

# Law as a Catalyst for Reinventing and Reimagining the future of Tourism in Nigeria

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## Abstract

Nigeria is endowed with landscapes and vibrant culture which promise immense tourism potential, yet legal hurdles and inadequate infrastructure hold the sector back. This paper argues that a multi-layered legal framework, tailored to Nigerian realities, can unlock sustainable growth. It explores how strategic legal interventions can attract foreign investment, safeguard consumer rights, empower vulnerable groups like tourists with disabilities, and foster community engagement. Technological solutions for visitor management and cultural preservation will also be discussed. By promoting responsible eco-tourism and revitalizing neglected heritage sites, Nigeria can harness its tourism potential, empowering both individual stakeholders and the nation as a whole. This research paper relies on the doctrinal method, using data collected from primary and secondary sources. The primary sources consulted are statutes and case law, while the secondary data are mainly books, journals, periodicals, and web-based materials.

**Keywords:** Tourism, Tourism Stakeholders, UNWTO (United Nations World Tourism Organisation), Business Facilitation and (Miscellaneous Provisions) Act (BFA), Consumer, Ease of Doing Business, Nigeria.

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## 1.0 INTRODUCTION

Tourism, considered to be one of the fastest-growing sectors in the world [<sup>1</sup>], is a multi-faceted phenomenon that impacts society, culture, and the economy. In emphasising the importance of tourism in today's global community, Antonio Guterres, the UNWTO Secretary-General, stated the obvious as follows: "Tourism brings progress. As one of the biggest sectors in the global economy, it has great powers to bridge cultures, generate new opportunities, and promote sustainable development" [<sup>2</sup>].

While Nigeria boasts immense potential as a tourist destination, its struggle to tap into its global market share stems from a multitude of interrelated challenges. First and foremost, safety concerns present a significant barrier. According to the 2023 Global Peace Index, Nigeria ranked 144<sup>th</sup> out of 163 countries in terms of the safest countries in the world [<sup>3</sup>]. The rise of

<sup>1</sup> See the following sources: Ndajiya, A., Muhammad, S., and Muhammad, Y. H. (July 2014). The Possible Impact of Tourism Industry on Nigeria Economy. Review of Public Administration and Management, 3(5), 67-7; Manzoor, T., Wei, L., Asif, M., Haq, M. Z., and Rehman, H. (2019). The Contribution of Sustainable Tourism to Economic Growth and Employment in Pakistan. International Journal of Environmental Research and Public Health, 16(19), 1-14. Retrieved January 3, 2023 from <https://doi.org/10.3390/ijerph16193785>; Orekoya, I. (2018). Nigerian Tourism Industry: A key value Driver in Employment Generation. Journal of Tourism, Hospitality and Sports, (36), 12 -17.

<sup>2</sup> UNWTO, Retrieved December 23, 2023, from <https://www.unwto.org/>

<sup>3</sup> The Global Peace Index, produced by the Institute for Economics and Peace measures 'societal safety and security, domestic and international conflict and the degree of militarisation' – See Oyebade, W. (November 24, 2023). "Nigeria ranks 144 out of 163 in safest country ranking for 2023." Retrieved January 24, 2023, from <https://guardian.ng/news/nigeria-ranks-144-out-of-163-in-safest-country-ranking-for-2023/#:~:text=Nigeria%20has%20finished%20144th%20position,countries%20in%20the%20world%20rankin>

insurgency and banditry [4], kidnappings and hostage-takings by criminal gangs, violent clashes between security agencies, and separatist agitators in the South East [5] are some of the factors that have cast a shadow over the prospects of Nigerian tourism.

Besides, the environmental degradation of the Niger Delta areas threatens water-based tourism [6]. A publication by Stakeholder Democracy Network (SDN), a non-governmental organisation established in 2024, reveals that decades of weak governance and “mismanagement of the oil and gas industry” have resulted in enormous pollution of land, water, and air in the region [7].

Lack of clarity in some tourism laws also hampers the growth of tourism development. While the 1999 constitution provides the foundational basis for tourist legislation in Nigeria [8], it lacks specifics on tourism regulations. The constitution merely states in Item 60(d), Part 1 of the 2nd Schedule, that the National Assembly has authority “to regulate tourist traffic,” leaving the term undefined. This ambiguity eventually led to a legal dispute between the federal government and the Lagos State Government.

In the landmark case of *AG Federation v AG Lagos State* [9], one of the central issues before the Supreme Court was whether the words “tourist traffic,” as used in Item 60(d) Part 1, 2nd Schedule of the constitution, encompasses the regulation of hospitality and tourism enterprises. The federal government argued that “tourist traffic” covers this domain and is within its exclusive legislative competence. Accordingly, it contended that the laws made by the Lagos State

government to licence and regulate hospitality and tourism-related establishments within the state territory are a violation of sections 4(2) and (3) of the NTDC Act, a federal law enacted by the National Assembly and which vested this responsibility with the Nigerian Tourism Development Corporation [10].

In determining the legislative powers over the “regulation, registration, classification, and grading of hospitality-related establishments” in Nigeria, the court held that these are matters not specifically allocated to either the Federal or State governments by the Constitution and that the laws so made by the Lagos State Government with respect to its domain are valid [11].

Ultimately, the implication for tourism stakeholders is that a lack of clarity in the law creates uncertainty while also hindering innovation and adaptation.

Sometimes, laws are formulated without adequate consultation of stakeholders, such as senior citizens, tourists with disabilities, or persons with special needs. This presents a significant challenge to the sustainable and equitable development of the industry. This approach carries with it the increased risk of making laws that are ineffective, unsustainable, and potentially detrimental to the very stakeholders it aims to govern.

However, it is important to observe that efforts are underway to address the challenges facing tourism in Nigeria. Environmental groups are working with local communities to clean up the Niger Delta and promote sustainable tourism policies [12].

<sup>4</sup> See, Centre for Democracy and Development (CDD). (February, 2022). Northwest Nigeria’s Bandit Problem: Explaining the Conflict Drivers. Retrieved April 13, 2022, from <https://cddwestafrica.org/northwest-nigeris-bandit-problem-explaining-the-conflict-driver/>

<sup>5</sup> Ola argues that, “The Nigerian governmental structure is an ‘imperial presidency’ and the federation a ‘unitary system.’” Accordingly, he posits that, “the unwillingness of the ‘federal authority’ to relinquish power to the ‘federating’ units fuels the spiral of violence, the existence of religious, ethnic and regional cleavages that political violence easily feeds on.” – see, Ola, T. P. (Spring, 2017). Defective Federalism and the Emergence of Domestic Terrorism in Nigeria. *International Journal of African Development*, (4) 2, 83-98.

