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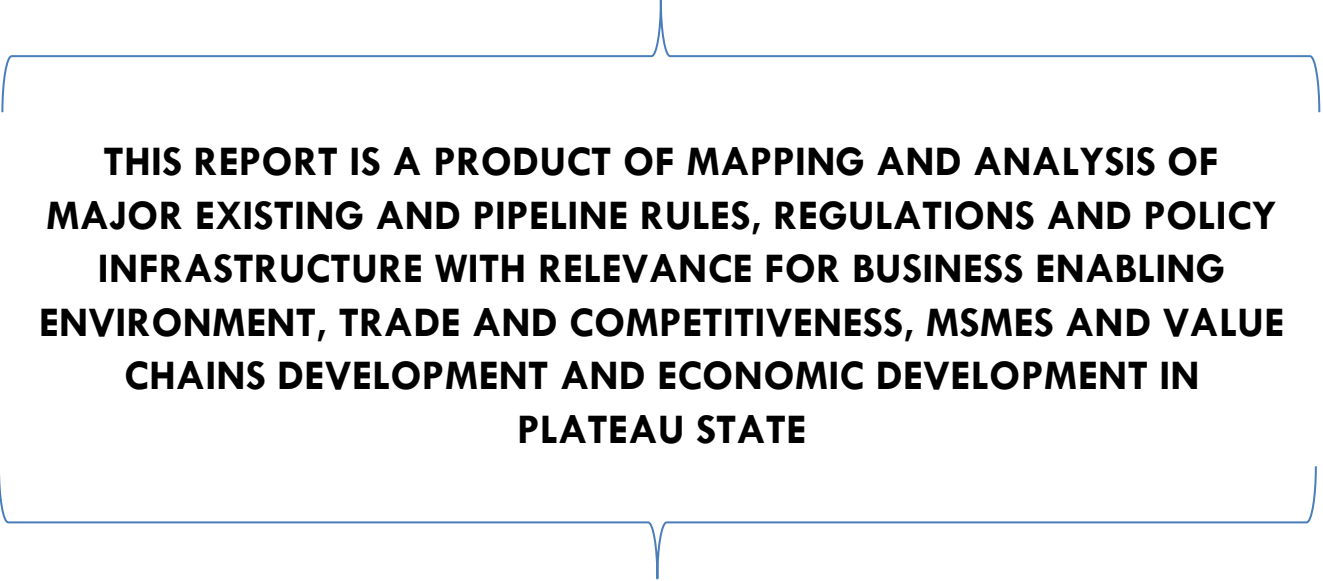


Assessment of Policies and Institutions Relevant for Business Enabling Environment and MSMEs/Value Chain Development in Plateau State

FINAL REPORT

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**THIS REPORT IS A PRODUCT OF MAPPING AND ANALYSIS OF
MAJOR EXISTING AND PIPELINE RULES, REGULATIONS AND POLICY
INFRASTRUCTURE WITH RELEVANCE FOR BUSINESS ENABLING
ENVIRONMENT, TRADE AND COMPETITIVENESS, MSMES AND VALUE
CHAINS DEVELOPMENT AND ECONOMIC DEVELOPMENT IN
PLATEAU STATE**

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Disclaimer
This Mapping focuses on the policy and regulatory issues that impact the business enabling environment, MSMEs and value chains development, employment promotion and economic development in Plateau State, with the view to proposing interventions that could support and promote NICOP and SEDIN’s scope of support interventions in Plateau State.

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List of Abbreviations and Acronyms

PADP	Plateau State Agricultural Development Programme
BEE	Business Enabling Environment
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
PSIRS	Plateau State Board Internal Revenue Service
PLAGIS	Plateau Geographic Information Service
PLASMIDA	Plateau State Micro-finance Development Agency
PLSG	Plateau State Government
PIPC	Plateau State Investment Promotion Company
FMITI	Federal Ministry of Industry, Trade and Investment
PSMANR	Plateau State Ministry of Agriculture and Natural Resources
MDAs	Ministries, Departments and Agencies
PSMoJ	Plateau State Ministry of Justice
MSMEs	Micro, Small, and Medium Enterprises
NEPC	Nigerian Export Promotion Council
SEDIN	Sustainable Economic Development in Nigeria
SIP	Social Investment Programme
SMEDAN	Small and Medium Enterprise Development Agency of Nigeria
ToR	Terms of Reference
AFAN	All Farmers Association of Nigeria
BMOs	Business Membership Organisations
IGR	Internally Generated Revenue
LGC	Local Government Council
LGA	Local Government Area

EXECUTIVE SUMMARY

This mapping and analysis of major existing and pipeline rules, regulations and policy infrastructure with relevance for business enabling environment, trade and competitiveness, MSMEs and value chains development, employment promotion and economic development in Plateau state was commissioned by the Nigeria Competitiveness Project (NICOP), a project co-funded by the European Union and implemented by GIZ with the main partner being the Federal Ministry of Industry, Trade and Investment (FMITI).

The major focus of the exercise is to collate data on regulations, existing and pipeline, public institutions and government development plans that are relevant for NICOP sectors and value chains to understand the gaps, challenges and current status. The information from the report will guide further partnership between NICOP-SEDIN and the Plateau state government on improving business enabling environment and investment climate. The mapping identified and engaged with 15 MDAs in Plateau state including federal agencies and after thorough engagement, identified and analysed 35 instruments with relevance for business enabling environment and MSMEs/value chain development in Plateau state. This can further be broken down into 5 national instruments (legislations and institutions), 27 state instruments (legislations and institutions) and 3 public/private infrastructures. For each analysed instrument and policy infrastructure, gaps were identified, recommendations and lead responsible agencies were identified at the end of each sector for easy reference.

The analysis which were categorized into sectors covered regulations in the following sectors; business registration, land administration, tax administration, investment facilitation, contract enforcement, access to finance, access to supporting infrastructure i.e. Electricity, business accommodation, transportation etc, agricultural policy and institutions, standards and certifications, marketing and exports and cross-cutting topics. Recommendations were also provided by sectors and a total of 81 recommendations and steps were proposed by the report. This report has been presented to the stakeholders in the state and validated with inputs from the validation used in finalizing the report.

1. INTRODUCTION

1.1 Background / Programme Description

Pro-poor Growth and Promotion of Employment in Nigeria (SEDIN) Programme (including the Nigeria Competitiveness Project – NICOP, funded by the European Union) is one of the programmes executed by GIZ in Nigeria. It has an objective to improve the employment and income situation of micro, small and medium-sized enterprises (MSMEs). To achieve this, SEDIN is working with both private and public institutions to improve the framework conditions, business enabling environment and promote policies in favour of MSMEs, employment and local economic development. In addition, the programme is facilitating local economic development, strengthening selected value chains, and fostering economic literacy and entrepreneurship competencies for start-ups and existing businesses. The specific needs of women are taken into account in all fields of action. The programme works at all government levels and with private sector organizations. The programme is implemented federal level and in five focal states, namely; Niger, Plateau, Ogun, Edo, Lagos.

The Nigeria Competitiveness Project (NICOP) which is a component of SEDIN co-financed by the European Union is designed to support key value chains in Nigeria to promote structural transformation, overcome coordination and linkage failures and to improve access to regional and international markets while taking social and environmental concerns into account. NICOP will assist micro, small and medium-sized enterprises (MSMEs) to take advantage of opportunities to add value and migrate to new and higher-level tasks along selected value chains. Meanwhile, improving the business enabling environment by removing constraints and filling gaps in the regulatory and administrative support mechanisms is central to any comprehensive competitiveness strategy for the targeted value chains. NICOP is therefore addressing specific regulatory and policy constraints affecting all areas of the selected value chains at local, state and federal levels. The project is doing this through its support to a comprehensive policy and regulatory environment review, Public-Private Dialogues (PPDs), private sector advocacy and technical support to implementation of

reforms by the public sector. In addition to regulatory aspects, improving the access to public incentive schemes and support programs is an aim of NICOP's policy and advocacy support. This assignment therefore was designed to support NICOP and SEDIN in carrying out mapping and analysis of major existing and pipeline rules and regulations and policy infrastructure with effect on business enabling environment, trade and competitiveness, MSMEs and value chains development, employment promotion and economic development in Plateau state.

1.2 Objectives of the Assignment

The following are the set objectives for the assignment as defined in the ToR;

- Map and analyse major existing and pipeline rules and regulations and policy infrastructure with effect on trade and competitiveness for MSMEs in Plateau state.
- Streamline regulations and policy infrastructure to those with direct relevance on selected value chains and further recommendations which could include legislative reform (in this case the proposal for reform should be made), policy awareness, advocacy for implementation among others depending on the highlighted gaps and challenges.
- Collect and analyse data on MSMEs' experience with respect to duration, cost and general challenges with complying with Federal regulations e.g. NAFDAC, SON, export registration at NEPC etc. This is basically looking at the cost, time and burden of compliance, including the number of approvals and permits required for full compliance (for local trade and export) for MSMEs in the selected VCs in the respective states.
- Facilitate one day validation workshop on the report of mapping and analysis of regulations with direct relevance for MSMEs particularly in selected value chains. Participants at the workshop should agree on at least 2 areas where a comprehensive position paper or policy brief should be developed and also make input on these.

- Produce at least 2 detailed position papers/policy briefs on regulations with direct relevance for the selected value chains in the respective states.

1.3 Specific Tasks

Specifically, the Consultant was tasked with the following;

- Attend a planning meeting with relevant NICOP officers to discuss details of assignment and modalities for achieving the objectives of the assignment.
- Submit a reviewed work plan based on the discussion with NICOP officers on the details of assignment and modalities for achieving the objectives of the assignment.
- Carry out mapping and analysis of major existing and pipeline rules and regulations and policy infrastructure with effect on business enabling environment, trade and competitiveness for MSMEs at state level in line with the objectives of this assignment.
- Streamline regulations and policy infrastructure to those with direct relevance on selected value chains in line with the objectives of this assignment.
- Facilitate one day validation workshop on the report of mapping and analysis of regulations with direct relevance for selected value chains. Participants at the workshop should agree on at least 6 areas where a comprehensive position paper or policy brief should be developed and also make input on these.
- Produce a final report of the validation exercise with recommendations for implementation and at least 2 detailed and finalized position papers/policy briefs included as appendix.
- Submit all reports in soft copies along with soft or scanned copies of all regulations (acts, bills, guidelines, policy documents, reports or newspaper cuts for unregulated issues for which some form of regulations have been argued

by stakeholders). The regulations reviewed or used should be submitted along with the draft report of assignment.

1.4 Methodology

The methodology deployed for this assignment include literature review, desk review, stakeholders (public and private) in-depth interview, analysis and reporting. The desk review covered existing and pipeline legislations, regulations and policy infrastructure relevant for MSMEs generally in the state and particularly the selected NICOP value chains i.e. tomato (horticulture), ginger, leather and garment. For the mapping and analysis of regulations and policy infrastructure, the consultant interacted with various public (MDAs) and private sector actors in the state including the following;

PUBLIC AGENCIES (MDAS)	AREAS OF FOCUS
MINISTRY OF AGRICULTURE (PADP) AND ASTC	Laws, regulations, incentives and policy infrastructure to promote agriculture
MINISTRY OF COMMERCE AND INDUSTRY	Laws, regulations, incentives and policy infrastructure to enhance MSMEs' growth, cooperative development, etc.
PLATEAU STATE INTERNAL REVENUE SERVICE	MSMEs taxation, agric taxation, tax incentives etc
PLATEAU STATE INVESTMENT AND PROPERTY COMPANY	Policy infrastructure to promote investments, enhance MSMEs growth in the state
PLATEAU STATE SME DEVELOPMENT AGENCY	Policy infrastructure to promote investments, enhance MSMEs growth in the state
AGRICULTURAL SERVICE TRAINING CENTRE (ASTC)	Policy infrastructure, incentives, subsidies to promote agriculture business in the state
HOUSE OF ASSEMBLY	Bills relevant for MSMEs growth in selected sectors

MINISTRY OF JUSTICE	State laws relevant for MSMEs and agric business growth in the state
MINISTRY OF LAND	Access to land for commercial purposes and also land incentive for investment and agric business
MINISTRY OF WOMEN AFFAIRS	Laws, regulations, incentives and policy infrastructure for women entrepreneurs
CBN, JOS OFFICE	Regulations, incentives and policy infrastructure and programmes to increase access to finance for MSMEs in selected sectors in the state.
NAFDAC, JOS OFFICE	Regulations, incentives and policy infrastructure for business and product registration for MSMEs in the state
SON, JOS OFFICE	Regulations, incentives and policy infrastructure for business and product registration for MSMEs in the state
CAC, JOS OFFICE	Regulations, incentives and policy infrastructure for business and product registration for MSMEs in the state
PRIVATE ACTORS	
Business associations in the selected sectors including Chamber of Commerce, women associations, AFAN, tomato association, ginger association, leather and garment association, potato, poultry etc	Regulatory constraints, engagement process with government, laws, regulations, incentives and policy infrastructure for MSMEs and agric business

2. FOCAL STATE – ECONOMIC PROFILE OF PLATEAU STATE

Plateau is the twelfth-largest state in Nigeria, located approximately in the centre of the country; it is geographically unique in Nigeria due to its boundaries of elevated hills surrounding the Jos Plateau, its capital, and the entire plateau itself.

