as a Federal Republic cannot adopt definitions from Republic of Ireland which practices a unitary system of Government. In effect, the Apex court held, that the

⁹⁰ (1994) 9NWLR (pt.366) 1 at 43.

⁹¹ AG Lagos State vs AG, Federation (2013) 12 NWLR (pt.833) 1 at 195-196.

National Assembly cannot take the liberty to confer power or authority on the Federal Government to engage in matters which ordinarily ought to be the responsibility of a State Government or its agencies under its residual legislative power⁹².

On the second issue, the Apex Court identified that the pedestal upon which the claim is anchored is the Nigerian Tourism Development Corporation Act⁹³, an enactment deriving its authority from the provisions of the Constitution, with specific powers to register, classify, and grade hospitality and tourism enterprises. The Supreme Court noted that the three Laws promulgated by Lagos State are not items in the Exclusive and Concurrent lists but are rather Residual matters for the State, hence, the Laws enacted by the Lagos State Government are intra vires the powers of the State Government. The Court also considered the subject introduced in the 2010 Amendment of the Hotel Licensing Law of Lagos State and opined thus:

I have carefully studied the main law- the Hotel Licensing Law of 2003. I do not think its provisions have to do with grading or regulating of hotels generally, other than licensing. It has nothing to do with tourism parse but the October amendment of 2010 incorporated the Licensing and grading of hospitality sector as eateries, bars, casinos, hotels and event arenas amongst others. Clearly this is legislation by a state legislature...⁹⁴

Relying on Section 4(7) of the 1999 Constitution (as amended), where a State House of Assembly is empowered to make laws for the peace, order and good governance of its state, the Supreme Court held that it was not in doubt the provision was considered by the Lagos State Government before enacting the laws.

⁹² Ibid

⁹³ Cap N137 LFN, 2004

⁹⁴ AG Lagos State vs AG Fed. (2013) 7S. C (pt. .1)

On reliance of the plaintiff on the doctrine of “Covering The field”. His Lordship held that such is only applicable to where a matter legislated on is in the concurrent list and the State enactment is inconsistent with the legislation of the Federal Government⁹⁵.

That the doctrine cannot be applied to preclude the State House of Assembly from making laws on tourism since tourism is not one of the matters set out in the Concurrent List of the Constitution of the Federal Republic of Nigeria. The apex court further thus held that relevant authorities are to the effect that the doctrine is only applicable in cases where concurrent legislative powers are validly exercised on same subject matters⁹⁶.

While relying on the above position, the court held that the contention of the Federal Government that, matters pertaining to the regulation; registration, classification, grading, of hotels, motels, guest houses, restaurants, travel and tour agencies, and other hospitality and tourism related establishment are matters within the Exclusive Legislative List, is incorrect and unsustainable because the provision of *Section 4(7) of the Constitution*⁹⁷, leaves no one in doubts that the State House of Assembly has power to make laws for the peace, order and good governance of the state⁹⁸ and that the Federal Government lacks the constitutional powers to make laws on any other aspects of Tourism other than Tourist Traffic -which are by implication residual matters for the State Assembly. According to the court;

The purported exercise by the National Assembly of its legislative power in enacting the National Tourism Development Corporation Act which regulates hospitality facilities is certainly a null and void one. The null and void Act cannot even be saved by virtue of item 68 of part I of the same 2nd schedule since the subject matter it dwells upon, regulation and classification of Hotels and eateries, is neither incidental nor supplementary to the task the Assembly is

⁹⁵ AG. Ogun State .Vs. AG. Federation (1982) 13 NSCC 1 at 35.

⁹⁶ AG Lagos State vs AG Federation (2013)

⁹⁷ CFRN, 1999 (as amended)

⁹⁸ Alexander, O. (2014) Op. cit p.20

empowered to legislate on, by virtue of item 60 (d) of part I of 2nd schedule to the Constitution⁹⁹.

This point was exhaustively thrashed in the locus classicus of **LakanmivvsAttorney-General Western Region**¹⁰⁰ and re-echoed in the case of **Attorney- General Ogun State vs Attorney-General Federation**¹⁰¹ where it was held that, "the phrase "covering the field" means that state government cannot legislate upon a matter which is on the concurrent list and has already been legislated upon by the Federal Government because doing so will render such a law void and of no effect for inconsistency¹⁰².

In the same vein, Professor Nwabueze in his book *Federalism in Nigeria under the Presidential Constitution* opined that, "The question is can a state law on a concurrent matter co-exist with a Federal Law on the same matter? Especially where the latter expressly or impliedly evinces an intention to provide a complete statement of the law governing the matter."¹⁰³

From the elucidations so far made, it is obvious that the doctrine has no application to the issue before the court. The key issue arising from the judgment is whether the Supreme Court has validated the right of the State government to make laws on the taxation of consumption, services related to hotels, motels, guest houses, restaurant, Travel and tour, by holding that the Lagos State House of Assembly has the constitutional power to enact the Hotel Occupancy and Restaurant Consumption Law. On this note, the Supreme Court refused declarations and injunctions sought by the Plaintiff holding that the case fails in its entirety and therefore dismissed same.

⁹⁹ AG Lagos State vs AG Federation (2013) Op.cit

¹⁰⁰ (1970) 6NSCC 143

¹⁰¹ (1982) 13 NSCC I at 35,

¹⁰² Ibid

¹⁰³ in his book, *Federalism in Nigeria under the Presidential Constitution*)

3.6.2 The implications of the Supreme Court Judgment in AG. Lagos State vs AG Federation

The general opinion is that the decision of the Supreme Court is a validation of the powers of the State House Assembly on any aspect of Tourism other than tourist traffic which by this judgment has been settled to be reserved exclusively for the National Assembly. Furthermore, by holding that it is within the residual power of the State House of Assembly to enact the Hotel Occupancy and Restaurant Consumption Law as one arising from its power to make laws on Tourism, the apex court has affirmed the power of the State House of Assembly to impose taxes on consumption of services relating to Tourism other than tourist traffic.

For instance, Edo State, a state in the Southern part of Nigeria has a Hotels and Events, Centers Occupation and Restaurant Consumption Law which imposes a five percent (5%) tax on the total invoice issued to a customer for all the consumable goods and for all the services rendered in all hotels, Restaurants, Event Centers and other similar establishments in Edo State. The consumption tax collected are expected to be remitted to the Edo State Board of Inland Revenue on or before the 7th Day of the following month of the collection. All Proprietors of the applicable hotels and other leisure and entertainment establishments in Edo State are required to register their establishments with this Board of Internal Revenue, within Sixty (60) days of their commencement of business for the purpose of compliance with the provisions of this Law. Failure to register for the collection of this consumption tax, or to file monthly returns or to remit the consumption tax collected attracts penalties, fine and terms of imprisonment which could be imposed on the

principal officers of the establishment if found guilty of committing any of these offences¹⁰⁴

Other far reaching implication of the judgment is that the Judgment can be construed as setting a limitation on the application of the Value Added Tax Act¹⁰⁵. The decision of the court that it is within the residual power of the State House of Assembly to enact the Hotel Occupancy and Restaurant Consumption Law (arising from its power to make laws on Tourism) the apex Court has also indirectly stated that the National Assembly does not have constitutional vires to make laws on the subject matter. This also implies that the Value Added Tax Act being, an Act of the National Assembly, will not apply to those subject matters¹⁰⁶

The implication is that owners of hotels and tourism sites still have to duplicate payment of tax i.e. pay Sales tax to federal government, revenue to state, tenement rate to local government and many other duplicated taxes. Since the judgment is salient on the competence of whose jurisdiction it is to collect consumption tax it behooves the government, to as part of the necessary reform in Tourism and Hospitality industry, revisit this and finally lay to rest the issue of payment of multiplicity of tax in the industry. It is pertinent to note, that being a business related activity, Tourism and Hospitality industry also has to conform to other commercial related legislations in the country. Some of which are examine hereunder.

3.7 Nigerian Laws affecting Tourism and hospitality industry

¹⁰⁴Oserogho and Associates (undated) "Hotels and Tourism Licensing Regulatory Regimes –Nigeria" Available at <http://www.hg.org/article.asp> Retrieved 12 February, 2015. p. 3

¹⁰⁵ Value Added Tax Act No. 102, 1993

¹⁰⁶Adebiyi & Associates (2013). "Supreme Court Validates Rights of States of the Federation to make laws on consumption Tax." Available at www.wtsnigeria.com Retrieved 20 August, 2016

The multifaceted feature of tourism has created interactions in legislations relevant to tourism development. Thus from when a tourist is motivated to travel, from the purpose to the time he arrives at his destination his actions or inaction with regards to activities of the various sectors of the industry, like the tour agency where he books his journey, the immigration service he approaches for visa and other travelling documentations, the bank where he collected his legal tender to the accommodation and tourist sites he visits. He creates legally binding relationship the dictates of which are statutorily provided in legislations enacted for the management of such interlinked tourism sectors. The activities of these economic sectors helps to promote tourism in the country of visit. Examining some of these laws is important for a proper appreciation of the impact of tourism legislation. The following Federal and State laws are considered relevant to the Tourism and Hospitality industry in Nigeria

3.7.1 The Immigration Act

Immigration is a matter within the Exclusive Legislative List. It therefore falls within the Exclusive Legislative competence of the Federal Government. The main legislation is the Immigration Act¹⁰⁷ it is the law that regulates the entry, stay and departure of non – Nigerians into the country. The subsidiary legislations to the Immigration Act are the Immigration Regulations and the Immigration (Control of Aliens Regulation).¹⁰⁸.

The law stipulates that application for visas or entry permits shall be made at appropriate Diplomatic Nigerian Missions abroad¹⁰⁹. It defines visa as “An impress or endorsement made by any means on a travel document, signed and dated on behalf of the Government of Nigeria, by an officer appointed for that purpose. And authorizes entry into or transit across Nigeria subject to compliance with any special requirements, prescribed by the

¹⁰⁷ Immigration Act, Cap 171 LFN, 2004

¹⁰⁸ Ibid

¹⁰⁹ Ibid Section 9

immigration authorities at a port of entry, and valid for specified time and for the number of journeys stated therein¹¹⁰.

The different categories of visas include transit, single journey and multiple journey visas. Single journey visas which are valid for single entry into Nigeria including the short visit visa which would be applicable to tourists or those visiting Nigeria for business or meetings. The diplomatic head of the mission issues visa(s) or entry permits for persons visiting Nigeria if satisfied that it is proper to do so¹¹¹

The law prohibits Non Nigerian citizens from taking up employment without the consent in writing of the Director of Immigration. The law makes no distinction between those taking up permanent employment or holiday job seekers. A distinction is however made between persons visiting Nigeria and those seeking entry for employment purposes, the applications of the latter category are to be referred to the Ministry of Internal Affairs. Where there is no diplomatic Nigerian mission in the country concerned, then the application may be made to either the government of the country where there is an agreement between Nigeria and the country or in the absence of any agreement the application can be made to such diplomatic mission as may be designated by the Ministry of External Affairs¹¹².

The Minister may exempt by order any person or classes of persons from the requirements of entry and departure under the Act and also with the concurrence restrict the classes of cases where medical examination of persons landing in Nigeria is required¹¹³. He is also empowered to dispense with the requirement for visa or entry permit where he is satisfied that the government of any other country or a Minister thereof permits the entry of citizens of Nigeria into that country without the necessity for

¹¹⁰ Ibid

¹¹¹ Ibid

¹¹² Ibid Section 12

¹¹³ Ibid Section 2

a visa or other entry permit. In that event the minister may abolish or suspend the requirement in Nigeria of a visa or other entry permit by nationals of such other country¹¹⁴.

The law Further provided that the Minister can prescribe the conditions for entry into Nigeria and the fees payable in respect of travel document, visa or permit and all Nigeria embassies are to give effect thereto in any proper case by issuing the visa or other entry permit. And to make all such regulations which in his opinion are necessary or expedient for giving full effect to the provisions of the Act and its due administration therefore¹¹⁵.

Under the Act¹¹⁶ an “alien” means “any person not being a common wealth citizen or a citizen of Nigeria. Whilst an immigrant means any person other than a citizen of Nigeria or person accorded immunity by reason of diplomatic status who enters or seeks to enter Nigeria. Persons wishing to work in Nigeria would usually be granted the Subject to Regularization (S.T.R) or Residence Work Permit or the Temporary Work Permit (T.W.P) visa depending on the nature and duration of the work. S.T.R visas are for permanent work prior to issuance of Residence Permit whilst T.W.P visas are for short period assignments such as: -Erection / Installation Work, Feasibility Studies, Repairs of Machinery/Equipment, Auditing of Accounts, Research work, and such other assignments as may fall in this category. Temporary Work Permit (T.W.P) visas are not within the expatriate quota allocation of the organization or company.

3.7.2 Immigration (Control of Aliens) Regulations:

¹¹⁴ Ibid Section 32

¹¹⁵ Section 51 Immigration Act, Cap 171 Op.cit

¹¹⁶ Ibid

The regulations essentially are aimed at controlling the movement of aliens' resident in Nigeria. Particulars of all such aliens are maintained in a registry as provided in Section 5. Aliens are expected to register in compliance with Section 8 as well as give notification of any change of status of residence as stipulated in Section 9. By virtue of Section 13 the owner or manager of any boarding house, hotel, lodging house or rest house or any premises where lodging or sleeping accommodation is provided for payment is required to maintain a register in the form presented in the fifth schedule to the regulation. All aliens staying at any such place are required to enter their particulars in the register.

By virtue of Section 16 the Chief Immigration Officer may by notice in writing addressed to the mentioned places require the owner or manager to provide to the senior immigration officer or the aliens officer in the State or Federal Capital Territory Abuja in which such premises are situate a daily list showing the particulars of every alien accommodated at such premises during the previous 24 hours or any other period specified in the notice.

Section 17 of the subsidiary legislation makes it an offence not to comply with the appropriate section of the legislation and stipulates penalties for noncompliance. The minister has power under Section 22 to declare any alien or any class of aliens exempt from the requirement to comply with any or all of the Regulations.¹¹⁷ By virtue of Section 23(e) the regulations made there under are not applicable to an alien who enters Nigeria with a visitors permit during the validity of such permit unless such person remains in Nigeria for more than fifty-six days.

The immigration Regulations in force limits the initial period for which a visiting permit can be issued to a period not exceeding twenty-eight (28) days. The visa may however be

¹¹⁷Immigration (Control of Aliens) Regulations

extended or varied provided an application in writing to an immigration officer is made at least seven clear days before the expiry of such permit specifying the reason for the extension or variation. The immigration officer may extend the visiting permit for periods of twenty-eight days at a time. Citizens of Eire or the Commonwealth may receive extensions not exceeding ninety days in the aggregate from the original date of entry into Nigeria without the permission of the Director of Immigration but no alien shall be granted an extension beyond the initial period of twenty-eight days without the written consent of the Director of Immigration¹¹⁸.

The Act prohibits the issuance of visiting permits where the immigration officer is not satisfied that the person is in possession of a return ticket or an outward transportation ticket to a country to which his admission is guaranteed or where such person has not made or is unable to make adequate arrangement(s) for his maintenance in or departure from Nigeria¹¹⁹

3.7.3 Expatriate Quotas

The Expatriate Quota scheme was designed by Government to prevent the indiscriminate employment of expatriate where there are qualified and suitable Nigerians to fill those positions. Expatriates seeking to work in Nigeria must have been accorded residence status and be in possession of valid residence permits. Applications for residence permits are essentially channeled through the Ministry of Internal Affairs. The general policy in the consideration is the need to ensure effective transfer of technology to Nigerians and eventual indigenization of positions occupied by expatriates. The policy guidelines also recognize the need to allow expatriates quota positions to enable the investor protect its economic interests and engender the required commitment to the enterprise.

¹¹⁸ Ibid

¹¹⁹ Ibid Section 5(4).

The general observation is that Immigration laws and regulations in a tourist friendly state should clearly identify the differences between tourist visas and business visas. Different criteria should attach to the grant of working visa, business visa, holiday visa, family visa and dependent visa. Documentation required from tourists should not be too cumbersome and procedures should be transparent speedy and simple. The provisions of the Act can be relatively flexible particularly if the minister's power to make regulations is used in a manner that reflects an appreciation of the need to encourage tourists to visit Nigeria.

The power of the Minister to exempt classes of person could also be an effective tool; in encouraging the inflow of tourists has the ase in places like Kenya. It however, appears that in Nigeria only citizens of the Economic Community of West African States (ECOWAS) are exempted from entry visas under the EOWAS Protocol for Free Movement of Persons.

Article 8(4) of the World Tourist Organization (W.T.O) Global Code of Ethics for Tourism promotes inter-alia the "adaptation of administrative procedures relating to border crossings to be facilitative of maximum freedom of travel and wide spread access to International Tourism". This requires the removal of excessive formality or discrimination in the granting of visas. Section 8(4) also advocates the harmonization and simplification of entry procedures to allow ease of movement of tourists. Some countries in pursuit of the quest to attract tourists have completely removed the requirement of visa for nationals of some countries. Nigeria is yet to utilize the removal of visa requirement for nationals of other states apart from ECOWAS countries as a tool to increase thenumber of tourists¹²⁰ that will visit the country.

In spite of the presence of the above legislations, there are many complaints about delays in processing and issuance of visas to applicants, over inflated visa fees, lack of

¹²⁰Nigeria Tourism Master Plan p.21

stationaries amongst others have become avenues for corrupt practice by immigration officers. Another point is the unusually porous nature of Nigerian border mostly associated with its huge land mass. The inefficiency and lack of patriotic zeal amongst some of the immigration officers deployed to border posts has continued to affect the ingress of other nationals to the country for various tourism purposes. This has affected tourism development.

3.7.4 Value- Added Tax¹²¹

The Value Added Tax is a landmark tax reform in Nigeria which though enacted in 1993 only became effective in 1994. It is a Federal legislation on tax consumption. By this Act tax is levied on all goods and services other than those exempted under the Act. It requires companies to pay taxes on goods and services which are consumed by individuals, corporate organizations and others. The tax is collected at each stage of the production and distribution process. It is eventually borne by the final consumer. (However sometimes multiple layers do bear part of the burden. Example VAT on tax on services and fixed assets). The value added Tax is charged at the rate of five per cent (5%) tax on the value of all goods and services provided in Nigeria except for some few exempted goods and services, as well as "Zero rated goods. The latter having being listed in the Act as non-oil exports, goods and services purchased by diplomats and for Nigeria in humanitarian projects¹²².

All persons including all Hotels, Hospitality, Tourism and other leisure establishments are required to include five per cent (5%) Value Added Tax on all invoices that they issue to their customers. They are also required to file monthly VAT returns and remit the

¹²¹ Value added Tax Act, Cap VI, LFN No .102 of 1993. Available at www.firs.gov.ng Retrieved 31 August, 2016

¹²² Value added Tax Act, Cap VI, LFN No .102 of 1993. Opacity

excess VAT where the output VAT exceeds the input VAT. There are punitive penalties for any infringement of the provisions of the Value Added Tax Act (as amended)¹²³. It is important to note here that the final decision of the Supreme court in *Ag Lagos State vs. Ag Federation* did not address the validity of the Lagos State Hotel Occupancy and Restaurant Consumption Law vis-à-vis the Federal Value Added Tax Act (as amended). The effect of this development is the continuing combined imposition of a State Sales or Consumption Tax and a Federal Value Added Tax on the same transaction or purchases in Lagos and Edo State. This position, amount to double taxation.

As Sales Tax is arguably a residual matter for the States' House s of Assembly to legislate on. The parties in this suit, and other states that have enacted their State or Consumption Tax Laws Like Edo State, will be serving the greater economic development of Nigeria if they return to the Supreme Court of Nigeria to obtain legal validation on state or federal Sales or Consumption Tax impositions, both in Lagos and in the rest of the Federal Republic of Nigeria¹²⁴.

3.7.5 Pension Reform Act (as amended)

The Pension Reform Act (as amended) requires all employers and employees, whether engaged in the public or private sectors of the Nigerian economy, to contribute a minimum of seven and a half per cent by the employer, and another minimum of seven and a half per cent by the employee, from the employee's monthly emolument towards the employee's mandatory Pension Scheme and plan. There are penalties for breaching the various statutory provisions of the Pension Reform Act (as amended). Like every other civil service sector, employee in the tourism and hospitality industry are also entitle to

¹²³ Nigeria Tourism Development Master Plan.

¹²⁴ Ehisoserogho, O. (2013). "Hotel Regulations- States or Federal Government Authority" Available at <https://eserogho.wordpress.com> Retrieved 28 March, 2017 p.2

pensions upon retirement. However, those in the private sector are not always given pensions, only a parting gratuity at the point of exit and future review of this tax law should consider this inclusion of this class of employees in the pension scheme

3.7.6 The Employee's Compensation Act 2010:

The Employee's Compensation Act 2010, which repealed the Workmen Compensation Act, requires every employer, whether in the private or in the public sector of the Nigerian economy, to contribute to the Employees' Compensation Fund, which is managed by the National Social Insurance Trust Fund ("NSITF"), a compulsory employees' compensation contribution of one percent of the employer's total monthly payroll. There are fines and penalties for any breach of the provisions of the Employee's Compensation Act 2010

3.7.7 Companies Income Tax Act¹²⁵

Hotels, Hospitality, Tourism and other leisure establishments are incorporated limited liability companies, by virtue of which they are required by law, to pay thirty per cent (30%) of their annual profits as Companies' Income Tax and two per cent (2%) as Education Tax at the end of each trading or financial year. Related to the above provisions is the requirement to file annual returns with accompanying audited accounts at the end of each financial year, at the Corporate Affairs Commission.