<sup>6</sup> See the following sources: Okonkwo, C. N. P., Kumar, L., and Taylor, S. (May 2015). The Niger Delta Wetland ecosystem: What threatens it and why should we protect it? *African Journal of Environmental Science and Technology*, 9 (5) 451–463; Ansah, C. E. *et. al.* (2022). Environmental Contamination of a Biodiversity Hotspot Action Needed for Nature Conservation in the Niger Delta, Nigeria. *Sustainability*, 14 (21) pp 1-21, available online at <https://doi.org/10.3390/su142114256>; Bodo, T.

and Gimah, B. G. (2020). The Pollution and Destruction of the Niger Delta Ecosystem in Nigeria: Who is to be blamed? *European Scientific Journal* Vol. 16(5), 161-182, available online at URL:<https://doi.org/10.19044/esj.2020.v16n5p161>

<sup>7</sup> Stakeholder Democracy Network (SDN), (29 January, 2020). “Overview of the Niger Delta” Retrieved January 20, 2024, from <https://www.stakeholderdemocracy.org/the-niger-delta/>; see also, Amnesty International, (February, 2023). “Nigeria: Shell must clean up devastating oil spills in the Niger Delta.” Retrieved 23 January 2024, from <https://www.amnesty.org/en/latest/news/2023/02/nigeria-shell-oil-spill-trial/>

<sup>8</sup> See for instance, Items 60 (b), (c) and (d), 2<sup>nd</sup> Schedule (part 1) of the 1999 Constitution, (CFRN 1999)

<sup>9</sup> [2013] NWLR (part 1380) pp. 284 – 391

<sup>10</sup> *Ibid* at p. 303.

<sup>11</sup> *Ibid* at p. 304-305

<sup>12</sup> See the following: Vidal, J. (June 1, 2016). Niger delta oil spill clean-up launched but could take quarter of a century. (The Guardian) Retrieved December 1, 2023, from <https://amp-theguardian.com.cdn.ampproject.org/v/s/amp.theguardian.com/glob>

Furthermore, the passage of the 2023 Business Facilitation (Miscellaneous Provisions) Act (BFA), which amended 21 legislations, has dismantled many barriers hindering tourism participation. The visa policy has been equally reformed. Overall, the BFA seeks to facilitate the ease of doing business in Nigeria by promoting transparency, efficiency, and productivity. This transformative approach will pave the way for innovation and problem-solving through the application of technology.

The reforms are expected to generate other benefits, such as enhanced consumer protection for tourists and better traveller experiences, which will in turn translate to increased revenue generation for further infrastructure development.

## 2.0 DISCUSSION

Before delving into the details of this paper, it is important to clarify the main concepts used:

### 2.1 Tourism

Movement has always been a vital component of the human experience. For a variety of reasons, including sightseeing, religious pilgrimages, and festivals, people have always travelled from one location to another. As observed by Runsewe,

[Tourists] travel because they want to have an experience of a facility or a service they consider as an object of pleasure or satisfaction. It could be to explore nature, experience a festival, reflect on history through relics or monuments, engage in adventure, or watch sporting events, among other things [<sup>13</sup>].

Jemirade, citing Aremu, identifies three different types of tourism as integral to the Nigerian people: cultural tourism, characterised by the traditions, practices, and culture; ecological tourism, or ecotourism, highlighting natural sites like beaches, waterfalls, and

caves; and religious tourism, focused on pilgrimage sites and spiritual experiences [<sup>14</sup>].

While the allure of travel and exploration seems universally felt, the precise understanding of "tourism" itself remains surprisingly fluid. Across cultures and disciplines, interpretations abound, encompassing everything from fleeting leisure vacations to transformative journeys of cultural immersion. Some consider it an economic engine, others a catalyst for intercultural exchange, and still others find it a gateway to personal growth and environmental awareness.

Navigating the diverse and sometimes conflicting perspectives on tourism, the United Nations World Tourism Organisation (UNWTO) offers a standardised definition aiming to establish a common ground for understanding this multidimensional phenomenon. The UNWTO defines tourism as the activities of visitors "taking a trip to a main destination outside [their] "usual environment for less than a year, for any purpose (business, leisure, or other personal purposes) other than to be employed by a resident entity in the country or place visited" [<sup>15</sup>].

Meanwhile, the global body also identifies the term as:

A social, cultural and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/ professional purposes.... [The] people [engaged in tourism] are called visitors (which may be either tourist or excursionists; residents or non-residents) [;]and...[some of] ...their activities...involve tourism expenditure [<sup>16</sup>].

Despite these nuanced differences, both definitions converge on several key points. They both recognise the movement of people outside their usual environment as a defining characteristic of tourism. They also acknowledge the variety of motivations for travel, encompassing leisure, business, and other personal or professional purposes. Importantly, both highlight the temporary nature of tourism experiences, distinguishing visitors from long-term residents or migrant workers.

al-development/2016/jun/02/niger-delta-oil-spill-clean-up-launched-ogoniland-communities-1bn?amp\_js\_v=a6&amp\_gsa=1&usqp=mq331AQIUA KwASCAAgM%3D#aoh=17067861659435&referrer=https%3A%2F%2Fwww.google.com&amp\_tf=From%20%251%24s&ampshare=https%3A%2F%2Fwww.theguardian.com%2Fglobal-development%2F2016%2Fjun%2F02%2Fniger-delta-oil-spill-clean-up-launched-ogoniland-communities-1bn; Odenthal, F. (n.d.) Eco-Crimes: Shell and the Niger Delta." Retrieved January 23, 2024 from <https://www.fairplanet.org/dossier/eco-crimes-shell-and-the-niger-delta/cleaning-up-the-niger-delta/>

<sup>13</sup> NCAC (National Council for Arts and Culture) Admin. (20 June 2022). "Runsewe Proffers Solution to

Aviation and Tourism." Retrieved December 26, 2023 from <https://www.ncac.gov.ng/news/runsewe-proffers-solution-to-aviation-and-tourism-in-nigeria/>

<sup>14</sup> Aremu, D. (2001). Cultural and Tourism Development in Nigeria. Ibadan, Nigeria: Hope Publishers, cited by Dele Jemirade (January – March 2021). Tourism: The missed Opportunities for Economic Development in Nigeria. Journal of African Studies and Development, 13(1), 15-22.

<sup>15</sup> See IRTS (International Recommendations for Tourism Statistics) para 2.9

<sup>16</sup> See, UN Tourism, "Glossary of Tourism Terms." Retrieved August 21, 2023, from <https://www.unwto.org/glossary-tourism-terms;> See also, IRTS 2008, para. 1.1.

This shared conceptual ground provides a crucial foundation for measuring and analysing tourism's impact on societies and economies. However, the divergent aspects of the definitions also offer valuable insights. The focus of the prior definition on duration helps differentiate between short-term tourist visits and longer-term stays driven by other purposes. Conversely, the broader frame of the second definition highlights the multifaceted nature of tourism, encompassing a wider range of travel motivations and their associated social, cultural, and economic implications.

