
POPULATION AND DEVELOPMENT IN NIGERIA: CONTEMPORARY ISSUES AND PROSPECTS

Odey, Stephen Adi, PhD*

Akpanke, Shishitileugiang Aniashie**

* LL.M Candidate, Faculty of Law and Senior Lecturer, Department of Sociology,
University of Calabar, Calabar

** Lecturer, Faculty of Law, University of Calabar, Calabar.

ABSTRACT: *This paper x-rays contemporary legal issues and problems associated with population and development in Nigeria. A potpourri of materials namely: statutes, textbooks, journals, articles, reports, case laws, and internet materials have been consulted in the course of writing this paper. The paper states that several studies have revealed that the growth of any nation is basically centered on its developmental strides and policies. The relationship between population and development is very dynamic in nature. A country is regarded as being developed when the institutional framework, policies and structures are functional and effective. Over population affects the environment and in turn, hampers its developmental growth. The environment experiences crisis when its economic growth skyrockets its capacity limit. Developing countries like Nigeria and some other countries in the Sub-Saharan region face an uphill task in trying to manage their ever increasing populace. The paper also examined population policies in Nigeria and reveals a critical gap between population and development and calls for legal and institutional reforms that will bring about an effective enforcement of population and development policies in Nigeria.*

KEYWORDS: population, development, issues, prospects, Nigeria

INTRODUCTION

It is the consensus of economists, political scientists, policy makers and even environmentalists that human population is central to sustainable development¹. The impact of humans on their environment is related to population size, *per capita* consumption and the environmental impact of the technology used to produce what is consumed². Population may increase or decrease based on the number of births and death, likewise the inflow and outflow of migrants. For example, in Europe, North America and Oceania, the ratio of inflow of migrants has contributed to its population growth overtime³. Despite the inflow of migrants to these developed countries, the surplus of deaths over births is projected to dominate population change. This basically might not be the case in Africa and the sub Saharan region, the rate of births over deaths have increased the population number in these regions. The difference between births and deaths counter reacted to the outflow ratio of migrants in Europe and Africa⁴. Population gained acceptance as an environmental issue in the late 1960s and early

¹ S. K. Nanda, *Environmental Law* (2nd Ed) (Allahabad: Central Law Publishing, 2009) P. 28

²J. Joseph Speidel and others, 'Population Policies, Programmes and the Environment' <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2781834/>> accessed 10th April, 2019.

³ *ibid*

⁴ *ibid*

1970s⁵. Yet, more than 30 years later, population seems to have largely dropped off the environmental movement's agenda, owing at least in part to three factors, namely: (i) uncertainty and controversy around population and reproductive health and rights issues, such as those relating to family planning, abortion and various governmental population policies; (ii) the political dominance of a largely anti-environmental government and (iii) a shifting of priorities by countries from US environmental movement in response to immediate threats such as loss of biodiversity and climate change⁶. Between 1950 and 2000, the world's population has been doubled from 2.5 billion to 6.1 billion⁷. The world population today is over 7 billion and the number is increasing with each passing year⁸. It has been predicted that the world population could reach 8Billion by 2025 and 9Billion by 2040⁹. Increased food production has made food available to areas with drought and famine. Proper health care facilities and services have helped to cure and control different diseases. There are more births than deaths, and this can be referred to natural increase, thus leading to population increase. Immigration has contributed to population increase in developed countries¹⁰. Undoubtedly, this will further intensify the competition for land, water, and food and increase the potential for conflict, social unrest and failed states and other environmental issues such as climate change, ozone layer depletion, environmental degradation, global warming as well as increase in health challenges to man and plants.

In recognition of the dismal consequences of overpopulation on the environment and the development of every country, conferences have been organized, policies formulated and institutions created both nationally and internationally so as to regulate human population. Most notably, the 1994 ICPD¹¹, called for achieving a broader development goals through empowering women and meeting their needs for education and health with more reference to reproductive life.¹² This however, superseded top-down population interventions that were perceived to be narrowly focused on family planning and fertility control, and often adversely undermined individual rights¹³ and gender equity. *The Stockholm Declaration on Human Environment, 1972* declares that an individual has the fundamental right to freedom, equality, and adequate conditions of life in an environment of quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations¹⁴. In Nigeria, there exists many institutions that are saddled with the regulation of population and development in Nigeria. Examples of these institutions include

⁵This was sequel to the publication of Paul Erlich's book titled '*The Population Bomb*', published in 1968 and the celebration of the first 'Earth Day'.

⁶Joseph, *Op. cit.*

⁷Report of the Population Division of the Department of Economic and Social Affairs of the United Nations, 2007

⁸Factors Responsible for Population Growth <<https://www.reference.com/world-view/factors-responsible-population-growth-d81968d54f6036d9>> accessed 10th April, 2019

⁹People move from developing countries to these countries to seek better prospects. Rick Leblanc, 'The Environmental Impacts of Overpopulation' <<https://www.thebalancemb.com>> accessed 10th April, 2019.

¹⁰Population Reference Bureau, 2008a '<<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2781834/>>' accessed 10th April, 2019.

¹¹That is, International Conference on Population and Development

¹²While ICPD did not create any new international human rights, it affirmed the application of universally recognized human rights standards to all aspects of population programme (ICPD Programme of Action).