Plateau State is christened as "The Home of Peace and Tourism", with natural formations of rocks, hills and waterfalls. The state has a population of around 3.5 million people and its adjacent states include, Bauchi State – to the north east, Kaduna State – to the north west, Nasarawa State – to the south west, Taraba State – to the south east.

It is located between latitude 08°24'N and longitude 008°32' and 010°38' east. The state is named after the picturesque Jos Plateau, a mountainous area in the north of the state with captivating rock formations. Years of tin and columbite mining have also left the area strewn with deep gorges and man-made lakes.

Though situated in the tropical zone, a higher altitude means that Plateau State has a near temperate climate with an average temperature of between 13 and 22 °C. Harmattan winds cause the coldest weather between December and February. The warmest temperatures usually occur in the dry season months of March and April. The mean annual rainfall varies between 131.75 cm (52 in) in the southern part to 146 cm (57 in) on the Plateau. The highest rainfall is recorded during the wet season months of July and August. The average lower temperatures in Plateau State have led to a reduced incidence of some tropical diseases such as malaria. The average soil formation across the state is arguably very fertile with a capacity to accommodate many varieties (some of them exotic) of crops, including grains, fruits, vegetable, tubers etc.

The economy of Plateau state can be described as underdeveloped and its growth slow. This status does not adequately reflect the economic potentials that abound in the state. Apart from the Federal allocation, one can readily state that the economy of the state depends on mercantile activities that are hinged on the consumerist portfolio of the state.

In terms of **demographics**,¹ Plateau has;

- A rising young population with ~50% of ~4m inhabitants <15 years, similar to neighboring state such as Kaduna
- A mid-range population density of ~155 ppl/sq. km compared to a national average of ~212 ppl/sq. km
- Over 40 ethno-linguistic groups out of 400 ethno-linguistic groups in Nigeria

With respect to **finances**², Plateau has a;

- Declining total revenues of ~\$195M in 2018 with >60% from government support -a trend similar to all northern states
- Higher % of tax revenues (~\$32M in 2018, ~16% of total) than neighboring states such as Nasarawa
- ~2-3% share in yearly government support to states, % share similar to those of neighboring states such as Taraba
- >\$10M Estimated revenues from donor agencies in 2018, largely from collaborations with AfDB and GIZ.

In terms of **geography and resources**³, Plateau has;

- Vast arable land and favourable soil conditions for planting exotic crops such as strawberries, soursop, potatoes
- Solid minerals e.g., tin, columbite, with over a century of mining experience
- Potential natural tourist attractions such as the Shere Hills, Wase Rock, Kurra Falls, Jos Wildlife Park
- Significant hydro-and solar-power generation potential

¹ National Bureau of Statistics; Press Research; BudgIT; BCG analysis

² Ibid

³ Ibid

On the side of economics,

- GDP/capita of ~\$2k, greater than neighboring states such as Nasarawa and Taraba but ~50% less than national average of ~\$3k in 2015
- Doing business relatively difficult — ranked 26th out of 36 states⁴ in an economy hampered by an unfavorable business environment.
- The Economy of Plateau State is middle income, mixed economy and emerging market. It's GDP (in 2010) was ranked number 20th with a \$ USD 5,154 mark economy amongst all states of the federation.
- Plateau Produces crops such as Potatoes, Yams, Cabbage, Strawberries, Tomatoes etc which is taken to markets outside the state and consumed mainly in Abuja, Lagos, Abia etc (predominantly in southern states of the Country).
- Labour force of 1,832,185 out of which 645,166 (35.2%) are unemployed and 512,559 (28%) are underemployed.⁵
- Main industries: NASCO Group of companies, Grand Cereals Nig Ltd – a subsidiary of UAC Plc, Spring Waters Nigeria Limited, Vital Foam Nigeria Plc, Swan Paints Nig. Ltd, Diamond Paints Nig. Ltd among others.
- Domestic debt as at of June 2020 is registered at N127.01 bn⁶ while total external debt as at June 2020 is at \$33.12million.⁷

The Agricultural sector stands out as having the biggest potential to raise the Plateau State economy beyond its current standing and thus guarantee, in terms of revenue income, the kind of growth necessary to develop the state. Unfortunately, the agric sector still remains largely dominated by the primary production sector, with the agriculture practice, predominantly subsistence and peasant; largely characterized by low and declining

⁴ Ease of Doing Business (Sub-National) Report by the World Bank, 2018.

⁵ Labour Force Statistics, Unemployment And Under-Employment By State - Q2 2020 (NBS)

⁶ <https://www.dmo.gov.ng/debt-profile/sub-national-debts/3304-states-and-fct-s-domestic-debt-stock-as-at-june-30-2020/file>

⁷ <https://www.dmo.gov.ng/debt-profile/sub-national-debts/3303-federal-government-states-and-fct-s-external-debt-stock-as-at-june-30-2020/file>

productivity.⁸ However, the agric sector in recent times has seen the influx of Government (State and Federal) initiatives, inputs, funding into Plateau State including but not limited to the Central Bank of Nigeria's Anchor Borrowers Programme.

There have also been interventions in this sector by development agencies such as GIZ which has put in efforts toward improving the production capacities of local farmers. Due to some of these interventions there have been few personal initiatives, opening of new farms and few greenhouses which has affected the collective farm produce output from Plateau State for greater financial inflow into the different tiers of the economy.

To make the kind of impact necessary in the agricultural sector however, the state must consider seriously the issue of value chain enhancement and the addition of value to the agric produce that leaves the various farmlands across the state for the open market. As it stands, there are crops that grow during certain seasons and because there are no storage facilities or adequate storage, a large percentage of these crops are lost. It is also very important to note that most, if not all crops will fare better as export commodity, if they are processed before export. For instance, the value or aggregate income expected from Yam or Cassava produce is much more if it is processed into flour and bagged in the most hygienic manner possible, than if it is exported in its raw and primary state. Therefore, major areas of focus for the agric value chain in the state should be storage and processing. These two will increase access to markets (local and international) and with increased market comes increased production which will increase jobs, income and revenue for the state.

The other sector that should benefit the Plateau State Economy is the Mining Sector and it suffers the same value addition problem. When there is an export of valuable minerals, or its sale to middlemen who export, more often than not, it is done without beneficiation of the metals. Once the product is exported in its raw or primary state, the state and country losses millions of dollars every year, in income which would have ordinarily entered into and grown the economy.

⁸ Plateau State Development Strategy 2019

The main difference between these two sectors remain that Plateau State has greater legal autonomy to grow the agricultural sector, being on the concurrent legislative list⁹ than the Mining Sector that is much more restrictive and on the Exclusive Legislative List.¹⁰ Plateau State agricultural sector thus possesses the greater potential for economic growth than any other sector available in the state.

⁹ Part II of the Second Schedule of 1999 Constitution of the Federal Republic of Nigeria (as amended).

¹⁰ Part I

3. EASE OF DOING BUSINESS IN PLATEAU STATE

Ease of doing business refers to the friendliness or otherwise of business environment of any economy. On the other hand, business environment refers to the sum total of regulatory and non-regulatory frameworks affecting the operation of businesses within an economy. Based on the DCED (Donor Committee for Enterprise Development) criteria, business environment is composed of policy, legal, institutional, and regulatory conditions that govern business activities. Key areas of business environment includes business registration, obtaining relevant business permits including construction permit, registering property, tax administration, contract enforcement, connecting power, etc.

In Plateau State, the business environment is considered not very friendly. The World Bank in its 2018 Ease of Doing Business Report where states in Nigeria including the FCT were assessed, ranked Plateau among the worst states to do business in Nigeria having ranked Plateau 26th. Even though Plateau gained marginally over the 2014 assessment, it was not good enough to enhance its position in the league of states with improved business environment. The table below shows the ranking of Plateau state in the different areas of assessment in the report.

INDICATORS RANKING	
Biz registration	25
Construction permit	30
Registering property	17
Enforcing contract	22

Ranking of Plateau State on the four major indicators out of the 36 states and the FCT

Source: World Bank Ease of Doing Business Report 2018

It must be stated however that there have been efforts by the Plateau state government to improve the various business environment indicators in the state since the last report. There has been reform in the tax administration system in the state, establishment of investment

facilitation centre (PS-OSIC), establishment of multi-door courthouse, aggressive land reform among others. The state no doubt will do better in the next assessment if it continues its reform efforts. However, it must also be stated that one area Plateau has been lacking is in the area of reform documentation, monitoring. Most MDAs who have carried out administrative reforms have not been able to clearly document and project such. Since it was not documented, it was also difficult to see the results. This is an area that must improve.

4. POLICIES AND POLICY INFRASTRUCTURES RELEVANT TO MSMEs IN THE NICOP VCS IN PLATEAU STATE

The table below provides a summary of mapped policies and policy infrastructures relevant to MSMEs in the NICOP VCs in Plateau State. These policies and policy infrastructures have been classified under different business enabling environment topics and sectors.

Category	S/N	Policies and policy infrastructures	Type	Priority for NICOP
Business Registration	1	Companies and Allied Matters Act (CAMA) 2020	Law/National	Medium
	2	Plateau State Co-operative Societies Bill 2020	Bill/State	High
	3	Registration of Business Places Edict No. 5, 1979	Law/State	Medium
	4	Ministry of Commerce and industry	Institution/State	High
Land Administration	5	Land Use Act, 1978	Law/National	Medium
	6	Plateau State Land Administration Bill, 2019	Bill/State	High
	7	Property and Land Use Charge Bill, 2019	Bill/State	Medium
	8	Ministry of Land	Institution/State	High
	9	PLAGIS	Institution/State	High

Tax Administration	10	Plateau State Revenue Consolidation Law 2017	Law/State	High
	11	Plateau State Revenue Consolidation Law 2020	Law/State	High
	12	Plateau State Internal Revenue Service (PSIRS)	Institution/State	Medium
	13	Local Government Revenue Offices	Institution/LGA	High
Investment Facilitation	14	Plateau State One Stop Investment Centre (PS-OSIC)	Institution/State	High
	15	Plateau State Investment Promotion Agency Bill 2020	Bill/State	High
	16	Plateau Investment and Property Company (PIPC)	Institution/State	High
	17	Plateau State Public Private Partnership Law 2017	Law/State	Low
Contract Enforcement	18	Plateau State Multi-Door Courthouse Law 2017	Law/State	High
	19	Plateau State Judiciary	Institution/State	High
	20	Ministry of Justice	Institution/State	High

Access to Finance	21	Plateau State Micro-Finance Development Agency Law, 2016	Law/State	High
Access to Supporting Infrastructure i.e. Electricity, business accommodation, transportation etc	22	Electricity – JED, NESCO	Public/Private	High
	23	Business accommodation	Public/Private	High
	24	Transportation	Public/Private	High
Agricultural Policy and Institutions	25	Plateau State Development Strategy 2019	Strategic Plan/State	High
	26	Agriculture Services Training Centre and Marketing (ASTC&M Ltd)	Institution/State	High
	27	Plateau Agriculture Development Programme (PADP)	Institution/State	High
	28	Ministry of Agriculture and Rural Development	Institution/State	High
Standards and Certifications	29	Standards Organization of Nigeria (SON)	Institution/Fed.	Medium

	30	National Agency for Food & Drug Administration & Control (NAFDAC)	Institution/Fed.	Medium
Marketing and Exports	31	Jos Main Market Authority	Institution/State	High
	32	Nigerian Export Promotion Council (NEPC)	Institution/Fed.	Medium
Cross-cutting topics	33	Gender Mainstreaming	Laws/Institutions	High
	34	Persons with Disability	Laws/Institutions	High
	35	Peace building and conflict management	Laws/Institutions	High

5. ANALYSIS OF POLICIES AND POLICY INFRASTRUCTURE

Business Registration	1	Companies and Allied Matters Act (CAMA) 2020
	2	Plateau State Co-operative Societies Bill 2020
	3	Registration of Business Places Edict No. 5, 1979
	4	Ministry of Commerce and Industry

The benefits of registration and formalization of businesses to the growth of MSMEs are generally known both to government institutions and business owners. In an economy where businesses are able to seamlessly formalize, more businesses operate formally, their access to financial and other business



support services increase and they are able to expand their businesses, generate more income and create more jobs. The benefits therefore translate beyond the individual business to the economy. Also, for general economic profiling and planning, businesses operating in the formal sector are easier to capture than those in the informal sector. However, many businesses will not formalize if the processes for formalization are unfriendly, cumbersome, and time and cost consuming. Meanwhile, in the 2018 Ease of Doing Business Sub-National Report of the World Bank, Plateau state ranked 25th out of 36 states and the FCT in the starting business indicator. This means there is a huge room for improvement for Plateau State. The mapping identified 4 relevant public instruments for business registration in Plateau state and they are analysed below.