Ultimately, recognising both the commonalities and disparities within these definitions can foster a more comprehensive understanding of tourism as a complex and dynamic phenomenon. This understanding is vital for guiding research, developing effective policies, and designing sustainable tourism models that benefit both visitors and host communities.

## 2.2 Tourists and Excursionists

A tourist, also known as an overnight visitor, is someone whose journey includes an overnight stay [17]. In other words, arrival and departure take place on separate calendar days [18].

On the other hand, an excursionist, otherwise known as a same-day visitor, is one whose trip does not include an overnight stay [19]. The IRTS standard, therefore, is that visits that do not require an overnight stay must be classified as same-day trips [20].

## 2.3 The Tourism Chain

The broad scope of tourism leads it to intersect with numerous activities and sectors, like transportation and hospitality. This intersection, in turn, informs a definition proposed by the duo of Goeldner and Ritchie, who saw tourism as “the processes, activities, and outcomes arising from the relationships and interactions among tourists, tourism suppliers, host governments, host communities, and surrounding environments that are involved in attracting and hosting visitors” [21].

<sup>17</sup> IRTS 2008, para 2.13; see also, Peter, C. (2020). Who Are the Tourists? *E-Journal of Tourism*, 7 (1), 138 – 136.

<sup>18</sup> Statistics Canada, Frontier Counts Program. (2022). Conceptual Relationship between travellers, visitors, excursionists and tourists as defined by the Frontier Counts Program. Retrieved January 2, 2024, from [https://www.statcan.gc.ca/en/statistical-programs/document/5005\\_D3\\_V1](https://www.statcan.gc.ca/en/statistical-programs/document/5005_D3_V1)

<sup>19</sup> IRTS 2008, para 2.13; see also Article 1 (d), Framework Convention on Tourism Ethics. Note that an excursionist is also known as “day-tripper.” The term a term “day-tripper,” as defined by the Cambridge Dictionary refers to someone who makes a single day visit to a location – see Cambridge Dictionary, “Day tripper”

<<https://dictionary.cambridge.org/us/dictionary/english/day-tripper>> accessed 13 November, 2023

From the foregoing, the tourist experience of a visitor may revolve around more than one sector. This interconnectedness of various sectors within the tourism industry is captured by the concept of “the tourism supply chain” [22].

## 2.4 Tourism Industry

The tourism industry encompasses the entire ecosystem of organisations, entities and activities involved in creating and facilitating travel experiences for tourists. The focus of the tourism industry is the overall development, promotion and regulation of tourism, attracting visitors, generating revenue and contributing to the economy.

Having clarified the main concepts employed in this work, we may now proceed with the details of the discussion.

## 3.0 Tourism in the Current Nigerian Legal Landscape

The tourism industry is a complex web of various stakeholders, each playing an important role in driving its growth and shaping its future. As indicated at the onset, it is comprised of an intricate network of participants with an interest in the development, marketing, and management of tourism destinations [23].

In this segment, therefore, we shall examine the various stakeholders in the tourism industry and the framework governing tourism in Nigeria. Thereafter, we shall identify the strengths and weaknesses of the current system as well as the ways in which law can be employed to reshape the narrative of Nigerian tourism.

## 3.1 Who are the Stakeholders in Tourism Development and why do they Matter?

A stakeholder, as identified by R. Edward Freeman, simply refers to “any group or individual who can affect or is affected by the achievement of the organisation’s objectives” [24].

<sup>20</sup> IRTS 2008, para 3.27

<sup>21</sup> Amoako, G. K., Obuobisa-Darko, T. and Marfo, S. O. (2020). Stakeholder Role in Tourism: The Case of Kwame Nkrumah Mausoleum and Centre for Art and Culture in Ghana. *International Hospitality Review*, (36)1, 25-44

<sup>22</sup> Westcott, M. and Anderson, W. (eds.) 2021, Introduction to Tourism and Hospitality in B.C” (2<sup>nd</sup> edition). BC Campus. Retrieved 15 November 2023 from <https://opentextbc.ca/introtourism2e/>

<sup>23</sup> See Article 1(e) Framework Convention on Tourism Ethics; see also IRTS, 2008, para 1.4

<sup>24</sup> Freeman, R. E. (1984). *Strategic Management: A Stakeholder Approach*, England, Cambridge University Press.

In our context, stakeholders of the tourism industry, as adapted from the definition of Alice Wanner and Ulrike Pröbstl-Haider [25], are individuals or groups who have interests in the development of tourism and may benefit from the success or growth of the industry in a direct or indirect manner. Stakeholders, it may be noted, can range from government entities to local communities, businesses, or tourists themselves.

As Goeldner and Ritchie suggest, the four key stakeholders in tourism development are: tourists, tourism businesses, the government of the host community, and local residents of the tourism destinations [26].

However, the UNTWO Framework Convention on Tourism Ethics adopts a broader view [27]. Article 1 (e) of the Convention provides that the list of stakeholders in tourism development includes as follows:

- (a) National governments;
- (b) Local governments with specific competence in tourism matters;
- (c) Tourism establishments and tourism enterprises, including their associations;
- (d) Institutions engaged in financing tourism projects;
- (e) Tourism employees and professionals;
- (f) Trade unions of tourism employees;
- (g) Tourists and excursionists;
- (h) Local populations and host communities at tourism destinations through their representatives; and
- (i) Other juridical and natural persons having stakes in tourism development including, non-governmental organisations specializing in tourism and directly involved in tourism projects and the supply of tourism services.

Implicit in the above definition is that each stakeholder has different motivations and objectives, which ultimately influence their impact on the industry

<sup>25</sup> Wanner, A. and Pröbstl-Haider, U. (2019). Barriers to Stakeholder Involvement in Sustainable Rural Development – Experiences from South Eastern Europe. *Sustainability*, 11 (12) January 8, 2024, from, <https://doi.org/10.3390/su11123372>

<sup>26</sup> Kofi Amoako, G., Obuobisa-Darko, T. and Ohene Marfo, S. *op. cit.*,

<sup>27</sup> Hereinafter referred to as FCTE, The UNWTO Framework Convention on Tourism Ethics and its Optional Protocol, 2020<sup>27</sup> were adopted by the General Assembly at its 23<sup>rd</sup> Session through the Resolution A/RES/722(XXIII). It is centred on the nine core principles of the Global Code of Ethics for Tourism. It was ratified by Nigeria on 19<sup>th</sup> April, 2022. <sup>27</sup> In summary, it aims to promote responsible, sustainable and universally accessible tourism through the implementation of ethical principles in in tourism.

as a whole. Understanding the perspectives and roles of these stakeholders and how they affect the industry or may otherwise be affected by the developments in the sector is crucial to comprehending how the field operates and evolves [28].

### 3.2 Unveiling the Stakeholders in the Nigerian Tourism Industry

Drawing inspiration from the comprehensive classifications of the Framework Convention on Tourism Ethics, let us embark on a journey to unveil the vibrant tapestry of stakeholders woven into the fabric of Nigerian tourism development.