¹³Michael Mayowa, 'Nigeria's Population Policies: Issues, Challenges and Prospects' *Ibadan Journal of the Social Sciences* (2017) P.20-24

¹⁴See, Principles 1

the National Population Commission¹⁵, the National Bureau of Statistics, etc. It must be noted, however, that efforts to integrate developing countries to be in consonance with International Environmental Law and best practices still fall short of the necessary action which suggests that there is still a significant way to go, coupled with the failure of developing countries to identify and conceptualize their views and contributions unambiguously while developing countries have been relatively successful in cooperating to utilize their numerical advantage in influencing the environment discourse.¹⁶ What is lacking is a coherent and consistent identification of their needs and the appropriate the methods for achieving them, coupled with the failure to articulate an internal approach which is consistent with an external approach that is suitable for their situations.¹⁷

In the light of the above background, this paper seeks to thoroughly probe population and development policies in Nigeria and the associated issues therein. In this regard, the writings of the World Bank, the United Nations Organization (UNO) as well as other regional and national researchers and findings, where available will feature prominently in this paper. Also, an appraisal of the legal and institutional framework on population and development control shall be made in order to uncover the loopholes found in them and make recommendations where necessary.

CONCEPTUAL FRAMEWORK

It is important to define some terms that form the thrust of this paper. These words are: population, development and environment.

Meaning of Population

This denotes the “whole number of people or inhabitants in a country or region; the total of individuals occupying an area or making up a whole”¹⁸. Within the context of Environmental Law, the study of human population tends to focus on their composition, growth, distribution and migratory movements. It is also concerned with the study of demographic processes which affect the environment.¹⁹ By Population in this paper, we mean the population of human beings.²⁰

Meaning of Development

The term ‘development’ can be defined or viewed as ‘the use of resources to relieve poverty and raise living standards; the means by a traditional, low-technology society is changed into a modern high technology, with corresponding increase in incomes. This can be done through mechanization, improvement in infrastructure and financial systems, and the intensification of agriculture.

¹⁵ Hereinafter referred to as ‘NPC’.

¹⁶ E. Bolanle, ‘The Role of Developing Countries as the G77 and their Influence at the United Nations Conferences held in Stockholm, Rio, (2015).

¹⁷ Conca K. ‘Environmental Governance after Johannesburg: from Stalled Legalization to Environmental Human Rights?’, *Journal of international Law & International Relations*, (2004-2005) 121.

¹⁸ Merriam Webster English Online Dictionary, “Population” <<https://www.merriam-webster.com/dictionary/population>> accessed 10th April, 2019.

¹⁹ Susan Mayhew, *Oxford Dictionary of Geography* (5th Ed.) (Oxford: Oxford University Press, 2015) p. 393.

²⁰ If not put in this context the word “population is apt to mislead as it can also be applied to insects, animals, etc.

Meaning of Environment:

Section 37 of the *National Environmental Standards Regulation and Enforcement Agency (Establishment) Act, 2007*²¹ defines environment as ‘to include: water, air, land and all plants and human beings or animal living therein and the interrelationships which exists among these or any of them’. For the purpose of this paper, these definitions are apposite and accordingly adopted as working definitions.

FACTORS OF POPULATION GROWTH AND DEVELOPMENT IN NIGERIA

There exists multifarious factors that determine population change and development in any society. These include but not restricted to the following: birth, death, migration and technology.

Birth and Death

These are important factors of population change. Birth increases the population while death decreases the population. Birth and death are natural causes of population change. Birth has been described as a chief natural factor affecting the population change. The higher the birth rate the quicker the population growth. Similarly death is a pivotal natural cause of population change. It has the effect of decreasing the population of a country. Illiteracy, climate change, poverty, natural calamities, communal clashes/wars, have been identified as the factors responsible for death.

Migration

Migration connotes the movement of people from place to place. It causes change of population. This factor of population change has been christened as “unnatural element of population change”. Migration is a germane determinant factor of population and development in any geographical area.

Technology

The world has been described as a global village. Technology is the order of the day and it plays an important function in determining population and development. Due to technology, there is an increased in food production. Proper health care facilities and services have helped to cure and control different diseases. There are more births than deaths, thus leading to population increase

THE EFFECTS/ ISSUES ASSOCIATED WITH POPULATION GROWTH AND DEVELOPMENT IN NIGERIA

Undoubtedly, the effects of population and development to every country are twin-like in nature, that is, they have positive and negative impacts. The positive effects of population growth include: increase in labour force²², possibility of innovation²³, economic growth,

²¹ Cap N164 LFN, 2010

²²Population growth often leads to an increase in labour force and this ensures efficient utilization of resources and optimal productivity in sectors such as agriculture, manufacturing and finance. All these will bring about economic turnaround or transformation in the country

²³Population growth encourages innovations in important areas such as medicine, agriculture and production. This is based on the fact that the probability of having great minds is higher in highly populated areas than the less populated areas. Similarly, population growth has led to a greater consciousness for more industrial and

increase tax revenue²⁴, etc. Demographers see population growth as a blessing to economic development.²⁵ Greek Philosophers like Plato argued that population of any country should be fixed at 5,040. This is because the number is divisible by number from 1 to 12, this is to balance the economic development. While Adam Smith sees population as the basis of wealth in the community. Therefore, increase in population is needed to increase wealth and development. Population growth affects economic development because population increase is diversely proportional to the increase in working population, that is, growing population is an impetus to total economic development.²⁶ Population growth stimulates economic development in the area. Population growth has substantial impacts on economic development. Several studies reveal that in Thailand, there is an existence of a long-run equilibrium relationship between population growth and economic development.²⁷ The findings further reveal that population in Thailand have a positive correlation to the country's economic performance. However, economic development can be viewed as the process by which the quality of life of the citizen or population is improved while population growth is the numerical increase in people who occupy a certain area measured within a period of time.²⁸ Increase in population has the propensity of slowing down the per capital income growth in developing or less developed countries of the world leading to income distribution inequalities. A growing population could result to a continuous increasing dependency ratio within the population. Demographically this implies that the ratio of the non-working population to the working population. Some schools of thought have argued that population is a bane to economic development, while others see population as a blessing to economic development.²⁹

