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# **RIGHT TO FOOD ACT 2023**

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***Short Title:***

Constitution of the Federal Republic of Nigeria, 1999 (Fifth  
Alteration) (No, 34) Act, 2023

***Long Title:***

An Act to Alter the Constitution of the Federal Republic of Nigeria,  
1999 to Require the Government to Direct its Policy Towards  
Ensuring Right to Food and Food Security in Nigeria; and for Related  
Matters

# THE PROVISIONS OF THE ACT

## CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (FIFTH ALTERATION) (NO. 34) ACT, 2023

### ACT No. 28

AN ACT TO ALTER THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 TO REQUIRE THE GOVERNMENT TO DIRECT ITS POLICY TOWARDS ENSURING RIGHT TO FOOD AND FOOD SECURITY IN NIGERIA; AND FOR RELATED MATTERS.

*Commencement:*

[3rd day of March, 2023]

ENACTED BY THE National Assembly of the Federal Republic of Nigeria—

#### *Alteration of the Constitution*

1. The Constitution of the Federal Republic of Nigeria, 1999 (in this Act referred to as “the Principal Act”) is altered as set out in this Act.

#### *Alteration of Section 16*

2. Section 16 of the Principal Act is altered—

(a) in subsection 2 (d), by substituting for the words “suitable and adequate food” the words “right to food and food security”; and

(b) by inserting after section 16, a new section “16A” —

“16A. (1) The State shall direct its policy towards ensuring that —

(a) strategies that guarantee food security of the nation regarding availability, accessibility, and affordability of food to the citizens are initiated, undertaken, and implemented;

(b) the means of production, conservation and distribution of food are upgraded and improved upon on a continuous basis; and

(c) adequate measures are provided to ensure that food security of the nation is not compromised by any individual, group, or institution.

(2) The State shall promote and sustain activities that enhance food security”.

*Citation*

**3.** This Act may be cited as the Constitution of the Federal Republic of Nigeria, 1999 (Fifth Alteration) (No, 34) Act, 2023.

# SECTION 16 OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

## **16. Economic objectives**

(1) The State shall, within the context of the ideals and objectives for which provisions are made in this Constitution-

(a) harness the resources of the nation and promote national prosperity and an efficient, a dynamic and self-reliant economy;

(b) control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity;

(c) without prejudice to its right to operate or participate in areas of the economy, other than the major sectors of the economy, manage and operate the major sectors of the economy;

(d) without prejudice to the right of any person to participate in areas of the economy within the major sectors of the economy, protect the right of every citizen to engage in any economic activities outside the major sectors of the economy.

(2) The State shall direct its policy towards ensuring-

(a) the promotion of a planned and balanced economic development;

(b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;

(c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and

(d) that suitable and adequate shelter, right to food and food security, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens.

(3) A body shall be set up by an Act of the National Assembly, which shall have power-

(a) to review, from time to time, the ownership and control of business enterprises operating in Nigeria and make recommendations to the President on same; and

(b) to administer any law for the regulation of the ownership and control of such enterprises.

(4) For the purposes of subsection (1) of this section -

(a) the reference to the “major sectors of the economy” shall be construed as a reference to such economic activities as may, from time to time, be declared by a resolution of each House of the National Assembly to be managed and operated exclusively by the Government of the Federation; and until a resolution to the contrary is made by the National Assembly, economic activities being operated exclusively by the Government of the Federation on the date immediately preceding the day when this section comes into force, whether directly or through the agencies of a statutory or other corporation or company, shall be deemed to be major sectors of the economy;

(b) “economic activities” includes activities directly concerned with the production, distribution and exchange of wealth or of goods and services; and

(c) “participate” includes the rendering of services and supplying of goods.

## **16A. Food security**

(1) The State shall direct its policy towards ensuring that –

(a) strategies that guarantee food security of the nation regarding availability, accessibility, and affordability of food to the citizens are initiated, undertaken, and implemented;

(b) the means of production, conservation and distribution of food are upgraded and improved upon on a continuous basis; and

(c) adequate measures are provided to ensure that food security of the nation is not compromised by any individual, group, or institution.

(2) The State shall promote and sustain activities that enhance food security.