#### 1. Governments

The role of government in Nigerian tourism development extends to the three levels of government, viz., the federal, state, and local governments. Generally, the institutions of government involved in tourism development may be identified as follows: “the legislature, government departments and authorities, the judiciary, enforcement agencies... government-business enterprises and corporations, [and] regulatory authorities...” [29]

Specific roles of some governmental institutions are highlighted below:

##### a) The Federal Government of Nigeria (FGN):

The federal government has the pivotal role of shaping the tourism landscape of Nigeria. In this regard, the Federal Ministry of Tourism acts as the central hub for policy development and monitoring, ensuring consistent guidelines across the various state governments and local governments [30]. It serves as the primary point of contact for all tourism-related matters within the government.

With other numerous supportive players, the Nigerian Tourism Development Corporation (NTDC) drives promotion efforts, positioning the country as a domestic and international tourist destination for leisure, business, religion, festivals, and commerce.

<sup>28</sup> de Moraes Lopes, M. (5 October 2021). “Stakeholder Engagement in Destination Planning.” Retrieved December 28, 2023 from, <https://www.solimarinternational.com/stakeholder-engagement-in-destination-planning/>

<sup>29</sup> Oloidi, A. J. (2019). National Tourism Policy in Nigeria: Issues and the way Forward, (Conference Paper) 23-

33. Published in the 4<sup>th</sup> Biennial Multidisciplinary Conference Proceedings of the Association for Tourism Development in Nigeria (ATDiN) titled *Beyond Rhetoric and idealism: Propelling a Pragmatic and Sustainable Tourism Industry in Nigeria* held at the University of Nigeria, Nsukka, Enugu State Nigeria from 13<sup>th</sup> -13<sup>th</sup> November, 2019

<sup>30</sup> See generally, the NTDC Act, Cap. N137 LFN, 2004

## b) The State Governments:

While the Federal Ministry of Tourism sets national directives and policies, state ministries of tourism play a crucial role in driving local growth. They launch initiatives tailored to the unique offerings of their respective areas, overseeing and actively fostering tourism within their respective boundaries.

Furthermore, state tourism boards (STBs) serve as vital partners for the Nigerian Tourism Development Corporation (NTDC). They assist in implementing the NTDC Act, ensuring compliance with its provisions, and working collaboratively to promote and develop tourism within the state.<sup>31</sup> This partnership leverages the NTDC's national reach with state-specific knowledge and insights, creating powerful synergy that drives progress on the ground.

## c) Local Government Areas (LGAs):

Local government areas, also known as local government councils [ <sup>32</sup> ], are established by the constitution and designated with specific roles, as outlined in the 4th Schedule [ <sup>33</sup> ].

While operating within the framework of guidance and oversight of the NTDC and the State Tourism Boards in matters concerning tourism, LGAs have the responsibility of enhancing tourism within their areas of jurisdiction. These responsibilities can be broadly categorised as follows [ <sup>34</sup> ]:

- i. **Resource identification and advocacy:** LGAs proactively scout potential tourist attractions within their territories, assess their development potential, and advocate for their inclusion in the state tourism plans. This proactive approach ensures diverse and unique offerings within the broader national tourism landscape.
- ii. **Expertise and Advisory Services:** Possessing in-depth knowledge of their communities and resources, LGAs offer valuable consultation and advice on all tourism-related matters within their domain. This expertise informs strategic planning at both local and national levels, fostering alignment with community needs and ensuring sustainable tourism practices.
- iii. **Cultural Guardianship and Preservation of Historical Treasures:** Acting as custodians of local heritage, LGAs actively protect historical treasures such as museums and monuments in their jurisdiction. This commitment to cultural

preservation safeguards the unique character of each area, enriching the tourist experience and promoting cultural awareness.

- iv. **Community Engagement and Mobilisation:** Recognising the essential role of local communities in successful tourism development, LGAs proactively inspire and nurture enthusiasm for tourism among residents. This fosters a sense of ownership and participation, ensuring that tourism benefits the entire community and contributes to its social and economic well-being. By effectively fulfilling these vital roles, LGAs play a pivotal role in propelling national tourism development and ensuring its long-term sustainability.

## 2. Tourism Establishments and Enterprises

Tourism establishments are businesses or organisations that offer goods and services to tourists, serving their needs and ensuring that they have a pleasant experience. The most typical types of tourism establishments are: accommodation [ <sup>35</sup> ], food and beverage (F&B) [ <sup>36</sup> ], transportation [ <sup>37</sup> ] and cultural attractions [ <sup>38</sup> ].

In terms of employment generation, accommodation facilities absorb significant workforces, while the transportation and F&B sectors offer a multitude of job opportunities, mitigating unemployment and fostering local income growth.

## 3. Finance Institutions Engaged in Tourism Projects

The growth of tourism hinges on a strategic financial ecosystem. Lending institutions, development banks, and specialised financiers orchestrate the flow of capital, enabling business expansion and infrastructure upgrades. This vital synergy demands a robust legal framework for corporate finance.

## 4. Tourism Employees and Professionals

Of immense importance to the industry are the employees and professionals, who constitute the lifeblood of the industry, operating facilities at the various destinations and being at the forefront of providing products and services.

## 5. Trade Unions of Tourism Employees

As representatives of the workforce, trade unions are critical players in the tourism industry [ <sup>39</sup> ]. Traditionally viewed as enforcers of fair wages and safe

<sup>31</sup> See s. 9 NTDC Act.

<sup>32</sup> See s. 7 (1) CFRN 1999

<sup>33</sup> See ss. 3 (6) CFRN 7 and 8 CFRN 1999

<sup>34</sup> See s. 10 (3) NTDC Act

<sup>35</sup> Such as hotels, motels, meeting and convention centres, spas, country clubs, etc

<sup>36</sup> They provide meals and drinks to tourists and these include restaurants, cafes, bars and night clubs, etc

<sup>37</sup> They provide transportation to and from tourist destinations, e.g., airlines, tour buses, car rental companies, etc

<sup>38</sup> These provide entertainment and educational experiences for tourists, E.g., museums, theme parks, historical sites and sporting events

<sup>39</sup> The Federation of Tourism Association (FTAN) serves as a vital voice for private sector employees in the Nigerian Tourism Industry. Information available on its

working conditions, trade unions in the tourism sector have evolved into active collaborators, shaping the future of the industry.

As Jeremy Howard of the Tourism Union of South Africa (TUSA) once stated in a presentation at the South African National Assembly, trade unions can assist in formulating and executing workplace regulations [40], encouraging civic engagement, which fosters development and democracy; supporting the establishment of skill-development programmes, which facilitates opportunities for career progression and professional development; stabilising the work environment by fortifying institutions for resolving disputes; and supporting the establishment of minimum standards [41]. The harmonious interplay of labour law and tourism should thus be a matter of interest to all responsible and responsive governments.