Increase in population has been a growing concern throughout the world and a challenge to country's economic development, rapid population growth tends to depress savings per capital income and retards growth and development of a particular country.³⁰ Economic experts noted that population increase broadened public expenditure, this tends to affect socio-economic development population pressure is likely to intensify the foreign exchange constraints by placing more pressure on the balance of payment. The impacts of population is multi-dimensional. For instance, the rapid increase in school-age and school enrollment population leads to the expanding number of labour force, this in-turn put pressure on education system and the training facilities and thereby retarding quality education and recycle to poor economic development.³¹

agricultural production to meet the needs of the teaming population. China is a perfect example of countries that have witnessed innovations due to population increase.

²⁴ An increased population usually translates to an increase in revenue generation and this provides the government with the necessary resources to pilots its affairs and provide infrastructural facilities to its citizenries

²⁵ Okpala, A. O. Nigerian Population Growth and Its Implications for Economic Development. *Journal of Development* 9(4): 1990, 63-77.

²⁶ United Nations Population Fund, (UNFPA), 2008, "Population and Development in Africa. The Basic Issues: Population Growth and the Quality of Life."

²⁷ Anyawocha, R. A. *Fundamentals of Economics*. Onitsha; Africans Publisher Limited. (1993).P.5-12

²⁸ Ebingha, E. E. & Eno, S. Population Control and National Development in Nigeria. *Multi-Disciplinary Journal of Research and Development perspectives* 4(1), 2015, 42-55.

²⁹ Todaro, M. P. Gender, poverty and sustainable development. Singapore: center for Gender and Development Ltd (1995).

³⁰ Ering, S. O., *Reading in Sociology of Development: A Monograph*. 2012.

³¹ Rama, L. 2007. Health, Nutrition and Population (HNP) Discussion paper issues in the 21st Century: The Role of World Bank. *The International Bank for Reconstruction and Development*, 2007.

Population growth can balance with economic development when there is employment opportunity to reduce the dependency ratio of any given country.³² The neo-classical growth model sees population growth as beneficial to the economy because it brings technological revolution in the economy to meet the raising economic needs of the population. Population growth creates problems in the beginning (short run) for instance poverty, famine and unemployment but in a long run, it brings about development, through advancement in technology to meet the needs of the population.

On the other hand, the negative effects of population and development are: Environmental pollution, climate change, ozone layer depletion, environmental degradation, climate change; increase in crime rate; increase in diseases, poverty and inflation, etc.

Environmental Pollution, Climate Change, Ozone Layer Depletion, Environmental Degradation, Global Warming

It is trite that unlimited consumption rate and industrialization constitutes major factors of environmental pollution. The high rate of urbanization, rural-urban migration, has led to over population causing environmental pollution, Amnesty International reports that the population of Nigeria is growing at geometric rate and cluster within the oil producing communities of the Country³³. The report revealed that water system (the rivers, streams, ponds etc.) have been contaminated by the human population in the region. Water pollution from oil spills killed fishes and reduce the population of the fishes in the river which also affect human health. This implies that environmental pollution affects both human and aquatic lives³⁴ Due to the growing population and growth in Niger Delta area for instance, the United Nations Development Programmes (UNDP) estimates that between 1961 and 2000 alone there was an approximate of 6800 spills totaling 3, 000, 000 barrels of oil. This has cause serious environmental challenges in the area.³⁵ This has led to promulgation of environmental laws. Similar report showed that there were 253 oil spills in 2006, 588 oil spills in 2007 and 419 oil spills in the first six months in 2008 in the Niger Delta Region thereby violating environmental laws. Section 10 of the National Inland Waterways have described Marine Waters in Nigeria and their basins to include all navigable rivers like River Niger and Benue, the rivers of Sokoto, Osun, Hadejia, Kaduna, Lagos, Cross river to have been contaminated due to poor waste disposal as a result of population growth and urban development. Again, another major consequence of population increase is the growth rate of urban migration thereby increasing the urban population number. Inadequate provision of housing facilities and amenities results in poor and unstructured housing schemes in urban settings in fast growing cities and this could breed or produce further social problems due to constant industrialization and urbanization. Thereby creating pollution problems like noise pollution air pollution etc. Increase in human population conversely leads to an increase in noise and carbon emission i.e. say the higher the population, the higher the energy usage or consumption and the search for additional energy

³² Manhendra, K. "Population Growth and Economic Development: A close view". *International Journal of Economic Development*. 2(3), 2016, 112-115.

³³ Amnesty International Report 2017/2018 < <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/> accessed on 9th May, 2019.

³⁴ Jinmi, A. *Urban violence in Lagos Urban Violence in Africa*. IFRA Nigeria institute 2015

³⁵ Ukwani, J. K & Okpa J. T. "Critical Assessment of Nigerian Criminal Justice System and the Perennial Problem of awaiting Trial in Port Harcourt Maximum Prison, Rivers State". *Global Journal of Social Sciences*, Vol. 16 (1), 2017, 17-25

degrades the environment. Overcrowded cities can no longer control the level of noise pollution exerted into the ecosystem. The life of the people of such urban areas and industrialized cities or settlements has become quite unbearable with the increasing rate of noise pollution which is increasingly alarming. Indiscriminate rise of loudspeakers, factory engines and loudspeakers poses a threat to law and order and national integration.

