

PEARLS OF LAW

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Tourism: An Alternative Source of Income for the Nigerian Economy

Introduction

Figures from the World Tourism Organisation (a United Nations Agency) show a continuous expansion of the tourism industry globally over the past six decades. It states specifically that International tourist arrivals increased from \$25 million in 1950 to \$1.13 billion in 2014 while earnings moved from \$2 billion to \$1,245 billion. Arrivals worldwide is expected to hit 1.8 billion and emerging economies, which include Nigeria, are expected to get 57% of this market share. But to tap into this market share Nigeria needs to revamp its tourism industry. In 2013, tourism contributed only about 4 per cent to our GDP. In comparison to other countries, for example it contributed 17.7 per cent to the GDP of The Gambia; 13 per cent to Egypt; 12 per cent to Kenya; 11.9 per cent to Mexico; 9 per cent to South Africa, and 6 per cent to Cuba.

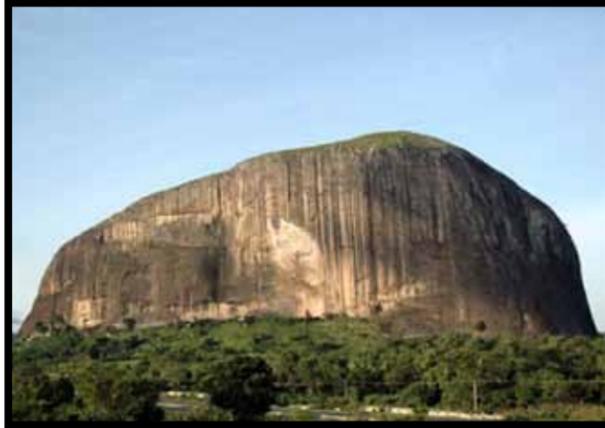
The question is how can Nigeria fully develop its tourism industry when few Nigerians consider Nigeria a choice holiday location? There are so many enchanting tourist attractions laying fallow in the country including exotic beaches, opulent mountains, splendid rocks and vast landscapes. Such as the Obudu Mountain Resort, Sukur cultural landscape, Queen Amina's wall, Oke-Idanre Hills, Ancient Nok-settlement and the coconut beach in Badagry among many others.

One of the immediate benefits of tourism is its ability to generate employment, it caters for both skilled and unskilled workers. Potentially, it creates more jobs per unit of investment than any other industry. In addition, it safeguards national monuments and heritage sites. Tourism provides revenue for the Central Government, local authorities as well as the private sector through the generation of foreign revenue, financial returns on investment, taxation on tourists and tourist products.

Official records state that Nigeria had her first tourists in 1947, when Portuguese merchants arrived Lagos in search of trade, there are also reports of trans-Saharan and caravan movements. In 1962 the government established the Nigerian Tourist Association with the aim of promoting domestic and international tourism in the country. In 1976, NTA was dissolved and was replaced by the Nigerian Tourism Board (NTB).

The sector was boosted in 1990, when the Ministry of Trade and Industry was created, and the NTB became a Corporation.

Currently, the main agency responsible for tourism development is the Nigerian Tourism Development Corporation (NTDC).



Laws Governing Tourism in Nigeria

The Nigerian Tourism Development Corporation Act 1992 established the Nigerian Tourism Development Corporation (NTDC) to promote, develop and regulate tourism and hospitality businesses in Nigeria.

Under sec 4 of the Act, the NTDC is also required to among other things encourage people living within and outside Nigeria to take their holidays in Nigeria and encourage the provision and improvement of tourism amenities and facilities in Nigeria. Ancillary to that function is the development of Hotels and other facilities necessary to promote tourism.

The NTDC is statutorily required to register, classify and grade tourism, hospitality, travel agencies and tour operators' establishments in Nigeria.

The regulation of the tourism industry is not limited to the Federal Government under sec 7 of the NTDC Act all the states are required to establish a State Tourism Board. Each State Tourism Board is designed to assist the NTDC in the implementation of the promotion and development of tourism, in its entirety in that State, to the benefit of the entire Federation of Nigeria.

Sec 10 of the NTDC Act stipulates that each Local Government Area in each of the thirty-six (36) States of the Federal Republic of Nigeria establish a Local Government Tourism Committee (LGT Committee) which has the responsibility of recommending to the NTDC Tourism Board, tourism projects in that local government area for the enhancement of tourist attractions, the preservation and maintenance of monuments and museums,

among other functions.

The NTDC Act requires registration of every hospitality and tourism establishment upon registration a certificate is issued to the applicant. Furthermore, it prescribes penalties for non-registration. It stipulates that no person is authorised, under any circumstances, to operate a hospitality or tourism establishment unless he or she has applied for, obtained, remains in possession of a current NTDC certificate of registration specifying the owner of the establishment where the hospitality or tourism business is carried on, the premises, etc.

The Director General of the NTDC, Sally Mbanefo, has made various efforts to re-position the NTDC she stated that tourism could be the greatest employer of labour in the country.

According to her, "the corporation under her watch is all out to ensure the practical development and promotion of domestic tourism in a manner that will not only propel job creation and develop the nation's economy but also raise social awareness on cultural preservation and environmental protection." In driving this development she advises that government collaborates with the private sector through public-private partnerships. This seems to be a viable solution to the restoration of tourism in Nigeria because the use of PPPs will lead to a competitive market, improved supply of tourism products and services, improved cost recovery and sustainable economic growth.