## 6. Tourists and Excursionists

Tourists and excursionists are not just passive observers; they are active participants in shaping the destiny of tourism destinations. Their role as consumers also has a positive impact on the development of tourism. For instance, purchases of artefacts from local artisans help preserve traditions and support local businesses. Hence, adequate legal protection for the rights of tourists and excursionists is a necessary aspect of promoting a great future for the industry.

## 7. Local Populations and Host Communities at a Tourism Destination

The participation of local communities is an important component in the development and management of tourism activities. Respecting cultural practices through a legal mechanism is one way to gain the trust and participation of locals in ecotourism initiatives.

## 8. Other Interest Groups in Tourism Development

While there may be other groups with interests linked to the development of tourism in Nigeria, we shall limit our discussion to the press and traditional institutions:

- a) **The Press:** The role of the Nigerian press is fundamental in selling the country as a tourism haven. Accordingly, objective reportage and other tenets of media law become a tool for

reinventing and reimagining the future of tourism in Nigeria.

- b) **Traditional Institutions:** Traditional rulers, as custodians of culture and tradition, also come within the ambit of stakeholders of tourism. As observed by Alatis, Adesina and Gbemisoye, "Traditional rulers are the symbol and custodian of their cultural heritage through which traditions, religion and customs are preserved" [42].

## 3.3 FCTE Provisions on the Responsibility of Tourism Stakeholders

In considering the role of stakeholders in tourism development, Article 9 of the FCTE prescribes a list of minimum standards for tourism stakeholders. First and foremost, states are responsible for ensuring that tourism professionals provide objective and honest information about destinations, travel, hospitality, and accommodations. In addition, professionals must use understandable language in contracts, providing financial compensation to clients when contractual obligations are not met [43].

Tourism professionals, under the convention, are also required to prioritise the security, safety, health, and food hygiene of tourists, collaborating with public authorities where necessary, guaranteeing adequate insurance and assistance systems for tourists facing emergencies or unforeseen events, and accepting and fulfilling reporting requirements mandated by national regulations [44].

The FCTE also provides that, where possible and appropriate, professionals should facilitate experiences that enrich the cultural and spiritual well-being of tourists in their travels [45].

The Convention further highlights the shared responsibility of both origin and destination countries, along with tourism professionals, to guarantee mechanisms for swift and safe tourist repatriation in all situations. This means ensuring tourists can return home promptly and securely regardless of the circumstances [46].

website shows FTAN has over 23 associations registered with it. Information retrieved December 31, 2023, from <https://ftan.org.ng/about/>

<sup>40</sup> Howard, J. (September 18, 2013) A presentation made on behalf of the Tourism Union of South Africa (TUSA) to the Portfolio Committee on Tourism in the National Assembly of South Africa. Retrieved December 31, 2023, from <https://pmg.org.za/files/130918tusa.ppt>; See also Obiekwe, O. and Obihunum, L. (2019). The Roles of labour Union in Nigeria Industrial harmony and

Development. *International Journal of Sustainable Development & World Policy*, 8(1), 10–20.

<sup>41</sup> Jeremy Howard, *op. cit.*,

<sup>42</sup> See, Alatis, A. Adesina, K. and Gbemisoye, J. (October 2016). Traditional Rulers and the Promotion of national Unity in Nigeria – Emerging Trends, *Nigerian Journal of Social Studies*, XIX (2), 147-160

<sup>43</sup> Article 9 (1) FCTE

<sup>44</sup> *Ibid.*, Art 9 (2) FCTE

<sup>45</sup> Article 9 (3) FCTE

<sup>46</sup> Art 9 (4) FCTE

In addition, governments have the right and duty to inform citizens about potential dangers abroad, especially during crises, but must do so responsibly [47].

Article 9 (6) emphasises the dual role of the media, particularly the travel press, and new technologies in shaping the tourism landscape. On the one hand, they wield the power to influence tourist flows through their portrayal of destinations and events. This responsibility demands honest and balanced reporting, avoiding sensationalised headlines or biased coverage that could unfairly hinder tourism in certain regions. Instead, accuracy and reliability should be paramount, ensuring consumers receive trustworthy information about available tourism services and potential travel disruptions.

Besides, Article 9 (6) provides that the development and use of online platforms, e-commerce tools, and similar technologies must align with the ethical principles of responsible reporting and consumer protection and should not become vessels for exploitation, particularly within the vulnerable demographic of tourists [48]. Additionally, the media has a duty not to promote sexual exploitation in tourism but to actively dismantle it, raising awareness and amplifying the voices of vulnerable individuals. By upholding these ethical standards, the media can contribute to a more responsible and sustainable tourism industry, one that prioritizes not just economic gain, but also the well-being and safety of all stakeholders [49].

On the whole, in providing for the responsibility of tourism stakeholders, Article 9 FCTE underscores three cardinal points:

Firstly, all tourism stakeholders, (governments, businesses, communities, workers, NGOs and tourists) share diverse, yet interconnected responsibilities for developing tourism sustainably and ethically;

Secondly, defining their individual rights and duties is crucial for achieving this goal; and

Thirdly, both governments and businesses have a shared responsibility to protect and respect human rights within the tourism industry.

### 3.4 Stakeholder Engagement and the Future of the Tourism Industry in Nigeria

It can be seen that the interests and priorities of stakeholders in the tourism industry vary. To make laws and execute tourist policies and programmes that benefit all stakeholders, it is critical to comprehend these interests and priorities. Hence the necessity of stakeholder engagement.

This important aspect of tourism development requires collaboration with various players in the field, from government agencies and tourism professionals [50], to businesses, seniors, people with disabilities, and anyone whose path intersects with the industry [51]. This inclusive approach ensures all perspectives are heard when crafting tourism laws and policies, building trust between practitioners and tourists.

Engagement comes in many forms: Holding discussions and meetings, assembling issue-specific advisory groups, gathering feedback through surveys, etc.

### 4.0 The Regulation of Tourism Business in Nigeria

The primary goal of tourism law, as emphasised by Stavros Andriopoulos [52], is to create a regulatory framework for the correct use, development and control of tourist activities in line with global best practices [53]. The BFA of 2023, essentially an omnibus Act, is at the forefront of unlocking the potentials of tourism in Nigeria. A glimpse of its transformative amendments are as follows:

- a) **Bosting Trade:** In amending the Customs and Excise Management Act [54], the BFA established a centralised “Single Window” [55]

<sup>47</sup> Art 9 (5) FCTE

<sup>48</sup> Article 9 (6) FCTE

<sup>49</sup> *Ibid.*

<sup>50</sup> Regarding stakeholder involvement, Oloidi believes that a significant challenge facing Nigeria's tourist sector is the underrepresentation of professionals in the development, planning, execution, and oversight of tourism policy – See, Oloidi, A. J. *op. cit.*

<sup>51</sup> For a robust discussion on Stakeholder participation in the tourism industry, its advocates and opponents as well as the benefits of stakeholder involvement and barriers to participatory development, see Alice Wanner, and Ulrike Pröbstl-Haider, *op. cit.*

<sup>52</sup> Andriopoulos, S. (May 31, 2021). “Travel and Tourism Law: What you need to know in 2021” *Travel Daily News International*. Retrieved January 12 2024 from

<https://www.traveldailynews.com/column/featured-articles/travel-tourism-law-what-you-need-to-know-in-2021/>

<sup>53</sup> Some of the key features of tourism law include the Regulation of travel agencies and tour operators, protection of tourists, preservation of natural and cultural resources – see for instance s. 4 (3) NTDC Act; regulation of hotel and lodging facilities – see ss. 4 (2) (d), 14, 15 and 30 NTDC Act; promotion of tourism development through various measures such as tax incentives for tourism-related businesses or funding for tourism marketing campaigns.