Population, Development and Human Health

Having a big population can lead to new viral diseases. This is because the unhygienic practices of mankind will have ripple effects. Due to rapid population growth, disease-carrying organisms can diffuse and spread faster in overpopulated areas. Some of these viral diseases that may spread due to overpopulation include, Cholera³⁶, H-fever³⁷, Typhoid fever³⁸, Flu,³⁹ Ebola⁴⁰. The inadequate nature of health systems and welfare services all flow as a consequences of rapid population growth. Physical and mental development of children are often faced in large families because of inadequate nutrition and prevalence of diseases associated with poverty. Extra factors such as the desire for more jobs, good medical and health facilities insecurity issues and general attraction of urban lives constitute to the rapid growth of population circle.

High Level of Crime and Insecurity

Sociological discuss establishes a clear link between population, development and criminality. Most of the common crime associated with population growth and development include property theft, armed robbery, and burglary and traffic congestion among others.⁴¹ Law enforcement agencies are relatively inefficient and ill-equipped, while policies designed to ensure public safety are apparently targeted at low income groups. This emerging challenge is associated with over population and social development.⁴² Due to population growth and urban development, most cities in Nigeria like Lagos has covered the entire garment of criminal activities. Latest public opinion polls and newspaper reports: traffic safety expert in 2009 revealed that armed robbery has become the country's most glamorous and fastest growing crime against the law of the state. In a paper presented at the national seminar on Sharia and the problem of discipline in Nigeria, it was noted that in 1970, 12,153 cases of aggravated robbery cases were reported to the police in Nigeria. This is linked to the issue of over population. Several courts cases and conviction has been established on this.⁴³

³⁶ Cholera is an infectious and often fatal bacterial disease of the small intestine. Cholera is typically contracted from infected water supplies and causes severe vomiting and diarrhoea.

³⁷ Viral haemorrhagic fevers (VHFs) are a diverse group of animal and human illnesses in which fever and haemorrhage are caused by a viral infection.

³⁸ This is a serious disease that spreads due to contaminated food and water. Symptoms of typhoid include lasting high fevers, weakness, stomach pains, headache, and loss of appetite.

³⁹ Influenza, commonly known as the "flu," is an extremely contagious respiratory illness caused by the influenza A or B viruses. The flu frequently appears in winter and early spring. The flu attacks the body by spreading through the upper and/or lower respiratory tract. It was one of the biggest killers on the planet. It could be again.

⁴⁰ Ebola virus disease (EVD), also known as Ebola haemorrhagic fever (EHF) or simply Ebola, is a viral haemorrhagic fever found in humans and other primates.

⁴¹ Todaro, M. P. *Gender, Poverty and Sustainable Development*. Singapore: Center for Environment, Gender and Development Ltd, 1995.

⁴² Erring, S. O., *Reading in Sociology of Development: A Monograph*. 2012.

⁴³ Rama, L. "Health, Nutrition and Population (HNP) Discussion Paper Issues in the 21st century: The Role of World Bank ".*The International Bank for Reconstruction and Development*. 2007.

Due to population growth and corresponding crime wave in a city like the Port Harcourt, Rivers State, there is a continuous rise in prison population across the country, which currently stands at seventy two thousand (72,000) inmates.⁴⁴ The Port Harcourt maximum prison, designed from inception to accommodate eight hundred and four (804) inmates; presently houses about three thousand four hundred and twenty-two (3422). The continuous increase in population in mega cities like Port Harcourt, Lagos etc has propelled high rate of crime in most of these cities.

Nigeria's population has been increasing rapidly for at least the last 5 decades due to increase in birth rates, quadrupling its population during this time. Growth was fastest in the 1980s after child mortality has declined slightly. According to the 2017 revision of the world population prospects, the total population was 185,989,640 in 2016 compared to only 37,860,000 from this statistics the urban population is 50.3% as of 2018 and the rate of urbanization is 4.2% (annual rate). This has continuous to breed crime and criminality in urban areas.⁴⁵ This high population has caused a serious breakdown of law and order in Nigeria. Nigeria is home to a substantial network of organized crime especially in drug trafficking. Nigeria criminal groups are heavily involved in drugs trafficking, shipping heroin from Asian countries to Europe and America and cocaine from South America rate among Nigerian migrants also leads to stereotype.

Further, Security has always been a major concern both for the developed and underdeveloped countries. Several factors ignite insecurity issues in a society for example with the high rate of unemployed youths in the society, some of them might desire to venture into clandestine activities in order to make ends meet and survive, thereby taking extreme measures and arguing the lives of people around the society which can either be, kidnapping, online fraud/scanning, armed robbing stealing, etc.

Also the agitation for self-determination by some sects in the country can lead to insecurity just like the trending problem of Boko Haram in some parts of the North-East in Nigeria.

A review of population growth in Africa by African Development Bank (ADB) indicates that African population is projected to surpass 1.5 billion by 2025. Douglas opined that unchecked population growth is increasing climate change, damaging life nurturing ecosystems and dooming many countries to poverty.

Food Insecurity, Inflation and Unemployment

Increase in population usually affects the food supply and agricultural production exercise which the attention will now be shifted towards meeting the high rising needs of the rapidly growing population. Furthermore, a fast growing population has serious implications for the provision of productive employment. Since it is accompanied by a relative increase in supply of the labour force, it means that the rate of job creation should match the rate of supply of the labour force. Unemployment has several negative effects in the society namely, increase in crime rates, political instability and reduced standards of living⁴⁶.