1. Companies and Allied Matters Act (CAMA) 2020

The Companies and Allied Matters Act (CAMA) 2020 repealed and replaced the Companies and Allied Matters Act 1990. The new CAMA which is a re-enactment rather

than an amendment to the old law has been hailed by many as the most significant business legislation in Nigeria, which would impact Nigeria's ease of doing business and also attract investment and economic growth. The new CAMA introduces measures to ensure efficiency in the registration and regulation of corporate entities, reduce the compliance burden of small and medium enterprises (SMEs), enhance transparency and stakeholders' engagement in corporate vehicles and, overall, promote a more friendly business climate.

CAMA 2020 has 870 sections which are classified into chapters under Parts A to G. The new introductions to the CAMA 2020 which may be relevant for target MSMEs are highlighted below.

- **Electronic registration** - To enhance the ease of doing business, the Act has codified an option to electronically file documents as an alternative to physical filing with the CAC. This should consolidate gains made in significantly improving the turnaround time for company incorporation and business set up processes. In addition to electronic registration, the new law additionally recognized the use of electronic channels for signing (e-signature), email notices, virtual meetings for private companies among others.
- **Formation of single-member companies** - to mitigate entry barriers for Micro, Small and Medium Enterprises (MSMEs), the Act provides that a private company can now be formed by one person¹¹. This should stimulate the growth of smaller owner-controlled businesses and assist in making the business regulatory environment favourable to them.
- **Statement of compliance** – one of the requirements for registering a company under the old CAMA is the filing of a statement of compliance which has to be signed by a legal practitioner. This meant that even when CAC reformed its processes to accommodate filing of incorporation document by individuals (non-lawyers), any individual registering a company would still require a lawyer to sign the statement of compliance. The new CAMA now admits a Statement of Compliance by an

¹¹ Section 18(2) of CAMA 2020

applicant or their agent¹² as a sufficient alternative to a Statutory Declaration by a legal practitioner affirming compliance with CAMA's registration procedures. This measure would contribute to the ease of doing business by removing the need for legal practitioners to verify documents.

- **Establishment of a legal framework for registration of Limited Partnerships (LPs) and Limited Liability Partnerships (LLPs)** - the Act provides a framework for the regulation of LPs and LLPs. The framework covers registration, assignment and transfer of rights, dissolution and other compliance requirements. These structures are now available to investors across the entire Federation. Prior to the new CAMA, LPs were unrecognized under the Partnership Act of 1890 (an Act received from England during Nigeria's colonialism as a Statute of General Application) and the various Partnership Laws of the States, except Lagos State where the structure was registrable.

The introduction of these corporate entities of LPs and LLPs will permit an optimization of the business structures of law firms, accounting firms, private equity firms, venture capital firms and other similar sophisticated users. The Act also recognizes LLPs registered outside Nigeria but stipulates that they need to incorporate a local business structure to carry on business in Nigeria. However, the Act empowers the Minister to exempt a foreign LLP from the requirement to set up a local corporate entity.

- **Virtual meetings** - the new CAMA permits private companies to hold virtual meetings subject to the provisions of their Articles. Virtual meetings have become a necessity, as the Covid-19 pandemic and rules on social distancing have made virtual meetings inevitable. However, the ability to hold virtual meetings was not extended to public companies. This looks like a huge gap as the introduction of virtual meetings for public companies would have increased participation of shareholders in the companies' meetings. Notwithstanding this gap, this introduction is still quite commendable.

In general, the CAMA 2020 appears to complement the key objectives of the Presidential Enabling Business Environment Council in improving the investment climate and business environment in Nigeria. It is expected that the Act, when fully implemented, would address

¹² Section 40 of CAMA 2020

some of the difficulties faced by businesses (such as administrative bottlenecks, high compliance costs, etc.) and lead to significant improvements in the country's Ease of Doing Business rankings. In addition, the new Act seeks to improve the commercial viability of the Nigerian market as an investment destination by introducing additional insolvency mechanisms, registration of LLP and LP among others. These provisions should stimulate increased economic activity which would create employment, generate additional wealth and increase tax revenue for the government.

Even though the new CAMA has made significant and commendable improvement on the CAMA 1990, there are still quite some room for further improvement. The retention of the requirement for foreign businesses to incorporate entities to do business in Nigeria is unlikely to achieve the desired end of retaining more value in Nigeria. There is a need for further review to accommodate the borderless nature of global business and the digital economy by introducing measures such as re-introduction of branch registration of foreign companies, especially the digital giants and technology companies, and addressing cross border insolvencies, among others.

In addition, there is still a challenge of implementation of the new reforms regarding business registration. In recent time particularly, processes at the CAC has been slow and frustrating. Even though CAC claimed this was due to the constraints of covid-19 and the attendant lockdown which created backlogs, the fact remains that the Commission is still struggling to implement these reforms particularly the online registration. Even though CAC recently committed to completing registration of companies within 48hrs, this is still not the experience especially at state level where it still takes an average of 1 – 2 weeks for business registration. Post incorporation processes at CAC for instance has become a nightmare. This survey finds that post-incorporation processes now takes up to months and up to 6 months in some cases. There is still need to do more here to optimize processes, minimize the downtime of registration portal and further integrate the state activities with central system. Specifically, for target MSMEs in the state, CAC state offices should consider decentralization of activities to give more opportunity for businesses in locations not too close to the capital city to register. There is also still need to increase awareness on the need and benefits of registration and formalization for MSMEs. This is an area where NICOP

could support. Building information and maybe skills for business formalization into the MSMEs trainings and engaging with CAC office in the state to send representatives to training (or other MSMEs events) locations to provide official information and on the spot registration.

Finally, there is currently an ongoing effort by the Federal Government to register 250,000 MSMEs for free as business names under CAC. This is part of FG's MSMEs Survival Fund¹³. NICOP could provide information and support unregistered MSMEs within the project to take advantage of this programme to register their businesses for free.

2. Plateau State Co-operative Societies Bill 2020

The Plateau State Co-operative Societies Bill 2020 is a bill for a law to provide for the establishment of the Plateau State Cooperative Societies Agency, registration and regulation of cooperative societies and other matters connected thereto. The bill has 109 Sections and two schedules covering the establishment of the State Cooperative Agency, registration of cooperative societies and their regulation. Key aspects of the bill are discussed and analysed below.

- Establishment and functions of the Plateau State Cooperative Agency; the bill established the Plateau State Cooperative Agency with the following functions and responsibilities –
 - The registration of the cooperative societies;
 - Coordinating the activities of cooperative societies;
 - Regulating the functions of cooperative societies;
 - Advising government on the activities of cooperative societies;
 - Creating awareness to the public on the importance of cooperative societies;
 - Developing and maintaining a comprehensive data of all registered cooperative societies; and

¹³ <https://www.survivalfundapplication.com/>

- Sanctioning all cooperative societies that do not adhere to the laid down rules and regulations.

It must be noted that these functions are currently being performed by the Ministry of Commerce and Industry in the state as part of their traditional mandate. This Bill has now put these functions in the new agency to be created by the Bill. The Ministry at the moment has a full department of cooperatives for registration of cooperatives in the state. According to the information available from the Ministry, the department is charged with the responsibility of registration, propagating, formation, supervision, inspection of records, inquiry, arbitration and liquidation of cooperatives societies in the state. This is in accordance with the provisions of the Nigeria Cooperative Societies Decree No. 90 of 1993. The department has Area Cooperative officers in all the 17 Local Government Areas in the State to facilitate the effective supervision and implantation of her programmes. The area offices are been managed by officers on grade level 9 and above. The department has been carrying out some projects and programmes in conjunction with the Federal Government including the Cooperative Revitalization Programme (CRP), Cooperative Data Analysis System (CODAS) and Agric Transformation Programme. The Ministry also highlighted the following as the achievement of the department; registering 12, 000 cooperative societies in Plateau State, established a tractor hiring service cooperative with 38 tractors distributed to cooperative societies within local governments, constructed a Cooperative Integrated Service Center in Zawan and training of 600 unemployed youths, women and cooperative societies in practical skills.

To avoid confusion and duplication, there is a need to clearly make reference to the Cooperative Department of the Ministry of Commerce and transfer of the responsibilities of this Ministry to the new Agency. In addition, the Bill in Section 20(1)(a) provided for the appointment of Director of Cooperatives who shall be appointed by the Civil Service Commission on the recommendation of the Head of Service of the state. Section 20(1)(b) then provided that the Civil Service Commission on the recommendation of the Head of Service of the state shall by notice in the state Gazette, confer on any such person, all or any of the powers of a Director under the Bill. Furthermore, Section 21 of the Bill provided for the appointment of a Registrar of Cooperatives by the Civil Service Commission on the

recommendation of the Head of Service. This seems cumbersome and a repeat of the old practice which has created vacuum in the past. To avoid the gap created in the past where there was a Director of Cooperatives in the Ministry who was not appointed as Registrar of Cooperatives and hence Certificates of Incorporation could not be signed. It is recommended that the Director of Cooperatives when appointed should automatically become the Registrar of Cooperatives especially since the appointor is the same and the appointment of the Director of Cooperatives already requires a gazette.

Generally, it is commendable that the state is now looking to review and regulate more the cooperative societies space for better efficiency. However, it must be stated that the problem of cooperative registration in the state has not been that of laws as cooperative societies globally have some set of rules which guide practices. While it is commendable that the state is codifying some of them and also trying to address some of the gaps in the rules, it is important to note that the major problems have been those of shortage of staff, capacity of staff and lack of funding. If there is no will to address these challenges, a new agency may not improve the system for cooperative registration automatically.

Also, considering that cooperative societies are tools for grassroots development and based on the need to take the registration point closer to the rural dwellers especially at the LGAs, it is important to consider a role for LGAs in the registration process. In the past, the Ministry of Commerce and Industry had Area Cooperative Officers in all the 17 Local Government Areas in the State to facilitate the effective supervision and implantation of cooperative societies in the LGAs but the Ministry was unable to keep this going due to shortage of staff and running cost. The new agency, if not adequately funded could face the same challenge. Therefore, the Bill could already look for opportunity to integrate LGAs in the system to leverage on their staff and reduce the operational cost for cooperative registration.

Finally, from interaction with stakeholders on cooperative registration and regulation in the state, it appears there was not enough consultation and engagement on the Bill. The public sector institution leading the development of this Bill reacted to this concern and mentioned that stakeholders will still have the opportunity to make their contributions to the Bill at public hearing by the legislative house. While this is true, in reality, those inputs made at public hearings often to get integrated into the Bill sometimes due to lack of understanding of those

inputs from the secretariat of the relevant house committee. It is therefore important to consider a dialogue led by the Ministry of Commerce and Industry and Ministry of Justice on the Bill. Whatever input is collected can be integrated into the review at the House by the Ministry of Justice as the Ministry is usually closer to the process and can ensure such inputs are integrated. NICOP could support this dialogue.

3. Registration of Business Premises Edict No. 5, 1979 as amended

The law regulating registration of business premises in the state is the Registration of Business Premises Edict of 1979 amended by the Registration of Business Premises (Amendment) Law No. 4 of 1993 and Registration of Business Premises Edict 1995. By this law, it is a compulsory requirement for all businesses operating in the state to register their business premises. The Taxes and Levies (Approved List for Collection) Act listed registration of business premises fee as one of the tax/levy items for states. In Plateau State, the Ministry of Commerce and Industry is responsible for registration of business premises and the Director of Commerce in the Ministry is the Registrar of Business Premises and therefore responsible for signing the business premises certificate.

The basic underlying principle for the registration of business premises is the need for government to be abreast of all business activities going on in the state. Registration of business premises is aimed at helping government to track all business activities in the state including who is doing what business and where. The information required for the registration of business premises are name of business, ownership details, type of business activities and location of business. Note that every business is expected to obtain business premises certificate once and subsequently apply for renewal yearly.

The ideal benefit of obtaining certificate of business premises registration is to confirm the genuineness of any businesses and the fact that it operates legally in the premises stated in the certificate. It also confers recognition on the business. However, at the moment there seems to be no real benefit accruing from obtaining certificate of business premises registration beyond the fact that the business has complied with the law requiring registration of business premises. Note that business premises registration certificate is not

required for assessing any facility or benefitting in any government programme or bidding for a contract and it does not confer the right to operate any trade or commercial activity on any business entity.

On the other hand, this appears like unnecessary duplication of registration of business at CAC or even registration with tax authority which similarly have data on the business and registered address of the business. It also does not add to the formality of a business. It only serve at the moment, revenue generation purpose. It is therefore recommended for the government to review this law and the system of business registration in the state as follows;

- Refocus the process back to the original objective of data generation on businesses in the state.
- Reform and completely digitalize the registration process to drastically reduce the operational cost for the Ministry.
- Review the registration and renewal charges downward.
- Provide additional value for the registration to serve as incentives for business to register. Such could be maintaining a digital business directory and marketing platform from the registration data in such a way that MSMEs who have registered can be found on the business directory with information on their services or products and their business location and contacts. This fits into the general mandate of the Ministry of Commerce and Industry and the parastatals under the Ministry in providing support to business entities in the state particularly MSMEs.
- Considering the capacity and set up of the Ministry of Commerce, it is recommended that this function be placed on another parastatal of the Ministry, the Plateau One Stop Investment Centre (PS-OSIC). The Ministry in the past has struggled to perform this function for shortage of staff and general capacity. To cover for this, the Ministry made efforts to outsource this role to external consultants, but this was thwarted along the line. It is also important to state that this role should not be returned to the Plateau State Internal Revenue Service (PSIRS) as this is not purely a revenue collection duty. It requires provision of service which PSIRS cannot perform alongside collecting the revenue accruing from the function. The reformed business premises

registration that is focused on data management, business directory and marketing will fit more into the current roles of PS-OSIC.