<sup>54</sup> *Cap. C 45 LFN 2004*

<sup>55</sup> The Act defined the term “Single Window” as “a platform or facility that allows parties involved in trade and transport to lodge trade-import export or transit-data required by government departments, authorities or



platform for customs operations, thus expediting trade facilitation [56].

- b) **Modernising Ports:** Following the amendment of the Nigerian Ports Authority Act [57] by the BFA, port operations are now digitised, embracing the “Single window” system and removing unauthorised personnel from the ports, thus paving the way for smoother logistics and enhanced transparency.
- c) **Enhancing Immigration:** The BFA has also paved the way for automated immigration services [58] and a swift 48-hour turnaround for visa applications (issue or rejection) [59]. Additionally, visa on arrival and other visa entry requirement, including processing timelines are now to be clearly published on all immigration websites, Embassies and High Commissions and all Nigerian ports of entry [60].
- d) **Streamlining Standards:** As part of its business facilitating measures, the BFA expedites legal proceedings against the Standards Organisation of Nigeria (SON) by requiring only a 30- day pre-action notification, compared to the earlier 3-month period.

Among other benefits, the amendment emphasises open communication and early engagement between SON and potential litigants. This can lead to better understanding between both parties and potentially resolve issues without resorting to legal action.

Moreover, streamlined legal procedures, made possible by the BFA amendment can improve the perception of Nigeria’s business environment for foreign and domestic investors, leading to further economic growth and a positive impact on the tourism industry.

- e) **Promoting Technology Transfer:** Recognising the importance of knowledge sharing, the BFA [61] offers a welcome relief for companies transferring foreign technology.

While the NOTAP Act requires contracts for the transfer of foreign technology to registered within 60 days [62] of signing, section 5 (2) of the Act now includes a provision that companies, in their first two years of business operations are exempt from late fees, if they register before the end of the second year [63].

agencies through a single entry-point interface to fulfil all import, export and transit related and other regulatory requirements” – see s. 25 SBA which amended s. 2 of the Customs and Excise management Act

<sup>56</sup> See section 26 FBA, 2023 (which amended the Customs and Excise Management Act by inserting sections 18A and 18B therein)

<sup>57</sup> Cap. N126 LFN, 2004

<sup>58</sup> S. 37 (5) BFA

This simplifies technology transfer and encourages collaboration with global partners, fuelling further innovation and economic growth. All sectors of the Nigerian economy stand to benefit in this regard.

- f) **Unlocking Opportunities through the NIPC Revamp:** The BFA’s transformative touch through the amendment of sections 20 and 22 of the NIPC Act [64] unlocks a vibrant future brimming with potential. For the Nigerian nation, it holds enormous prospects for accelerated economic growth. Attracting strategic investments can lead to job creation, technology transfer, and economic diversification, thus, boosting overall growth.

For investors on the other hand, the amended NIPC Act offers the following benefits:

- i. **Increased Investment Attractiveness:** By identifying priority areas and offering tailored incentives, the provision makes Nigeria a more attractive destination for strategic investments. Investors will have a clearer understanding of the government's priorities and the potential benefits available to them.
- ii. **Enhanced Competitiveness:** The ability to negotiate additional incentives beyond the standard package gives investors an edge over competitors who may not qualify for strategic status. This can be crucial for securing large and critical investments.
- iii. **Reduced Investment Risks:** The transparency introduced by publishing the criteria for strategic investments and negotiated incentives builds trust and reduces uncertainty for investors. They can be confident that the process is fair and objective.
- iv. **Streamlined Process:** The NIPC's involvement in designating strategic investments and negotiating incentives can simplify the process for investors, providing a single point of contact and expertise.

One of the main features of the NIPC Act is the liberalization of the Nigerian economy and the establishment of the Nigeria Investment and Promotion Commission (NIPC). The function of Commission is to regulate, “encourage, promote and co-ordinate investment in” Nigeria [65]. Its One-Stop-Investment

<sup>59</sup> See s. 36 (8) of the BFA which amends s. 20 of the Immigration Act, 2015

<sup>60</sup> See s. 36 (9) of the BFA

<sup>61</sup> S. 48 (BFA)

<sup>62</sup> S. 4 (d) NOTAP Act

<sup>63</sup> See s. 48 BFA

<sup>64</sup> Cap. N117 LFN, 2004

<sup>65</sup> See s. 4 NIPC Act

Centre (OSIC) [66] offers unparalleled ease of entry to foreigners wishing to invest in Nigeria. At the OSIC, all critical agencies are readily available to provide comprehensive support and to facilitate the investment journey of foreign investors.

While foreigners are prohibited from doing business in the items contained in the “Negative List” [67], the NIPC Act protects the rights of investors [68] and promotes effective means of settling business disputes [69].

Although registration with the Corporate Affairs Commission is a legal requirement for foreign companies operating in Nigeria [70], the provision of CAMA, 2020 on this obligation does not impact the existing status of two types of foreign companies:

- (a) foreign companies already granted exemption from Nigerian company laws before the Act remain exempt;
- (b) Foreign companies exempted under any treaty Nigeria has signed, also remain unaffected by this Act [71].

In General, the reforms offer promising avenues for establishing Nigeria as a leading destination for business and leisure.

### 5.0 The Effectiveness of Law in Re-inventing Tourism: The Challenges Ahead

Notwithstanding the potential for law to emerge as significant force for re-inventing and re-imagining the future of tourism in Nigeria, its full effectiveness is constrained by some significant challenges. Recognising and addressing these limitations is crucial for crafting effective legal frameworks that will truly foster a sustainable and resilient tourism industry.

The ineffectiveness of the law in this regard stems from three main challenges: Poor enforcement mechanisms, an unstable policy environment, and a lack of stakeholder involvement in tourism development laws:

- 1) **Poor Enforcement Mechanisms and Tourism Development:** The reinvention of tourism hinges on the effective implementation of policies and regulations that promote

sustainability, responsible practices, and a positive impact on destinations. However, the lofty aspirations of legal frameworks often fall short due to the crippling grip of poor enforcement mechanisms.