⁴⁴ Fumitaka, F. "Population Growth and Economic Development: New Empirical Evidence from Thailand" *Economic Bulletin* 29(1): 2009 12-14.

⁴⁵ Todara, M. P. & Smith, S. C. *Economic Development*, Eighth Edition. Singapore: Pearson Edition. 2005.

⁴⁶ "What are the Advantages and Disadvantages of Population Growth?" <<https://www.reference.com/world-view/advantages-disadvantages-population-growth-2b36f8f38dc5bcf7>> accessed 12th April, 2019

Urbanization in Population and Development

Urbanization is not merely a modern phenomenon, but rapid and historic transformation and replaced by predominantly urban culture. The process of urbanization is increasing by both developed and developing countries of the world.⁴⁷ However, rapid urbanization in particular the growth of Nigerian large cities and the associated problems of unemployment, poverty, inadequate health facilities, poor sanitation, urban slums and environmental degradation poses formidable challenges to the human population.⁴⁸ Therefore, urbanization has sociological and legal implications. The urban “heat” Island phenomenon has become a growing concern because of the negative effects on population and development. It has been observed by different research studies that environmental degradation is caused by several factors including rapid population growth, social development and rapid industrialization.

LEGAL FRAMEWORK ON POPULATION AND DEVELOPMENT CONTROL IN NIGERIA

There exist a plethora of legislation and multidimensional legal instruments that deal with population and development in Nigeria. These instrument include: The Constitution of the Federal Republic of Nigeria, 1999⁴⁹, the *National Agency for Population Programmes and Development Act*, 1993⁵⁰, the *National Population Commission Act*, 1989⁵¹, the *National Planning Commission Act*, the *National Statistics Act*, 2007 and the Population Policies of 1988 and 2004.

The Constitution of the Federal Republic of Nigeria, 1999.

This is the first legal instrument on population and development. It defines and limits the powers of government and functions of public authorities⁵². It also gives certain powers and functions to three organs of government both at the National, States and Local Government levels .Section 4 empowers the National Assembly to make laws for the benefit of the country. By Section 5, the Executive is empowered to implement the laws while Section 6 is to the effect that the judiciary is to interpret laws. Consequently, every citizen of Nigeria has the right to approach any competent court to ventilate his grievance where there is a violation or likelihood of violation of his right.

The National Agency for Population Programmes and Development Act, 1993

This Act which is made up of VII Parts and 26 Sections establishes the National Agency for Population Programmes and Development. The agency is saddled with the mandate to ensure a successful implementation of the National Policy on Population at all levels in accordance with set goals and objective⁵³. Part I, Sections 1 and 2 of the Act Establishment of the National Agency for Population Programmes and Development and its Governing Board. Part V,

⁴⁷ Gideon, K. T., Gachanja, P. &Obere, A. “The Impact of Population Change on Economic Growth in Kenya.” *International Journal of Economics & Management Sciences*. 2019.

⁴⁸ Stephen, K., & David, L. The Impact of Population Growth on Economic Growth and Poverty Reduction in Uganda, *Diskussionsbeitarse*, No. 133, 2007. Georg-August, Seminar.

⁴⁹As amended

⁵⁰ Cap N2 Laws of the Federation of Nigeria, 2010(hereinafter referred to as the *NAPPD Act*

⁵¹ No.20 (now Cap.N67 Laws of the Federation of Nigeria, 2010).

⁵² Ese Malemi, *The Nigerian Constitutional Law* (2010 Ed.), Lagos: Princeton Publishing Co, 2010, P.1

⁵³See the Preamble, Part I , Sections 1, 2, 3 and 4 of the Act

Sections 8, 9, 10, 11, 12, 13 and 14 creates of special committees and working groups for the Agency⁵⁴. Section 5 establishes another body known as the Board. The Board is saddled with the following functions –

- (a) manage and supervise the affairs of the Agency;
- (b) formulate the overall policy of the Agency and act in the name of the Agency;
- (c) work closely with the management of the Agency to ensure smooth operation of population, programmes;
- (d) approve annual reports and statements of accounts of the Agency; and
- (e) carry out such other activities which are connected with the other functions of the Board.

The Board is empowered to-

- (a) carry out the functions of the Agency under this Act;
- (b) to specify the management system of the Agency; and
- (c) to do such other things as are necessary for the successful performance of its functions under this Act.

The National Population Commission Act, 1989⁵⁵

This Act was establishes an independent body known as the National Population Commission, with the mandate to conduct regular censuses and also to provide for the composition of the Commission, tenure of office of members and other related matters⁵⁶. The Federal High Court is clothed with jurisdiction to determine any matter arising thereto⁵⁷.

The National Planning Commission Act, 1993⁵⁸

This is also an important Act that regulates population and development in Nigeria. The Act was borne out of the need to establish a National Planning Commission, which is to in addition to other functions, determine and advise the president on policies that will best promote national unity and integration of Nigeria. The Act is comprised of 22 incisive chapters. Section 1 establishes the National Planning Commission, the functions and powers of the Commission are provided for in Section 4 and 5 respectively.