4. Ministry of Commerce and Industry

The Ministry of Commerce and Industry is one of the core business supporting ministries in the state. The vision of the Ministry as stated on Plateau state government official website is to be strategically involved in the developmental process of industrialization and commercialization of the state towards generating employment for wealth creation and poverty-reduction. The Ministry's mission is stated as follows; optimally harnessing our natural endowment or resource such as industrial/commercial, agricultural, mineral, water, forestry and tourism, etc, that have remained largely unexploited. The key functions of the Ministry are stated to include;

- Ensuring the optimum utilization of resources through industrialization
- Drive the economy through the commercialization of resources
- Encourage private participation in government-initiated projects
- Registration and supervision of business organizations
- Providing facilities for market traders
- Promoting the image of Plateau State as a viable business destination

The Ministry is made up of 5 departments namely; Commerce Department, Industry Department, Co-operative Department, Personnel Department and Finance and Supplies Department. In addition, the Ministry has supervisory role over the following state entities;

- Plateau Investment and Property Company (PIPC) Ltd
- PIPC Security Ltd
- Highland Bottling Co
- First Capital Savings and Loans
- Jos International Breweries
- Plateau Fertilizer Ltd
- Jos Main Market Authority

The Ministry by its mandate is one of the most relevant ministries in the state for MSMEs development. While the role of the Ministry with respect to cooperative registration has been highlighted above, a further look of the functions of the other two relevant departments of Commerce and Industry further shows the importance of the Ministry to MSMEs development in the state and some of them are highlighted below.

- **Commerce department:**

The basic function of this department is to formulate and implement government policies that will promote commercial activities as it affects commerce in the State. This function is performed by providing the enabling environment that would attract commercial activities to flourish in the State. Current functions of the department include the following;

- i. Registration of Business Premises
- ii. Leading MSMEs to domestic and international trade fairs and also support the Plateau Chambers of Commerce, Mines and Agriculture (PLACCIMA) in organizing the state trade fair.
- iii. Formulate and implement policies on Market Authorities in the state.
- iv. Regulate and supervise the activities of the Traders Associations in the State.

- **Industry department:**

The department is responsible for the promotion of industrial development through planning and formulation of policies that provide the enabling environment for accelerated industrial growth and development. The department is currently involved in the following programmes;

- i. Industrial Layouts - Providing Industrial layout with basic facilities for ease of industries and industrial location. e.g Naraguta Layout, old airport road as well as some Local Government Areas.
- ii. Poverty Alleviation Programme.
- iii. Fertilizers Blending Plants
- iv. Industrial incubator (Technology Acquisition Centre).

The Ministry in general has also highlighted some other general plans it is working on to enhance business activities in the state and they include;

- Reconstruction of burnt Jos Main Market – this process is ongoing.
- Construction of 3 satellite markets in Jos and Bukuru.
- Support SMEs through micro-credit schemes.
- Develop a permanent trade fair complex.
- Construction of new international market.
- Creation of a databank for investment and industrial potential of the State.

Apart from the first plan of reconstruction of burnt Jos Main Market that has received the attention of the state government with an inter-ministerial committee set up for its implementation through a PPP arrangement, all the other plans seem to be just on paper as there is no action at the moment to bring them into fruition. The Ministry claimed they have made efforts to bring them to fruition but lack of funds has hampered their progress.

The Ministry of Commerce and Industry with a huge mandate for economic development of the state no doubt has some lofty plans. However, the Ministry is considered generally to be underperforming owing largely to internal challenges of shortage of staff, low capacity, motivation of staff, poor staff orientation and poor funding. At the moment, there are efforts to further unbundle the Ministry by moving some of its current functions to new agencies. For instance, there are currently two Bills to establish the Plateau State Investment Promotion Agency and the Plateau State Cooperative Societies Agency. Both agencies will take from the existing functions of the Ministry and the Ministry will retain the supervisory role over these agencies when established. This is considered as good and commendable approach to increase efficiency and service delivery.

For NICOP, an interesting topic to explore with the Ministry could be the issue of access to market especially for tomatoes and establishment of tomato processing cluster. Also, the topic of leather and garment industrial cluster could be an interesting topic to explore.

SEDIN has been working with the Ministry to create a databank for investment and industrial potential of the State through the work on Plateau State One Stop Investment Centre (PS-OSIC) and this support has been well received by the Ministry along with SEDIN's support

for the establishment of Plateau State One Stop Investment Centre (PS-OSIC). Support to the establishment of industrial clusters should be considered by SEDIN as such clusters have the potential to create jobs for youths in the state.

Key recommendations for improving the system for business registration in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	CAC state offices should consider decentralization of activities to give more opportunity for businesses in locations not too close to the capital city to register.	CAC, PLASMEDA, PS-OSIC
2	There is also still need to increase awareness on the need and benefits of registration and formalization for MSMEs.	CAC, Ministry of Commerce and Industry, PLASMEDA, PS-OSIC
3	Integrate information and maybe skills for business formalization into the MSMEs trainings and engage with CAC office in the state to send representatives to trainings (or other MSMEs events) locations to provide official information and on the spot registration.	SEDIN/NICOP CAC PS-OSIC
4	Increase awareness on the ongoing effort by the Federal Government to register 250,000 MSMEs for free as business names under CAC.	PLASMEDA, SEDIN-NICOP
	Need to encourage active participation of CAC in PS-OSIC. CAC should also empower whoever is sent to the PS-OSIC to be able to receive applications and commence registration processes. This should be monitored however to ensure the officer does not turn this to caretaking or rent-seeking venture.	CAC, PS-OSIC

5	<p>For the Cooperative Bill, to avoid confusion and duplication, there is a need to clearly make reference to the Cooperative Department of the Ministry of Commerce and transfer of the responsibilities of this Department to the new Agency.</p>	<p>Ministry of Justice, House of Assembly</p>
6	<p>In the Cooperative Bill, the process for appointing Registrar of Cooperatives seems cumbersome and a repeat of the old practice which has created vacuum in the past. It is recommended that the Director of Cooperatives when appointed should automatically become the Registrar of Cooperatives especially since the appointor is the same and the appointment of the Director of Cooperatives already requires a gazette.</p>	<p>Ministry of Justice, House of Assembly</p>
7	<p>Considering that cooperative societies are tools for grassroots development and based on the need to take the registration points closer to the rural dwellers especially at the LGAs, it is important to consider a role for LGAs in the registration process. Therefore, the Bill could already look for opportunity to integrate LGAs in the system to leverage on their staff and reduce the operational cost for cooperative registration.</p>	<p>Ministry of Justice, House of Assembly</p>
8	<p>There is a need for more stakeholders' input into the bill. Ministry of Justice and that of Commerce and Industry should therefore consider organizing a dialogue on the Bill before it is presented to the House. And if the Bill is already before the House of</p>	<p>Ministry of Justice, House of Assembly</p>

<p>Assembly, the input collected here can still be inputted into the Bill by the Ministry of Justice working with the relevant committee of the House.</p>	
<p>9 For the registration of business premises;</p> <ul style="list-style-type: none"> - Refocus the process back to the original objective of data generation on businesses in the state. - Reform and completely digitalize the registration process to drastically reduce the operational cost for the Ministry. - Review the registration and renewal charges downward. - Provide additional value for the registration to serve as incentives for business to register. Such could be maintaining a digital business directory and marketing platform from the registration data in such a way that MSMEs who have registered can be found on the business directory with information on their services or products and their business location and contacts. This fits into the general mandate of the Ministry of Commerce and Industry and the parastatals under the Ministry in providing support to business entities in the state particularly MSMEs. - Considering the capacity and set up of the Ministry of Commerce, it is recommended that this function be placed on another parastatal of the Ministry, the Plateau One Stop 	<p>Ministry of Commerce and Industry, Ministry of Justice, PS-OSIC</p>

<p>Investment Centre (PS-OSIC). The reformed business premises registration that is focused on data management, business directory and marketing will fit more into the current roles of PS-OSIC.</p>	
<p>10</p>	<p>There is need for better funding for the Ministry especially in the area of stimulating local economic activities especially the establishment of markets, industrial clusters among others.</p> <p>Ministry of Finance, House of Assembly</p>

Land Administration	5	Land Use Act, 1978
	6	Plateau State Land Administration Bill, 2019
	7	Property and Land Use Charge Bill, 2019
	8	Ministry of Lands, Survey and Town Planning
	9	PLAGIS

Land is one of the vital factors of production. There is a strong link between land administration and management on one hand and economic development of the individual, state or country on the other. Land administration is an important business enabling environment issue and also very important topic for



agriculture value chain and hence to NICOP. The mapping therefore looked at land administration in Plateau state and identified 5 relevant public instruments for land administration in Plateau state and they are analysed below. Meanwhile, in the 2018 Ease of Doing Business Sub-National Report of the World Bank, Plateau state ranked 17th out of 36 states and the FCT in the property registration indicator. This means there is a huge room for improvement for Plateau State.

5. Land Use Act, 1978

The Land Use Act, 1978 governs the system of land administration in Nigeria. The hallmark of the Act is the vesting of all land comprised in the territory of each State (except land vested in the Federal government or its agencies) solely in the Governor of the State, who would hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the State and to organisations

for residential, agriculture, commercial and other purposes. Similar powers with respect to non-urban areas are conferred on Local Governments. The implication of the Act on land administration, allocation and transfer is significant. By the provisions of the Act, the statutory right of occupancy and certificate of occupancy which provide a good root of title for land can only be granted by the state. Transfer of statutory interest in land must also be sanctioned by the governor otherwise such transfer or assignment is inchoate. To this end, government holds much power with respect to land transactions, management and use.

To many stakeholders, particularly business stakeholders, the absolute powers of state government over land is a disincentive for investment particularly in agriculture. It is argued that the vesting of land in the governor of a state makes land acquisition for investment cumbersome and difficult. While there has been some efforts on the part of government at state level to streamline the process for land registration, the general acquisition of large expanse of land for commercial use may still be a difficult process in many of the states.

It needs to be mentioned as well that the Land Use Act 1978 has been given the force of constitutionality by the Constitution of the Federal Republic of Nigeria 1999 (as amended). Section 315 (5) specified the Land Use Act as one of the legislations that shall continue to apply and have full effect in accordance with their tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9 (2) of this Constitution. This therefore means that the alteration of any of the provisions of the Land Use Act 1978 must follow the same cumbersome process for the alteration of any of the provisions of the Constitution¹⁴. This has therefore made it difficult to amend this Act despite many calls for its amendment.

In Plateau State, SEDIN which is the mothership programme of NICOP is working with the Ministry of Lands to streamline the registration process for land and thereby reduce the time and cost for land registration in the state. It must be stated however that the challenges of access to land for investment is not just about land registration. Land acquisition is a more fundamental issue especially for smaller businesses, farmers and big investors who require

¹⁴ Section 9(2) of 1999 Constitution of the Federal Republic of Nigeria (as amended).

land for investment. There are therefore quite some other fundamental issues that NICOP and also SEDIN could look at including the following;

- Access to land for investment through a deliberate government policy. For instance, a mechanic village where land could be allocated to mechanics on annual rent or creation of state farmland for leasing.
- Access of urban farmers in particular to land for farming.
- Addressing the challenges of women and youths in accessing land for farming.
- Provision of land enhancing infrastructure like access road, water dams for irrigation among others.
- The right or interest of local communities when land is acquired by government or big investors for investment. The issue of sustainability and inclusive business approach which allows original owners or communities where such huge land for investment is acquired to acquire a stake in such investment through equity share or including the local population in their business operations through off-takers arrangement among others.

6. Plateau State Land Administration Bill, 2019

This is a bill for a law to make provision for the administration of land in Plateau state and for other matters connected thereto. Even though there has been some protests by some sections of the population in the state on the true intent of this bill with some throwing up some conspiracy theories around the power of the governor to seize their land and allocate it for some purposes against their interests, the bill is largely a repetition of some of the provisions of the Land Use Act 1978 and other known land administration practices. However, the bill also has some novel provisions that are extraneous to the Land Use Act. Some of the provisions of the bill which may be of interest to this assignment are highlighted and analysed below.