3.7.8 Personal Income Tax¹²⁶

This is tax payable by all individuals and registered businesses and Partnerships except those registered under Part A of the Companies and Allied Matters Act. All Hotels,

¹²⁵ Cap 60 LFN, 2004

¹²⁶ No.104 of 1993

Hospitality and other leisure establishments are further required to ensure that they deduct the applicable Personal Income Tax from their employee's wages and remit these PAYEE taxes to the State Inland Revenue Service where they carry on business. There are fines and other penalties for any defaults

3.7.9 The Inn Keepers' Act and other older legislations on Hospitality

The Innkeepers Act of 1878 is a received English Law which regulated the hospitality industry in the colony of Nigeria from 1900s up to near independence. It influenced the enactment of the Hoteliers Proprietors' Act of 1958, and the Occupiers' Liability Act of 1957. These legislations were put in place for the protection and safety of life and property of visiting guests and places a reasonable "duty of care" placed on hoteliers. This legislation is grossly abused to the detriment of the client and the industry at large. Although the aforementioned laws are still in force in Nigeria measures for their review are already in progress¹²⁷

3.8 Towards a coherent regulatory framework:

In the process of meeting varieties of tourist demand, local society often suffers severely. This is because tourism activities are usually based on existing unequal, exploitative relationships. Consequently, it is no wonder that the poorer a more vulnerable groups in the country of destination suffer disproportionately from the negative impacts of tourism. To therefore minimize the cost and maximize the benefits associated with tourism, there is need for coherence in law and policy. It is also important, for tourism policies to reflect the need and aspirations of communities while ensuring the implementation of a country's

¹²⁷Munzali .D. (Undated). "Enhancing and Enforcing a Regulatory Framework for Hospitality Industry in Nigeria-The Challenges and Prospects". Being a paper presented at the Nigeria Hotel Association Annual General Meeting (AGM) and Symposium held at Abuja Sheraton Hotels and Towers, Abuja. Available at www.scribd.com Retrieved 28 March, 2017 .p.9

various obligations under international law. Coherence is particularly required in respect to five areas of international law: Human Right Law, Environmental Law, International Trade Law, International Investment Law, and Intellectual Property Laws. The impact of tourism in these areas of law are briefly examined.

3.8.1 International intellectual property law:

The evolution of Intellectual property law in Nigeria and the extent of its coverage is still unappreciated by individuals and communities due to lack of knowledge of its existence. Intellectual property rights are protected under various legislation in Nigeria and Nigeria is signatory to many International treaties and conventions for the protection of these rights. The major legislations are Trade Mark Act¹²⁸, Patent and Designs Act and Copy Right Act¹²⁹. Intellectual Property is an area of law concerned with protection of traditional knowledge. It is a multifaceted concept that encompasses several components. Which is well known in the fields of medicine and healing, biodiversity, conservation, the environment, and food and agriculture¹³⁰. Other components of traditional knowledge are the music, dance and artisanal {i.e. designs, textiles and plastic arts, crafts like the Nigeria's admired, pottery. Leather work and beads to mention a few). Traditional Knowledge is usually produced in accordance with the individual or collective creator's response to and interaction with their cultural environment. Although there are creations which may be done purely to satisfy the aesthetic will of artisans, many such creations are symbolic of a deeper order or belief system. When a traditional singer performs a

¹²⁸ Trade Marks Act, Cap 436 LFN, 2004

¹²⁹ Patent and Designs Act Cap 344 LFN, 2004

Copy Rights Act Cap 68, LFN 2004

¹³⁰ Hinz, M. O (2011). "The Swakopmund Protocol on the Protection of Traditional Knowledge and Expression of Folklore ". *Namibia Law Journal vol.3. issue 1*, [www.kas.de.namibia>NLJ](http://www.kas.de.namibia/NLJ) p. 101

song, the cadence, melody and form all follow rules maintained for generations. Thus a song's performance entertains and educates the current audience, but also unites the current population with the past as well as the future¹³¹.

Nigeria is richly endowed with artistically talented youths and communities with knowledge of traditional medicine which the law has either neglected to protect or recognize. The poetic rendition of folklore by gifted musicians and artistes which brings poignant recollections of tales by moonlight told in most communities across Nigeria. Most of these tales have been captured in works of renowned writers like Chinua Achebe, Wole Soyinka and many others too numerous to mention. They have gained international recognition and rewards, through personal efforts of the writers while some have been forgotten in the annals of time and history. The question is to what extent has the Nigerian Ministry of Information and Culture or more precisely, the Tourism Development Corporation, availed itself of the opportunity inherent in the promotion of these artistic talents and traditions as a part of its tourism product?

The ownership of knowledge and artistic creations traceable to the world's indigenous societies emerged as a major social issue in the 1980s. Prior to this, museums, curators, archivists, anthropologists had rarely worried about whether the information they collected should be treated as someone else's property. This situation is radically different, and raises the ethical and economic questions on wide circulation of indigenous, art, music, and biological knowledge. Legal examinations have added their questions to the debate. While a few countries have enacted statutes to protect traditional knowledge or to be more precise – access to biodiversity and genetic resources, the main focus of the debate lies in international and regional fora. This led the World Intellectual Property Organization (WIPO) to conduct a fact finding mission that led to collation of legal

¹³¹Hinz, M. O (2011). Op.cit p. 102

anthropological data to protect traditional knowledge. The general belief is that providing an enabling environment for the development of traditional knowledge and by extension medical tourism will be an added advantage in the quest to review legislations that will encourage the development of the Nigeria tourism Industry¹³².

Even though Nigeria has ratified the World Trade Organization's Amended Protocol on Intellectual Property Rights which allow Nigeria to produce, drugs and other necessities, patented by big companies locally in time of emergency. It is in doubt, if the coming into force of the intellectual property law has really taken holistic cognizance of cultural norms and value manifested in folklore, songs, music, arts and theatre passed down from generation to generations as peculiar to the multi-cultural nature of the Nigeria environment. The last attempt to do so was the National Festival of Arts and Culture that was held in 1977 tagged FESTAC'1977. It is probably safe to presume that it was in a bid to address the inadequacy of the intellectual property law, that some African countries within the framework of the African Regional intellectual property organization (ARIPO) adopted¹³³ the Swakopmund Protocol on the Protection of Traditional knowledge and Expression of Folklore¹³⁴. The adoption of the protocol was said to be a significant milestone in the evolution of intellectual property in Africa. The objective of the protocol provided thus:

To protect traditional knowledge holders against any infringement of their rights, as recognized by the protocol, and to protect expressions of folklore against misappropriation, misuse and unlawful exploitation beyond their traditional context and same shall be interpreted and enforced taking into account the dynamic and evolving nature of traditional knowledge and the characteristic of

¹³² This is with effect on the number of people and communities who are richly endowed with knowledge of herbs that has assisted in the prevention and cure of disease and ailments.

¹³³ On 9 August, 2010 at Swakopmund, in the Republic of Namibia and formally came into force on 11 May, 2011.

¹³⁴ This is a regional instrument put in place for the protection of traditional knowledge and expression of folklore popularly tagged ARIPO. And hereinafter referred to as the Protocol.

traditional knowledge systems as frameworks of ongoing innovation.¹³⁵

Although any state that is a member of the African Union or the United Nations Economic Commission of Africa can ratify the protocol, Nigeria is not a member of ARIPO and like most other African State hasnot ratified the Swakopmund Protocol. The limited response of African states and reluctance of Nigeria to adoptthe Swakopmund Protocol raises questions especially in view of abundant traditional knowledge with which the country is richly blessed. One still wonders at this reluctance to ratify a protocol that would have enable traditional knowledge holders and communities in member states to:

- i. To register Trans boundary traditional knowledge and expressions of folklore at ARIPO.
- ii. To submit for record purposes traditional knowledge and expressions of folklore in their territories, through designated and competent authority.
- iii. To license their traditional knowledge lodged at ARIPO and obtain benefits arising from the commercial use of such knowledge and the folklore andobtain such fees from such licenses.
- iv. To be able to use the alternative dispute settlement procedures at ARIPO to settle disputes arising fromtraditional knowledge and expression of folklore shared by different communities across national boundaries as the need arises.
- v. These will also enable ARIPO to establish databases on codified and non-codifiedtraditional knowledgeand expressions of folklore.

¹³⁵ Section 1, Swakpmund Protocol on the Protection of Traditional Knowledge and Expression of Folklore, ARIPO, Swakpmund, Namibia, 2010. www.wipo.int>trtdocs>trt_ap010 Retrieved on 17November,2016 10.30am

- vi. The information in the databases will only be used upon prior information consent from the knowledge holders. The consultation of the databases will also generate income for member states¹³⁶.

It goes without saying that an adoption and ratification of this seemingly important protocol that will enable our local communities benefit from anecdotes on various element handed down from generation to generation this may be the focus of future research.

3.8.2 Tourism and International Human Rights Law:

Human rights are those basic rights without which people cannot live in dignity. These are rights one has for the plain reason that one is a human being.¹³⁷ Human rights is an area of inquiry that has received minimal attention from tourism researchers probably because the dominant design of tourism was that of an “industry” rather than that of a “system” Industry creates “master servant relationship “and at the same time trivializes this potentially detrimental relationships created by its activities¹³⁸. With so few international policies and guidelines restricting it, tourism has been given free rein to develop throughout the world to the disadvantage of Local communities in many destination areas who feel that development of tourism activities has taken away their fundamental and derived human rights to the advantage of external interests. The reason is that, in the process of meeting the myriad of tourist demand, local communities often suffer severely because tourism activities are usually based on existing unequal, exploitative

¹³⁶ Entry into force of the ARIPO Swakopmund Protocol on the protection of traditional Knowledge and Expression of folklore, IP ARIPO. Available at www.aripo.org Retrieved 17 November, 2016

¹³⁷ Donnelly, J. (2003). *Universal Human Right Rights in Theory and practice*, Cornell University Press, U.S.A.

¹³⁸ Leiper, N. (1990). Application of Leiper’s Tourist Attraction System to Small –Scale Sport Event. Available at www.citeseerx.ist.psu.edu . Retrieved 20 August, 2016. At 2.44 pm p.5

relationships. Consequently, it is no wonder that the poorer and more vulnerable groups in the country of destination suffer disproportionately from the negative impacts of tourism¹³⁹. For example, While the tourists relax in the sunshine around the world, life is far from paradise for the waiters, cleaners, cooks, porters, drivers, receptionists and other staff working to make the holidays happy and carefree. Gender discrimination of the employees, including sexual exploitation of female staff, is a major allegation against the tourism industry. Working conditions in the tourism industry, especially for those who fall in the lower echelons of the hierarchy, are notoriously exploitative¹⁴⁰. These conditions keep workers in poverty and violate the labor standards laid out in national and international legislation¹⁴¹.

For tourism to be sustainable, human rights norms and principles should be fully integrated into a country's tourism development strategy through public sensitization and integration of regional/international human rights norms and ensuring that the rights of most socially and economically marginalized communities and groups are integrated into existing initiatives directed at growing the tourism and hospitality sector. It was in furtherance of this, that international initiative aimed at protecting tourist and the tourism and hospitality industry were put in place some of these are briefly examined here.

The Universal Declaration of Human Rights (UDHR), adopted by the UN General Assembly on December 10, 1948, consists of 30 articles which outlined the view of the United Nations on the human rights guaranteed to all people in the world. Although

¹³⁹Hemingway, S. (2004). "The Impact of tourism on human rights of women in South East Asia", *International Journal of Human Rights* 8.(3) .p. 275-304 Available at www.tandfonline.com Retrieved 24 February, 2017 at 1.05am

¹⁴⁰Murrmann, S. K.(1989). "Employer rights, employee privacy and AIDS: Legal Implications to hospitality Managers" *Hospitality Education and Research Journal*. 13(2): 30-34 in "Murmanann S.K ((1992). *The Americans with Disabilities Act: Perspectives on Reasonable Accommodation*" Digital Library and Archives-Virginia Tech. *Journal of International Academy of Hospitality Research Issue* 5 Available at <https://scholar.lib.vt.edu> Retrieved , January, 2017 at 12.53am

¹⁴¹Babu. P. G. And Vinitha.V. (2007). "Human rights in tourism ;Conceptualization and Stakeholder Perspective", No.2 Available at <http://ejbo.jyu.fi/> Retrieved 15 November 2016 at 2.16pm p. 41

tourism was not widely perceived as an area where the human rights declaration could find application, its ramifications for tourism are far and wide. In fact, a few of the articles of the UDHR are more direct in their application to tourism human rights than to any other sector: For instance a separate examination of the implication of some of the more relevant UDHR articles for tourism practice includes:

Article 1- Which proclaims that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The word to be stressed is 'brotherhood'. The movement of hospitality from a cultural perspective (as a divine service for charity) to an economic perspective (as a means of making easy bucks) has made brotherhood also a commodity to be traded. The future of tourism will be brighter if the spirit of brotherhood could be cultivated among the various stakeholders of tourism.¹⁴²

Reference to this article may be made in the matter of treating tourists in the foreign land: in many countries, there are discriminatory clauses that bestow different rights for tourists and residents. The point to be noted is that, in the craze to satisfy one group, the other group should not be deprived of their rights. It is wrong when the residents claim that a unique natural or cultural scenery is their unique preserve and not to be opened to tourists; likewise, tourists have no right to purchase preferential rights of the same at the cost of restricting the access of locals. Article 1 is corroborated by article 2 which declared that everyone is entitled to all the rights and freedoms set forth in this declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. It is a violation of human rights to un-list a tourist from certain experiences just because he or she belonged to a particular group and not to another. Article 27 is also relevant here: it

¹⁴²Babu. P. G. and Vinitha, V. (2007). Op cit p. 44

notes that everyone has the right freely to participate in the cultural life of the community¹⁴³.

Article 3 states that everyone has the right to life, liberty and security of person. This gives a radical interpretation to the rights of tourists. Many a time, host nations believe that the security of traveling persons is not their occupation. Tourists have the same right to life, liberty, and security just like the residents. However, this right too is applicable for the other stakeholders like the residents and the employees. This means, a self-conscious balancing act by each is required. Articles 6, 7, 8, 9, 10 and 11 reaffirm UN's commitment towards a non-discriminatory international legal framework. Articles 4 and 5 elaborate the previous article by condemning slavery of all forms. According to article 5, no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. It may be noted that, globally, tourism industry is notorious for maltreating workers and sustaining a master-slave model of relationship between tourists and workers¹⁴⁴

Article 23 is also significant with regard to the workers' rights: according to this, 'everyone has the right to work, to free choice of employment, to just and favorable conditions of work, to claim decent wages, and to protect against unemployment. Everyone, without any discrimination, has the right to equal pay for equal work, too'¹⁴⁵. It is important to note here, that women have the highest participation in tourism business and are perhaps the ones that experience the highest form of Human Rights abuses in the industry this is briefly examined below:

¹⁴³Babe. P. G. and Vinitha .V. (2007). Op cit p. 44

¹⁴⁴Bruner E. (1996). "Tourism in Ghana: The Representation of Slavery and the Return of the Black Diaspora in American". Available at www.resourcelists.roehampton.ac.uk/items Retrieved 30 March, 2017 at 2.14pm

¹⁴⁵ Universal Declaration of Human Rights Article 23(1), (2) (3)

3.8.3 Participation and challenges faced by women in tourism: The UNWTO choose the theme “Tourism opens doors for women” for its 2007 World Tourism Day. It is not in doubt that Tourism employs significant numbers of women. But experience indicates that the odds against women benefitting from the industry are extremely high. Women are generally relegated to relatively low skill and low paying or stereotypical jobs like housekeeping, front desk and reception, catering and laundry services. This paved the way for social critics to snub the industry for discrimination of women and in matter related to terms and conditions of work and pay¹⁴⁶. Women face very high risks of sexual harassment and exploitation, and are discouraged from forming unions or associations to consolidate their strength and influence. The proportion of women’s to men’s wages is also less. The role of women in informal tourism settings such as running –stay at home facilities, restaurants and shacks, crafts and handicrafts, handlooms, small shops and street vending is significant. Yet, their contributions are taken for granted. Tourism through its various links, is seen to have increasingly entrenched trafficking, prostitution and sex tourism. Many instances of girls as young as 15 and 16 year olds being trapped in the sex industry due to the lure of material pursuits are much too frequent and are usually ignored or treated with societal indifference. We have probably never stopped to think that one of these young girls could be a sister, daughter, or neighbor. Else we might have a different approach to this state of affairs. This trend is perverse in almost all communities where tourism activities are rife, in the case of Nigeria, seeing a wealthy 60-year-old walk into a hotel or night club in the wee hours of the night with an underage girl tucked under his arm seems to be acceptable. This situation only worsens and those who perpetrate the oppression of women in tourism continue their crimes against women with

¹⁴⁶Rao, R.O (2007). “The Role of the English Language in the Tourism Industry” Available at www.repo.uum.edu.my/ravi Retrieved 21 January, 2017 1.46am p.199

impunity¹⁴⁷. Similarly, Women are often paid less than men for the same job. This is an assault on the human rights of the latter. The UNWTO must as a matter of urgency go beyond a position of appropriation and look at tourism's record so far, both in the empowerment of women and the exploitation of women.¹⁴⁸

However, a more serious and much general issue is that neither gender is paid adequately to make a decent living by a large number of firms in the tourism industry, the facts still remains that women in the tourism industry are paid much less than their male counterparts.¹⁴⁹.The provision of this articles is represent the call for provision of social protection for the affected sections of the society through affirmative action.

In furtherance of this, the UN General Assembly in September, 2007 by a majority of 144 votes adopted The Declaration on The Rights of Indigenous Peoples (Declaration). Four (4) countries voted against the declaration (Australia, Canada, New Zealand and the United states) and 11 abstentions (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian federation, Samoa and Ukraine). The concern is not that Nigeria abstained from the votes on the declaration but that the decision was taken without much internal debates in the country. This Shows the lack of interest in human rights concern in the tourism industry by the Nigerian government possibly the main reason Nigeria abstained is because the rights of indigenous people are one of the basis of the struggle by the Niger Delta people who claim their rights as indigenous people is being infringed.

¹⁴⁷Rajan, .S. (2009). The Challenges and Prospects of Tourism in Goa Today., J&P Printers, ,Bengaluru, Available URL www.equitabletourism.org Retrieved from www.tandfonline.com>>doi>full 9 January, 2018. At 2.09pm p.14

¹⁴⁸Rajan, S. (2009). The Challenges and Prospects of Tourism in Goa Today., J&P Printers, ,Bengaluru, Available URL www.equitabletourism.org Retrieved from www.tandfonline.com>>doi>full 9 January, 2018. At 2.09pm pp. 14-15

¹⁴⁹Cole. S. ((2000). "The Regional Science of Tourism: An Overview". Available at www.jrap-journal.org.>pastvolume>2000 Retrieved 20 February, 2016 at 12.32 pm.

Another major boost in the direction of tourism human rights has been brought by the World Tourism Organization (WTO) through the 1999 Global Code of Ethics for Tourism¹⁵⁰. According to WTO, GCET sets a frame of reference for the responsible and sustainable development of world tourism. The GCET has drawn heavily from many of the already existing and exalted instruments like the Universal Declaration of Human Rights; International Covenant on Economic, Social and Cultural Rights; Convention Concerning the Protection of the World Cultural and Natural Heritage; Manila Declaration of World Tourism; Rio Declaration; General Agreement on Trade in Services; and so on. The Code includes ten articles: nine articles outlining the directives for destinations, governments, tour operators, developers, travel agents, workers and travelers themselves; the tenth article involves the redress of grievances. Although GCET is not a legally binding document, article 10 provides for a voluntary implementation mechanism through the recognition of the role of the World Committee on Tourism Ethics (WCTE), to which stakeholders may refer, on a voluntary basis, any matters concerning the application and interpretation of the Code. (GCET), which is a comprehensive set of principles whose purpose is to guide stakeholders in sustainable tourism development: central and local governments; local communities; the tourism industry and its professionals; as well as visitors, both international and domestic¹⁵¹

Tourism Concern, also highlighted global issues related to local community's right to land, water, electricity, housing, education, healthcare, and natural resources. The communities often do not get any say and are kicked out of their homes in the name of development¹⁵². Their fertile agricultural land will be used for the construction of hotels and golf courses. The beaches that they have used traditionally free of cost for their

¹⁵⁰ World Tourism Organization WTO, (1999). "Ethics in Tourism." Available at www.unwto.org/code_ethics/eng/global.htm Retrieved 16 November, 2016 at 12.03 am

¹⁵¹ Babu, P.G et al (2007). Op. Cit p.43

¹⁵² In 2007.

recreation and for a livelihood by fishing will be taken over by mega resorts, to which further access will be limited to those who can pay. It will be in disregard to the human rights of the host society when multinational enterprises in the tourism industry exploit their dominant position to artificially import foreign cultural, economic, and social models to the host society. In exchange to the freedom given for them to do business, they should involve as much as possible in the community developmental activities. They should employ the locals wherever admissible and should not repatriate an excessive portion of their profits, too¹⁵³. A case worthy of mention in this regard is the case of **EndorsesvsKenya**¹⁵⁴.