- 2) **Unstable Policy Environments and Tourism Development:** The Nigerian tourism sector has experienced significant instability in recent years, exemplified by the 2015 dissolution of the Ministry of Tourism and its subsequent merger with the Ministry of Information under the Buhari administration. This restructuring decision, which was later reversed with the re-establishment of the Ministry by the successive government, raises concerns about the potential negative impact of inconsistent policy shifts on long-term tourism development goals.
- 3) **Lack of Stakeholder Involvement in Developing Tourism Laws:** Stakeholders such as PWDs are often not consulted or involved in the formulation of tourism laws, particularly in ensuring that their needs as members of society are well considered. This is also a drawback to tourism development.

### 6.0 Law as a Catalyst for Reinventing and Reimagining the Future of Tourism in Nigeria: The need for Proactive Legal Reforms

In this section, our proposals for legal reforms will be discussed under three headings: (1) Policy and regulatory framework; (2) consumer protection law; (3) the application of technology; and (4) addressing security concerns through reforms in the travel law.

#### 6.1 Policy and Regulatory Framework: A Call for Action

While strengthening data privacy laws is crucial for aligning with global best practices, it represents just one facet of a multi-pronged approach needed to revitalize Nigeria's tourism industry. The government must also fulfil its fundamental role in providing basic necessities like security, good transportation infrastructure, and a functional communications network. These preconditions will foster a more conducive environment for tourism to flourish.

<sup>66</sup>Presently, the OSIC has 27 participating agencies. The list, was of agencies was retrieved January 24, 2024, from <https://www.nipc.gov.ng/getting-started>. On the current moves being made by the NIPC, in line with its mandate to promote foreign investment, see for instance: “NIPC welcomes German Private Sector Delegation to Strengthen Business Ties and Explore Investment Opportunities.” Retrieved 22 January 2024 <https://www.nipc.gov.ng/2023/12/12/nipc-welcomes-german-private-sector-delegation-to-strengthen-business-ties-and-explore-investment-opportunities/Investment>

<sup>67</sup> See s. 18 NIPC Act, Cap. N 17, LFN 2004. For the purpose of clarification, the “Negative list” relates to the following items: The production of arms and ammunitions; the production of and dealing in narcotic drugs and psychotropic substances; the production of military and paramilitary wears and accoutrement, including those of the police, the customs, immigrations, and prison services - s. 31 NIPC Act.

<sup>68</sup> See for instance, s. 25 of the NIPC Act

<sup>69</sup> See s. 26 NIPC Act

<sup>70</sup> s. 78 (1) CAMA

<sup>71</sup> See s. 78 (2) and (3) CAMA

### (a) Data Privacy in the Age of Digital Tourism: Necessity and Opportunity

The embrace of innovative technologies is an undeniable catalyst for reinventing and reimagining the tourism landscape. Initiatives like the "Tourism Hackathon Nigeria," spearheaded by the NTDC illustrate this potential. As acknowledged by the NTDC Director, "the hackathon" aimed to leverage digital tools to address industry challenges specific to the Nigerian context, encompassing issues like pricing strategies, secure payment systems, customer service optimization, booking management, data analytics, distribution channels, and logistical complexities [72].

Enhancing data privacy regulations must complement such initiatives. In a world rife with cyber-attacks across various digital platforms, robust legal frameworks are imperative. These frameworks should incentivize tourism stakeholders in Nigeria to prioritize data privacy and implement secure data management practices. Such steps will not only bolster consumer trust but also position Nigeria as a responsible and secure destination in the global tourism marketplace.

### (b) Promoting the Right to Education and Equipping the Tourism Industry for Inclusivity and Growth

Educational institutions play a pivotal role in the burgeoning field of tourism. As UNWTO Secretary-General Zurab Pololikashvili aptly remarks, equipping the industry with "the right skills and knowledge" is fundamental to building "a more resilient, sustainable sector and [to] further boost tourism's role in our economies and societies" [73].

Undoubtedly, without a robust tourism education system, crucial areas like disability awareness and elderly-friendly service suffer, hindering the ability of the industry to cater for diverse clientele and maximising its potential. Training skills should equip tourism staff with skills like sign language basics,

wheelchair navigation assistance and understanding specific dietary needs of seniors.

Investing in NIHOTOUR (National Institute for Hospitality and Tourism), through the yearly Appropriation Act is critical for developing the manpower needs of the industry in Nigeria [74].

### (c) The Lingering Absence of the Tourism Satellite Account in Nigeria: Impeding Effective Planning and Development

Despite the formulation of the Nigeria Tourism Development Master Plan (NTDMP) in 2006, the crucial Tourism Satellite Account (TSA) remains unimplemented. This standardized quantitative tool for capturing tourism-related data is essential for coordinating nationwide tourism planning and development. Its absence significantly hinders research and policy formulation, impacting the potential of the sector.

The NTDMP explicitly advocated for the TSA's establishment, recognizing its pivotal role in providing accurate and comprehensive data. Unfortunately, researchers and policymakers currently rely on data from disparate sources, such as transport and travel agencies, border entries, and accommodation services. These disparate sources, however, lack the necessary depth and breadth to inform sound budgetary allocations and effective policy interventions [75].

Consequently, the lack of robust tourism data impedes efforts to quantifying the contribution of the sector to GDP, employment, and foreign exchange earnings.

## 6.2 Consumer Protection: Strengthening Inclusivity in Tourism Planning

Ensuring a thriving and responsible tourism industry demands not just environmental care but also

<sup>72</sup> Suleiman, Y. (November 7, 2022). "NTDC lunches 'Tourism Hackathon Nigeria' to reinvent nation's tourism industry." *Vanguard*. Retrieved December 23, 2003

[https://www.vanguardngr.com.cdn.ampproject.org/v/s/www.vanguardngr.com/2022/11/ntdc-launches-tourism-hackathon-nigeria-to-reinvent-nations-tourism-industry/?amp\\_js\\_v=a6&amp\\_gsa=1&usqp=mq331AQIUAKwASCAAgM%3D#aoh=17066084078599&referrer=https%3A%2F%2Fwww.google.com&amp\\_tf=From%20%251%24&ampshare=https%3A%2F%2Fwww.vanguardngr.com%2F2022%2F11%2Fntdc-launches-tourism-hackathon-nigeria-to-reinvent-nations-tourism-industry%2F](https://www.vanguardngr.com.cdn.ampproject.org/v/s/www.vanguardngr.com/2022/11/ntdc-launches-tourism-hackathon-nigeria-to-reinvent-nations-tourism-industry/?amp_js_v=a6&amp_gsa=1&usqp=mq331AQIUAKwASCAAgM%3D#aoh=17066084078599&referrer=https%3A%2F%2Fwww.google.com&amp_tf=From%20%251%24&ampshare=https%3A%2F%2Fwww.vanguardngr.com%2F2022%2F11%2Fntdc-launches-tourism-hackathon-nigeria-to-reinvent-nations-tourism-industry%2F)