- **Definition of certain terms:** Section 2 of the Bill defines certain words and terms and of some interest are the following;

- *Farmland*: while “farmland” is generally known to mean “land used for farming”, the Bill curiously defines “farmland” as land measuring 500 square meters and above located in an urban area specifically used for agricultural purposes in the raising of crops and livestock”. It is not clear why the Bill defined “farmland” in a very restrictive way but the drafters of the Bill may need to look at this again.
- *Plot*: this was defined by the Bill as a piece of land measuring not less than 15 x 30 meters, that is 450 square meters. Even though “plot” is commonly and mostly used especially by non-experts in the land industry in Nigeria, there has not been uniformity across Nigeria on what makes a plot. This is also the case in Plateau state and it would have been expected that a Bill like this would seek to give a clear direction on what constitute a plot of land. The use of the words “not measuring less” in the definition however means a plot could still be agreed by parties provided it is not less than 15 x 30 meters (450 square meters), but it could be more for a plot. If the intention of the definition in the bill is to peg the value of a plot, then it should be definitive rather than only providing the lowest value of a plot. Also, for better understanding, the conversion of the definition to measurement by “feet” would be good as most stakeholders in the land industry in the state use “feet” more in the measurement of land. From the definition, the minimum value of a plot if converted into “feet” is “50ft by 100ft” which aligns with what stakeholders in the state generally consider as a “plot” of land in the state. It is also important to state that while land stakeholders in the purchase and acquisition of land mostly use “feet” and sometimes “meters” and “square meters”, the Ministry of Land in the calculation of rates, fees and charges use hectarage. This sometimes makes it quite unclear and also difficult for land owners who are not professionals to understand the measurements and calculation of fees by the Ministry. It may therefore also be good to break the definition of a plot for instance into hectarage.

- **Powers of the Governor:** the powers granted to the governor under Section 3 of the Bill are in tandem with the powers granted to the governor under Section 5 of the Land Use Act 1978 and these are the powers that the governors across the country enjoy by virtue of the operation of the Land Use Act 1978. The fear that this Bill seeks to extend the powers of the governor in the state is therefore unfounded. The powers granted to the governor under the Bill are currently being exercised by the Governor who already has those powers under the Land Use Act which is superior to any state legislation on land administration in Nigeria.

- **Responsibility of the Ministry of Lands:** Section 5 of the Bill made provisions for the responsibilities of Ministry of Lands, Survey and Town Planning and these include;
 - Providing policy guidelines relating to land, survey and town planning matters in the state;
 - Carrying out cadastral survey and mapping of the state including survey of land subject of statutory right of occupancy;
 - Processing for the grant of statutory land titles which may extend to subsequent transactions that may arise therefrom;
 - Advising government on land policies;
 - Assessing and paying compensation for land acquired by government for public purpose;
 - Responsible for matters relating to the Land Use Allocation Committee established pursuant to the provisions of the Land Use Act; and
 - Preparing policies in respect to geographic information system

The roles stated under Section 5 of the Bill are those the Ministry has been playing traditionally over the years. What the Bill seeks to do however through the provisions of Section 5 is to emphasize the roles of the Ministry with respect to land policies in the state. This will allow the Ministry to play more role with respect of providing relevant policy instruments for land management and administration in the state.

- **Purchase of Land:** Section 49 of the Bill states that subject to the provisions of the Land Use Act, any person may purchase land directly from an individual, community, association, firm corporate body or authority wherein such person may proceed with the registration of such land in compliance with the relevant provisions of the bill. Even though the right to own property anywhere is a constitutional right, there are accusations sometimes that some groups of people are sometimes denied the right to buy land in some states. Also, in some parts of the country, women are denied the right to purchase land. It is therefore good that the bill expressly made this provision which should give investors' confidence with respect to acquisition of land in the state.

- **Application for Statutory Right of Occupancy:** Section 55 of the Bill provides that an individual, a corporation or an organization may apply for statutory right of occupancy. The documents to accompany the application are stated under subsection 2 and they include;
 - Passport photograph in the case of an individual;
 - Certificate of incorporation in the case of a corporate body;
 - Sale agreement in respect to the land;
 - Change of ownership or certificate of occupancy issued by the local government where the land is situated;
 - The purpose for which the land is to be used;
 - Tax clearance certificate for three years immediately preceding the date of application; and
 - Evidence of payment of adequate compensation if any, if the applicant is a public body.

- **Establishment of Land Dispute Resolution Panel:** Section 95 of the Bill established a body to be known as the Plateau State Administration of Land Resolution Panel which shall be made up of selected stakeholders from the public sector and representatives of professional associations in the land administration system. The Panel shall have

power to resolve disputes arising from the provisions the Bill and the Plateau State Geographic Information System Law. The Bill provides that a dispute arising from the provisions of this Bill in particular, shall first lie before the Panel for resolution. The Panel is required by the Bill to make its final decision within 60 days and a dissatisfied party can approach the High Court of the State for resolution of the dispute. It is quite clear that this is not like an appeal to the High Court. There is one quick point to note regarding this provision;

- The state currently has set up the Multi-Door Courthouse as a court annexed ADR centre. Instead of creating another panel with allowance for members, the law may consider deferring such disputes to the State Multi-Door Courthouse and it could make additional provisions asking the Multi-Door Courthouse to empanel the listed professionals under the Bill as panel of neutrals for those disputes. This will take care of the need for additional resources for setting up the panel created by the bill and its secretariat.
- **Delegation of power by the Governor:** By Section 116 of the Bill, the Governor may delegate to the commissioner of Lands all or any of the powers conferred on him by the bill provided they are not inconsistent with the provisions of the Land Use Act. This is an important provision which aligns with calls before now by stakeholders for the Governor to delegate some of his powers to the Commissioner of Lands, Survey and Town Planning to make registration process move more speedily. There are states in which the governor has delegated the power to sign Consent to the Commissioner as the governor is not always available to sign all the necessary documents that require his signing within the land registration process.
- **Application of the Bill:** By Section 120, the provisions of the Bill shall apply to all title documents to which the Governor is empowered by this Bill to consider and grant subject to the provisions of the Land Use Act. By this provision, it is safe to mention that this Bill will not apply to land the Local Government is empowered to administer

under the Land Use Act and also will not apply to local government processes with respect to land.

On a general note, while this Bill is not extremely necessary to improve the system of land administration in the state, it has made efforts to reiterate the provisions of the Land Use Act and known practices. In addition, the Bill also has some new provisions which could improve the system of land administration in the state as already brought out.

However, it would seem the Bill could be improved significantly to cover more areas and details that are otherwise unclear. These further areas which should be in addition to those areas already highlighted in the bill above are highlighted below;

- **Land policy:** Instead of largely repeating the provisions of Land Use Act 1978 and other settled principles of land law, the Bill could do more by focusing on state land administration and management policy. It could focus on policies around land acquisition for different purposes, land registration, land management for economic growth, promotion of land registration by customary owners, systematic land registration system, creation of wealth through land, sustainable land use, land reclamation, land grabbing, etc. All the other suggestions below for specific additions could be included as well under the general land policy.
- **Allocation of land for investment/agriculture:** this could be a section under the state land policy. There is a need for government to show clearly its policy on land management for investment, particularly for agriculture. There have been cases in the past where government give land to investors without any meaningful results from those actions. Government need to have a clear plan on this. Under what condition would the state acquire land and give to an investor, the rights or interest of locals around the location of such investment among others. Also, the need to encourage agriculture among youths in particular has been clearly identified even by the state. What plan does the state have in place to enhance access of youths to farmland. There could also be statements around reservation of land around water sources for agriculture purposes among others.

- **Waiver of rent by the governor** – Section 77 of the Bill provides that the Governor may grant a Right of Occupancy free of rent or at a reduced rent in any case in which he is satisfied that it would be in the interest of the public to do so. While one could assume such situation in which this waiver could be in the interest of the public, to avoid abuse, it would help to give some directions as to what type of situation is envisaged by the law under which the Governor could grant such waiver.
- **Registration of land at the traditional/LGA level:** it has been said that registration of land at the local level especially at the level of traditional institutions is the most unclear, most expensive and also most susceptible to fraud. Most land in Nigeria and indeed in Plateau state are unregistered. Except in few cases of government allocation, there is a 97% chance that any land in sale in the state is unregistered. That therefore means that the registration process of such land will start from the traditional institutions, to the local government for change of ownership before the commencement of registration process at the state Ministry of Lands. What the traditional rulers (village heads) collect from land buyers to sign on change of ownership form is far higher than the cost of registering the land at the Ministry. Apart from this, the fees paid at the traditional institution levels are unreceipted and unstructured. There is also a high propensity for one land to be sold severally with all receiving the signature of the village head as there is no form of data and structure to the document signing process at this level. There is a great need to address the issues of registration at these traditional/community and LGA levels. Since these processes at these levels are required and are part of the state land registration process, it is important to reform these processes as well to promote transparency around these processes. Already, there is an effort by the Ministry of Lands to engage with stakeholders at these levels and that should continue, but a Bill like this can be used to set up certain rules and structures to sanitize the land registration process at the traditional/community and LGA levels as part of general land administration system in the state.
- **Land fraud:** even though Part X of the Bill makes provisions for offences and penalties, these offences and penalties were only with respect to infractions committed in the

registration process with the Ministry of Lands. There are so many infractions and fraudulent activities around land administration generally including around land purchase that this Bill should address, and this should also include extortions and corruption by traditional/community and government officials.

7. Property and Land Use Charge Bill, 2019

This Bill is for a law to provide for the consolidation of property and land-based charges and to make provision for the levying and collection of land use charge in Plateau state and for other matters connected thereto. This Bill is one of the bills that most states have copied from Lagos state to enhance revenue generation. Even though its long title mentioned that the Bill is to provide for the consolidation of property and land-based charges, it is not clear what heads of land-based charges the Bill is consolidating. Rather, it would appear the Bill simply changed the tenement rate which is collected by the local government council with this land use charge and put the collection in the state with some sharing arrangement with the local government areas. This may have been informed by the long discussions around the capacity of local government areas to effectively assess and collect tenement rates. A proper consolidation of land-based charges should have included the ground rent which is collected by the state and it is land-based.

Generally, while this Bill may impact on the rising prices of rent especially for commercial buildings in the state (shops and offices), the bill is not very relevant for NICOP. It may not also be of immediate relevance for SEDIN except that it may have negative impact on business enabling environment in terms of increase in cost of operations and therefore a bill to watch.

8. Ministry of Land

The Ministry of Lands, Survey and Town Planning is the basic government organ saddled with the responsibility for the management and administration of land resources in the state. The vision and mission of the Ministry are highlighted below;

Vision: To become a technology driven organization that is secure, user friendly and a comprehensive provider of geospatial data infrastructure.

Mission: To provide an efficient Land administration process through the provision of geospatial data of Plateau State and quality land services to all Services Land Titled Holders in an effective and timely manner for effective planning.

The functions of the Ministry as detailed in its official documents including its website (<https://minoflands.plateaustate.gov.ng>) include the following;

- Provision of residential, commercial, industrial and other relevant layouts;
- Preparation of physical developments plans;
- Surveying and mapping;
- Processing of Statuary Land titles, which extend to subsequent transactions that may arise thereof;
- Advising Government on land policies;
- Other activities that are geared towards the implementation of the National Land policies;
- Processing and execution of land transactions;
- Production and revision of maps of the state on various scales;
- Demarcation and survey of parcels of land for various purposes;
- Preparation and periodic review of physical development plans.

While the Ministry has lofty vision and mission as highlighted above, many feels however that the Ministry has not performed up to its potential in recent years especially with respect to property registration and revenue generation for government. It must however be stated that the Ministry, especially under the current leadership, is aware of the perception of stakeholders about it and the enormous task before it. There are ongoing efforts for rapid reform of the Ministry's processes.

SEDIN has been working with the Ministry to improve its processes particularly the land/property registration processes. The Ministry now has a website though that still needs significant improvement to make it functional and useful to investors and general land

owners. Key documents like the application form, schedule of fees among others are still missing on the website. Also, it would be important for the Ministry to set up a land registration portal attached to the website where preliminary registration processes like filling and submission of application form, payment for application fees, tracking of file among others can be achieved. Other agencies like CAC are doing this and this should therefore be possible to set up. Even though it may still require physical visit to the Ministry for submission of original title documents, but being able to complete part of the process online and being able to track the progress of application online will reduce substantially the time and cost of registration for investors.

Similarly, to keep to the vision of transparency of land registration process, the Ministry recently launched the schedule of fees which provides the public with information on fees and charges for land registration in the state. This no doubt will promote transparency and therefore highly commendable. However, there is a need to make this schedule of fees available online on the Ministry's website for easy access.

While these reforms are yielding results with appreciable improvement in land registration processes, much still needs to be done especially in other areas of the functions and roles of the Ministry. There is already established in the Ministry, the Plateau State Geographic Information System (PLAGIS) as an arm of the Ministry responsible for digital registration of land titles. There are ongoing efforts to make PLAGIS autonomous and there is already a bill in the House of Assembly to that effect. When passed and PLAGIS becomes autonomous with the responsibility for land registration, the focus of the Ministry as the policy maker for land administration may come alive. The Ministry can particularly play a role in creating land policies that are supportive of investment in the state. Over the years, there have been agitations for farm estates, industrial and commercial layouts. Recently, the Ministry has started looking into this with the setting up of few layouts which are largely residential. Beyond the land registration function, which is now being performed by PLAGIS, it is recommended that the Ministry should look into how to use the land resources in the state to stimulate economic growth. In doing this, the Ministry should work with relevant MDAs to create different categories of commercial land use and also consider inclusion of women and youths in those programmes and initiatives.