In that case, the Kenyan Government in the 1970s evicted the Endorois people, a traditional pastoralist community from their homes at Lake Bogoria in Central Kenya in order to make way for a national reserve and tourist facilities. The Endorois community unsuccessfully tried to persuade the Kenyan Government, the local authorities and the Kenyan Wildlife Services to reverse their policy of evicting everyone, including traditional inhabitants, from areas the government designated national parks and reserves. They were also rebuffed when they sought an adequate share of the tourism and revenues generated by the reserve. Following the refusal of the Kenya Courts to address their case, the case was taken to the African Commission¹⁵⁵. The African Commission found that Kenyan Government had continued to rely on a colonial law that prevented certain communities from holding land outright and allowed others, such as local authorities to effectively hold land in trust for these communities. The local authority in Lake Bogoria was able to end the Endorois trust at will to seize the land.

¹⁵³ Tourism Concern (2007). Available at www.tourismconcern.org.uk Retrieved 17 January, 2017 at 3.05 am. p.2

¹⁵⁴ 276/2003, Centre for Minority Rights Development (Kenya) and Minority Group International on behalf of Endorois Welfare Council vs. Kenya (2007). *African Commission on human Rights (46th Ordinary Session. 11-25 November, 2007 Communication 276/2003 Vol 14 No.1 Available at p. 128 128* Available at www.refworld.org Retrieved 30 March, 2017

¹⁵⁵ Ibid p. 129

The African Commission determined, that the Endorois, having a clear historic attachment to particular land, are a distinct indigenous people, a term contested by some African government who claimed all African are indigenous. It also found the Endorois had property rights over the land they traditionally occupied and used, even though the British and Kenyan authorities had denied them formal title. In finding a violation of the right to development for the first time, the Commission relied on the failure of the Kenyan authorities to respect the rights of the Endorois to consent to development, and the failure to provide them adequate compensation for the loss they suffered, or any benefit from tourism.¹⁵⁶

The African Commission ruling makes it clear to government that they must treat indigenous people as active rather than passive beneficiaries, and that recognition is victory for all indigenous people across Africa whose existence was largely ignored both in law and in fact. In the ruling, the commission found that this eviction, with minimal compensation, violated the Endorois' right as indigenous people to property, health, culture, religion, and natural resources. It ordered Kenya to restore the Endorois to their historic land and to compensate them. It is the first ruling to determine who indigenous peoples in Africa are, and what are their rights to the land, the case was brought on behalf of the Endorois by CEMIRIDEE and Minority Group International¹⁵⁷.

These organizations are some of the leading human rights advocacy groups in the world. Others are Non-governmental organizations like Amnesty International, Human Rights Watch, World Organization against Torture, Freedom House, International Freedom of Expression Exchange, Anti-Slavery International, and in the specific case of tourism, some notable advocacy groups include End Child Prostitution in Asian Tourism,

¹⁵⁶ Kenya: Landmark ruling on Indigenous Land Rights/ Human watch (2010).

¹⁵⁷ Ibid

Ecumenical Coalition of Churches for Tourism, Tourism Concern, Equitable Tourism Options, amongst others¹⁵⁸.

The Federal Government is the custodian of the major sources of revenue in Nigeria and relied on by the three tiers of government, that is, Federal, State and Local Government. This has influenced different levels of development and also, determines the development in any region, which in this case, is mostly concentrated in the urban areas. Some roles of the government include providing utilities i.e. water, electricity, telecommunication and other basic infrastructures, ensuring reasonable prices of goods and services to mention but a few. In the discharge of these roles the government is to 'ensure that the national wealth is used for the happiness, freedom and welfare of every citizen by giving everybody equal opportunity to enjoy the wealth of the nation'¹⁵⁹. This is not the case with Nigeria as there is uneven development and pervasive poverty in the country despite the huge oil wealth. Developing a humane right approach to tourism will open up improvement and growth in the rural areas where the attractions are mostly concentrated¹⁶⁰

The position of this research, is that in a bid to harness the inherent benefits of its tourism industry Nigeria should adopt and ratify, globally accepted Human Rights instruments as well as ensure, that Fundamental Human Rights provisions in chapter 4 of the Constitution are encapsulated in a necessary review of the Nigerian Tourism Development Corporation Act, and in the activities of the Tourism and Hospitality Industry.

¹⁵⁸ Human Rights in Tourism :An Implementation Guide, Presented by Roundtable Human Rights in Tourism www.humanrightstourism-net pp. 6-7

¹⁵⁹ CFRN, 1999 (As Amended)

¹⁶⁰ Human Rights in Tourism :An Implementation Guide, Presented by RoundTable Human Rights in Tourism www.humanrightstourism-net at 4.37 pm pp. 6-7

3.8.4 International Trade Law:

As a member of the World Trade Organization, Nigeria is bound by the commitments it has made under various WTO agreements. Of particular relevance are the Trade-Related Aspects of intellectual Property Law (TRIPS Agreement) and the General Agreement on Trade in Service (GATS). Regarding the TRIPS agreement, it is not clear whether Nigeria is using the flexibilities and expectations in the agreement to adequately protect traditional knowledge in the country. Whether small and medium-sized enterprises (SMES) in Nigeria benefit from any improvement in the tourism sector will depend on the commitments that Nigeria has made in the World Tourism Organization's General Agreement on Trade And Services (GATS). The fact is Like most globalized industries, tourism is fiercely competitive and significant power rests with a small number of large, international tour operators and hotel chains that are steadily buying up their rivals with and pricing out local competitors in a race to the bottom¹⁶¹. Perhaps the inclusions of anti-competitive laws in future review of the Nigeria Tourism Development Corporation's Act may improve the competitiveness of SMEs, operating in the Nigeria tourism sector.

3.8.5 International Environmental Law:

Many countries are in the process of implementing relevant treaties based on international best practices. Nigeria should as a matter of urgency ensure that competent public authorities, tourist organizations and enterprises take due account of environmental considerations and integrate hard and soft international environmental law in its strategies on tourism policies and regulation. In developing its tourism sector, Nigeria must be guided by existing international treaties, principles and guidelines such as the Convention

¹⁶¹ibid pp. 6-7

on Biological Diversity, The Cartagena Protocol on Bio-safety and the Quebec Declaration on Ecotourism must be fully integrated into the country's tourism policy and planning.

3.8.6 International investment law:

International investment law is embodied primarily in Bilateral Investment Treaties (BITS) and in investment chapter of other international investment Agreements. BITS typically oblige countries to grant certain rights (e.g. National Treatment and Most Favored- Nation) to foreign investors. Some BITS also contain provisions restricting the use of performance requirements. It is hopeful that the commitment that Nigeria made under various BITS Agreements treaties will enable the country to liberalize all types of services in the tourism industry to the advantage of SMEs in the country? Do BITS restrict the power of government to regulate in the public interest? It is believed, that issues raised in this chapter, will assist policy makers for the industry to redirect their energy towards goals that will encourage required investments and development of the Nigerian Tourism and Hospitality Industry. The plan to review the laws setting up the tourism Industry, and other relevant agencies to meet present day realities is overdue for deliberation on the floor of the National Assembly, to enable the legislators put in place a legal framework for the tourism and Hospitality industry that is workable in Nigeria and for Nigerians¹⁶².

¹⁶²Akintunde. A. (2010). "Tourism Lawyers Set for Making Nigeria Desired Destination" THISDAYLIVE, 6December, 2010. Available at <http://thisdaylive.com> Retrieved 18 June, 2015 at 11.25 am p.2

Nigeria' recent performance on the travel and tourism Competitiveness Index¹⁶³, also points to the need for policy makers to pay attention to the regulatory framework for tourism in the country. It is trite, that Institution are require for effective implementation of Policies and legislation, the tourism industry is not an exception. In this vein, the next chapter examines the tourism institutions in Nigeria, their roles and strategies that will assist them with the implementation of the NTDC Act and promote future development of the industry.

¹⁶³ Travel and Tourism Competitive Index emphasized on those factors that makes a particular country a preferred destination delight for tourism investors.

CHAPTER FOUR

INSTITUTIONAL FRAMEWORK FOR IMPLEMENTATION OF TOURISM REGULATION IN NIGERIA

4.1 Introduction

It is trite, that Legislations are not made in vacuum they are purpose driven. For this reason, organizations are formed to implement tourism legislations and regulate the activities and excesses of the hospitality and tourism industry¹. Tourism to some extent is an international ambassador, bringing goodwill and intercultural understanding among people of the world because it deals with travels across international boundaries. The government is inevitably involved in tourism decisions and also has to regulate the entrance and exit of the foreign materials. The industry has grown to an extent that necessitate that modalities are put in place to protect the rights, lives, properties and to also to save the tourists' or travelers' time. These modalities include formation of bodies and organizations to check the activities of the tourism operators and other stakeholders in the industry.

At the international level, the World Tourism Organization (WTO) is the most widely recognized organization in the tourism industry it represents all the national and official tourism interests among its allied members. Others are the International Civil Aviation Organization (ICAO), which coordinates the development of all aspects of civil aviation with regards to air travels, and the International Airport Association (IATA) which also regulates and standardizes tickets, way bills and baggage checks. It coordinates handling and accounting to allow quick internet bookings and connections. It also maintains the stability of the fares and rates and many others whose activities are geared towards effective management of the affairs of the industry.

¹Zagore, J. J (UNDATED). "Hospitality and travel Management Course Code 348 ", School of Business and Human Resources, *National Open University of Nigeria* p.56

At the local level, the Nigeria Tourism Development Corporation Act², which is the foremost legislation on tourism made no specific mention of tourism institutions although it empowered the establishment of existing and recognized. Tourism institution. The National Tourism Policy however contained excerpts on procedures and guidelines for the management of the tourism industry thus; “The Presidential, Council (Committee) on Tourism, Federal Ministry of Culture and Tourism, States and Local Government shall constitute the institutional frame for the implementation of Tourism Development process”³.

The National Tourism Policy further provides, that **The Presidential Council on Tourism**. shall be responsible for the finalization of the Tourism Policy, setting targets for development from time to time initiate, develop and present them to the Federal Ministry of Culture and Tourism⁴. The implication is that while the National Tourism Policy defined the constituent framework of Tourism, the NTDC Act gave effects to the activities of these institutions by providing for the composition and functions of the State Tourism Board⁵, The National Travel Bureau⁶, and the Local Government Tourism Committees⁷ whose activities amongst others are examined in this Chapter.⁸

4.2 The Federal Ministry of Information and Culture

The Federal Ministry of Information and Culture is currently responsible for formulating policy, monitoring and maintaining linkages with State Government on all Tourism matters. It's also charged with planning and funding nationally-oriented tourism infrastructure, participating in international tourism organization events, and providing

²NTDC Act, Cap N137 LFN,2004

³ National NTDC Act, Cap N137 LFN,2004 Tourism Policy of Nigeria. (2005). Government Printers, Lagos

⁴ Ibid

⁵Section 7, NTDC Act Op.cit

⁶Ibid Section 5

⁷Ibid Section 7

⁸ Section 17 .1 National Tourism Policy.

policies and directives to State Governments. It is the supervising Ministry for the activities of the Nigeria Tourism Development Corporation (NTDC)⁹. Amongst the achievement of the ministry in the recent past are

1. Development of cultural centers in the six geopolitical zones. 12 of such centers were officially commissioned by Chief Edem Duke on 30th October, 2012 at GidanAja, Orozo asuburb of Federal Capital Territory. One may ask why Abuja? How many tourist site are located in Abuja, when there are myriad of tourist site across the country whose potentials are in need of being harnessed.
2. The Annual Abuja Carnival involving the 36 States and FCT successfully held from 24-27 November, 2012. Eight foreign countries participated in the event, this is indicative that more needs to be done to garner international recognition for Nigeria Tourism Industry.
3. Nigeria has established cultural centers in Brazil, and China in a bid to foster cultural diplomacy.
4. Nigeria participated in the 50th Anniversary Celebration of OAU/ AU, Where the ministry in Collaboration with the Centre for Black African Arts and Civilization (CBAAC) successfully organized a rock Arts Exhibition and the colloquium on Pan-African and Renaissance from 22nd -24th May, 2013 in Addis Ababa, Ethiopia¹⁰.

There are other recent activities being embarked upon by the ministry, but detailed records of this where not readily available at the time of this research. This is a challenge for the ministry to adopt far reaching measures like an e-Library that will make information's on its

⁹Ofobruku, S. A (2012).” Hospitality and Tourism Manpower Training and Education in Nigeria”. *Asian Journal of Social Sciences Vol.3, No 3.4* p.9

¹⁰ Federal Ministry of Tourism, Culture and National Orientation. Available at www.ngx.com>federal Ministry Retrieved 1 January, 2016 at 12.26pm

activities readily available to the local and International communities at the touch of a button.

4.2.1 The National Travel Bureau

The National Travel Bureau was established under the provisions of Section 5 NTDC Act¹¹;

The Corporation may set up a tour operating company to be known as the National Travel Bureau (in this Act referred to as “the Bureau”) to operate tour services within and outside Nigeria. The Corporation shall operate the Bureau on a commercial basis that is to say, it shall ensure that the revenue accruing to the Bureau from services provided by the Bureau are not less than sufficient to meet the total cost of providing these services, taking one year with another. The National Tourism Bureau is, saddled with the responsibility of operating tour services within and outside Nigeria, on a commercial basis and to ensure that the revenue accrued to it from such services are sufficient to meet the total cost of providing services taking from year to year¹²

The position in Nigeria is contrary to what is obtainable in other North, South and East Africa regions where, many of the European and American Tour companies have evaded and located tour offices to ease publicity and assist them in marketing of destinations in their home country¹³. Except for a few private travel agencies some of whom only advertise their services during holy pilgrimages like hajj, Umrah and Jerusalem. There is also insufficient information on the internet, social media and other forms of communication. Even electronic search could not reveal the existence of such institutions nor their activities. Thus giving the idea that the existence of such an institution may only exist in the figment of the mind of the legal draftsman. Even the National Tourism Bureau which was set up to carry out related activities has been rendered comatose. This is because of inadequate publicity, marketing and lack of public

¹¹ Cap N137 LFN, 2004

¹² Ibid Section 5

¹³ Culture and Tourism, Nigeria High Commission UK, Available at www.nigerianhc.org.uk/culture-tourism Retrieved on 14 June, 2014 at 12.12 pm

awareness on the activities and functions of many of the available tourist institutions in the country.

4.2.2 National Council for Arts and Culture (NCAC)

The National Council for Art and Culture is charged with the responsibility of coordinating the development and promotion of Arts and Culture of Nigeria at national and international levels. The council promotes skill acquisition and youth empowerment through cultural industries by focusing on Arts and Crafts. The target areas of the establishment are in the development of music, traditional dancing, drama, indigenous games, opera, drama Cinema, films, photography, folklore, oral tradition, sculpture, architecture, embroidery, weaving and similar activities. The establishment has projects aimed at positively improving cultural perception and providing business opportunities for talented youths. Although the federal government is doing a lot to promote local arts, there is still need for Nigerians to display appreciable level of patronage for local arts and crafts.

4.2.3 Nigerian Tourism Development Corporation

The Nigerian Tourism Development Corporation (NTDC) which is the highest tourism agency of the Federal Government was set up following the enactment of the NTDC Act¹⁴. The policies guiding the Corporation is well-spelt in the National Policy which provides that it was the duty of the Corporation to promote and market tourism products in the country; through production and dissemination of information about major tourism events in the country vide brochures in order to promote tourism potentials in the country¹⁵. It is a statutory body under the supervision of the Federal Ministry of Culture, Tourism and National Orientation. It has a 13-member governing body, comprising of

¹⁴ Section 4 NTDC Act, Cap N137 LFN.2004

¹⁵ Nwankwo E.A and Uche, G. C (2014). "Tourism Laws and Policies in Enugu State, Nigeria since 1960: Feats and Challenges" *Journal of Social Economics Vol.1 issue 2*, Available at www.rassweb.com Retrieved on 1 July, 2017 at 1.12p.m p. 68

representatives from relevant public and private agencies, a Director General, as the Chief Executive and Accounting officer. It operates a directorate system of administration with five operational departments, namely Administration, and Supplies Finance and Accounts, Planning, Research and Statistics, Hospitality and Travel, Trade, Market and Promotion¹⁶.

The establishment was mandated to encourage people living in Nigeria to spend their holiday in the country instead of going abroad and people from abroad to visit Nigeria to spend their holiday thus promoting domestic, regional and international tourism in the country .It is also empowered to encourage the provision and improvement of the tourism amenities and facilities in the country which includes development of hotels; these will go a long way in boosting the influx of tourists in the country, thereby promoting tourism and increasing revenue generation.

The Nigerian Tourism Development Corporation is also charged with the responsibility of setting and enforcing standards in the hospitality industry through its mandate of registering, classifying and grading all Hospitality and Tourism enterprises and promote, develop and regulate tourism and hospitality businesses in Nigeria¹⁷. The implication is that registration of tourism sites is the main function of the corporation. This is however contrary to what is obtainable in practice. This is because tourism establishments like motels guesthouses and restaurants found across the country are neither registered with the Corporation nor even know their duties. Since most can be found situated in locations whose features are contrary to the those provided under the Nigerian Tourism Development Corporation Act.

¹⁶ Section 1-2 NTDC Act Cap N137 LFN, 2004

¹⁷ Ibid. Section 4

4.2.4 State Tourism Board

State Tourism Board is established in each state and is expected to assist the Nigeria Tourism Development Corporation in the implementation of the Act¹⁸ by recommending measures aimed at encouraging Nigerians to visit the state,¹⁹ the state governments are also required to initiate projects, control land allocation, and generally develop tourism and ensure that operations of hotels and other tourism related institutions at state level are in line with federal government tourism policy. They may directly take equity interests in tourism projects to encourage private investors. State governments are required to demarcate tourism zones to facilitate tourism sector development²⁰. Some States have State Hotel Boards, Liquor License Boards and Other Boards regulating Hotel, bar, gaming and other related businesses which are separate from the Nigeria Tourism Development's role and not under the State Tourism Boards²¹. In a bid to harness the tourism potential in their state some states like Cross Rivers, Edo and Lagos States have enacted Edicts for tourism and hospitality developments. For instance, the Government of Cross River State had approved the commencement of Tourism Standard Authority (TOSA)²² (Barely 2 months after the Supreme Court Judgment in AG Lagos State Vs AG Federation.) TOSA is an enforcement unit of the Standard and Licensing Department of Cross River State Tourism Bureau. And is required to ensure that all tourism operators, including hotels, restaurants, bars, tour operators, event managers, attractions and transporters are properly registered and licensed. Operators of these establishments are also expected to meet the minimum requirements of the Licensing Regulation in accordance to regulatory

¹⁸ Section 4 NTDC Act Cap N137, LFN 2004

¹⁹ Ibid Section 7

²⁰ Bankole, A. (2002). "The Nigeria Tourism Sector: Economics, Contribution, Constraints' and opportunities." *Journal of Hospitality Financial Management; Vol.10, is, 1 Article*. Available, <http://scholarworks.umass.edu/jhfm/vol10/issu1/7> Retrieved on 28 July, at 2015 at 2.18pm pp. 76-77

²¹ Muntazu, D. (2008) Op.cit p.4

²² Effective 1 November, 2013

guidelines. To further uphold the importance of tourism in the economic activities of Cross River State and harness tourism potential in the state the Current Governor of Cross River State, Professor Ayade has assigned the Ministry of Culture and Tourism to himself²³. Kaduna state has not been active in the tourism activities, because a lot of tourism establishments conduct their activities without compliance to regulatory guidelines. The Annual Carnival in Cross River State has become a cynosure of sought to lovers of arts and culture across the globe and it has to some extent encouraged an annual homecoming to some Nigerians, especially those of Cross River descent. Edo state also recently renovated its museum of Arts as a step towards preserving its historical monuments. The organization of the annual Osun Oshogbo Festival in Osun State, the Argungun Fishing Festival in Kebbi State, The Durbar in Kaduna and Kano States respectively, and the Eyo Masquerade festival in Lagos State are some of the renowned tourism activities carried out in the mentioned states in Nigeria.