<sup>73</sup> UNWTO, "Tourism's Importance for Growth Highlighted in the World Economic Outlook Report." Retrieved December 23, 2023 from <https://www.unwto.org/news/tourism-s-importance-for-growth-highlighted-in-world-economic-outlook>

report#:~:text=Tourism%20key%20sector%20for%20growth,robust%20levels%20of%20economic%20activity

<sup>74</sup> The history of NIHOTOUR can be traced back to 1987, when the Nigerian government, the United Nations Development Programme (UNDP), and the International Labour Organisation (ILO) signed a tripartite agreement as part of a comprehensive approach to develop tourism in Nigeria. After the success of the initial phase however, the UNDP and the ILO were forced to discontinue with their support due to instability in the nation at that time. The institute underwent a complete transformation into a government parastatal in 1999 see NIHOTOUR, "About Us." Retrieved December 29, 2023 <<https://nihotour.gov.ng/about-us/>>

<sup>75</sup> Oloidi, *op. cit.*, p. 26; see also Coker, F. (19 August 2023). "Nigerian Tourism on the cusp of global Reckoning" *The Cable*. Retrieved January 21, 2024, from [https://www.thecable.ng/nigerian-tourism-on-the-cusp-of-global-reckoning/amp](https://www.thecable.ng/nigerian-tourism-on-the-cusp-of-global-reckoning/)

the inclusion of elderly consumers, PWDs (persons with disability) [76], children and other vulnerable persons in tourism planning.

As potential consumers of tourism products, children need protection from commercial sexual exploitation in travel and tourism. In a frightening revelation, ECPAT International [77] notes as follows:

Even though the largest portion of the child sex trade caters to local clients, the incidence of tourists from industrialised countries travelling to developing countries to purchase sexual services of local children and women is a very visible part of the problem of child-sexual exploitation [78].

For PWDs, inclusivity will require the following crucial steps:

- (a) **Identifying and Promoting Accessible Destinations:** Identifying and promoting tourism destinations that are specifically designed to be accessible to PWDs and elderly people is crucial. This could include destinations with ramps, elevators, and accessible transportation options. Inclusivity requires a more holistic approach that aligns with legal framework like the Discrimination Against persons with Disabilities Act (DAPDA). Sections 3 - 8 of Act is relevant for a truly inclusive tourism sector for PWDs.
- (b) **Providing Accessible accommodation:** Ensuring that there is a variety of accessible accommodation options available to PWDs and elderly people is essential for improved tourism experience. This could include hotels with accessible rooms, apartments with accessible features, and campgrounds with accessible facilities.
- (c) **Making Tourist Attractions Accessible:** Making sure that tourist attractions are accessible to PWDs and elderly people is equally desirable. This could involve installing ramps, elevators, and accessible restrooms. It could also involve providing audio descriptions of exhibits and tours.
- (d) **Providing Accessible Transportation:** Providing accessible transportation options for PWDs and elderly people is fundamental for inclusivity. This could include public transportation with accessible vehicles, taxis

with accessible features, and shuttles to and from tourist attractions.

- (e) **Involving PWDs in Tourism Planning:** Involving PWDs in the planning and development of tourism products and services is yet another means of promoting inclusiveness. This could involve conducting surveys, holding focus groups, and inviting PWDs to participate in tourism planning meetings.
- (f) **Tailoring Tourism Marketing for PWDs and elderly People:** Reaching PWDs and elderly individuals within the tourism market requires more than just niche advertising campaigns, it demands a nuanced and multifaceted approach that recognises their unique needs and preferences.

### 6.3 Law and the Application of Technology: A Synergistic Approach to overcoming Tourism Challenges

Law and technology offer a powerful combo to address the diverse challenges facing the Nigerian Tourism industry and may assume any of the following methods:

- a) **Data-driven Policy Making:** Tourism authorities can use tourism data analytics to inform law-making, ensuring that regulations are targeted and effective.
- b) **Enforcement and Monitoring:** Technological solutions like drones and satellite imagery can aid in monitoring compliance with environmental and safety regulations.
- c) **Digitisation:** Digitisation can increase transparency in tourism businesses and offenders held accountable for violation of legal or ethical standards.

Effective implementation in this area however, requires collaboration between the industry players.

### 6.4 Addressing Safety and Security Concerns through Reforms in the Travel Law

Safety and security concerns are at the heart of tourist activities. Indeed, s. 14 (b) CFRN 1999 provides that “the security and welfare of the people shall be the primary purpose of government.”

Whether as vacationers, holidaymakers or sightseers, tourists want to feel safe as they transverse the landscape. In the words of Zurab Pololihashvili, the UNWTO Secretary-General, “we can only restart tourism if we restore trust in travel” [79].

<sup>76</sup> See for instance, Article 6 (4) Global Code of Ethics for Tourism, 1999 (GCET)

<sup>77</sup> ECPAT is the acronym for End Child Prostitution Child Pornography and Trafficking of Children for Sexual Purposes

<sup>78</sup> See, Tepelus, C. (ed.) (2004). Code of Conduct to Protect Children from Sexual Exploitation in Travel and

Tourism: Overview and Implementation Examples. Graforama: Published by Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, with support from the World Tourism Organisation.

<sup>79</sup> UNWTO, “International Code for the Protection of Travellers.” Retrieved December 6, 2023, from

Naturally, insecurity is a factor that can deter a tourist or excursionist from visiting Nigeria. Hence, security must be accorded the priority it deserves. To this end, we further suggest as follows:

**(a) Deployment of Smart Surveillance Systems:**

The deployment of smart surveillance systems equipped with facial recognition, motion detection, and anomaly analysis is essential to deter criminal activities, monitor crowd movements, and ensure the safety of tourists and staff.

**(b) Implementing Real-Time Emergency Communication Systems for Enhanced Tourist Safety and Support:**

Unforeseen emergencies can threaten traveller safety and well-being. To address this vulnerability, real-time emergency communication platforms (RECPS) emerge as a crucial tool.

**(c) Investing in Infrastructure:**

It is the contention of the present writer that the welfare of the populace as envisaged by s 14 (4) CFRN 1999 includes the provision of infrastructure which enhances comfort and safety. These are essential for positive tourist experience and can

act as springboard for the future of Nigerian tourism.

To unleash its full potential, substantial investment in key infrastructure is indispensable. This includes good road network, reliable power supply, access to clean water and sanitation.

## CONCLUSION

Nigeria is a land of endless possibilities, waiting to be tapped. The effectiveness of law to re-invent and re-imagine a bright future for tourism in Nigeria will largely depend on the will to fully embrace sustainable growth. This is vital for promoting social justice and ensuring that local communities reap the positive economic and cultural benefits of tourism.

Standards based on sustainable tourism will attract tourists who value ethical and sustainable practices, increasing the fortunes of Nigeria as a tourism destination. With the reforms in place, law becomes the key, unlocking a future where tourism ascends as the dazzling crown of the nation.