Also, the land management and administration in the state starts from the traditional/community level into local government before the Ministry of Lands/PLAGIS. There is a need for the Ministry to look at the land administration system in the state beyond what is happening at the Ministry or PLAGIS. The Ministry should look at ways of improving the system at all levels to create transparency and boost confidence in the land management system in the state. The Ministry need to work with the Plateau state traditional council to sanitize the system of land registration at traditional/community level. There are ongoing efforts in this regard, but this needs to completed. Similarly, the Ministry needs to work with the local governments, particularly the land officers in the local government to ensure the reforms it is introducing at the Ministry level transcends to the local government level.

9. Plateau State Geographic Information System (PLAGIS)

The efforts to set up a geographic information system for land management in Plateau state started in 2007 and the first attempt was commissioned in 2010 with no much success. Another drive at revamping PLAGIS started in 2014 and continued till 2017 when PLAGIS was relaunched. PLAGIS was meant to, among other thing;

- Enhance quick and secure access to land information management;
- Guarantee titles accuracy and legality to registered interest in land; and
- Provide better quality and faster services in processing land application and other related duties.

PLAGIS has been touted as a major revolution in the land administration system in the state and have been commended as a key reform by stakeholders. While this commendation is well placed, it must be stated that PLAGIS has not completely solved all the challenges relating to land registration in Plateau state. The quest to transform land registration process to a fully digitalized system is still a work in progress.

While PLAGIS so far has been running as an arm of the Ministry of Lands with the attendant challenges of staff capacity, orientation and motivation, effort is now in place to make it a fully autonomous agency. The **Plateau State Geographic Information System Bill 2019** is now before the House of Assembly awaiting passage. The Bill is for a law to provide for

the establishment of the Plateau State Geographic Information System and for other matters connected. The Bill in Section 3 established a body to be known as the Plateau State Geographic Information Agency (hereinafter referred to as “PLAGIS”) as a body corporate with perpetual succession and Common Seal and may sue and be sued in its corporate name.

PLAGIS by the Bill is to:

- ensure that the Land Administration System in the State is efficient and effective;
- ensure a system of Land Administration that supports the development of Social and Economic Rights;
- ensure an effective security system in liaison with Security Agencies;
- conform to National Standard concerning Geospatial Data with regard to International and Regional Standards.

It is believed that when PLAGIS is fully autonomous and fully operational, the system for land registration will improve. The required efficiency in the land administration system in the state will be achieved with PLAGIS. Again, the Bill expects PLAGIS to ensure a system of land administration that supports the development of social and economic rights. This is an area that require some more engagement and inter-agency collaboration and it is expected that PLAGIS will work with other relevant MDAs to deliver on this.

In addition, there is also a claim that the GIS can perform far more than storing land data. The PLAGIS managers have said repeatedly that other Ministries in the state including Ministries of Agriculture, Education, Health etc. can benefit from the GIS in PLAGIS and its functions. It would be interesting to see this collaboration and expansion of the use of PLAGIS beyond land registration to collection and analysis of other relevant socio-economic data.

A major concern with the PLAGIS Bill however is that it seems to lump all major roles apart from those of land registration currently being played by the Ministry also into PLAGIS. There is a need to look at the Bill again and ensure it does not duplicate roles for both the Ministry and PLAGIS. In some states, like Edo state and many others, the GIS agency has replaced completely the Ministry of Lands, Survey and Town Planning to cut down on bureaucratic bottlenecks. Plateau state may need to consider this going forward. At the

moment, and while still having both, the Ministry of Lands, Survey and Town Planning may focus on policy development while PLAGIS continue as operational agency of the ministry for land registration.

Key recommendations for improving land administration system in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	While reform in the land registration process, to reduce time and cost, is commendable and the success of the support by SEDIN-GIZ to Ministry of Lands in this regard must be commended, the issue of access to land is a more fundamental issue especially for smaller businesses, farmers and big investors who require land for investment. Most of the MSMEs in the state do not have land and may not need registration, but a programme which provides access to land at an affordable cost even if on lease, will be more useful and helpful to MSMEs in the state and focus should be given to this. For instance, a mechanic village where land could be allocated to mechanics on annual rent.	Ministry of Lands, Ministry of Commerce, Ministry of Agric.
2	Develop a policy to mainstream the rights of local community where big land for investment is acquired especially those acquired through government.	Ministry of Land, Ministry of Justice, Ministry of Commerce, PS-OSIC
3	Review the Land Administration Bill to integrate the recommendations of this report as detailed under the Land Administration Bill section.	Ministry of Justice, Ministry of Land

4	<p>There is a need for the Ministry of Lands to look at the land administration system in the state beyond what is happening at the Ministry or PLAGIS. The Ministry should look at ways of improving the system at all levels to create transparency and boost confidence in the land management system in the state. The Ministry need to work with the Plateau state traditional council to sanitize the system of land registration at traditional/community level. Similarly, the Ministry needs to work with the local governments, particularly the land officers in the local government to ensure the reforms it is introducing at the Ministry level transcends to the local government level.</p>	Ministry of Lands
5	<p>The Ministry of Lands as one of its strategic objectives for 2020 – 2023 has committed to putting in place a framework that ensures priority and fast-tracking of requests for land by investors in core sectors of agriculture, tourism, mining as well as key support areas like health, education and housing. Having this framework in place is important and will help the current efforts of the state to drive investment into the critical sectors in the state. The role of the recently established PS-OSIC will also be important in this regard.</p>	Ministry of Lands, PS-OSIC
6	<p>There is need for a functional website for Ministry of Lands/PLAGIS and a registration portal where part of the registration processes including filling and submission of application form, payment of fees,</p>	Ministry of Lands, Plateau State Information and Communication

tracking of application progress etc can be completed.	Development Agency (PICTDA)
<p>7 Building capacity for timely resolution of land disputes especially land for commercial purposes. The new Land Administration Bill has recommended the setting up of a committee of sort for this purpose. However, the recommendation of this report is for the state to link this function to the Plateau State Multi-Door Courthouse. There is however a need to ensure that relevant land administration professionals including staff of Ministry of Lands/PLAGIS and other professional associations are trained on ADR and certified to practice as panel of neutrals in the state Multi-door courthouse. Matters relating to land disputes can then be referred to the Multi-Door Courthouse for settlement and the trained panel of neutrals would then be empaneled to settle such matters.</p>	Ministry of Lands, State Judiciary

Tax Administration	10	Plateau State Revenue (Consolidation) Law 2017	Law/State	High
	11	Plateau State Revenue Consolidation Law 2020	Law/State	High
	12	Plateau State Internal Revenue Service (PSIRS)	Institution/State	Medium
	13	Local Government Revenue Offices	Institution/LGA	High

Tax administration is a critical business enabling environment topic for MSMEs owing to its importance to survival of MSMEs in any economy. In Nigeria, the issue of multiple taxation, nuisance and illegal taxes, multiplicity of collecting agencies, corruption and lack of transparency and accountability among others are key issue of tax administration which makes the tax administration system often unfriendly to MSMEs. In Plateau state, there has been efforts by the State Internal Revenue Service to address some of these challenges and SEDIN-GIZ programme has supported some of these efforts in the past including the harmonization of state and LGA taxes and reduction of tax heads by the passage of Revenue Consolidation Law 2017. SEDIN also supported the establishment of tax complaint office and general automation process.



An OECD Committee of Fiscal Affairs Forum on Strategic Management listed the following as best practices for tax administration for MSMEs and taxpayers generally¹⁵;

- apply tax laws in a fair, reliable and transparent manner;
- outline and communicate to taxpayers their rights and obligations as well as the available complaint procedures and redress mechanisms;

¹⁵ <https://www.oecd.org/tax/administration/1907918.pdf>

- *consistently deliver quality information and treat inquiries, requests and appeals from taxpayers in an accurate and timely fashion;*
- *provide an accessible and dependable information service on taxpayers rights and obligations with respect to the law;*
- *ensure that compliance costs are kept at the minimum level necessary to achieve compliance with the tax laws;*
- *where appropriate, give taxpayers opportunities to comment on changes to administrative policies and procedures;*
- *use taxpayer information only to the extent permitted by law;*
- *develop and maintain good working relationships with client groups and the wider community.*

To understand the current situation of tax administration in the state, the mapping identified 4 relevant public instruments for tax administration in Plateau state and they are analysed below.

10. Plateau State Revenue (Consolidation) Law 2017

The general purpose of the Plateau State Revenue (Consolidation) Law 2017 is to provide for the establishment of the Plateau State Internal Revenue Service (PSIRS), administration and collection of all state government ministries, departments and agencies; harmonize the rates and levies for collection by local government councils in Plateau state. This law harmonized all taxes, rates, levies and charges collectible by state and local government councils in Plateau State and prohibits the collection of all illegal taxes, rates and levies by state and local government councils.

The Plateau State Revenue (Consolidation) Law 2017 was hailed many stakeholders including business associations and MSMEs as a major, far reaching piece of legislation that revolutionized the tax administration system in the state. The passage of this law was supported by SEDIN Programme and in a publication on the highlights of the law, produced by PSIRS with the support of SEDIN, the key aspects of the law with key MSMEs tax reforms were highlighted to include the following;

- ***A single (consolidated) law on all forms of revenue (taxes, rates, fees, levies and charges) collectible by state MDAs and local government councils in the state.*** It is a consolidation of MDAs rates as well as all local government council rates. This makes it easy to have a full overview of state and LGCs revenue and collectible taxes, rates and levies.
- ***The Law clearly defines taxes, levies and rates that are collectible by state ministries, departments and agencies (MDAs) and local government councils in the state.*** This is to ensure transparency and accountability in the administration and collection of revenue due to state and local government councils in the state and also prohibit the collection of illegal taxes, rates and levies by officials of government both at state and local government levels.
- ***Procedure for revenue collection:*** Collection of revenue by ministries, departments and agencies of the state and the local government council shall follow the procedure provided under the law. The taxpayer shall be assessed and served demand notice to make payment through the bank or any other approved payment channels. (Ref: Section 100). For all taxes, rates and levies accruing to the state, the tax payer shall pay with his or her Tax Identification Number (TIN) and for all rates and levies accruing to the local government through direct lodgment into the local government account or through approved Point of Sale (POS) machine. Note that payment of cash to revenue officer is discouraged under the present tax regime.
- ***Presumptive Tax Regime:*** Where the income of a person or business cannot be ascertained due to lack of records, the person or business shall be assessed based on the presumptive tax table in the schedule of the law. (see table on page 3). A person or business assessed under the presumptive tax regime can object to the categorization or band placement under the presumptive tax table within 15 days of such assessment. (Ref: Section 50). Note that presumptive tax is not a new or separate head of tax, it is the system for administering personal income tax where the income of the taxable person especially a business is not ascertainable e.g. for lack of records.

- ***Incentive for tax compliance:*** Any taxable person or business who keeps up to date records and file tax returns within specified period shall be granted a rebate of one percent of the tax payable. (Ref: Section 51).
- ***Prohibition of Road Blocks for the Purpose of Revenue Collection:*** The Revenue Law specifically prohibits any agency of government at state and local government from mounting roadblocks in any part of the state for the purpose of collecting any revenue. (Ref: Section 54)
- ***Right to do self-assessment of payable tax:*** Every taxable person/business, in case of any revenue that requires assessment, shall have the right to do self-assessment and voluntarily make payment before 31st January for the preceding year tax. (Ref: Section 55 of the Law)
- ***Revision of assessment and objection:*** Any person or business who disagrees with any assessment by the tax authority may within 30 days from the day of the service of the notice of assessment raise objection to the assessment in writing stating the ground for such objection and the tax authority shall consider such objection in line with the provisions of the law. (Ref: Sections 58 - 60).
- ***Payment due dates:*** The due dates for all taxes, charges, rates and levies that are assessed annually shall be within 60 days after the service of assessment/demand notice and within 5 days from the beginning of every month in case of amounts due to be paid monthly. For other amounts that are payable on daily basis e.g. loading and off-loading, is shall be due for payment immediately. (Ref: Section 113)
- ***Whistle-blowing policy:*** Any person not being a staff of the tax authority who provide useful information to the tax authority to assist the tax authority in the performance of its duties may be rewarded by the tax authority subject to the provisions of the Law. (Ref: Section 44)
- ***Prohibition of collection of other revenue not contained in the Law:*** From the commencement of this law, no revenue shall be payable to the state or any local government council in the state except those contained in the schedules to the Law. (Ref: Section 111).