4.2.5 Local Government Tourism Committee

The Local Government Areas are the third tier of government in Nigeria and the closest to the people. Recognizing the importance of Local Government Authorities (LGAs) in sustainable tourism development, the National Tourism Policy, provided that the Local government shall operate within regulations set up by State Governments by conforming with the planning, strategy set up by the relevant authorizing authority (In this case- NTDC and the State Tourism Board) without deviation, support, encourage good

²³ Anonymous (2015) "Ayade Swears in 28 Commissioners, takes Charge of the Culture and Tourism " .The Guardian Newspaper, 28 November, 2015 Available at <https://guardian.ng/news> Retrieved 17 April, 2017 at 1.19pm .

hospitality to visitors and contribute to the security in the local areas.²⁴In furtherance of the above policy objective, The NTDC Act summarily provided that:

There is hereby established for each local government of a state, a committee to be known as the Local Government Tourism Committee (LGTC).The Local Government Tourism Committees shall consist of :The Chairman of the Local Government Council as the chairman, The councilor charged with responsibility for matters relating to tourism, a traditional ruler, the divisional police officer in the local government area, and Three persons who by reason of their ability, experience or specialized knowledge are capable of making useful contribution to the development of tourism. As part of their functions,the local governments are to locate and identify potential tourist attractions within their jurisdiction and serve as centers of information for tourist and providing tourist guides. They are also responsible for the maintenance of monuments and museums in their area²⁵.

The Local Government Tourism Committee is mandated to mobilize the locals towards harnessing the natural resources within their domain, and putting in place infrastructures.²⁶Historically, Nigeria federal system is not strong and the local Government too are almost nonexistent and useless. The Federal government has nonetheless continuously practiced administrative tutelage on Local Government. It is thus not surprising that public administration system in the country seems to be too bureaucratic to respond effectively and efficiently to public needs²⁷. This reveals an evidently weak government with lack of financial resources and authority to defend the interest of local people in their constituencies. This has resulted in poor service delivery in the area of tourism development at both federal and state government's levels. Ultimately this has ushered in non-participation or pseudo- participation of local people in their own affairs leading to overwhelming dissatisfaction of majority of stakeholders in the tourism

²⁴ Section 17.7, National Tourism Policy, 2005, Government Printers, Lagos, Nigeria.

²⁵ Section 7, NTDC Act Cap N137, LFN, 2004

²⁶ Ogonna, C.O and Igbojekwe. P.A (2013). "Local Government and Response to sustainable Tourism Development in Nigeria: A Case Study of Local Government Authorities in Imo State", Available at www.ijbts-journals.com>0053 Retrieved on 12 July, 2016 at 5.21pm p.2

²⁷ Eccles. G., and Costa, J. (1996). "Perspectives on tourism development". *International Journal of Contemporary Hospitality Management*, 8(7), 44-51 p.49

and Hospitality Industry. It is thus imperative that governments consider and encourage the participation and involvement of local residents in the planning process so as to garner community support for tourism project²⁸.

Consequently, the lack of autonomy at the local government level has made rubbish of the policy objectives of the Nigeria Tourism industry. It is therefore imperative, for government to ensure that it satisfies the basic and felt needs of those hitherto excluded in the local tourist destinations i.e. The locals, by encouraging community and public partnership in its drive for tourism development²⁹. For the simple reason that any approach to tourism development in the absence of strong participation of local Government Authority and involvement of local communities in the planning procedure will be very difficult to some certain extent.³⁰ Even though tourism has generally become a private- sector driven industry, a reasonable level of government involvement particularly the LGAs in terms of infrastructural development, investment, regulation and marketing is still considered necessary. The abject neglect witnessed in most of the monuments and tourist sites in Local Government areas, may perhaps adumbrate the perceived inability of local government tourism Committees to discharge their statutory duties in the face of apparent constraints.

4.2.6 National Institute of Hospitality and Tourism (NIHOTOUR)

The National Institute of Hospitality and Tourism, was established as a parastatal under the Federal Ministry of Culture. It is situated in Bagauda, Kano State. The agreement for its establishment was signed in 1987 between the Federal Government of Nigeria, The

²⁸Ongoingto, C.O., and Igbojekwe. P.A (2013). Op.cit p.3

²⁹ Ibid

³⁰Erosy, M. (1992). "Relation between Central and Local Government in Turkey: A Historical perspective. Public Administration and development" 12. 325- 341. In: Cevat, T. (2001) "Challenges of Sustainable Tourism Development in the developing World: The case of Turkey". *Tourism management*, Available at www.elsevier.com Retrieved 15 August, 2015 at 4.17pm. p.293

United Nations Development Program (UNDP) and the International Labor Organization. The National Tourism Development Corporation was the implementing agency on behalf of the Federal Ministry of Commerce and Tourism. NIHOTOUR is one of the UNDP assisted regional tourism training institution in the world and the first of its kind within the West African Sub –region. Its scope and mandate is comprehensive to and even wider than most others including the famous Umali Collage in Kenya. The institute undertakes training of personnel in the hotel and tourism industry in Nigeria; the ECOWAS sub region and Africa as a whole.³¹ .

The relocation of the central administration of NIHOTOUR, to Abuja added to the new Campuses aside that of Bauchi and Oshogbo. The institute has continuously strived to meet the technical craft and skilled manpower required to service the tourism and hospitality sector of the economy. Aside from NIHOTOUR, little or nothing is known about the existence of other training institutes and only few of our tertiary institutions mostly polytechnics offer courses related to tourism and hospitality management. The institute has the following function:

- (a) To provide improved and quality services in the hospitality and tourism industry by introducing professional training as well as post graduate courses in hospitality, travel and tourism field.
- (b) To provide short and long term managerial and supervision training for the development of specific skills as well as to enhance the quality and efficiency of senior functionaries in the hospitality and tourism industries.

³¹Ofobruku, S. A. (2012) “Hospitality and Tourism Manpower Training and Education in Nigeria”, *Afro Asian Journal of Social Sciences*, Volume 3, No. 3.4 Quatre IV Available at www.google.com Retrieved 15 July, 2015 at 3.07pm pp. 9-10

- (c) To cooperate with the relevant bodies to organize and facilitate staff development programs for teachers and supervisors in the polytechnics, hospital, and travel and tourism industry.
- (d) To cooperate with relevant bodies in updating national training curriculum for all levels of personnel in the industry.
- (e) To provide a forum at which representatives to both public and organized private tourism sectors and tourism institutions exchange ideas and information on development in the industry.
- (f) To keep and maintain register of hospitality, travel and tourism training institution, their training programs, subject, location and standards, duration and type.
- (g) To develop a learning resource center or the production of audio- visual aids, collection and dissemination of learning materials.
- (h) To source funds and technical assistance for the promotion of its objectives

In exercise of the above functions, the institute is empowered to:

- i. Appoint such officer and servants as it may determine.
- ii. Exercise disciplinary control over all persons in its employment.
- iii. Determine the salaries, wages and other condition of services of all persons in its employment within the general framework applicable in government.³²

The organization currently offers programs such programs as Post Graduate. In Hospitality Management, Post Graduate. In Tourism Management, Diploma in Transport and Travel Management Diploma in Transport and Tourism Recreation. Professional Certificates in Tourism Statistics, Advanced Professional Certificates in Tour guiding, Certificate in Hospitality Operations, National Technical Certificate, and Catering Craft Practice amongst others. Additionally the institute had been conducting seminars

³²Ibid p.11

workshops in collaboration with Industrial Training Fund (ITF), Nigeria Institute of Transport Technology (NITT) and National Association of Journalist and Writers of Tourism (ANJET), and others³³.

The career prospects of graduates of tourism, hospitality cannot be over emphasized. Both the private and public sectors are good playing ground for such graduates. Their job opportunities range from government establishments (Ministries, State and Local Government Tourism Committee) to private-oriented outfits. Career opportunities from airlines, tour operators, travel agencies, hotels, to transportation sector require a large amount of manpower. Thereby providing employment opportunities for our teeming unemployed youths³⁴

4.3 Federal Commission for Museums and Monuments

Federal Commission for Museums and monuments (NCMM) is another tourism agency established by an Act³⁵. The functions of the Commission include the control all museums and monuments in Nigeria. The commission is also required to establish and maintain national museums and other outlets for or in connection with but not restricted only to antiquities, science and technology, warfare, African and other antiquities arts and crafts and natural history amongst others. The Commission presently oversees the activities of more than one hundred monuments across the country. Its areas of challenge over the years has been underfunding which makes it difficult to effect proper documentation and

³³Babalola, W. and Olapade, .O., (2014).“Direction for the Future of Tourism, Hospitality and Events Management Education in Nigeria”,*Journal of Tourism, Hospitality and Sports*, Vol 2. Available at www.iiste.org Retrieved 20 October, 2015 at 1.56pm p.49

³⁴ Ibid

³⁵ National commissions for Museums and Monuments Act cap 242 LFN,2004

protections of artefacts which are sometimes pilfered away because of the porosity of the country's borders.³⁶

4.4 Private Tourism Institutions in Nigeria

The Private sector organization in the context of this research refers to privately owned organization exclusive of ownership and management of government. They are independent organizations that seek to maximize their profit through harnessing, buying and selling their products and services to tourists. The tour operators, travel agencies, transport companies, hotels, allied services, advertising and marketing firms, business associations, supplier industries, souvenir firms and guides are some of the examples of such organization³⁷.

The participation of these organization in the Nigeria Tourism and hospitality industry is glaringly manifest in the transport and communications trade. There is however, need for government to regulate this sector in order to ensure standardized performance. It is no gainsaying that apart from the role of government in creating the right investment condition for tourism development, the sector is private sector driven in most countries. Nigeria therefore, should not be an exception especially now when the emphasis is on private sector participation in every segment of the economy³⁸. Some of the important players in private tourism business are National Association of Travel Agencies (NANTA). This agency which came into existence in 1973, is arguably one of the most vibrant travel agencies that encourages members to leverage on their tourism investments. Others are the Federation of Tourism Association of Nigeria, whose

³⁶ Chika, O. (2014). "No Standard Museums in Nigeria". This Day Newspaper of 5 January, 2014 Available at www.leadership.ng Retrieved 26. March, 2017 at 1.57am p.20

³⁷ Ofobruku. S. A (2012)

³⁸ Ibid

membership includes the Hotel Association of Nigeria, the Association of Tour Operators and the National Association of Boat Owners of Nigeria amongst others.

The Federation of Tourism Associations of Nigeria (FTAN)³⁹ is the Apex body of all Tourism Associations in Nigeria. The association represents interests of all private sector Tourism associations in Nigeria. Part of its objectives include, interaction with government on behalf of all private sector travel and hospitality sectors in the country, provide leadership, direction and control for all private sector, travel, hospitality and allied services. It in addition encourage and assists the professionals engaged in these fields to maintain the integrity and competence of the profession⁴⁰.

In most countries, apart from its direct investment in the tourism sector as a big player, the private sector is saddled with the marketing and promotion of the country's tourism asset in partnership with the relevant tourism authorities. This has been the standard practice even at foreign exhibition and fairs e.g. World Travel Market (WTM) in London, Africa Travel Association and a host of others across the globe. It has therefore been practice that money spent at fairs like the WTM, is contributed by the private sector with government just adding a little. The WTM is certainly one great occasion where serious minded countries can showcase their travel and tourism products for the world to see. Nigeria was one of such countries that participated for instance in the 2001 exhibition.

Where all the pavilions, whether Africa, Europe, Asia or America, display dominance of private exhibitors ranging from hoteliers, travel agents, tourist site managers, air lines, cruise ship and others. It is lamentable to know that during the fair, Nigeria's stand was a big disappointment. But there has been a marked improvement recent years because Nigeria has recorded improved rating⁴¹ in participation. An example of such fair is the

³⁹Founded in 1997 at the instance of the Federal Ministry of Tourism Culture and National Orientation.

⁴⁰ Available at www.ftan.org.ng Retrieved 14 April, 2017 at 2.02pm

⁴¹Adiyi, .O. (2016). "Nigeria @56 Key Contributions of Tourism to Nigeria's Economy" Available at www.connectnigeria.com Retrieved 26 March, 2017 at 12. 55pm

JollofRice festival recently held in Washington DC United State where Nigeria participated and won against many other African countries like Ghana, Kenya South African amongst others.It is therefore imperative for private tourismoperators in the Nigerian to borrow a leaf from their counterparts elsewhere by dropping the idea that without the assistance of government they can not to market their tourism and hospitality products. ⁴²

4.5 Tourismplanning, marketing and promotion

Tourist preference for a particular destination is based on marketing and promotion techniques employed. The National Tourism policy states “promotion and marketing would embrace development of a unifying hall mark for the nation through adoption of a national slogan. The Federal Ministry of culture and tourism, federal Ministry of Information and National Orientation and the private sector shall carry out promotion and marketing of tourism products of the nation. One can only market and promote what he has. So physical attractions, facilities, accessibility and the quality of natural tourist’ officers are required to package, market and promote Nigeria as a destination. It is thus advisable, that the promotion and marketing campaign should be decentralized and handled by local and state government where tourist sites and attractions are located.

Tourism Planning is crucial to successful tourism development and management. In its broadest definition, planning is organizing the future to achieve set objectives. The merits of planning lie in the willingness to implement as planned, but the practical reality is that planners are frequently challenged by the fact that their choices “are” nuanced and they may sometimes have to balance idealism (what ought to happen by and for society) with pragmatism (What can happen with private sector investment)”. This situation creates a

⁴²Anyanwu, O. I. (2005). *Nsukka, Journal of the Humanities No.15, p.205*

gap between planning and implementation, and has led to the failure of most tourism plans⁴³.

The inadequate implementation of tourism development plans is not uncommon across the globe. Tourism planning involve the planning and management of tourist destination at both state and local government level where tourist' attractions and services are organized. Private individuals also invest in tourism and act as major conduit for the supply of such tourism services like accommodation, catering, tourist information, transportation and all other related tourist services.⁴⁴. Random interaction with the public, suggest that tourism development in local areas has brought powerful and organized business interest into the powerless, unorganized indigenous communities. These business interests have become dominant in the course of time thereby making power holders to serve their self – interest at the expense of the indigenous people who live on the margin of their felt –needs. There is also competition amongst public bodies to increase this traditional bureaucratic structure in order to enlarge their area of influence. This is reflected in multiple of taxes that tourism and related establishments have to pay to the different tiers of government⁴⁵. For example, tourism and hospitality outfits in Nigeria pay taxes at federal, state and local government level leading to cases of double taxation in most instances.

In brief tourism continues to be driven by federal government and its clients rather than community interests in Nigeria. Thus sustainable tourism development is difficult without

⁴³ Kun, L. et-al (2006). "Gap between planning and implementation: A case of China", *Tourism Management*. Vol 27(60): 1171-1180. Available at www.sciencedirect.com Retrieved on 20May, 2016 At 2.43pm

⁴⁴ Abby, L., and Geoffrey, W. (2006). "Planning tourism employment, a developing country perspective". *Tourism Management* Vol. 27(1). Available at www.sciencedirect.com Retrieved on 5June, 2016 at 3.25 am p.160

⁴⁵Koker, L. (1995). 'Local politics and democracy in Turkey: An appraisal': *The annals of the American Academy of political and social Science*, 540, 51- 52, p. 61 In CevatTosun (2000), "Limits to Immunity Participation in The Tourism Development Process in Developing Countries" *Tourism Management* 21(6), 613-633, www.gogglescholar.com at 10.43 am

the political will to re-structure the public administration system towards decentralization and community empowerment. Over the year's numerous tourism plans have been formulated for tourist destinations across the globe, many have remained relatively unsuccessful. For example overlapping responsibilities, bureaucracy and fragmentation amongst government departments and public authorities have been identified as major impediments to implementation of tourism plans.⁴⁶ To ensure tourism development, Tourism planning became one of the focus points for the National Tourism Policy⁴⁷ and the Nigeria Tourism Master Plan.

Since there are multiple agencies involved in tourism plan formulation and implementation, and numerous complex interactions take place between them, it is important to approach the issue in a systematic way. The approach should be concerned with the resolution of the complex system into a number of simpler components and identifying the important linkages between them. The linkages are multiple, and particularly arise from the possession of certain resources and powers by each organization⁴⁸. This linkage will provide a means to evaluate the effect of tourism development plan and how it influences the way the federal, State and local government relate to their surrounding environment. An effective tourism framework can help to differentiate a central approach, -where a few central actors bring about policy proposals on their own and a local approach, -where local capacities and suggestions are prominent. This is because such a framework will, recognize the importance of collective action by all actors at all geographical levels of tourism-policy making and implementation.

⁴⁶Kicket, J.M. and Klinj, E et-al (1997). "Introduction, A management perspective on policy networks" : In Yukel, .F. and Yuksel, .A. (2000). "Tourism Plan Formulation and Implementation: The role of inter organizational Relations" In: First international joint Symposium on Business Administration, challenges for business administration in the New Millennium. p.385

⁴⁷Section 4.12 *Nigeria National Tourism Policy 2005*, Government Printers, Lagos Nigeria

⁴⁸YukselFisun&Yuksel, Atila (2000).

The framework, will also recognizes that there is interdependence between local and national organizations, since no organization can perform its function or task without at some stage requiring resources controlled by the other organizations or needing actions by these organizations. Consequently, organization within the system is likely to attempt to gain the necessary resources and cooperation, and to do so, they will employ various strategies. Certain rules and procedure tend to regulate this process of exchange between organizations. For example, legal, institutional frameworks strongly influence the allocation of financial resources, determine duties to provide access to information, and are important determinant of the hierarchical nature of relationships in the organizational network. An analysis of inter organizational relations needs to be placed in the context of this institutional framework in order to understand its effects on system outcomes.⁴⁹

This framework in essence suggests that in a tourism administrative context, consideration needs to be given to the character of the interactions between various actors in the system (pattern of distribution, and the delegation or devolution of power (power distribution). Moreover, there need to be an understanding of the interdependency between the different actors in the system in which tourism operates. When tourism site is identified and develop, there is need for public sensitization through marketing. Tourism marketing is the method of applying concepts and strategy to attract tourists to particular destinations which may come in form of resort, city, region or country. Marketing is a process of planning and executing the concept of pricing, promotion and distribution of ideas, goods and services that will assist with the creation of exchanges that will satisfy individual and organizational goals⁵⁰.

⁴⁹ Ibid

⁵⁰ Ibid

The application of marketing in tourism industry is an equal focus on the ‘‘four Ps’’ i.e. Product, Place, Price and Promotion. Tourism product is the destination or region which can only be consumed by travelling to that region. Equivalently, the product is also the place and each tourist can consume or buy the product/place at different prices. Promotion is an awareness created by media and other advertising agents for the events. The promotion of socio-economic expansion by tourism was driven by the fact that, as an export industry, it encourages new spending within the local or host communities. This spending creates job opportunities, socio-cultural interaction, pride and appreciation, understanding and respect, and even tolerance for each other’s culture and norms.⁵¹ Tourism development without proper planning and integration with local values and environment can lead to scion-cultural, environmental and economic damage⁵².

The need now is to review policy and rules that guide the activities of tourism institutions like the Nigeria Tourism Development Corporation, National Institute of Hotel and Tourism (NIHOTOUR) and others, with a view to ensuring compliance and implementation of tourism related resources as well as provide array of incentives to help facilitate the achievement of these goals. The future of tourist attraction in Nigeria is bright and the country can be in the league of the most visited tourist destination in the world. However, we cannot be there by mere existence of untapped resources. Comparative advantages are no longer natural. They are increasingly determined by competitive strategies. The implication is that Government should ensure that tourism policies and strategies are in implemented through meaningful, innovative and creative use of available resources for tourism development. For tourism institutions to be able to discharge their responsibilities, an enabling environment must be provided for their

⁵¹Ayeni, D. and Ebohan, .O.J. (2010). ‘‘Exploring Sustainable Tourism in Nigeria for Developmental Growth’’ European Scientific Journal of September Edition Available at p.127

⁵² Ibid

activities, it is unfortunate that under funding, lack of political will amongst other challenges, has continuously affect the discharge of the statutory functions of most of this agenciesand Ministry responsible for the management of the affair of the tourism industry. In reviewing the legal framework of the tourism industry, therefore, it is imperative that a bottom –top approach be utilized, i.e. tourism development should start from the local government level and move up to the pyramidal level of the federal government, this will encourage local participation, improve employment and gradually grow the economy from the grassroots. The next chapter, will examine, the perceived challenges plaguing the growth of tourism industry and strategies that can be adopted to remove/reducethem.

CHAPTER FIVE

CHALLENGES AGAINST TOURISM DEVELOPMENT IN NIGERIA

5.1 Introduction

The tourism industry is a volatile industry because of its exposure to political, economic and health undulations. The general opinion is that these up and downs are outside the control of the industry and its providers. While some industry stakeholders are forced to react to circumstances they are ill equipped to handle, an awareness of current challenges can help them prepare for and seek ways to lessen the negative impact of exigent circumstances. An examination of the activities of Nigeria Tourism industry however revealed that the concern of tourism development has not changed much since the National Tourism policy and the Tourism Master Plan came into force. These tourism plans have focused merely on maximizing foreign tourist receipts and increasing the supply capacity of the tourism industry with neither corresponding improvement in infrastructure nor adequate implementation of existing tourism regulation. Despite becoming a preferred sector, tourism in Nigeria has not reached the expected height when compared with those of other African nations, like Kenya, Rwanda, South Africa and other developed nations. This could be attributed to the fact that, Nigeria is still mono-economy base, its citizens are still suspicious of each other, and worst of all, Nigerians are still buried in ignorance want, an insatiable desire for foreign travel and goods and plagued with poverty and diseases. These factors have affected the ability of tourism industry to achieve the desired impact¹.