The National Statistics Act, 2007

This Act repealed the Statistics Act⁵⁹. It is made up of VI Parts and 37 Sections. Section 5 creates the National Bureau of statistics, a corporate entity, responsible for the development and management of official statistics⁶⁰, the authoritative source and the custodian of official statistics in Nigeria. The body is also an autonomous public authority that is accountable to the presidency⁶¹. The body is headed by the Statistician-General, whose duties include but not

⁵⁴These Committees include: The Committee of Experts on Population, National Consultative Group on Population for Development, the State Consultative Committee on Population for Development, the Working Group on Population and the State Working Group.

⁵⁵No.23 (now Cap.N67 LFN, 2010)

⁵⁶The Preamble and Sections 1 and 6 of the Act

⁵⁷Section 25 of the Act

⁵⁸No.71

⁵⁹Cap.446, LFN, 1990

⁶⁰It may be argued these official statistics also include birth, death, immigration and emigration etc.

⁶¹Section 5(3) of the Act

limited to the following; formulate policies and advise federal Ministries, Agencies, States, and Local Government on issues relating to their statistical activities⁶².

The Population Policies of 1988 and 2004

The population policies of 1988 and 2004 came into being with the aim of addressing population growth rate and the improvement of the welfare of the population. The first population policy was promulgated in 1988 as a result of the high increase in population growth. One of the objectives of the policy was directed towards the structuring of the reproductive behavior of Nigerians as aptly captured thus:

The protection of the health of mother and child, to reduce the proportion of women who get married before attaining 18 years of age by 50 percent by 1995 and 80 percent by the year 2000; to reduce the number of children a woman is likely to have during her lifetime, now over 6 to 4 per woman by year 2000 and reduce the present rate of population growth from about 3.3 percent per year to 2.5 percent by 1995 and 2.0 percent by the year 2000.

Simply put, the 1988 Policy on Population was geared towards reducing the fertility rate in Nigeria vide the provision of family planning services.⁶³ The Policy encouraged each couple to have four children. But the policy resulted in an increasing population growth rate over the years. Its success has been minimal because most of the populace are not oriented with the policy. Consequently, this policy was subsequently revised in 2004. The emergence of new activities and issues such as the 1991 National Population Census, 1994 International Conference on Population and Development, the 1999 HIV/AIDS Summit in Abuja were identified by the 2004 population policy. The policy outlined a multi-sectorial strategy for the challenges posed by rapid population growth in order to improve the standard of living and the quality of life of the people.⁶⁴ Needless to say that there were some achievements by these two policies, namely:

- (a) Creation and orientation on the use of contraceptives for fertility rate control
- (b) The viability of making modern methods of contraceptives accessible and available, for example, according to the 2008 NDHS data sample, it shows that approximately 23% of the people who use modern contraceptive methods source their contraception from the public sector viz-à-viz 61% who obtained their own from private medical sector.
- (c) Reduction in infant and child mortality rates
- (d) Maternal health improvement
- (e) Awareness and orientation on prevention of HIV/AIDS.

⁶²Section 13 of the Act

⁶³ A. D. Shofoyeke, 'An Appraisal of the 2004 National Policy on Population for Sustainable Development, *Mediterranean Journal of Social Sciences* (5)(23), 2014.P.20-45

⁶⁴ *ibid*

INSTITUTIONAL FRAMEWORK ON POPULATION AND DEVELOPMENT CONTROL IN NIGERIA

The National Agency for Population Programmes and Development

The Agency is a body corporate with perpetual succession and a common seal capable of suing and being sued in its corporate name⁶⁵. The Agency shall be based in and be supervised by the Federal Ministry of Health⁶⁶. Section 4 provides for the following functions and powers of the Agency:

- (a) ensure the successful implementation of the National Population Policy at all levels in accordance with the set goals and objectives of the policy;
- (b) be responsible for planning, facilitating and co-ordinating all activities at the Federal, State and local government levels and in the private sector for the achievement of national population goals;
- (c) maintain liaison with relevant agencies of the Federal, State and local governments .and non-governmental organisations to ensure adequate co-ordination and integration of population and development policies and programmes;
- (d) monitor the effects of population and development policies and programmes on a continuous basis;
- (e) maintain the flow of materials needed for the effective management of population programmes through supply, logistics, inventory taking and related activities;
- (f) maintain liaison with Government and non-governmental agencies involved with population matters at the implementation and monitoring stages;
- (g) co-ordinate the activities of donors, multilateral and bilateral agencies and non-governmental organisations engaged in population activities;
- (h) devise effective and rational method of motivating communities to participate actively in the planning and implementation of the National Population Policy and projects;
- (i) make recommendation, from time to time, for the review of the National Population Policy;
- (j) involve the public and private sectors in the exchange of ideas and information on population programmes;
- (k) co-ordinate the training needs of bodies and organisations engaged in population activities and organise training programmes to meet those needs;
- (l) promote and co-ordinate research designed to improve the efficiency of population programmes;
- (m) collect, process, analyse and disseminate national population programmes and other related data;
- (n) receive from the Federal Government such money as may be made available for purposes of population programmes and disburse the money to such bodies or organisations engaged in population activities in accordance with such formula as the Agency may prescribe, from time to time;
- (o) act as the agency for channelling external aid into population programmes;
- (p) recommend for implementation, as appropriate, the plans and objectives of bodies and organisations engaged in population activities;

⁶⁵Section 1(1) of the NAPPD Act.

⁶⁶Section 1(2) of the NAPPD Act

- (q) recommend appropriate materials and technical, financial and other support for the implementation of the National Population Policy;
- (r) review the impact of the population programmes;
- (s) prepare annual budgets and reports; and
- (t) carry such other activities which are connected with the other functions of the Agency under this Act

Federal Ministry of Health

The Federal Ministry of Health is responsible for developing and implementing policies and programmes, along with other necessary actions that will improve and maintain a national health system capable of delivering an effective, efficient, affordable and quality service, and to foster an improved quality of life for all of Nigeria⁶⁷.