- **Display of payable taxes, rates and levies:** Each ministry, department or agency and each local government council in the state is required by the Law to display at a conspicuous place in all the revenue offices, a chart showing the approved collectable revenue and the expected time of payment. This is mandatory for all revenue collecting MDAs and offices of the state as well as the local government council. (Ref: Section 111).
- **Use of Identification Card by the Revenue Officer:** A taxpayer may demand to see an identification of any revenue officer from state or LGCs as an evidence that such person is a genuine revenue officer.
- **Establishment of Complaint and Information Office:** Each state MDA and local government council is by this law required to establish a complaint and information office to provide relevant information to taxable persons and businesses and listen to their complaints. This is mandatory for all revenue collecting MDAs and offices of the state as well as the local government council. (Ref: Section 111).
- **Use of Consultants in revenue collection and remittance:** The Law prohibits the use of consultants in the collection and remittance of rates and levies by the local government councils in the state. (Ref: Section 112).
- **Classification of Local Government Councils:** The local government councils in the state, for the purpose of collecting the revenues collectible by the local government councils are classified into three categories, namely; Urban, Semi-Urban and Rural. The urban local government councils are Jos North and Jos South LGCs. The semi-urban local government councils are Mangu, Shendam and Pankshin LGCs. All the other 12 local government councils are classified as rural local government councils for the purpose of the local government rates on page 4.
- **Tax Clearance Certificate:** Every person or business who pays income tax (PAYE or direct assessment including presumptive tax assessment) to the Plateau State Internal Revenue Service is entitled to tax clearance certificate upon application for same. (Ref: Section 37).

This law no doubt brought the tax administration in Plateau state closer to the frontiers of best practices as recommended by OECD Committee of Fiscal Affairs Forum on Strategic

Management. To also increase awareness about this law and its benefits for MSMEs, the PSIRS with the support of SEDIN carried out sensitization on the law and directly reached about 5,000 MSMEs in the state.

It must however be noted that despite the good intentions of the law which indeed improved significantly the tax administration system in Plateau state, some parts of the law were observed more in breach by the tax authorities especially at the local government level. In an assessment carried out by SEDIN a year after the coming into effect of the law, MSMEs were still complaining of certain issues the law sought to address. These include the mounting of road-blocks to collect revenue especially on market days, non-compliance with the use of ID cards by local tax officers, non-compliance with the provision to publicly display all rates and charges in the local government secretariat and major markets among others. Despite all these however, this law has been considered as successful in improving the tax administration system in the state.

There are ongoing efforts to replace this law with an “improved version”. The Plateau State Revenue Consolidation Bill 2020 was just recently passed by the House of Assembly and signed few days ago by governor.

11. Plateau State Revenue Consolidation Law 2020

This is a Law to provide for the establishment of the Plateau State Internal Revenue Service, a unified structure of revenue collection and remittance by the Ministries, Department and Agencies and to harmonize the rates and levies collectible by Local Government Councils and other matters connected. The Law was introduced to replace the Plateau State Revenue (Consolidation) Law 2017 and improve on the provisions of the Law. This Law has now been passed by the House of Assembly and recently signed by the governor.

Apart from the change in administrative structures of the Plateau State Internal Revenue Service, the bill also introduced certain sections which MSMEs and some other stakeholders may not consider as an improvement on the tax administration system in the state. Even though there were discussions and separate bills on some new taxes, this Law has now firmly introduced some of those new taxes.

Part VII of the Law imposed **hotel, restaurant or event centre consumption tax, entertainment tax etc.**¹⁶ The hotel, restaurant and event centre consumption tax are taxes imposed on the consumption of hotel, restaurant and event centres by users and this include all services provided for users in these facilities including accommodation, food, drinks etc. The rate for this is 2.5% of the total bill issued to the consumer excluding VAT.¹⁷ This was a copy of similar provision or type of tax that was introduced in Lagos in 2009. There was an argument then about whether or not this amounted to double taxation considering that hotels, restaurants and event centres already charge VAT on those similar services. The Supreme Court in 2013 upheld the constitutional powers of the Lagos State Government to enact the Consumption Tax Law in the case between **Attorney General of the Federation v Attorney General of Lagos State**. In 2018, the Federal Court sitting in Abuja in the case between **Nigeria Employers Consultative Association & Anor v Kano State Inland Revenue Service** while upholding the power of the Kano state government to levy consumption tax in line with the Supreme Court decision, restrained the Kano State Government from imposing Consumption Tax on transactions involving goods and services which are already subject to Value Added Tax¹⁸.

However, on 3 October 2019, the Federal High Court sitting in Lagos while upholding the powers of the Lagos State Government to charge and collect Consumption Tax from hotels, restaurants and event centres within the state also restrained the Federal Government from collecting Value Added Tax (VAT) on goods consumed in hotels, restaurants and event centres. This decision was reached in the case between the **Registered Trustees of Hotel Owners and Managers Association of Lagos (Hotel Owners) v Attorney General of Lagos State (AG Lagos)**. This decision has created a direct conflict with the earlier decision by the Abuja Division of the same Federal High Court on which should give way between VAT and Consumption tax. The Federal Court in Abuja decided that Consumption Tax should not be charged on goods and services that VAT already apply while the Federal High Court in Lagos decided that VAT should not apply to goods and services on which Consumption

¹⁶ Section 68 of the Bill

¹⁷ Item 6, First Schedule to the Bill

¹⁸ <https://andersentax.ng/federal-high-court-upholds-state-governments-powers-to-collect-consumption-tax/>

Tax applies. Since these conflicting decisions are from the same court, with none being superior, it is expected that a higher court will clear this conflict soon.

Under the new Law however, it seems the Law envisaged a situation where both can apply because it excluded the cost of VAT in the calculation of the rate for consumption tax and if both VAT and Consumption Tax are charged on the same goods and services, this will amount to double taxation which is bad for tax administration system in the state. The Law also requires hotels, restaurant and event centres to register with PSIRS for the purpose of collecting, filing necessary documents and remitting the taxes. These same categories of businesses are expected to register and remit VAT with Federal Inland Revenue Service (FIRS), register for PAYE of their staff among others. All these registrations and remittances require some considerable human resource and efforts to comply with and the Law has no considerable incentive for this additional burden on these businesses. Also, when fully in place, this may reduce consumption of food and drinks from the hotel and formalized restaurants.

In addition to the consumption tax, Part VII of the Law also imposed **Entertainment Tax** payable by users of services or products of viewing centres, cinemas, CD producers and other similar entertainment activities as may be determined by PSIRS. The rate for the Entertainment Tax under the bill is 5%.¹⁹

Similarly, under Part VII, the Law imposed the following additional taxes;

S/N	TAXES	RATE	APPLICABILITY
I	Development levy ²⁰	N300 per annum	All taxable individual in the state

¹⁹ Item 7 of First Schedule

²⁰ Section 79

II	Economic Development Levy ²¹	Different rates for different categories of businesses ²²	Oil and Gas, Insurance, Telecommunications, Manufacturing, and Energy Companies operating in the state
III	Social Services Contributory Levy	N10,000	All “High-Net-Worth” Individuals in the state

While “development levy” is not new, the other heads of levy are mostly new. The economic development level seems to add extra burden to corporations who are still subject to payment of company income tax, payee of staff, education levy, ITF tax and many others. On the other hand, the social services contributory levy may be difficult to implement and enforce. Meanwhile, high-net-worth individual was defined under the Law as a person whose investable assets exceeds five million naira (N5,000,000). Instead of this head of tax, the state should focus of collecting due taxes from high-net-worth individuals who often don’t pay tax first. Getting them to pay what is due will be easier and will serve a better purpose than this.

Furthermore, Part VIII of the Law imposed the environmental impact assessment levy, right of way fee, business premises registration fee, introduction/indication of presence fee, tin shade and buying centre registration fee, mineral traders and artisanal miners and tipper association registration fee, haulage fee for minerals and earth construction materials, milling activity fee, animal trade tax, produce sale tax, livestock and produce inspection fee, imposition of pay and park fee.

²¹ Section 81

²² Item 10 of First Schedule

From the general look and assessment of this Law, the key additions to the Law from the 2017 Law appear to be in the area of additional tax head or levy which were in part copied from Lagos. It must be mentioned that Lagos state have a comparative advantage to most states in Nigeria and while it may be able to survive multiplicity of tax and introduction of additional tax heads, a state like Plateau may not be able to survive that. Therefore, there must be some caution and restraint in creating new tax heads and additional burdens on taxpayers, MSMEs and businesses in the state. Similarly, while the 2017 which was supported by SEDIN had series of stakeholders' dialogue on the provisions of the bill including stakeholders dialogue with LGAs, private sector groups, state MDAs etc, there was no such wide engagement on this Bill which has now become Law. Since the Bill has now been passed and signed by the Governor, it would be important to engage critical stakeholders on the new introductions in the Law before commencement of implementation. SEDIN and NICOP may consider supporting this process including a wider awareness intervention on its provisions. SEDIN and NICOP should also consider supporting the private sector in developing policy briefs and supporting relevant private sector groups in advocating for a review of any provision of the new Bill that may require such to improve business enabling environment in the state.

12. Plateau State Internal Revenue Service (PSIRS)

The Plateau State Internal Revenue Service (PSIRS) is the agency of the state government responsible for collecting tax and non-tax revenue for the state. The Personal Income Tax Act (PITA) established the State Internal Revenue Service as the operational arm of the State Board of Internal Revenue Service. Over the years, the different state laws have made elaborate provisions on the Plateau State Internal Revenue Service and its structures and functions. The new Plateau State Revenue Consolidation Bill that was just passed by the House of Assembly, in Section 3, established the Plateau State Internal Revenue Service as a corporate body with perpetual succession. The Service is head by an Executive Chairman who is the Chief Accounting Officer of the Service. Generally, the Plateau State Internal Revenue Service is considered largely as a reforming institution that is making stride to improve its services. Over the years, the service has introduced various reforms geared

towards increasing its efficiency in revenue collection, increasing transparency, and making payment of taxes and charges easier. The Service also has been holding regular dialogues with business associations in the state and taking on recommendations from stakeholders to improve its system.

On the other hand, it would appear the Service sometimes suffer from too much interference from external influences and interests that hamper its functions. Selection of tax automation platforms in recent times has suffered from these external influences. The Service has changed its collection platforms many times in the last few years because of these competing external factors, from taxo, to smart collect, then remita and now there are ongoing plans to change from an internally developed collection platform to another. All these hampers the efficiency and smooth revenue collection by the Service.

Another key challenge for the Service has been that of cooperation by other revenue MDAs. There has been several efforts in the past to address this and these efforts are still going on. The current law and the new Bill both have extended provisions to increase the level of cooperation, but this is not just about law. There is need for more interaction between the Executive Chairman and relevant revenue collecting MDAs in the state for better harmonization of revenue collection.

Also, as part of efforts to promote linkages between state and local government on the issue of revenue collection, the Personal Income Tax established the Joint State Revenue Committee which should be a committee of all the local government revenue officers and relevant state MDAs. This committee is headed by the Executive Chairman of the state internal revenue service. One of the key functions of the Committee as stated in Section 93²³ is the harmonization of tax administration in the state. SEDIN in the past has supported the resuscitate the committee but since the support stopped, the committee has gone moribund again. The Plateau State Internal Revenue Service need to keep this committee running as it creates the necessary platform to transmit necessary tax reforms to local government level.

²³ Personal Income Tax Act (PITA)

13. Local Government Revenue Offices

The local government revenue offices are responsible for revenue collection at the local government level. A major challenge of revenue collection at local level from the administrative point of view is the political interference and politicization of revenue collection at that level. Mostly, politicians use the revenue collection at local level to settle cronies and political thugs who are called “consultants”. Part of the reform that was brought in by the current Plateau State Revenue Consolidation Law is the prohibition of revenue collection by “consultants” at the local government level. Equally, there has been agitations for the establishment of revenue department at the local government level to further strengthen the local government revenue collection and the new Bill has now established the Local Government Revenue Department²⁴ with responsibility for the assessment and collection of all revenue under its jurisdiction. Section 122 further provided that the Revenue Department shall be the sole authority to collect revenue at local government level.