The seemingly inability of government to translate the socio economic opportunities presented by tourism for public good is probably because of the continued lip service

¹Obioma B.K (2016). "Tourism Potentials and Socio –Economic Development of Nigeria: Challenges and Prospects" www.reikojournal.org Retrieved on 30 May, 2016 p.6

that various Government has paid to implementation of the recommendations in the Tourism Development Master Plan and other strategies that can likely grow the industry. This chapter examines relationship between tourism, security, and its trickle-down effect as well as other perceived challenges that have deterred the tourism industry from growing into a vibrant industry capable of improving Nigeria's economy in all ramifications.

5.2 Security and Social Challenge

It is common knowledge that before now, Nigeria's image on the international scene had dwindled fast due to cases of insecurity and corruption.² The recent bombings by the Delta Avengers and the Fulani herdsman clashes in Benue, Taraba and other parts of the country are some examples that readily comes to mind. Others are cases of corruption, fraud and kidnappings³. These factors have led to diminished interest and enthusiasm in the international market for the special kinds of tourism products that Nigeria has to offer.⁴

Most industries suffer in situations of sustained local opposition, terrorist threats and more generalized civil unrest. A tourist destination can be drawn to a complete halt if locals are openly hostile, if crime is too frequent or too violent, or terrorism or conflicts threatens in the general vicinity⁵. Thus for stakeholders in the tourism business, the prerequisite for a successful tourism industry is a reputation for keeping crime under

²Ibid

³Adora, C.U., (2010b) "Managing tourism in Nigeria: The Security Option", *Management Science and Engineering*, 4(1),14 Available at www.cscanada.net Retrieved 7 July, 2015 p.5

⁴ Ibid p.6

⁵ Ashley, C. D and Brine, P. et al (2007). "The Role of the Tourism Sector in Expanding Economic Opportunity" *Corporate Social Responsibility Initiative Report No.23*, Cambridge, MA, Kennedy. School of Government, Harvard University. Available at www.hks.harvard.edu/m-rcbg/CSRI/publications/report Retrieved 28 May, 2016 p.11

control and guaranteeing tourists' safety. The situation which poses the greatest threat to the safety and security of the tourists is the convergence of suitable visitor targets in those places where they are most likely to come in contact with local offenders who are already involved in high levels of criminality. If we can assume that predatory crimes against tourists are rational acts, our preventive energies should be invested in exploring ways in which we can make destinations a lot safer for tourists⁶. Amongst the possible reasons for the increase in crime and violence is a decline in effective law-enforcement, political unrest, and insurgency. The crimes that are of greater concern in the tourism industry are public violence, aggravated assault, burglary, robbery, motor vehicle theft and kidnappings⁷. Most of these crimes have become prevalent in Nigeria and has begun to generate public outcry.

5.3 Vital partnership between tourism and security

Personal safety is a well-recognized human need and tourism is an industry that thrives best under peaceful conditions. It is pertinent to note that investors, travelers and tourists care about crime, the unpredictability of ethnic and ethno religious riots and communal crises this is because of the direct and indirect losses; physical injury, death, the safety of their properties and facilities. These security hazards may discourage intending tourists from traveling to Nigeria tourism stakeholders and organizers from investing in the tourism economic sector. In addition, crime and terrorist attacks on tourists and tourist destinations may damage diplomatic relationship between Nigeria and the home country

⁶Baker, D., and Stockton, S. (2014) "Tourism and Crime in America: A Preliminary Assessment of the Relationship between the Number of Tourists and Crime, Two Major Cities American Tourist Cities". *International Journal of Safety and Security in Tourism*. Issue 5, p.19

⁶Sanette, L. A. (1999). "Crime: A Threat to tourism in South Africa, Tourism Geographic "An *international journal of tourism, Space, place and environment*, Rutledge, London UK. downloaded by University of Pretoria at <http://dx.doi.org/10.10.1080/14616689908721324> , Retrieved 11 November, 2014 . pp.313-314

⁷ Ibid

of the tourists thereby inhibiting and undermining the ability of the Federal, State and Local Governments of Nigeria to promote tourism development .⁸A common complaint among travel destination marketers is that, through sensationalist reporting, the media has created hysterical reactions that are out of proportion to the actual level of risk. Unfortunately, such perceptions have very real impact on tourism business.

Tourism is a discretionary activity, and most tourists will not spend their hard earned money on travelling to a destination where their safety and well-being might be jeopardized. Even business travel, which is a less discretionary activity, is affected by incidences of violence and crimes against travelers, since most companies are reluctant to endanger their employees by sending them to unsafe destinations. It is generally opined, that one has to be constantly aware that tourists are potential targets of crime, and that protecting them from offenders is essential to the survival and growth of the tourism industry. To succeed, tourism requires a vital partnership with safety. Tourism cannot be sustained if the question of safety is not addressed.⁹Evidence from around the world demonstrates that safety, tranquility and peace are necessary for the prosperity and sustainability of the tourism industry.

In Nigeria today, a certain level of tolerance with regard to violence and unrest has existed, based on the assumption that these are inherent features of a society undergoing far reaching socio-political change. This tolerance however has now been exceeded and most consider the rising crime rate as largely symptomatic of socio –economic decline.

⁸Adora, C. U. (2010b). "Managing tourism in Nigeria: The security option". *Management Science and Engineering*, 4(1), 14. Available at www.cscanada.net. Retrieved on 7 July, 2015

⁹Ibid

The current economic problems facing the country may constitute the single most important variable responsible for crimes and offences against tourists¹⁰.

5.3.1 Crimes and offences in Tourism

In Nigeria, security, social-economic and political progresses are impeded by crimes, civil unrest and violent acts, which are in abundant in the country. Political intolerance is still prevalent among the various population groups, coupled with politics and strong feelings of ethnicity, language and religion. These often time lead to manifestation of criminal activities which constitute a potent threat to National security¹¹. For instance, slow growth in socio-economic and political progresses without any doubt breeds environment of aggravated expectations and nurture widespread annoyance on the part of those that are bound in the vortex cycle of miserable poverty. The situation of desperation is more provoked by powerless elimination schemes and conspiracy seemingly overlooked by the government. In such predicaments, people and groups tend to react in diverse ways. These reactions materialize and seek expression in several shades of rebellious conducts one of which is the act of terrorism and kidnappings¹².

Terrorism has been identified as a crime and the biggest threat to world peace. The United Nation defines terrorism as an anxiety-inspiring method of repeated violent action employed by (semi) clandestine individual group or state actors, for idiosyncratic criminal or political reasons whereby in contrast to assassination, the direct targets of violence are not main targets¹³. Terrorism is a reservoir of constraints to the development of tourism

¹⁰ Hotelier & Hospitality News and TV channel. Available at www.hospitality Retrieved on 15January, 2016. p.5

¹¹ Generally, between 2001 to date, several ethnic and ethno-religious conflicts have occurred in Nigeria. For instance, the Oyadama and Nko (Cross River) war in 2009, in Maiduguri, the Boko Haram crisis in 2009 till date, and the Jos ethno- religious crisis in 2010. It is pertinent to note that reasonable numbers of our tourist products are found in these states and communities.

¹² Wang and Pizza, (2011)

¹³ <http://www.tourismresearch.com>. 2006 p.1

because the tourists and tourist destinations are constant target, globally. Arguably, the frequency and systematic occurrence of religious extremism designed to provoke terror in the pursuit of social, political and economic goals, the recurrent ethnic and ethno religious riots, kidnapping of people in the Niger Delta area and other parts of the country. All of these have had negative impact on tourists' destinations across the country thereby discouraging both international and local patronage of the tourism and hospitality sector.

Another instance of crime in the tourism and hospitality industry is that since 2009 a small Islamic group commonly known as Boko Haram¹⁴ had radically transformed itself into a dreaded group unleashing mayhem on the populace. The mass media has consciously presented horrific depiction of blistered people and properties destroyed by the activities of the group. Undoubtedly, a few Nigerians joined the terrorist party a fact that was manifested by a botched attempt to bomb an airline in the USA¹⁵ by 23 year old Nigerian, Farouk Abdul Mutalab and the listing of Nigeria on the USA terrorist list as a country of special interest¹⁶.

Similarly reported was mayhem unleashed between 2011 and 2015 on Abuja, the Federal Capital Territory which suffered from terrorist threats and actual attacks on the World Bank building, the Eagle Square parade ground and many other locations in different parts of the country especially in North -East. The kidnapping of 200 mostly under aged girls from a government secondary school by Boko Haram who have persistently mocked Nigerians with warnings to sell the girls for sexual slavery. A story which captured global attention, local and international protest, and mass media campaign titled "bring back our

¹⁴Holcomb, J., and Pizam, A., (2006). "Do incidents of theft at tourist destinations have negative effect on tourists' decisions to travel to affected destinations?" In : Rittichainuwat B.N (2013) Tourist' perceived Risks Towards Overt Safety Measures " *Journal of Hospitality and Tourism Research* Available at www.jht.sagepub.com Retrieved 14 April, 2016 at 1.02pm

¹⁵Odunsi, W. (2017). How Nigeria's Abdulmutallab became a terrorist ". Daily Post Newspaper of 24 February, 2017 Available at www.dailypost.com Retrieve 14 April. 2017 p.17

¹⁶ Ibid

girls”. All these gave rise to negative reports on international travel advisories, which severally impacted “normal” travel volumes to the city and other part of the country. These resulted in the cancellation of various conferences and other events which were due to be held especially in Abuja and other events scheduled in different part of the country.¹⁷

A cursory look at the provisions of the Nigeria Tourism Development Corporation Act indicated no specific mention of sections for punishment of frequently inflicted offences on tourists -like robbery, burglary, auto theft, mugging or stealing are made, instead cursory mention of offences is presented in such a way of setting standards for the industry. For example the NTDC Act¹⁸ provides that:

If any person willfully delays an inspector in the exercise of any power conferred on him¹⁹ or fails to comply with the requisition of an inspector in pursuance of the said section or to produce any document or furnish any information which he is required by or in pursuance of this Act to produce or furnish or willfully withholds any information as to who is the proprietor of any hotel or allied hospitality establishment, that person, shall be deemed to obstruct an inspector in the execution of his duties under the provisions of this Act. “Where an inspector is obstructed in the execution of his powers or duties under the provisions of this Act, the person obstructing him shall be guilty of an offence and liable on conviction to a fine of N1, 000 or to imprisonment for one month or to both such fine and imprisonment.²⁰

It is pertinent to note, that the punishment provided for the offence of obstruction of inspectors from duties is imprisonment of one year or the option of payment of N1000! as fine upon conviction²¹ a position which seems ludicrous. The section also failed to mention tourism and tourism sites even though one may presume that since the activities

¹⁷ Trevor, W. And Udabor, L. (2013). “The Nigerian Hotel Industry.” Available at www.hospitalitygroup.com Retrieved 10 October, 2016 at p 2.47 pm p.12

¹⁸ Cap N137 LFN 2004

¹⁹ Ibid Section 15

²⁰ Ibid Section 16

²¹ Ibid Section 16(2) and 15

of hospitality and tourism industry are related and the Commission is in charge of the regulation of both then “what is good for the goose should also be good for the gander²².

Similarly the NTDC subsidiary legislation²³ only provides for the offence of failure to register a hotel or tourist outfit within 60days of commencement of the operation with imprisonment of one month after conviction or an option of fine of N5, 000 including payment of N1, 000 for each continued week of default. This means recourse has to be made to other legislations²⁴ for punishment of such occurrences. One of such efforts can be seen in the recent passing into bill of the Sexual Offences Act²⁵ which seeks to make a comprehensive legislation on sexual offences by criminalizing certain acts such as sexual tourism. This is a welcome development which will ease the problem of child sex tourism in Nigeria.²⁶

In spite of the enormous fund expended by the Nigeria Tourism Development Corporation to launder the image of the country and to reassure that Nigeria is indeed a safe country, not much seems to have been achieved. Many foreigners some of whom even claim ignorance of not knowing where Nigeria is situated on the globe and even Nigerians living in diaspora expressed fear of visiting Nigeria because of negative reports on the appalling security situation in the country they read on the internet.²⁷In the same vein The Hotel Proprietors Act, the Innkeepers Act have become obsolete and in need of urgent review has applicable in other jurisdictions. This is because nowadays, tourists and hotel guests carry more valuables like jewelry, laptops, smart phones and other

²²Jinlin, Z. And Zaiping, H. (2004). “Crimes against Hotel Visitors: An Empirical Study in Miami-Dade County, Florida.” *Electronic Journal of Hospitality Legal. safety and Security Research Volume 11* Available at taipingho@bsu.edu Retrieved 26 January, 2016 at 1.27am p.2

²³Section 14, NTDC Act Op. cit

²⁴ Like the Penal and Criminal Codes as applicable to either the Northern or Southern part of the Country

²⁵ Which prescribes life imprisonment for sexual offences such as rape, child sex tourism and people deliberately infecting others with HIV/Aids

²⁶Jinlin, Z. (2004)

²⁷www.hospitality , Hotelier and Hospitality News and TV channel. 15January, 2009 at 10.03am.

internet savvy equipment's which are more valuable than the paltrysum of N50, that the Innkeepers and Hotel Proprietors Act have hitherto provided as fine for the loss of hotel guest property. An obvious indication of its obsolesce. A major challenge facing the Nigerians society is to bring changes in values and encourage a philosophy that sees hard work and societal change as virtues. The involvement of community based organization in the promotion of tourism related activities could help to foster a feeling of pride and belonging and ultimately help to reduce crime and violence.

In this circumstances, the future review of the NTDC Act must also put into consideration, such issues like loss of baggage, consumer disclosure notices, which should contain important clauses for assumption of risks, limitations of liability and acknowledgment of risks in bold face type. These disclosures must be comprehensive and should give consumers a clear picture of what to expect from a particular travel/tourism package. Human resources, intellectual property, employment and regulatory law are all part of tourism Industry. Thus a tourism law must be able to envisage and adapt to each situation as it evolves. This work humbly submits, that future review of tourism legislation should consider the inclusion of "Airline Passenger Bill of Right" as applicable in other jurisdictions' like the USA. This is because whilst no single statistic by itself provide a full understanding of the factors contributing to tourist being criminally victimized, several interesting conclusions can be drawn. First, crimes against tourists are more likely to occur in those cities that are already experiencing a disproportionately high level of conventional crimes, put in another way, introducing higher rates of tourism in a low crime rate city will not automatically lead to higher rates of tourist victimization. However, increasing the number of tourist in an already high crime city does not have any significant effect on the rates of crime committed against tourists

In addition, policy makers may wish to devise methods to minimize the exposure of tourists to the risk of being criminally victimized by physically isolating tourist's zones from those economically depressed areas where we know overall crime rate is high. For example, the use of public transportation systems for visitors should be encouraged over rental cars and personal vehicles in order to minimize the unintentional exposure of tourists to high crime neighborhoods. Furthermore, the physical characteristics of tourist accommodations will likely play a part in limiting risks in high crime areas. Older- styled motel rooms that open directly onto dimly lit parking lots should be avoided in favor of hotels and restaurants where room access by outsiders is limited through design of physical structures and monitor by cameras or private security officers. This is because potential criminals are likely to perceive detection limited chances of escape in those properties that are purposely designed with prevention in mind. Lastly tourists should not be lulled into a false sense of security due to the mere presence of capable security personnel at tourist facilities and destinations. Simply put, there needs for more policing activities on the streets especially in identified tourist cities. On the premise of the foregoing, other challenges affecting the growth of the Nigeria Tourism Industry are briefly examined hereunder.

5.4 Challenge of Political interference/patronage

The governance of tourism in Nigeria is also influenced by both patronage and political interference²⁸. Most times, the location, nature, scale of particular investments and investor in tourism frequently reflects the wishes of those with powers or influence. In other words, there are situations where formal tourism planning policies and legislative

²⁸ Honey, M. (2008). *Ecotourism and sustainable Development: Who owns paradise?* Island Press Washington. 2nd Edition.

mechanism in existence, become subject of abuse through political interest and interference. In these circumstances, Tourism development in prime local tourist destinations has brought powerful and organized business interests into the powerless, unorganized indigenous communities. In the course of time, the tourism business interests have become dominant and power holders served their self-interest at the expenses of the indigenous people who live on the margin of their felt needs in this regard, tourism development appears to have ignored intra- generation equity by catering for tourists and tourism entrepreneurs' needs at the expense of indigenous local people. This reveals that tourism development in Nigeria and elsewhere in the developing world contradicts principles of sustainable tourism development. Thus, it is extremely difficult to achieve sustainable tourism development in Nigeria without the political will to re-structure the public administration system towards decentralization and community development²⁹.

Literature considered in the course of this research referred to a long and continuing failure on the part of government to implement appropriate policies and processes to not only optimize the contribution of tourism to socio-economic development but to also minimize its negative consequences. For example, it is widely accepted that a number of the challenges currently facing the tourism sector and its limited developmental contribution relates to the lack of an appropriate policy frame work in the early years of tourism development. For instance, the general perception is that from the 1980s onwards there were plenty of investors but no plans or regulations with respect to the size/location of hotels, financing managements, compensation to local communities for loss of land and so on³⁰.

²⁹Cevat, .T. (2000) "Challenges of sustainable tourism development in the developing world: the case of Turkey" Available at www.researchgate.net Retrieved 15 January, 2015 at 1.04 am pp.294-295

³⁰ Interview at the legal unit of the Ministry of tourism and Culture.

In order to address the challenges bedeviling the tourism Industry a former Director General of the Industry³¹ adumbrated need for government to build competitive infrastructures, establish tourism on arrival and also review the Land Use Act to enable private sector access land for development.³² Also recently, following a meeting held with the United Nations World Tourism Organization. The present Minister of information revealed government's plan to revisit the Tourism Master Plan and facilitate review that will improve the industry.³³

Resolving the above challenges as regards stability of the polity depend on the political class. It stands to reason that people will only gravitate towards societies that are adequately regulated, politically stable and devoid of rancor. Nigerian tourist sites will attract all and sundry if people are assured of safety and serenity. To this end, it becomes expedient that political players get their act right and play the games according to the rules. With the relative stability experienced in the political transition from one civilian administration to another since 2007 and the efforts of the present government to rid the country of corrupt practices, it is hope that the budgeted funds will get to its object of use and government will also be able to deal with the menace of security threats, then Nigeria will be quite ready to become a Mecca of sorts to all lovers of nature and leisure.

5.5 Economic challenge and Lack of financial support for Investment

The development of the tourism industry in Nigeria, has been very slow because the funds available to the federal, and state government through budgetary allocations are

³¹Mbanefor, Former Director General Ministry of Tourism Arts and Culture

³²Iroegbu, O.C. (2014) "Nigeria's N7B Tourism Industry untapped. The Nation Newspaper of 20 October, 2014." Available at www.thenationsnewspaper.com Retrieved 23 July, 2017 at 4.32 pm

³³Alhaji Layi Mohammed, on Channels TV News on 5 September, 2016 Available at www.channelstv.com 2.37pm

inadequate. For example, the fund allocated to the Ministry of Tourism, Culture and National Orientation in 2012 Budget was #2.2bn while about 48% of the said amount was released. This is grossly inadequate.³⁴ Thereby making development of the tourism industry very slow (especially as available funds from the federal and state government budgetary allocations have been grossly inadequate)³⁵.

There is dire need for a steady source of funds for investments in the Tourism sector. With the distrust in the economy most investor and even Commercial and development Bank, rarely grant loans for tourism investments due to the long gestation period. The prevailing high rate of inflation coupled with widening exchange rate differential between Nigerian currency (the Naira) and currencies of other nations like the American Dollar and the British Pounds or Euro. Uncertainty in the interest rates and the conflicting Central Bank of Nigeria and the Nigerian government monetary and fiscal policies are driving many investors and tourist out of the country. As a result of these instabilities, investors in tourism business who would have gone into long term investment are discouraged from doing so in preference for short term investments that could not do much in promoting the business of tourism in Nigeria. The fact that Nigeria does not seem to have a system in place to engage the Public Private Partnerships (PPPs) might also be a stumbling block to mobilizing adequate capital to finance tourism.³⁶ As such, many tourist centers lack the fund for further promotion and development. In some cases, most government –owned tourist centers are dying faster due to lack of fund from government for their maintenance.