National Population Commission

As earlier stated, this body is established in Section 1 of the National Population Commission Act. It is an independent body known as the National Population Commission, with the mandate to undertake the population of Nigeria through regular conduct of censuses, sample surveys; establish and maintain a machinery for continuous and universal registration of births, and deaths throughout the federation; collect, collate and publish data on migration statistics etc⁶⁸.

National Planning Commission

This Commission is a creation of the *National Planning Commission Act*. The functions of the Commission are to wit:

- (a) provide policy advice to the President in particular and Nigeria in general on all spheres of national life;
- (b) set national priorities and goals and engender consensus among government agencies, corporate bodies and workers' unions in support and accomplishment of such priorities and goals as may be contained in guidelines issued by the Commission from time to time;
- (c) undertake periodic review and appraisal of the human and material resource capabilities of Nigeria with a view to advancing their development and efficiency and effective utilisation;
- (d) formulate and prepare long-term, medium-term and short-term national development plans and to coordinate such plans at the Federal, State and local Government levels;
- (e) monitor projects and progress relating to plan implementation;
- (f) advise on changes and adjustments in institutions and management techniques as well as attitudes necessary for the alignment of actions with plan targets and goals;
- (g) conduct research into various aspects of national interest and public policy and ensure that the implications and results of the findings in such research are geared towards the enhancement of national economic, social, technological, defence and security capabilities and management;
- (h) mobilise popular, group and institutional consensus in support of government policies and programmes;

⁶⁷ Federal Ministry of Health <<http://www.nigeria.gov.ng/index.php/2016-04-06-08-40-29/executive/144-federal-ministry-of-health>> accessed on 10th May, 2019.

⁶⁸Section 6 of the Act

- (i) manage multilateral and bilateral economic co-operation, including development aid and technical assistance programming;
- (j) deal with matters relating to regional economic co-operation including the Economic Community of West African States, the African Common Market, the United Nations Economic Community for Africa and the South-South Cooperation; and
- (k) carry out such other activities as are necessary or expedient for the full discharge of all or any of the functions conferred on the Commission under this Act⁶⁹.

The Commission is headed by the Vice president of Nigeria⁷⁰. By Section 12 of the Act, the Commission is to maintain a liaison with the private sector, labour unions, universities and such other bodies as may be useful in promoting plan formulation, acceptability and implementation.

National Bureau of Statistics

This is the main agency responsible for the development and management of official statistics, the authoritative source and the custodian of official statistics in Nigeria⁷¹.

SPOTLIGHTS ON POPULATION AND DEVELOPMENT POLICIES IN OTHER JURISDICTION

China

China is a country with the highest population in the world⁷². To control her population growth, China enacted a one-child policy in 1979⁷³ but relaxed it to two children in 2016. The one-child policy was designed in 1980 as a temporary measure to put a brake on China's population growth and to facilitate economic growth under a planned economy that faced severe shortages of capital, natural resources, and consumer goods⁷⁴. However, the answer to China's underdevelopment did not come from its extreme birth control measures, but from reform policies that loosened state control over the economy⁷⁵. China's economic boom over the last few decades has lifted hundreds of millions out of poverty, sent almost 100 million young men and women to college, and inspired generations of Chinese, both young and old, to pursue their economic goals. As observed in many other countries and societies, socioeconomic and cultural transformations accelerated the pace of fertility decline. By the turn of the new century, China's fertility was well below the replacement level, and China began to face the mounting pressures associated with continued low fertility. To continue the one-child policy within such a demographic context was clearly no longer defensible⁷⁶.

⁶⁹ Section 4 of the Act

⁷⁰Section 3 of the Act

⁷¹See generally Part 3 of this paper which is on "The National Bureau of Statistics Act, 2007".

⁷² The current population of China is 1,419,957,147 as of Monday, June 24, 2019, based on the latest United Nations estimates. China population, 2019< <https://www.worldometers.info/world-population/china-population/>> accessed on 24th June, 2019.

⁷³This policy was initiated by the central government of China. The rationale for the policy was to reduce the growth of China's high population. Kenneth Pletcher, "One-Child Policy: Chinese Government Program"<<https://www.britannica.com/topic/one-child-policy>>accessed on 24th June, 2019.

⁷⁴Feng Wang et al, The End of China's One –Child Policy< <https://www.brookings.edu/articles/the-end-of-chinas-one-child-policy/>> accessed on 24th June, 2019.

⁷⁵*ibid*

⁷⁶ *ibid*

Hong Kong

In the 1970s, as part of her region's family planning strategies, Hong Kong citizens were morally but not legally encouraged to have two children as limit⁷⁷.