Conclusion

Nigeria's tourism potential is huge and untapped. In seeking other alternatives to crude oil, tourism should be a priority. However, the industry cannot be developed without cooperation between the government and the private sector. Furthermore, stakeholders should also implement the Tourism Masterplan 2006. Some key recommendations are that Nigeria adopts a clear identifiable positioning as a cultural and regional conference destination in the tourism marketplace, develop tourism clusters and flagship tourism projects, market our tourism industry and introduce an incentive and investment programme.

Stakeholders should also develop creative means of promoting the tourism industry. For example London which is a favourite among tourists attracted about 17.8 million visitors last year. The city markets an eclectic mix of offerings to international tourists including cultural events for example the 100 anniversary of World War 1 and The Tower of London's Blood Swept Lands and Seas of Red. Now the popular tourist attractions such as Big Ben, Buckingham Palace and the London Eye will be renamed with Chinese names to attract Chinese tourists.

1004 Estates Management: Court did not Grant Control of Estate to HORA

Akinwale Akintunde

The management of 1004 Estate Limited has noted in a statement that the recent judgment of a High Court in Lagos did not grant control of the estate to the Home Owners Association (HORA) but that they should be recognised as a legitimate organisation.

The company also mentioned in the statement that insinuations that the Court has granted control of 1004 Housing Estate to Home Owners Association was false.

"We note in particular, the inaccuracies and outright deliberate misrepresentations targeted at 1004 Estates Limited by the article. In the said publication, comments on a judgment of the Honourable Justice Dawodu of the High Court of Lagos State against 1004 Estates Limited purportedly granting control over the 1004 Housing Estate (the Estate) to the 1004 Home Owners and Residents Association (the Association) and the purported legitimate execution of same.

"Ordinarily, we would not have considered it appropriate to litigate matters on the pages of newspapers or through orchestrated smear campaigns intended to curry unwarranted public support in pursuit of an illegality. However, as a responsible and law abiding corporate citizen in the real estate sector of the economy, it is imperative for us to respond to the article in order to repudiate all misrepresentations and inaccuracies in the said publication and

also state the actions taken by the 1004 Home Owners and Residents Association to play out the illegalities and misrepresentations of the said judgment."

According to them, "This publication is fallacious and totally misleading and in no way represents the judgment of the court in the case that the writer commented upon. Judgment in the case of 1004 Estates Limited v. the Incorporated Trustees of 1004 Home Owners and Residents Association (LD/3744/2014) delivered by the Honourable Justice Dawodu of the High Court of Lagos State on December 2, 2015; the same which is currently available for download on <http://1004estates.org/download> did not grant control, management or administrative rights over 1004 Estates to the Association. In the action instituted by 1004 Estates Limited against the Association, Justice Dawodu in reaching his decision confirmed (as contained on page 18 of the judgment) that by the Deed of Sublease, management and administration is vested in the Claimant (1004 Estates Limited)."

They explained "It should be noted that the aforementioned judgment was merely declaratory in nature and did not in any part or anywhere confer upon the Association any controlling rights nor did it revoke the rights of management and administration of the Estate from 1004 Estates Limited or transfer it to anybody else besides 1004 Estates Limited. Indeed the issue of control of the Estate management was not canvassed nor was it for determination in

the said case. The Association is held to the strictest proof of control or management of the estate. We therefore are at a loss as to where the writer obtained the information from as he clearly has not read the said judgment."

They said in HORA's perceived interpretation of the judgment, the Association on December 5, 2015 had embarked on an unlawful and criminal invasion of the Estate on the pretext of the execution of the purported judgment of the honourable court alluding to the judgment as its authority for illegally taking over control of the Estate. "This vile and purported execution was a blatant interference with the management, control and administration of the Estate contrary to the rule of law and in clear violation of the sublease which is still in place between 1004 Estates Limited and its sublessees who acquired flats in the Estate. This was done using illegally obtained mobile policemen, hooligans and hoodlums to force security and staff of 1004 Estates Limited from their various locations and points within the Estate. They proceeded to take over in a commando style, the water treatment and power plants both of which were lawfully procured and owned by 1004 Estates Limited as evidenced by purchase receipts.

"The Association leaders' invasion of the estate alongside 20 illegally procured armed mobile police men, halogen security and 50 bodybuilder thugs can only be compared to armed robbery at gun point over the busi-

ness and livelihood of law abiding citizens. By forcibly removing our staff at gun point and criminally taking over our facilities and equipment whilst creating illegal accounts for the sole aim of diverting payments that are legally due to 1004 Estates Limited by the use of threats to occupants. The Association's usual total disdain for law and order does not reflect any iota of respect for court injunctions as it's propensity for criminal and uncivilised conduct was amply demonstrated to all reasonable persons that day."

They said "1004 Estates Limited has appealed against the decision of the learned Judge before the Court of Appeal. As law abiding corporate citizens, 1004 Estates Limited staff maintained high decorum all through the debacle, thereby ensuring that no life was lost even through the heavy threat of the hooligans and hoodlums who accompanied the Association executive to carry out this act.

"1004 Estates Limited holds dear the trust and confidence reposed in it by its various stakeholders and residents who are made up of 65% expatriates and 35% Nigerians. 1004 Estates Limited will therefore continue to use all available machinery of the law to ensure that justice is done in this matter. All our sublessees are advised to seek legal counsel on the situation to avoid making double payments. The Association has no legal right to bill or collect any money on the Estate and such payments will end up in a black hole."