In many countries with tourism success stories, like Israel and South Africa, the governments have bridged the financial gaps and challenges in providing funds for the

³⁴Agbebi, .P.A. (2014). “Exploring Tourism Policy, Planning and Governance in the Transformation of Nigeria Economy.” *J Tourism Hospit* 3: 129. doi:[10.4172/2167-0269.1000129](https://doi.org/10.4172/2167-0269.1000129)

³⁵ Ibid

³⁶Odeleye, D.A. and Oyekanmi, .A.O. (2013)

development of tourism projects. The Small Medium Enterprise Development Programmed(SMEAP) offers cash grant incentives to tourism related enterprises within South Africa. The programme has the following provisions: establishment of an Investment Board within the Tourism Ministry; offers a tax free cash grant for two years based on the cost of the investment in building, furniture, equipment and vehicles; investing in the development of tourism sites and supporting relevant small businesses including professional consulting and tourism improvement programmes, In Israel, the Jewish Agency supported tourism development in the following ways: the establishment of tourism village, small business loan/guarantee fund, capital support fund for agricultural tourism farmers and establishment of tourism advisory services (tourism incubation). In view of the critical role of finance in the achievement of the nation's tourism dream, the need for government intervention cannot be over-emphasized. The federal government intervention banks such as Bank of Industry and others should in like manner consider tourism as a priority area³⁷.

To achieve this, the Nigeria governments should as a necessity provide funds to support the investment of stakeholders in the industry in line with the Act which provided, “that The Corporation shall maintain a fund which shall consist of such monies as may from time to time, be provided by the Federal Government by way of loan, grant or otherwise howsoever, such monies as may be received by the Corporation in the course of its operations or in relation to the exercise of its powers and such funds shall be used to defray all expenses incurred by the Corporation”. The proposed Tourism Development Fund should be made operational as soon as possible. So as to enable investors to harness the inherent benefit of the tourism and hospitality industry. But one stills wonder if the

³⁷Esu, B.B (2015). “Transforming the Nigerian Tourism Industry through Tourism Entrepreneurial Development.” *African Journal of Business Management*, Vol .9 (15) Available at www.academicjournals.org/AJBM Retrieved 20 June, 2016 at 5.12pm p. 577.

effect of this particular provision has not be overtaken by the newly introduced Single Treasury Account. Thus given more impetus to the plea for an urgent review of all legislations that impinges on effective management of the legal and institutional environment of the Tourism and Hospitality Industry in Nigeria.

5.6 Infrastructural Challenges

The critical role of infrastructure in tourism development, and economic growth, and social development is widely recognized by governments, development agencies, multilateral organizations and private sector. Sub-Saharan Africa trails other regions in nearly all aspects of physical infrastructure.³⁸ The issue of infrastructural deficit must be given the required attention in order to foster tourism development.³⁹ The idea of developing tourism in a particular area is encouraged by steady improvement in existing infrastructure and creation of other innovative social amenities. These creations will encourage tourists to visit such destination and help to improve socio-economic relations among the local people.⁴⁰ The destination regions must have many values ranging from cultural, historical and even environmental which must be maintained in order to attract tourists. The majority of tourists are concerned about the destination in which they will spend their holiday. So, the natural environment of the host regions, their buildings and tourist institutions, their people, culture and history and other forms of tourist elements are what the tourists wants to experience in the destination⁴¹

³⁸ Kwame, A. (2013) "Policy implementation: A Tool for Enhancing Tourism Development in Ghana" *Journal of Law, Policy and Globalization Vol 10* Available at www.iiste.org. Retrieved on 25 July, 2016 at 4.17pm

³⁹ Ibid

⁴⁰ Godfrey, K. And Clarke, J. (2000). *Tourism development Handbook*. London: Continuum Ltd. In: Ogunberu, A. F. (2011) Op. Cit p.3

⁴¹ George, W. and Mair, H. (2009). *Rural Tourism Development, Localism and Cultural Change*. Oxford: Butterworth-Heinemann.

In other words, communities where there is infrastructure development will attract and encourage local people to bring up ideas of setting up tourism businesses like hotels, restaurants etc. This will make the destination becomes popular and as a matter of fact pique the interest of both government and private individuals to invest huge sum of money to maintain, sustain and retain the destination as a major tourist region. This will among others, lead to the creation of civic center, parks, good road networks and other facilities that will enable the area to be tagged as a tourist destination region. The increase in all these facilities provides opportunities for even a small city to develop into a tourist destination⁴². Tourism cannot thrive without basic infrastructural facilities such as portable water, constant power supply, and communication system. In line with this position the Act empowered The Nigerian Tourism Development Corporation to carry out any undertaking which appears necessary for the promotion and development of tourism, and advise appropriate authorities on ways of improving tourist facilities, as well as do all things that are in its opinion incidental and calculated to facilitate the carrying of its duties as outlined in the Act.⁴³

It's embarrassing that till date, Nigeria is still battling with social infrastructure issues like good motor able roads, constant electricity, pipe and portable water, constant communicationssupplies, good health facilities and other social forces that are prerequisites for better tourism. The provision of these essential social amenities is the sole responsibility of government and sine qua non to investment in the industry. Most tourists' sites are suffering from scarcity of these social infrastructures while those that have them are operating at very exorbitant costs, thereby discouraging tourism and tourist's patronage. Similarly, environmental degradation of most cities in the country is discouraging to most foreign tourists. Cases of refuse dumps even in the cities, tattered

⁴² George, W., et -al (2009)

⁴³ Section 4(3) (c-d) NTDC Act

cityscapes, noise pollution, unreliable transport and communication systems, horrible roads and police check points are not helping matters⁴⁴.

A writer⁴⁵ opined that “a situation where hotel operators constructs their own roads, dig boreholes and generate power is a big distraction from traditional duty of provision of quality services to customers”. Most of the tourist sites on ground are dilapidated and seriously in need of renovation.⁴⁶

The Decay in the Transportation Sector is another infrastructural challenge to the Nigeria Tourism Industry. The Nigeria transport sector is composed of extensively developed paved and unpaved national road networks road, rail, ocean and air transport modes, most of which are rarely maintained by Federal Emergency Road Maintenance Agency (FERMA) put in place for such purposes. At state levels, problems of road maintenance are more severe and worrisome. The private sector dominates the road transports sector with most of them using aging, oftenoverloaded, fuel-inefficient vehicles often causingbreakdowns and upsurge in traffic. This is however contrary to the provision of Section 5 NTDC Act which empowered the Nigeria Tourism Development Corporation to set up a tour operating company to be known as the as the National Travel Bureau to operate tour services within and outside Nigeria on a commercial basis and monies realized from such commercial operations shall be used expended in the management of

⁴⁴Obioma, .B.K., (2016). “Tourism potentials and Socio Economic Development of Nigeria: Challenges and Prospects”. Available at www.reikojournals.org. Retrieved 20 May, 2016at 10 43pm

⁴⁵Oyakhilome, .F. O. (2005). “Jumpstarting Hospitality Industry and Tourism Development”. Being a paper delivered at the Intra Africa, Trade/Tourism Workshop at NEPAD Business Group, Nigeria International Forum Abuja January 28-29, Available at www.nepad.com Retrieved on 9July, 2015 at 2,17pm

⁴⁶Anyanwu, .O. (2005). “Tourism Development in Nigeria 1962 -2002: An appraisal,” *Nsukka Journal of Humanities*, No.15, p.203

such services⁴⁷. The ordinary expectation is that such an outfit will have offices across the country a search during the course of this research revealed nothing of such.

The private sector has invested largely in transport sector and with the drive to make quick returns on investments, there has been an upsurge in road traffic accidents in accidents across the country a state of affairs that is fast assuming a worrisome dimension with thousands of lives lost annually. This has indirectly discouraged tourism development. For instance, in the 2010 estimate, statistics related by the Federal Road Safety Corps (FRSC) has shown that Nigeria recorded 7,737 road accidents, which resulted in the death of about 1056 persons. Besides, in the last three decades, Nigeria has recorded series of mishaps in the aviation sector with several casualties'. This phenomenon scares foreign tourists away and has negative consequences on Nigeria. Tourism development⁴⁸

The Nigerian Rail network is virtually not usable as most of them have over the years either collapsed⁴⁹, or lack significant developments due to government monopoly. Attempts by government to revive the rail transport sector are presumed to have been continually sabotaged by private vehicle services that Lorries now transports goods which were hitherto transported from one part of the country to another by cargo trains. Presently there is an ongoing attempt to make a policy statement that may revive this transport segment especially with the newly introduces Kaduna –Abuja Train line and other Cargo trains crisscrossing other part of the country. This suggest that this transport

⁴⁷ NTDC Act, Cap N 137. Op. Cit.

⁴⁸ Dahiru, .M.H., (2011) Op. cit p.3

⁴⁹ Ashikodi, T. I. J., (2010). "Tourism development in the coastal region of Nigeria: Economics of Tourism development a shift from oil dependence." Available at www.worldculturelink.org Retrieved 2 February, 2015 at 5.53am .

segment may soon be made open to domestic or international participation and competition.

The Nigerian airlines have also remained crippled due to lack of funds to finance and renew their aircraft fleet to enable them compete with international airlines that are making profits from their operations in the country. The conditions of the terminal buildings in most of the international airports are unsatisfactory, and because of the dangers in landing and takeoff, the runways need upgrading and repairs.⁵⁰ Although foreigners invest in the airline industry, such investments are usually repatriated through capital leakage via profit repatriation and management fees (aircraft maintenance overseas) by the foreign airlines instead of being use for maintenance of infrastructure. These have adversely affected both the airline and the industry.

In the same vein travelling in Nigeria airspace comes with myriad of problems. For instance, passengers are not notified of flight cancellations, no provisions are provided in case of delays in departures, or arrivals, luggage's are sometimes transferred from the registered and tagged destinations to other routes of the airlines there by causing anxiety and psychological trauma that should ordinarily be compensated with damages. In spite of the prevalence of such cases, there are neither documented records of complaints nor prosecution of any before our courts! Further indication of the need to develop the case law in this area. Thus an airline passenger bill of rights should be enacted as a subsidiary legislation that will regulates the ill treatment of airline passengers by ensuring that airline give food, water, clean toilets and fresh air to passengers stuck in delayed planes or airports. It is important for tourism lawyers and tourist in general to be aware of the lack of travel protection in these situations and encourage their legislators to enact

⁵⁰ Federal Airport Authority of Nigeria (FAAN, 2010b). Available at www.faan.com Retrieved 10 June, 2016. At 9.32pm

protections, at the very minimum for passengers trapped on planes and airports in these protracted flight –delay situations.

The absence of a national carrier has also impeded tourist flow to most of Nigerian tourist destinations that are not accessible to tourists by road. Even though communication has improved greatly with the introduction of the Global Satellite Communication (GSM), rural road networks are poorly developed and this has slowed down the diffusion of information, ideas and technology⁵¹. Improvement in transportation and communication must be seriously considered in the nation's road map towards the revival of tourism sector.

Electricity infrastructure in Nigeria is least developed, least accessible, and least reliable. The unreliability of electricity serves as a major disincentive to attract tourists to Nigeria. The share of people with access to electricity is much lower in Nigeria than in other regions, even though government has begun to make concerted effort in this regard with promise to increase electricity supply across the country. It is the position of this research that government will in due time live up to the expectations of Nigerians and other Nationals Planning to visit the country in the nearest future. Similarly, access to safe water and improved sanitation, critical for using food is also lower especially in rural areas where most of this tourist sites can be found.

Furthermore, Nigeria's Real Estate sector is still developing. For instance, the quest of the federal government to develop Federal Capital Territory Abuja has led, to policy collaboration between the government and the private sector under the Public Private Partnership (PPP). Under the policy the government grants a lease over a portion of land

⁵¹Ojeleye, D. A., and Oyekanmi, A.O., (2013). "Tourism And Rural Development As Means Of Combating Economic Melt-Down In Nigeria: Implications for Counseling Practice", *Universal Journal of Education and General Studies* (ISSN:2277-0984)Vol2(1) Available at <http://www.universalresearchjournals.org/ujegs> retrieved on 17/01/2016 Retrieved 12January , 2016 at 9.45pm. p.23

to private Real Estate developers for a stated period, for minimal fee. The purpose of charging a nominal fee is to encourage Real Estate developer to develop the leased land in accordance with the Abuja Master Plan over the agreed period and recoup returns on their investment, while government retains title to the land⁵².

The development of the tourism and hospitality sector has also created a huge potential in the hotel and luxury home business-since there is a prevalence of local expertise, investors may choose to work with established local developers while bringing structure and sophistication into the project. This may also reduce their risk by partnering with local developers with valuable real Estate. In such an instance, the investor would benefit from the know-how of the local developer whilst avoiding the intricate issue of the land tenure system.

Notably, the land Use Amendment Bill (in the Amendment Bill) before the National Assembly seeks to eliminate the hardship to holders of Customary Rights of Occupancy and mortgages under the current Land Use Act, under Section 5 of the Amendment Bill, the rights of a holder of a customary right of occupancy to alienate such right by mortgage is now recognized. Section 6 of the Amendment Bill dispenses with the consent of the Governor in the creation of a mortgage. The flexibility of the land use tenure in the Amendment Bill is a major boast to real estate development in Nigeria.⁵³ That is if bureaucratic tape does not scuttle the intent of the amendment. The level of infrastructural challenge in Nigeria repeatedly points to the fact that government has been paying lip service to the sector.

5.7 Lack of awareness among the Local Communities

⁵²Anyanwu .O. (2005) .

⁵³Emelike .O.

Some of the local communities in Nigeria where tourist attractions are located are still ignorant of the importance, social and economic benefits of tourism. To them, they are the 'things' created by God and nothing more and as such, could do little or nothing to develop and promote them for their own benefits or in partnership with investors whomay be willing to do so. To some of the communities, such "natural canters are forbidden to be touched or seen by outsiders or females as they are regarded as spirits, shrines sacred places and events and should only be respected. Tradition and cultural ideologies or beliefs are, therefore, anti-development to tourism in Nigeria.

5.8 Nature of Nigerians and large family size.

Tourism is a voluntary and luxury activity. It is one concept that may not readily invoke the desired passion and attraction among Nigerians in spite of its social and health benefits. This is because most Nigerians are poorly paid and may not be able to save enough money to travel on holiday. Another reason for this could be the high level of poverty prevalent in a country where the people live from hand to mouth and have little left for other secondary activities like tourism. Similarly, most families are large, having up to eight members in a family. Many couples have more than the government stipulated maximum of four children. In such type of families, to plan and save to embark on a holiday or excursion may be difficult or outrightly impossible. And with a "work holism" orientation most Nigerians may actually not see the necessity of embarking on a holiday, excursion or even relaxation. However, tourism is not an issue that is limited to Nigeria but is a language of the international community where people save money in order to visit places of attractions to fulfill their dreams until recently, participation was restricted

to the select few who could afford both time and money to travel for pleasure and leisure⁵⁴.

5.9 Challenge of over dependence on oil revenue

The so much dependence on oil revenue at the federal, state and local government level, through monthly revenue or “excesscrude” allocation and sharing is fast killing and under developing- the tourism sector in Nigeria. Because of the constant assurance that they must come to the purse of the government in question at the end of the month for little or no work done, most of the managers of these tiers of governments consider investment in tourism and other sectors, as waste of time and money even when potentials for such investments exist. As a result, the new tourist sites are underdeveloped while existing ones are fast dying due to lack of support, funding, patronage and care by government and agencies required to promote tourism development. Although tourism which has been in neglect is now being seen as a means of diversifying the Nigeria economy, the economic goal of development has been frustrated by poor planning and poor management. Despite the launch of the Tourism Master Plan, the absence of effective policies aimed at promoting and marketing tourism in Nigeria is a huge gap responsible for government’s inability to tap into the huge opportunities available in tourism all over the world. For Nigeria to succeed in sustainable tourism development, it must ensure that effective planning, promotion and marketing approach is incorporated in the implementation of tourism policy and regulation⁵⁵

5.10 Challenge of Multiplicity of tax payment

⁵⁴Jiboku , J.O and Jiboku P.A (2010). “Harnessing Tourism Potentials in Nigeria for National Development” *j.Res.Natl.Dev.8(1)* Available at www.academicjournals.org Retrieved 5 December, 2016

⁵⁵Ayeni, D.A., (2013). “Predicting the Effects of Economic Diversification on Sustainable Tourism Development in Nigeria”. Available at www.article.sapub.com Retrieved 25 March, 2017

Tourism taxes are not new and indeed numerous specific taxes are levied on tourism activities in many countries. Taxes on tourism have often been hidden within tax yields obtained from goods and services purchased by both tourists and local residents.

The Nigeria tourism industry lacked a clearly defined sustainable economic policy, for instance the In spite of the fact that the Nigerian Tourism Policy clearly defined the role of government in granting financial incentive to participants in the sector by giving tax relief and exemptions⁵⁶, industry stakeholder such as hotel operators face multiple taxation from the Federal, State and Local government they operate in⁵⁷. For instance, the situation such that tourism enterprise and hotels have to register CAC, pay value added Tax to NTDC operated by the Federal Government. Again register and pay Sales Tax at state level and still pay tenement rate to the local government! The effect of these multiple taxations is such that new investors are discouraged from investing in the tourism industry. Whilst existing players might be driven out of business the pass down effect affects tourists. The ineffective use of incentives like Tax relief under the companies' income Tax Act⁵⁸, provision of government commissioned feasibility report, provision of tourism at concessionary rates to tourism investors by the state government⁵⁹ provided in the Tourism Master plan of 2006 to ameliorate the adverse effect of some government policies on tourism and hospitality is sufficient evidence that this part of the tourism policy has not seen the light of day and has in some way impeded the required investment in the sector. Whilst it is agreed that tourism tax is a residual matter on which

⁵⁶Federal Ministry of Information (FMI,1999).

⁵⁷Example of such taxation is the 500,000 Nigerian Naira hotel and lodging operation fees the Lagos State government passed in it Lagos State Hotel Licensing Law LSHL, 2010 which mandated all hotels and lodging operators to pay a registration fees or risk a fine of and prison term of up to two years for the head of operation

⁵⁸Investment tax relief granted to company that incurred expenditure on infrastructural facilities for the purpose of trade business located at less 20kms away from government owned facilities

⁵⁹Esu, B. B., and Arrey, V. M. (2009). "Tourists' satisfaction with cultural tourism festival: A case study of Calabar Carnival Festival." Nigeria. *International Journal of Business and Management*, 4(3), p116.

the state can legislate, it would help in a better understanding of the issues if the following are made available:

1. The provision of data quantifying the expected yield from the tax as an indication of the scale of tax burden that the industry would face
2. Examination of the relative importance of the tax as an indication of the way in which the tax burden is to be distributed
3. Information about the appropriateness of the rate of tax that are to be levied these will serve as guide to proper tax payment and reduce the multiplicity of tax payment.

5.10.1 Challenge in Human Resources Development

The human resources capabilities of the Nigeria tourism sector are lagging far behind in terms of quality standard, skills delivery, and child labor. To address the shortage of quality human capacity the National Institute for Hospitality and Tourism (NIHOTOUR) was established in 1998. The NIHOTOUR has come under heavy criticism, for its ineffectiveness as a provider of educational service. The courses offered by the institute tend to focus on hotel and catering management with little or no emphasis on other sectors like ecotourism and general tourism development management. A number of institutions deliver theoretical aspects of tourism with emphasis on hospitality sector only.⁶⁰ There is also a significant shortage of suitably qualified lecturers across teaching faculty of these institutions, the few in employ lack experience that will introduce international aspect to the teaching modules on tourism. These makes the institutions methods of teaching and course content outdated.

5.10.2 Lack of Detailed Data

⁶⁰These institutions include the Lagos State polytechnic which offers OND and HND course in tourism and Hotel management, the Imo state University offers similar course as well.

Tourism in the country is crippled by lack of accurate statistics on tourist traffic. This poor record of tourism activities makes it difficult to put a figure to the contributions from the sector. However, the World Travel and Tourism Council in 2014, reported an estimated international tourist receipt put at about US\$622 Million (1.9%)⁶¹. This performance was said to be poor when compared with the country's enormous tourism potential⁶². The promotion of tourism requires detailed data like number of international tourists categorized by their length of stay and time of visits, tourism destinations, host's perception, what products tourists consume, tourist density, total bed nights in hotels (luxury and apartments, bed occupancy and room rates are required for a focused plan to develop the sector. Unfortunately, the majority of these data are currently not in existence⁶³. In an increase awareness on the importance of reliable statistical data for national planning the NTDC in partnership with Central Bank of Nigeria has embarked on periodic frontier survey at various entry points in the country, like Seem border, Idiocy border, Mortal Muhammed International Airport and so on. The essence of this data is to determine the contribution of tourism to national economy⁶⁴. But there is still an urgent need for fundamental rethinking and radical redesign of tourism business process in the country to bring about radical improvement in tourism performance.

5.10.3 Lack of Rating and Supervision of Hotels/Accommodation

In Nigeria tourism and hospitality sector, guests are constantly ripped off. This is because anybody can build a hotel anywhere and charge any amount. There are only few hotels in

⁶¹ World Travel and Tourism Council Report (2014) Available at www.wttc.org Retrieved 20 September, 2016 at 3.09pm

⁶² Yusuf, M. A. (2016). "Performance of Assessment of Tourism Sector as a Vital Tool of Economic Growth in Nigeria" *International Journal of Academic Research in Business and Social Science*. Vol 6. No.10 p.149

⁶³ Bankole, A. (2002b). "The Nigerian Tourism Sector: Economic Contribution, Constraints, and Opportunities." *Journal of Hospitality Financial Management the Professional Refereed Journal of the Association of Hospitality Financial Management Educators, Volume 10* (1).