ISSUES/CHALLENGES MILITATING AGAINST POPULATION AND DEVELOPMENT CONTROL IN NIGERIA

The following are some of the challenges militating population and development control in Nigeria:

- (a) **Illiteracy:** Illiteracy constitute a major challenge towards the implementation of population and development policies in Nigeria. Ignorance makes the illiterate regard multiple children as economic assets that will either assist them in farm work in modern day economic activities. The lack of education especially as related to population education, sex education and the lowering of infant mortality and birth rates
- (b) **Religion:** Islamic religion in Nigeria promotes large families with the encouragement of early marriage and polygamous family system. The Christian religion in turn prohibits the most effective forms of contraception and most are anti-abortion. These religious practices have dismal consequences and often lead to population increase in Nigeria.
- (c) **Decrease in Fertility Rate:** This is yet to be achieved by the National Population Policy of 2004 which appears to be somewhat difficult. In 2004 fertility rate was 5.2 and five years later it was expected to be in the 4.6 and possibly reduce further to 4.0 in 2015. Fertility rate were 5.7 and 5.5 in 2008 and 2013 respectively which confirms the increase in high fertility rates and so therefore the primary objective of reducing fertility rate is far from being achieved.
- (d) **Cultural Beliefs:** Nigeria is a heterogeneous country. Multi-culture nature of individuals who see themselves as people who share common cultural traits and affiliations that separate them from others constitutes a clog to the proper implementation of population policies in Nigeria. These people develop their cultural behavioural pattern from their collective norms, beliefs and values. An appendage of this is the male-child preference syndrome. In many cultures in Nigeria, male offspring are more highly valued than females for a variety of reasons (like carrying on the family name, greater upper-body strength for physical labor), which leads to the common practice of continuous child birth in an attempt to have male children.
- (e) **Lack of Political Will:** The lack of political will and knowhow most especially when a government lacks quality population growth control manifesto. Also the canker worm of corruption in governmental parastatals coupled with the inordinate bureaucratic nature of some government outfits among the policy implementers contributes to the delay in these population policies implementation.
- (f) **Poor Funding of Institutions:** Lack of financial and material resources constitute a bane to the effective implementation of population policies and population related activities in Nigeria. The Federal and State budgetary allocations on population programmes does not meet it required needs and outlined activities. For instance, the last population census was conducted about 20years ago and this is not a disincentive to population and development management.
- (g) **Weak Institutional and Legal Framework and Corruption:** The current legal framework is weak. For instance, the legal and constitutional approach towards abortion is on the negative. Abortion is governed by the Criminal Code in the south states and the penal code in the Northern States . Abortion in Nigeria is illegal and carries a heavy jail sentence--up to 14 years

⁷⁷ Family Planning in Hong Kong<<https://www.ncbi.nlm.nih.gov/pubmed/12332555> accessed on 24th June, 2019.

imprisonment--unless it is performed to save the life of the pregnant woman. Nevertheless, a large number of clandestine abortions continue to be carried out regularly, often with dire consequences for the lives and health of the women involved as enunciated in the celebrated case of *R v. Idiong*, where the second defendants had been convicted of murder on the grounds that the 1st accused has obtained the services of the 2nd accused, a native doctor, to give native medicine to bring about an abortion. The abortion resulted in the woman's death. Also, institutions such as the National Population Commission, Federal Ministry of Health are not properly funded.

CONCLUSION/RECOMMENDATIONS

Conclusion

In every country, population is always checked to make sure that the rate of growth in population equates the infrastructural and material development of the nation in the quest to achieve a streamlined and well functional population policy for sustainable development, the problems that goes along with its formulation, implementation and evaluation should be solved. Well-designed population policies are broad in scope, socially desirable and ethically sound. They appeal to a variety of constituencies including those seeking to eliminate discrimination against women and improve the lives of children and those seeking to reduce fertility and population growth. Mutually reinforcing investments in family planning, reproductive health and range of socioeconomic measures operate beneficially at both the macro and micro levels. The same measures will slow population growth, increase productivity and improve individual health and welfare.

Recommendations

To solve the aforementioned problems associated with population and development in Nigeria, the following recommendations are important:

- i. In every country, population is always checked to make sure that the rate of growth in population equates the infrastructural and material development of the nation in the quest to achieve a streamlined and well functional population policy for sustainable development, the problems that goes along with its formulation, implementation and evaluation should be solved.
- ii. An encompassing mechanism that will address conflict/insecurity issues, migration and displacement, access to education for the girl child and proper regulation of infrastructure development.
- iii. The undiluted conservative ideology where population increase is seen by many especially in Nigeria as the key to control of political power and resources should be thrown away and a more efficient and functional idea adopted.
- iv. The introduction of a legislation by the law makers to monitor and control fertility rate in the country with an increased education and awareness as to population dynamics.
- v. Eradicating corruption that has eaten deep among stakeholders in population studies who have in one way or the other miss-appointed funds meant for implementation of population policies.
- vi. Education is not only a human right but it is an important demographic variable influencing global population and development as well as growth trajectories. Investment in education will provide information on reproductive health and use of contraceptives to check population growth and enhanced development. Redirecting people's orientation on population policy vide a massive education and awareness of the populace more especially as it relates to women's empowerment and girl-child education and promoting same across the country.

Development being an integral part of population discuss demands that an investment in human capital is an effective tool for achieving higher pedestal in demographic dividend. Lack of employment opportunities for qualified skilled personnel's which continue to feed the alarming rate of emigration of Nigerians to Western World leading to the loss of experts who could have improved the quality of life of the Nigerian population with attention on health and education sector

vii. Training and major support/incentive for population communication development should be strengthened for instance increasing the awareness to population issues through community based on breach programmes.

viii. Family planning allows individuals and couples to anticipate and attain the desired numbers of children as well as the spacing and timing of the child. This will help to regulate and check population growth in Nigeria and other developing countries of the world. To balance human numbers with development indices, people should delay in marriage till when they are ready to bring forth the number of children they can cater for.

ix. Government should review her legal and constitutional approach towards abortion. It is therefore recommended that the Termination of Pregnancy Bill before the House of Representative should be passed into law as a measure of checking population growth.

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