⁶⁴ Real Hotelier, Nigerian Hotel Professionals (2015). "The Nigerian tourism sector contributed N1.56 billion and 1.7 percent to GDP in 2014". Available at www.realhotelier.ng.com Retrieved 15 June, 2016 at 427 pm

most rural areas, with neither taxi nor medical facilities attached to them making thus them substandard.⁶⁵ Hoteliers tend to give their hotels any star rating as a result of the inefficiency of the Supervising institutions⁶⁶. It is observed that poor regulatory framework, has also made it impossible to harmonized hospitality practice across the country. The NTDC and supervising Ministry of Tourism Culture and National Orientation should be blamed for failing to carry out their statutory obligations.⁶⁷

5.10.4 Challenges of Health related issues

The fear of health issues like diahorea, malaria, sleeping sickness, Lassa fever and other pandemics easily cause tourism panics in Nigeria as well as in other tourist destinations. Such health related issues like Ebola and most recently the Lassa Fever, scare (as at the time of writing this thesis) discourages foreign visitors because they are not used to those diseases and may need to be convinced of the competence and readiness of local hospitals to handle emergencies.

5.10.5 Religious challenge

Religious believes is another challenge affecting the tourism industry especially the North East where the establishment of hospitality and tourism outfits like hotels motels, guest houses usually meets with stiff opposition and most of those who patronize their activities usual do so discretely. Also in the South conflict between traditional believers and

⁶⁵Bankole, A. (2002b).Op.cit

⁶⁶Obinna, E. (2014). "Investment, poor regulatory framework blamed for Nigeria's low competitiveness ranking." Business Day, 19December, 2014, Available at www.businessdayonline.com Retrieved 6 February, 2017 at 8.36pm
Retrieved 17 October, 2016

⁶⁷ Ibid

religion often lead to communal clashes which threatens the peaceful coexistence of dwellers and this clashes discourage potential tourist from visiting this problem area.

5.10.6 Inefficient Information Technology

The wireless communications world means that one can be there without being there. Telecommunication can offer many advantages to both the tourist and to the tourism industry. This also means that tourists, no longer accept they are simply on vacation. Instead they expect to be connected to business and family at all times. In a like manner, when word-of-mouth combines with telecommunication, the publicity, news stories and the events are spread instantaneously throughout the world. The telecommunications revolution also means that business meetings may be conducted on- line or via satellite rather than face to face and may eliminates the need for many businesstrips. Finally, the telecommunications revolution means that virtual reality often replaces classical reality. No longer can just one city lay claim to an attraction when other cities can reproduce the same attraction in a virtual state. Furthermore, most flights are now booked via internet thus bringing a new threat of cybercrime to the list of challenges in and the constant rip – off charges by most telecommunication providers, example is the recent case which required MTN to pay huge sums of money as damages for its poor service delivery in the country. Other shortcomings of tourism development approach in Nigeria, includes Lack of comprehensiveness, and integration, lack of community perspective, being driven by an industry dominated by international tour operators, multinational interests and central government and lack of consistency, coordination and cooperation. This is to say, sectoral planning is done in isolation. Coordination, two-way communication and cooperation between and amongst related bodies are very weak and in most cases do not exist⁶⁸.

⁶⁸TosinCevat (1996) Op.cit p.291

CHAPTER SIX

DATA COLLECTION AND ANALYSIS

6.1 Data Collection:

In order to properly analyze the tourism and hospitality industry in Nigeria questionnaire made up of 25 questions were circulated within select group of the academia, law students, Staff of Ministry of Culture and Tourism and at the international airport in Lagos and Kaduna during the cause of renovation of the Nnamdi Azikiwe International Airport FCT Abuja and temporary transfer of activities to Kaduna International Airport. This was to utilize the hybrid mix of passengers travelling out and into the country. The objective for preparing the Questionnaire was to ascertain the level of public awareness and understanding of laws regulating the tourism and hospitality industry. The questions were subdivided into three groups consisting of:

Part A - The Questions in this group included demographics (Bio data) of respondents that is: age, gender, educational and qualification.

Part B- These part fielded questions to elicit response on the general nature of tourism in the country. That is: awareness of tourism site, choice of tourist destination, holiday concept and perceived challenges that may necessitate a review of the regulation in the sector.

Part C- These set of questions related to legal issues in the industry: Awareness of the existence of tourism policy and legislation. Whether existing tourism legislation is adequate or not and suggestion for future reforms in the sector. A preview of the questionnaire is annexed as Appendix 11.

Computation of data;To get the percentage for questions asked, the mean average was calculated using: $\frac{\text{Number of Questionnaires Returned}}{\text{Number of distributed questionnaires}} \times 100$ form each reported question. For Example, 23 responses were received from respondents in the age group of 18-25, that is, response to question on the age of participant, the mean average was then calculated thus;

$23/410 \times 100 = 5.6\%$ as shown in the table below. This computation method was adopted for calculating response to other questions contained in the questionnaire,

6.2 Tables showing data collected from distributed Questionnaires on the analysis on public awareness and perceptions of tourism and hospitality industry in Nigeria

Questionnaire Response Rate: A total number of 500 Questionnaires were distributed across Nigeria and 410 was returned given 82% response. This was used for the analysis.

That is:

Returned	410	82.0
Distributed	500	

Part A questions: The extent of collated response to bio data is depicted in the histogram below:

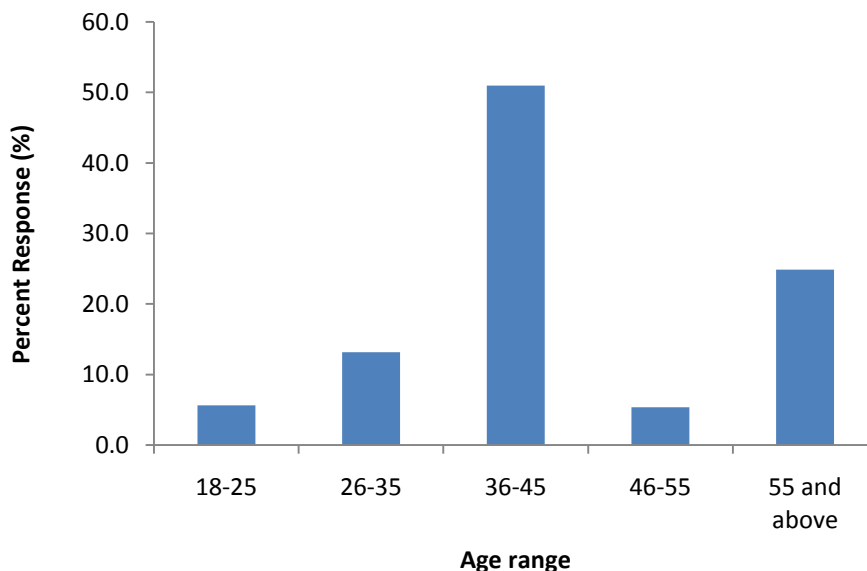


Table 1: Responseto Age

Age (Years)	Response	Percentage (%)
18-25	23	5.6
26-35	54	13.2
36-45	209	51.0
46-55	22	5.
55 and above	102	24.9
Total	410	100

Table 2:Response to gender

Gender	Response	Percentage (%)
Male	266	64.9
Female	144	35.1
Total	410	100

Table 3: Response to Occupation

Occupation	Response	Percentage (%)
Civil Servant	342	83.4
Farmer	12	2.9
Self Employed	56	13.7
Others	0	0.0
Total	410	100.0

Table 4: Response to Nationality

Nationality	Response	Percentage (%)
Nigerian	390	95.1
Non-Nigerian	20	4.9
Total	410	100.0

Table 5: Response to Academic Qualifications

Education	Response	Percentage (%)
SSCE	11	2.7
BSc/Ed	355	86.6
MSc/MA	22	5.4
Ph.D.	12	2.9
Others	10	2.4
Total	410	100.0

Table 6: Response to frequency of travel.

Period	Response	Percentage (%)
Weekly	3	0.7
Fortnightly	16	3.9
Monthly	109	26.6
Yearly	275	67.1
Others	7	1.7
Total	410	100.0

Table 7: Response to preferred tourist destination

Destination	Response	Percentage (%)
Within the country	44	10.7
Outside the country	336	82.00
None	30	7.3
Total	410	100.0

Table 8: Response to reasons for a preferred destination?

	Response	Percentage (%)
Cultural	3	0.7
Religious	207	50.5
Medical	100	24.4
Leisure	10	2.4
Business	85	20.7
Visiting Friends and relative (VFR)	5	1.2
Total	410	100.0

Table 9: Response to awareness of any tourist site in respondent's village/
town/LGA/State

	Response	Percentage (%)
Yes	12	2.9
No	398	97.1
Total	410	100.0

Table 10: Response to awareness of the existence of identified popular tourist site in the country?

Tourist site	Response	Percentage (%)
Tiana	146	35.6
Obada Cattle Ranch	203	49.5
Ankara Game Reserve	33	8.0
Mambilla Plateau	18	4.4
Borgu Game Reserve	10	2.4
Please specify Any other you Know		0.0
Total	410	100.0

Table 11: Response to knowledge about family holidays within or outside Nigeria

	Response	Percentage (%)
Yes	339	82.7
No	71	17.3
Total	410	100.0

Table 12: Response to preference for travelling within / outside Nigeria.

	Response	Percentage (%)
Within the country	111	27.1
Outside the country	299	72.9
Total	410	100.0

Table 13: Response to the question:What are your perceived challenges in the development of tourism and hospitality industry in Nigeria?

	Response	Percentage (%)
Security	180	43.9
Electricity	12	2.9
Transport /please indicate type road/air Sea	28	6.8
Funding	14	3.4
Lack of sensitization	176	42.9
Total	410	100.0

Table 14: Response to thequestion:How will you rate the performance of Nigerian Hotels, Restaurants and other hospitality outfit?

Level	Response	Percentage (%)
High	23	5.6
Average	339	82.7
Low	48	11.7
Total	410	100.0

Table 15: Response to the question:How adequate are the infrastructure responsible for tourism and hospitality in Nigeria?

	Response	Percentage (%)
Adequate	12	2.9
Inadequate	369	90.0
I don't Know	29	7.1
Total	410	100.0

Table 16: Response to the question Do those responsible for management of tourism have the required skills?

	Response	Percentage (%)
Yes	12	2.9
No	398	97.1
Total	410	100.0

Table 17: Response to the question: Can tourism compete with agriculture in the Nigeria economy?

	Response	Percentage (%)
Yes	364	88.8
No	19	4.6
I don't know	27	6.6
Total	410	100.0

Table 18: Response to the question: Is there effective coordination between the Federal, State and Local Government in respect of the tourism and hospitality Industry in Nigeria

	Response	Percentage (%)
Yes	76	18.5
No	295	72.0
I don't know	39	9.5
Total	410	100.0

Table 19: Response to the question: Are you aware of the existence of any tourism policy or law in Nigeria?

	Response	Percentage (%)
Yes	12	2.9
No	398	97.1
Total	410	100.0

Table 20: Response to the question: Do you know the name of the Tourism and Hospitality law in Nigeria?

	Response	Percentage (%)
Yes	8	2.0
No	402	98.0
Total	410	100.0

Table 21: Response to the question: How do you know there is a tourism Law in Nigeria?

	Response	Percentage (%)
Travel Brochure or Magazine/ Newspaper	0	0.0
Social Media	313	76.3
Friends	97	23.7
Total	410	100.0

Table 22: Response to the question:What are is/are the problems associated with implementation of the Nigeria Tourism law (NTDC Act)?

	Response	Percentage (%)
Funding	133	32.4
Lack of Political will	159	38.8
absence of expert in industry	1	0.2
Lack of awareness/public sensitization	117	28.5
Total	410	100.0

Table 23: Response to the question:Does the NTDC Act require a review/ reform?

	Response	Percentage (%)
Yes	278	67.8
No	112	27.3
I don't know	20	4.9
Total	410	100.0

Table 24: Response to the question: Which of the unit of government is mandated to make laws on tourism?

	Response	Percentage (%)
Federal	275	67.1
State	102	24.9
Local Government	33	8.0
Others	0	0.0
Total	410	100.0

Table 25: Response to the Question Do you know that the Supreme Court recently passed a judgment on the arm of government that is responsible for tourism management?

	Response	Percentage (%)
No	300	73.2
Yes	110	26.8
Total	410	100.0

6.3 Analysis of Data Collected from Circulated Questionnaire

The result from the tables of data presented in respect of circulated questionnaire is analyzed in accordance to the earlier groupings of A B and C using a descriptive statistical approach.

6.3.1 Demographic of the respondents

The questions 1- 5 of the questionnaire distributed for the purposes analyzing the level of awareness in the tourism industry bothered on the demographics of respondents with emphasis on age. Respondents in the age brackets of 35- 45 years responded more (51.0%). Others questions asked were on occupation. The respondent in the civil service (83.4%) many of whom had attained one form of degree or another (86.6%) responded.

While the emphasis of the research is on the assessment of the level of awareness, one cannot deny the fact that the class of people highlighted represents a high percentage of the Nigerian work force. It is this class of people that are expected to drive the tourism industry in the right direction through their interest in business, religious and conference tourism. So a lack of awareness in this group will have a cascading effect on any future attempt to grow the tourism industry.

The response to gender revealed that more male than female responded. This is also indicative of cultural norms which recognizes the male as the family 'bread winner' a responsibility that takes him far and wide. While the female's responsibility as a home builder keeps her more within the confines of her home and work which most often than not is within proximity of each other. This is to enable her effectively discharge her responsibilities. The implication of this analysis is that the male gender in Nigeria travels more than their female counterpart.

6.3.2 Awareness of tourism by Respondents

Questions 6-17 of the distributed questionnaire was directed at assessing the level of participation and awareness of respondent in tourism and its related activities. The data collected from response to frequency of travel indicated that a higher number 67.1 % of respondent travel mostly once a year. The data further highlighted the fact that most of the respondent preferred travelling outside the country (82%), then within for tourism related journeys. The reasons for the response provided for most preferred destination was mainly due to absence of sufficient infrastructure which limited the visits to most tourism destinations across the country. Similarly requested in the questionnaire was whether respondents can identify a few of the tourist sites in their locality. Amazingly the

response rate collated was 97.1 %. This was in spite of abundance of tourism sites in the length and breathe, and in most towns and villages across the country.

In the same vein, many of the respondent were only away of the existence of Obudu Cattle Ranch (49.1%) followedby Tinapa (35.6%). The response to knowledge of any other tourist destination interestingly yielded an unusual response (0.0%). In a related development, the response to absence of which infrastructure constituted a greater challenge to tourism development in Nigeria indicated security, (43.9%), lack of sensitization (42.9%), transport (6.8%), electricity (2.9 %) and funding (3.4%).

The response to preferred destination and purpose of travel revealed people hardly embark on holidays except during festive period or for religious purposes like Hajj, umbraand Jerusalem. This was indicative of the poor holiday culture amongst Nigerians. In a related development most of the respondents preferred travelling outside the country (outbound Tourism) (72.9%) than travelling within the country (inbound Tourism)

(27.1%).The reason is that most of the foreign destinations have well developed infrastructure that give tourist comfort that is non-comparable to what is obtainable in Nigeria.

The high point recorded in the data collected showed average rating for the Nigerian hotels and tourism establishments. While questions relating to whether tourism infrastructure was adequate or not elicited a higher percentage of inadequate from respondent, this response was also replicated in the query on whether the tourism and hospitality industry have adequately trained staff or not received an average of 82.7%. The reasons for these figures can be attributed to the fact that notourism industry can thrive without provision for security and other social infrastructures

In response to the question on whether tourism can favorably compete with agriculture in the country also elicited high percentage of affirmative responses.

6.6.3 Legal aspect of tourism in Nigeria

Generally, question 17-25 were on legal issues like knowledge of tourism, the conflicts between the State and federal government (72%), knowledge of non-existence of tourism policy and laws received a resounding 98%. Similarly lack of political will (38.8%), funding (32.4%) and lack of public sensitization were deemed as some of the reasons which had stalled the implementation of the Nigerian Tourism Development Corporation Act.

In a related development, 67.8% of respondents were in support of a need to review the NTDC Act, while 73.2% of the respondents were unaware of the recent Supreme judgment on the NTDC Act. The few who had awareness read about it on the internet and newspapers. In essence the data obtained from questions which raised legal issues in the research indicated low level of knowledge of tourism legislations.

Respondents were similarly requested to answer questions that were directed at identifying the process by which Nigeria can promote its tourism and hospitality industry. Especially in view of the lack of interest by a higher number of the populace. This is because regulation is that which created relationship between the “object” and the “subject”, where the object in this case is the tourism and the hospitality industry and the subject is the regulation in the industry. This lack of coherence of the activities in the tourism and hospitality industry may explain the need for tourism institutions in Nigeria to revisit their mandate and reassess the level of their preparedness to push the

industry forward. This will enable the country to compete favorably with other tourism destinations in African as well as the global tourism Market.

CHAPTER SEVEN

SUMMARY AND CONCLUSION

7.1 Summary

This research examined the sudden interest in tourism by government, the historical development of the industry and the Nigerian Tourism Development Corporation Act. It identified the inability of the Nigeria Constitution to appropriately define the scope of operation of the different tiers of government as one of the major factors that led to multiplicity of tax payable by investors in the industry. The trickledown effect of which has adversely impacted on other sectors of the industry like transport and accommodation.

It further identified social and economic issues that have constrained the development of the industry and the ineffective implementation of existing regulations supposedly guiding the affairs of the industry. It is also plausible in the face of apparent failure of the Nigeria Tourism Development Corporation to implement many of the recommendations proffered in the Tourism Development Master Plan.

Similarly considered is the seemingly collapse/comatose nature of many of the institutions empowered by the Act to oversee the affairs of the industry. Also identified is the political maneuvers which had over the years resulted in the recurrent changes in the supervising Ministry of tourism and the fact that the presidential Committee has been inactive did not spare mention. These defaults will continue to impede development in the sectors if not properly addressed. This research work hinged on creating public awareness of the existence of tourism regulation as well as the impact of tourism and hospitality industry as a viable option in Nigeria's bid to diversify its mono economic

dependence on petroleum which has now become a cause rather than a blessing for the Nigerian economy.

7.2 Research Findings:

The following are the findings from this research.

1. The Nigerian tourism industry is still in the cradle and lacks the resources to compete favorably with other countries that have developed their infrastructure to support tourism traffic.
2. The constitution did not to define the tier of government which has jurisdiction to register, grade and classify tourism establishment and institutions. This gap resulted in jurisdictional conflict between the federal and state Government in the case of *Ag. Federation. vs Ag Lagos State*. The effect is replication of taxes payable by practitioners in the industry.
3. There is minimal level of awareness of the existence of tourism assets, policy and legislation. Even the University law library had no write up to direct the path for this research and a legal officer in the Ministry of tourism knew little or nothing about tourism law. In the academia, and amongst law students the knowledge of the NTDC Act, was limited to its existence as chapter in the Laws of Federation.
4. Nigerians have poor holiday culture and do not appreciate the beauty of their surroundings enough to holiday within but the few who do prefer to travel outside Nigeria. Probably because of their paucity of knowledge in tourism law and matters.
5. Nigeria lacks sufficient and appropriate infrastructure like good road network, Security, Electricity amongst others.

7.3 Recommendations

The following are recommendation that will assist government in its drive to promote the tourism industry as an option for it economic diversification program and to generate sufficient revenue for ameliorating the effect of the current recession:

1. The populace must be adequately sensitized and the country's image projected to the level of acceptability that will enable it compete favorably with other popular tourism destinations within and outside Africa.
2. The Bill for amendment of the NTDC Act should be revisited and brought for public comments and contribution before it first and second reading at the legislative houses. Such a review must consider ways to structure opportunities to reach local enterprises while recognizing that they may need support, technology transfer, and mentoring in the early stages to raise product quality, reliability and quantity. This step will add value to the final draft that will be approve for implementation.
3. The review must also consider the establishmentof a special tribunal to deal with perpetrators of tourism offences, by increasing fine once caught. This is because fines have lost their weight as deterrence. This review must also reflect the changes in the judicial interpretation of tourism as held by the Supreme Court on the tier of government responsible for registration, grading and classification of tourism. Thus a review of the Nigerian Tourism Development Corporation Act must be one that reflects current best practice in the industry.

4. In order to improve the level of tourism awareness, the Ministry of Tourism should facilitate widespread sensitization campaign across the country, the social through the media, tabloids and in public places through the distribution of brochures and flyers depicting the richness of the Nigerian Tourism industry. It is also important to encourage the participation of other stakeholders. This can be achieved by providing such incentives like preferred status for tourism outfits, easier planning permission for those willing to build tourism outfit and provision of conference and accommodation facilities for companies wishing to initiate businesses that will increase economic opportunities for the disadvantaged. To achieve this, Government should encourage public private partnership and create tourism development fund at affordable interest rate to ensure availability of long term funds for long term investment in the sector. This step will revamp the activities of the industry and the regulatory role of the machineries put in place for its implementation.

5. Government should encourage and inculcate holiday culture in its citizenry especially the working class in order to reduce the incessant report of people collapsing/slumping at their work place due to effect of heart failure and other related issues. This can be achieved by making at least an annual holiday a tone of the tourist sites in the country a policy statement in civil service condition of service. And in furtherance to its implementation, discourage government officials from travelling overseas for training and seminars which can conveniently be held in Nigeria. This is because continuous non-patronage of Nigerians in Nigeria related investments is counterproductive to the nation's gross domestic product and depletes the currency reserve through capital flight. Although made in

Nigeria goods and services has attained a crescendo of acceptance as at the time of writing this work, more still needs to be done to improve acceptability of inbound tourism by Nigerians and promote outbound tourism to the outside world.

6. The government should ensure that Tourism and Hospitality is included in all school curriculum. This can lead to interschool Cultural and Art Competitions. Such events can lead to revival of many forgotten festivals that can foster cohesion and cultural appreciation and respect amongst Nigerians for each other's culture.
7. It is the richness of infrastructure that makes a tourism destination favorable. It is therefore important for government to stop playing lip service to the clamor to improve infrastructures like the road network, electricity, water supply amongst others. In addition, the government needed to revisit the issue of having a national Carrier that can traverse the length and breadth of the country in view of the fact that many of the tourist sites can be found in villages and hinter land most of which are only accessible by motor bikes or bicycles.

7.4 Conclusion

The urgent need to reposition the tourism and hospitality industry in Nigeria is no longer in doubt. So is the need to improve tourism data production and storage system because no meaningful planning or development can be achieved without adequate and reliable data-base. It is therefore important to galvanize all relevant government and private agencies to regularly provide accurate and timely data on tourist traffic, hotel occupancy rate/tariffs and dates of cultural events for the establishment of a Tourism Data Bank. Tourism Institutions must also ensure that in a bid to ensure implementation, their

statutory roles are not sacrificed at the altar of corruption and sentiments. Government must further regulate and encourage private sector collaboration on tourism investments this is because the complex nature of tourist products makes it unlikely that the private market will satisfy Nigerians.

The active involvement of the local peoples should be encouraged. This can be achieved by employing members of such affected communities in tourism enterprise such as tour guides, supply of local food items, sale of local handicrafts as souvenirs, encouraging eco-tourism, which generates interest and appreciation of natural areas, and giving them the opportunity to run tourism enterprise like campsites and catering services. Government must reinvigorate the Local Government Tourism Committees through a staggered and sustained seminal process that syncs with community tourism development and design pilotschemes that would resonate at the grassroots level. Furthermore, culture and tourism awareness must be included inthe Nigerian educational curriculum from the primary level to tertiary level.

In establishing a road map for tourism, select group of experts should be assembled to come up with positions papers on requirements and necessities to jumpstart and drive its various subsectors before the wider stakeholders would be brought in for deliberations andsensitization on the various policy options. A properly reviewed Nigeria Tourism Development Corporation Act should protect and encourage a reflection of Nigeria's diverse cultural settings and heritage. That is, the furnishings and hotels should be proudly Nigeria, showcasing the splendor of bambooand rook trees replete in the artistry of Nigerian craftsmen and women, with paintings made by youths serving as adornment in their hallways. Let the tourists enjoy the beauty of Nigerian attires from the uniform of the airport personnel, to the traffic warden on the street, the taxicab man conveying tourists from the airport to tourist sites, attendants in hotels and resorts, and tour guides. It

is time to stop the deceptive approach of leaving stakeholders with policy guesswork, not framework, while high profile “noisemaking with all motion no movement” aimed more at self-promotion, continue to be the order of the day.

The adoption of the recommended strategies will herald a new dawn in economic diversification. As the country’s GDP will no longer depend exclusively on the fluctuations of prices in the petroleum industry or the dramatic twist in the fate of the dollar and other foreign currencies against the naira! Nigeria is beautiful and so are its people, appreciating the beauty of our environment is a first step towards its promotion to the outside world. This feat can be accomplished with the right laws, and policies as well as creating appropriately regulated institutions for their implementations. The reward is that very soon Nigeria will take its rightful place as an internationally acclaimed, properly regulated and institutionalized tourist destination in the world tourism market. It is hopeful that this research and other related efforts aimed at redirecting the future of tourism regulation and development in Nigeria will not end in the hypocritical dustbin of history.

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APPENDIX I

TABLE ON LIST OF TOURIST DESTINATION IN EACH STATE IN NIGERIA

State	Capital	Attraction/Description
ABIA	UMUAHIA	Natural/Physical attraction - Arochukwu Caves, Museum of Colonial History - (Monument) (Souvenirs) - Akwette Weaving Centre Arts and Crafts Cultural festivals Long juju of Arochukwu - Natural/Man-made Tourist Village.- AzuminiBule River
ADAMAWA	YOLA	National Park, - GashakaGumti Eco-Tourism (Wildlife)- Sukur (UNESCO World Monument Heritage Site) Natural/Physical - Lamurde Hot Spring - Modibbo Adam's Tomb Monument, Three Sister Rocks Monument, Mandara Mountains, Kiri Dam ,Natural/Physical
AKWA	UYO	Natural/man-made -Ibeno Sand Beach/- IBOM Mobil oil treatment Cultural - Ekpo Masquerade festival Museum/ Monument - Mary Slessor House/ Tomb
ANAMBRA	AWKA	Natural/Physical - Ogbunike Caves Man-made – Rojeny Tourist Village, Oba Cultural - Mmanwu Festival Enugu Natural - Agudu lake/Gully, Eco-Tourism - Aguleri Game Reserve Archaeological Monuments Reservations -

		Igbo Ukwu
BAUCHI	BAUCHI	Natural -Marshal Caves, Yankari Natural Park Wikki Warm Spring, - Yankari Park, Monument - TafawaBalewa Tomb, Geji Rock Painting Wildlife/Eco- Reserve Tourism - Lame/Bura Game
BAYELSA	YENAGOA	/ Monument - Oloibiri Oil Museum /Man-made - Slale Transit Hall Resort Cultural –Igidi Shrine, Kwag-hir Puppet Festival,
BENUE	MAKURDI	Natural/Physical - Ushongo Hills, Ushongo Natural/Man-made - DI Ikwe Holiday Resort Natural - Enemabia Warm Spring, Cultural (Nov./Gbokos/Makurdi Dec.) Souvenir - Dajo Pottery, Makurdi Traditional - TIV Anger Weavers, Monument -Ajikpo, J.S. Tarka Foundation Cultural Centre, Makurdi Wildlife/Eco- Tourism - Montane Game Reserve Natural - Katsina-Ala River, The Rare Manatee,
BORNO	MAIDUGURI	Laffy falls, Kuya L.G.A. Natural Chad Basin National Eco-Tourism Park Abba Kari Zoo, Maiduguri- Eco-Tourism Natural - Gwoza Hills Wildlife/Eco- Tourism - Sambisa Game Reserve /Man-made Park - Kyarimi Amusement Resort
CROSSRIVER	CALABAR	Natural RIVER - Kwa falls, Kuya L.G.A, Agbokim falls, Ikom L.G.A.

		(Man- made) - Obudu Cattle Ranch Resort, National Park Eco-Tourism/ Wildlife - Coercopan, Ishie Close, zoo CalabarCross River, Drill Ranch, Calabar Zoo Cultural - Ekpe Masquerade National Museum Monument - Rock with foot prints National- Chief Nana's Palace
DELTA	ASABA	Cultural Koko Port Natural/Man-made Escravo's Beach Natural/Man-made
EBONYI	ABAKALIKI	Umuna Afikpo Golden Natural Lake Sand Beach
EDO	BENIN	Fugar Caves PhysicalOkomuWildlife Eco-Tourism SanctuaryIgwe Festival Benin Cultural (September)Igun Bronze Casting, Souvenir/Cultural Benin City Oba's Palace, Benin Cultural Ramat Park MonumentSakpobaHoliday Resort. Man-made ResortAsoro Shrine Cultural/Traditional Rel. Samorikal Hills Physical
EKITI	ADO	Erinta Falls, Ekiti West Physical L.G.A.Olosunta Hills, Ikere Physical Ikogosi, Warm Spring Natural
ENUGU	ENUGU	Mmanwu Festival Cultural Nike Holiday Resort Natural/Man-madeEzeagu Tourist Complex Man-made Nkalagu Silicon Sand Physical Uzo-Uwani Natural Nature's Wonder Iva Valley Coal Mine Natural
FCT	ABUJA	Abuja Amusement Park, Resort/Man-made Zone 1, Wuse Abuja Gardens, Central Resort/man-made Area Abuja Zoological Garden, Zoo/Man-made Area 1, Garki ECOWAS Secretariat Man-made

		Women Development Resort/Man-made Centre Abuja Plant Nursery Physical/Man-made Aso Rock Physical/Natural Usman Dam Man-made IBB Golf Course Sports Tourism Jabi Dam and Holiday Man-made/Resort Resort
GOMBE	GOMBE	Tula Highlands/Hills Physical The Famous Tangale Dome Shaped Rock/Hill Formation Physical Dadin Kowa Dam/Tomatoes Factory & Farms Man-made Buba Yero Tomb Ashaka Cement Factory Man-made
IMO	OWERRI	Oguta Lake Holiday Resort, Natural Man-made Oguta Ikeji Festival, Arondizogu Cultural Palm Beach Holiday Resort, Awo-Amana Man-made/Natural Zoological and Botanical Garden Nekede Amusement Park, Owerri Zoo/Man-made
JIGAWA	DUTSE	Hadejias/Ngum Wetlands and Bird Sanctuary, Jigawa Eco-Tourism/Wildlife Binin Kudu Rock Painting Natural/Man-made Ringim Dyeing Pits Cultural Baturiya Birds Sanctuary Wildlife Wowan Rafi Lake Natural
KADUNA	KADUNA	Luggard Hall and Government Monument Bridge General Hassan Usman Park, Man-made Kaduna Nok Terra Cotta, Nok Village, Cultural Kaduna National Museum Museum/Monument Emir of Zazzau's Palace, Zaria Cultural Jakaranda Pottery, Kaduna Souvenir
KANO	KANO	Roxy Amusement Park, Airport Road, Kano Man-made Cooky Amusement Park,

		Kano Man-made Hills and Valleys Amusement Park Dawakin Kudu Junction, Kano Man-made Bagauda Lake/Tiga Lake Resort Man-made Tourist Camp, Kano Man-made AuduBako Zoo, Kano Man-made Kano Salla Durbar Cultural GidanMakama Museum Monument/Museum Emir of Kano's Palace CulturalKofar Mata Dyeing Pit, Kano Cultural Bagauda Lake Resort Conference Centre, Kano Man-made/Business Tourism
KATSINA	KATSINA	300 years old Gobarau Minaret Katsina Monument/Cultural 10th Century Kusugu Well, Monument/Cultural Daura Emir of Katsina Palace Cultural 11th Century KASTINA City Walls of 7 gates Monument/CulturalJibia Holiday Resort, Jibia Resort/Man-made
KEBBI	BIRNIN KEBBI	Argungu Fishing Festival Natural/Physical, Kanta Museum, Argungu Museum/Monument, Girmace Shrine, Zuru Cultural/Traditional Religion
KOGI	LOKOJA	Ita-Okueta Weaving, Okene Cultural Ata Igala's Palace, Idah Cultural Inikpi (Shrine) Statue Idah CulturalKpataRock, Bassa Physical Confluence Zone, Lokoja Natural Relics of Colonial History, Natural LokojaLord Lugard's Residence & Office, Lokoja Monument Warlord War Cenotaph Monument Iron of Liberty Monument
KWARA	ILORIN	Owu Water Falls, OwaKajola Natural

		Wreckage of Mungo Park Boat, Monuments Jebba Owe Kajita Falls Physical Owu Water Falls, Owu Physical Tomb of Past Emirs, Ilorin Monument Ubo Aiyegunle Lakes Physical
LAGOS	IKEJA	Bar Beach, Lagos Physical/Man-made, Badagry Beach, Lagos Physical/Man- made Kaiyeto Maiyegun Beach Physical/Man-made Eleko Beach Physical/Man-made Lekki Peninsula Physical/Man-made Tarkwa Bay, Lagos Physical/Man-made Water Parks, Toyin Street, Ikeja Man-made Resort, Apapa Amusement Park Resort/Man-made Frankid Leisure Park, Festac Resort/Man- made Whispering Palms Iworo- Physical/Man-made Badagry Lekki Conservation Centre Man-made National Museum, Onikan Museum/Monument Slave Relics Badagry Monument First Storey Building, Badagry Monument MUSON Centre, Onikan Man-made National Theatre, Iganmu Man-made Oba's Palace Lagos Cultural Igbo Igunun, cultural
NASSARAWA	LAFIA	Peperuwa Lake Physical/Eco-Tourism Late Captain Maloney Tomb/ Monument Hills Oku Akpa Picnic Centre Physical Ogan Fishing and Cultural Cultural Festival Akiri Warm Spring with Curative Power in Awe L.G.A. Cultural Akiri Salt Village, 145km, from Lafia Town Natural Doma Dam, Doma L.G.A. Eco-

		Tourism Dyeing Pits and Calabash Carving in Lafia Cultural/Souvenir Arts & CraftsHunkiOx-Bow Lake, Awe L.G.A. CraftsFarinRuwa Falls Wildlife/Eco-TourismKeana Salt Village, KeanaL.G.A. Arts & Crafts/ SouvenirNuman Rocks, Akwanga L.G.A. PhysicalAra Rocks/Festival Physical Eggon Hills and Caves Cultural/Physical Keffi Hunting; Festival Feb/April Cultural
NIGER	MINNA	Gurara Falls, Gurara LGA Natural/Physical Zuma Rock, Near Suleija Natural/Physical Kainji Lake National Park Wildlife/Eco-Tourism Brass/Glass Works, Bida Arts & Crafts/ Souvenirs Shirro Dam Tourist Resort Natural/Man-madeMayanka Water Falls Natural
OGUN	ABEOKUTA	Management Training Centre, Ogere Man-made Adire Market, Itoko Abeokuta CulturalOlumo Rock, Abeokuta Physical BirikisuSungbo Shrine Cultural/Religious Attractions Obute-Oni Tourist Beach Natural Ancient Palace of the Cultural/Alake of Egbaland Monument Ogunde Theatre Centre Man-made/Monument
ONDO	AKURE	Idanre Hills, Idanre Physical Owo Museum MonumentIpaleIloro Water Fall Physical
OSUN	OSOGBO	Mat Weaving, Ipetu-Ilesha Arts & Crafts / SouvenirOoni's Palace, Ile-Ife Cultural Ife Museum, Enuwa, Ile-Ife Monument/MuseumOsun Oshogbo

		Festival/Shrine Trade./Religious Study Centre/Cultural Ife Bronze, Ile-Ife Physical Oramiyan Staff, Ile-Ife Cultural/Souvenir, ObafemiAwolowo University, Ile Ife.
OYO	IBADAN	Igbeti Hills, Igbeti Physical Trans Amusement Park, Ibadan Man-made Resort Captain Bower, Tower, Ibadan MonumentAgodi Gardens, Ibadan Man- made Old Oyo National Park Wildlife/Eco-Tourism University of Ibadan Zoo/ Zoological Garden Man-made Alaafin of Oyo's Palace Cultural Calabash Carving Cultural/Souvenir Ado-Awage Suspended Lake NaturalAsoOke Weaving, Iseyin Traditional/Souvenir
PLATEAU	JOS	Assop Falls, Rivom LGA Physical Shere Hills, Near Jos Physical Riyom Rock Formation, Rivom Physical International Youth Tourism Centre, Kurra Falls Physical/Man-made Rayfield Resort, Jos Man-made Resort Heleena Farms, Liberty Dam Physical/Man-made Jos Wildlife Park Wildlife Eco-Tourism Jos Zoo/Museum Zoo/Monument Naraguta Leather Works, Arts & Crafts/ Naraguta Souvenirs Solomon Lar Amusement Park Man-made
RIVERS	PORT HARCOURT	Isaac Boro Park, Port Harcourt Man-made Monument of King Jaja of Opobo Monument Okrika Aquatic Stadium Man-

		made Ifoko Beach, Ifoko Physical Port Harcourt Tourist Beach Physical
SOKOTO	SOKOTO	Tomb of Usman Dan Fodio, Monument Sokoto. Sultan's Palace, Sokoto Cultural Sokoto Museum Monument
TARABA	JALINGO	Mambilla Holiday Resort, Gembu Man- made Gashaka Gumti National Park Wildlife-Eco-Tourism Mamara Crocodile Pond National Kpambo and Fikiyu Mysterious Rocks Physical
YOBE	DAMATURU	Dufuna Canoe, Damaturu Discovery/Monument Hadejia Nguru Bird Life Project Wildlife/Eco-Tourism Gujba Forest Reserve Wildlife/Eco-Tourism Fika Ancient Town, Fika Monument Bula Tura Oases, Nguru Natural Mai Madrinama's Palace Cultural
ZAMFARA	GUSAU	Kalele Hippo Pools, Maru LGA Natural/Wildlife/ Eco-Tourism

APPENDIX II

QUESTIONNAIRE TO ASSESS THE LEVEL OF PUBLIC AWARENESS OF TOURISM, POLICY, REGULATION AND CHALLENGES.

Kindly provide answers to the under listed questions as part of efforts to generate data for a PhD Dissertation on Analysis of Tourism and Hospitality Regulation in Nigeria. All information given will be treated with confidentiality. Thank you for your understanding and cooperation.

A. DEMOGRAPHICS

Age: (A) 18-25 (B) 25-35 (C) 35- 45 (D) 45- 60 - 60 And Above

Sex: (A) Male (B) Female

Occupation: (A) Civil Servant (B) Farmer (C) Self Employed (D) Others _____

Nationality: (A) Nigerian? State _____? (B) Others please specify _____

Education: (A) SSCE (B) B.Sc. (C) Masters (D) PhD (E) Others _____

B. GENERAL QUESTIONS

1. How often do you travel (A) weekly (B) fortnightly (C) monthly (D) yearly _____?
2. What is your preferred tourist destination (A) Within the country (B) Outside the country (C) None?
3. Which of the following options is your reason for your preferred destination?
(A) Cultural (B) Religious (C) Medical (D) Leisure (E) Business (F) Visiting Friends and relative (VFR)
4. Are you aware of any tourist site in your village/ town/LGA/State/ (A) YES (B) NO
5. Are you aware of the existence of any other the following tourist site in the country? (A) Tiana (B) Obada Cattle Ranch (c) Ankara Game Reserve (d) Mammilla Plateau (e) Please specify Any other you Know _____
6. Have you or any member of your family travelled on any holiday within or outside Nigeria? (A) YES (B) NO (C) Please indicate where/ when/ and duration _____, _____ and _____?
7. Which is your most preferred tourist destination in Nigeria? _____

8. If given the opportunity to travel, which will you prefer (A) Within the country
(B) Outside the country_____
9. Please give reasons why you prefer to travel (A) Inside the country (B) Outside
the _____ country
-
-

10. What are your perceived challenges in the development of tourism and hospitality
industry in Nigeria?

- a. Security
- b. Electricity
- c. Transport /please indicate type road/air. Sea and why?
- d. Funding
- e. Lack of sensitization

11. How will you rate the performance of Nigerian Hotels, Restaurants and other
hospitality outfit? A) High (B) Average (C) Low

12. How adequate are the infrastructure responsible for tourism and hospitality in
Nigeria?

(An_ Adequate (B) Inadequate (C) I don't Know

13. Do those responsible for management of tourism have the required skills?

(A) Yes (B) No

14. Can tourism compete with agriculture in the Nigeria economy? (A) Yes (B) No
(c) I don't know.

15. Is there effective coordination between the Federal, State and Local Government
in respect of the tourism and hospitality Industry in Nigeria (A) YES (B) NO (C) I
don't know

C. LEGAL ISSUES IN THE TOURISM INDUSTRY

16. Are you aware of the existence of any tourism policy or law in Nigeria?

17. Does the Nigerian tourism industry have adequate laws? (A) Yes (B) NO (C) I
don't Know

18. Do you know the name of the Tourism and Hospitality law in Nigeria? (A) YES
(B) NO

19. How do you know there is a tourism Law in Nigeria? (A) Travel Brochure or Magazine/ Newspaper (B) Social Media (C) Friends
20. What are is/are the problems associated with implementation of the Nigeria Tourism law (NTDC Act)?
- a. Funding
 - B Lack of political will
 - b. Absence of industry expert
 - c. Lack of awareness/public sensitization
- 17 Does the NTDC Act require a review/ reform? (A) YES (B) NO (C) I don't Know
21. Is there any effective process for involving local government in tourism structure?
22. Which of the unit of government is mandated to make laws on tourism / (A) Federal (B) State (c) Local Government (D) Others
23. Do you know that the Supreme Court recently passed a judgment on the arm of government that is responsible for tourism management? (A) Yes (B) No
24. What is the implication of the judgment in question (19) above?
-
-
25. What is/ are your recommendations for developing the tourism industry in Nigeria.