Key recommendations for improving the system for tax administration in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	There is a decline in the revenue accruing to states as a result of the pandemic and other attendant factors. This will lead to more push on internally generated revenue by states with focus on MSMEs. However, government must realize that these MSMEs also have been impacted by the pandemic, therefore government must ensure the MSMEs are not overburdened with tax demands, rather government should support MSMEs with tax reliefs and possibly	Ministry of Finance, Plateau State Internal Revenue Service

²⁴ Section 121

	also set aside some MSMEs support fund to provide grant or loan to MSMEs in the state with three years tax record.	
2	Most states want to emulate Lagos with respect to revenue drive. There is a need for caution here. It is important to mention that Lagos is different from most states in Nigeria. Lagos is a state with more than 20million residents and the economic capital of Nigeria and while many businesses consider the business enabling environment in Lagos state as not very friendly, the market has been a major attraction in addition to being an economic gateway being directly connected to other markets by air, sea and land. Plateau on the other hand need to woo investors into the state and cannot afford to go the way of excessive taxes. The big corporations contribute a lot to Lagos tax base through PAYE of their high paying staff and Ogun state is also now benefitting from this as many people who are working in Lagos are now finding accommodation in Ogun state. With huge potential to attract investment, Plateau needs to intensify efforts towards that direction by creating a favourable business enabling environment that encourage small businesses to thrive but also encourage big corporations to invest in the state. Creating multiple taxes will not help in this regard.	Ministry of Finance, PSIRS, State Economic Management Team, PS-OSIC.
3	The 2017 Law which was supported by SEDIN had series of stakeholders' dialogue on the provisions of	PSIRS, Private Sector Groups, SEDIN-NICOP

	<p>the bill including stakeholders dialogue with LGAs, private sector groups, state MDAs etc, there was no such wide engagement on this Bill which has now become Law. Since the Bill has now been passed and signed by the Governor, it would be important to engage critical stakeholders on the new introductions in the Law before commencement of implementation. SEDIN and NICOP may consider supporting this process including a wider awareness intervention on its provisions.</p>	
4	<p>The fact that the Law has been passed does not mean that its harsh provisions must continue to be in force. Any unfavourable sections of the Law can be amended through advocacy and amendment process. SEDIN and NICOP therefore should consider supporting the private sector in developing policy briefs and supporting relevant private sector groups in advocating for a review of any provision of the new Law that may require such to improve business enabling environment in the state.</p>	<p>Private Sector Groups, SEDIN-NICOP, Relevant CSOs</p>
5	<p>There is a need to look at the State Joint Revenue Committee established under the Personal Income Tax Act (PITA) and now also re-established for the state under the new Law. Beyond its establishment, there is a need to make it work as it is veritable platform for engagement between state and local government tax authorities and can promote harmonization of taxes in the state and also aid implementation of tax law in the state. PSIRS being</p>	<p>PSIRS, LGA Revenue Officers (Departments)</p>

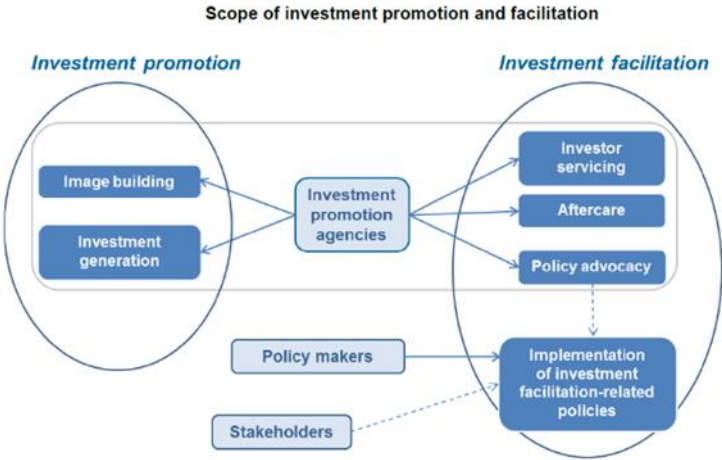
	the chair and secretary of the Committee should ensure it is brought back on board and made functional.	
6	The experience from the past shows a gap in the monitoring of Consolidated Tax Law in the state especially implementation at local government level where there still report of practices that were expressly prohibited under the tax law. The private sector groups should be able to play this role of monitoring implementation especially at local level and should be able to feed the report of its monitoring into the policy advocacy for reforms. CSOs may be able to support in this regard as well.	Private Sector Groups, CSOs
7	There have been frequent change in revenue collection platforms over the years in the state. There is a need for some consistency in this regard. Also, there is a need to consider home-grown technology. From information available, the current platform is home grown but there are claims that the current consultant to the state on revenue collection is making plans to replace the current platform with theirs. The state government need to refuse this attempt. Rather than changing the current platform, the revenue consultant should review and recommend upgrade or change where there are gaps in the platform. Additionally, the state has an IT agency with some capacity to support this type of technology. Efforts should be in that regard rather than taking another third-party platform.	PSIRS, Ministry of Finance

8	<p>Plateau State Internal Revenue Service in the past have used all available platforms (some supported by SEDIN Programme) to engage with taxpayers and the business associations. This appears to have slowed down in recent times but with the covid-19, the Plateau State Internal Revenue Service engaged with the business associations in the informal sector and has now granted 50% relief on taxes payable for 2020 by the informal sector in the state. This is commendable but also shows the need and importance of regular engagement with the private sector particularly business associations in the informal sector. There should be a clear plan on this, and this should happen on a regular basis.</p>	PSIRS
9	<p>Also, the tax compliance award held every year where those with highest level of compliance were rewarded has now stopped. There is a need to revive this.</p>	PSIRS
10	<p>The concept of tax for service that was introduced some years back which was meant to improve tax compliance in markets and business clusters in the state has been abandoned. PSIRS should look into this again and consider initiating the tax for service agreement with key associations in the informal sector.</p>	PSIRS

Investment Facilitation	14	Plateau State One Stop Investment Centre (PS-OSIC)	Institution/State	High
	15	Plateau State Investment Promotion Agency Bill 2020	Bill/State	High
	16	Plateau Investment and Property Company (PIPC)	Institution/State	High
	17	Plateau State Public Private Partnership Law 2017	Law/State	Low

Investment is central to growth and sustainable development. Under the right conditions, international investment can enhance the host economy’s productive capacity and growth potential, drive job creation and improvements in living standards, allow the transfer of technology and know-how, and spur domestic investment, including through the creation of local supplier linkages. Investment facilitation should be understood as a combination of tools, policies and processes that foster a transparent, predictable and efficient regulatory and administrative framework for investment that maximises the benefits to the host economy²⁵.

It is also important to distinguish between investment promotion and facilitation. According to OECD, promoting and facilitating investment are two very different types of activities. The former is about marketing a country or a region as an investment destination,



²⁵ <https://www.oecd.org/investment/Towards-an-international-framework-for-investment-facilitation.pdf>

while the latter aims to make it easy for investors to establish, operate and expand their existing investments. It must be stated however that even though the terms may mean different things, in most economies, these two functions are played by one agency and while investment promotion is good to bring in investors, investment facilitation starts the moment the investor shows interest in investing in the economy and this includes looking after existing investors in the economy to ensure their retention.

While this section of the report will look at and analyse agencies and laws relevant for investment promotion in the state, the focus of analysis will be on investment facilitation not only for foreign but also and more importantly for existing investors including MSMEs in the state. The box below culled from OECD Investment Insights²⁶ shows and explains the three key components of investment facilitation.

Box 1. Elements of a national investment facilitation framework

Investment facilitation involves a whole-of-government approach to encourage responsible and sustainable investments by providing new and existing investors with a transparent, predictable and efficient regulatory and administrative framework for investment. It combines tools, policies and processes that should be adopted by host countries to reduce or eliminate potential and existing obstacles faced by investors once they have decided to invest, and maximise the positive contributions of investment to the economy. They can include the following:

Tools to help investors navigate through the various regulations and procedures when investing, such as:

- one-stop shop (if appropriate) or single window for incoming investors
- online business registration system
- information portal on legal and administrative procedures to start and operate a business
- client service charters for all authorities dealing with investors
- systematic aftercare services to existing investors, with a focus on those with strong RBC records

Policies to improve the transparency, predictability and effectiveness of the investment environment, such as:

- sound and consistent legal framework for investment
- regulatory measures to simplify/streamline administrative procedures
- good governance laws and mechanisms
- policies to provide an enabling environment for investors to act responsibly and sustainably

Processes to make these tools and policies useful and impactful, such as:

- public-private dialogue
- inter-agency co-ordination
- capacity building for IPAs and other public officials
- monitoring and evaluation of existing tools, mechanisms and policies

²⁶ April 2018 - <https://www.oecd.org/investment/Towards-an-international-framework-for-investment-facilitation.pdf>

The analysis will look at these three elements of investment facilitation framework and what is available or not in the state.

14. Plateau State One Stop Investment Centre (PS-OSIC)

There have always been efforts by Plateau State Government to attract investors into the state. These efforts which were largely led by the Ministry of Commerce and Industry have been in form of attending international trade fairs and investment promotion programmes especially out of the country. These efforts were not coordinated, and it is usually in form of the governor or the commissioner of commerce travelling to meet with and discuss with investors. The Ministry usually prepare what is called the investment profile of Plateau state and such materials are used at such events or missions. These efforts which were largely towards investment promotion are without plans or structures for investment facilitation. Therefore, even when such investors chose the state, they often do not invest or they move to neighbouring states because of lack of investment facilitation which make their entry very difficult and cumbersome owing to the harshness of the business climate and unfriendly business environment.

Overtime and owing to the need to be more deliberate and also to focus on investment facilitation beyond just wooing investors to come to the state, the state started looking at improving its investment climate and business environment. The state also started looking at what tools and other reforms are required to facilitate investment in the state. The efforts to establish One Stop Shop (OSS) in Plateau state started in 2012 with stakeholders' planning event supported by SEDIN-GIZ. The process stalled severally and finally on September 9, 2020, the Plateau State One Stop Investment Centre (PS-OSIC) was formally launched by Plateau State Governor. Since then SEDIN has supported with onboarding trainings and high-level engagement to achieve a smooth take-off of the centre.

The PS-OSIC is an investment tool to promote investment facilitation in the state. The PS-OSIC is a single office where relevant government agencies are brought together to one location, coordinated and streamlined, to provide efficient and transparent services to

investors in the state. As at the time of this report, there are about 9 state and 10 federal agencies with desks at the PS-OSIC. These include;

STATE AGENCIES:

- i. Office of the Secretary to the Government of the State
- ii. Ministry of Commerce and Industry
- iii. Plateau Investment and Property Development Company
- iv. Plateau State Microfinance Development Agency
- v. Ministry of Lands, Survey and Town Planning
- vi. Jos Metropolitan Development Board
- vii. Plateau State Board of Internal Revenue
- viii. Ministry of Justice
- ix. Ministry of Agriculture and Rural Development

FEDERAL AGENCIES:

- i. Corporate Affairs Commission
- ii. Nigeria Incentive-Based Risk Sharing system for Agricultural Lending (NIRSAL)
- iii. Bank of Industry
- iv. Standard Organization of Nigeria
- v. Nigeria Investment Promotion Council
- vi. National Agency for Food and Drug Administration and Control
- vii. Industrial Training Fund
- viii. Federal Inland Revenue Service
- ix. Nigerian Export Promotion Council
- x. Small and Medium Enterprise Development Agency of Nigeria

Currently, there are efforts to increase awareness about the services of the PS-OSIC especially to local businesses and investors and SEDIN-GIZ is supporting this process. There is also an effort by the state to issue an executive order for the establishment of PS-OSIC. This is to allow the new office receive funding from government budget for its operations. At the moment, the new office is being funded by Plateau State Investment and Property Company (PIPC) and this support by PIPC will end in December according to a statement by the Head of PIPC. Therefore, the state need to ensure all necessary legal backing required for the new office to access funding from the state is put in place. While the Executive Order may be sufficient for now, the Plateau Investment Promotion Agency Bill currently in the executive council for consideration needs to get to the House of Assembly for passage as quickly as possible. The Bill when passed will give the IPA and PS-OSIC the necessary legal backing to efficiently deliver its mandate in a sustainable manner.

Also, there is a need for onboarding and regular training of seconded staff from the MDAs so they do not bring the same orientation and attitude from the MDAs into the PS-OSIC as that will defeat the essence of OSIC. There is also need for the timely appointment of a qualified and experienced head and core staff for the PS-OSIC. This period is a critical period in the life of PS-OSIC and it requires competent leadership to set the vision and strong mission and foundation for the office and also for investment facilitation in Plateau State. It must be stated that the establishment of PS-OSIC is not an end in itself, but a means to an end. Therefore, qualified, experienced, seasoned and competent team is required to drive the office to achieve the purpose for setting it up. The appointment of the head in particular should not be based on political consideration but purely based on merit, competence and experience.

Investment promotion is important but what will count most at the end of the day is the effectiveness and the efficiency of investment facilitation efforts of the PS-OSIC. It is more interesting to travel to different locations locally and abroad to talk about opportunities in Plateau state but what is most important, and the harder work is in providing investment facilitation services when the investors decide to invest in Plateau. PS-OSIC therefore must pay attention and develop capacity and systems for this and not only for foreign investors but also and more importantly for local investors. In line with this, there is a need for PS-

OSIC to develop a mid-long term strategic plan that gives a clear picture of its investment promotion and facilitation plan, target results over time and M&E plan. It is important to have a clear M&E plan and also a robust M&E system that will allow PS-OSIC to document its success and achievement in terms of number and volume of investment attracted to the state and facilitated, the number of jobs created from those investments and the general impact of such investment on the state economy and revenue generation for the state.

There is similarly the need to continue with the efforts at creating awareness and sensitizing the members of the public especially the members of the business community, media and potential investors. There is also the need for engagement and sensitization of heads of MDAs in the state on the purpose and benefits of PS-OSIC and disabuse the minds of the leaders of the MDAs who do not understand the purpose and need for PS-OSIC.

15. Plateau State Investment Promotion Agency Bill 2020

This is a Bill for a law to provide for the Plateau State Investment Promotion Agency and for other matters connected. The functions of Plateau State Investment Promotion Agency called PLASIPA under the Bill are provided for in Section 4 and includes:

- a. Be a one-stop resource and coordination centre for all state investment promotion activities.
- b. Facilitate intra-governmental cooperation and the streamlining of investor related services in the state.
- c. Develop and implement a comprehensive plan that will enable an investor friendly environment.
- d. Be able to attract domestic and international investment and foster economic growth.
- e. Lead investment promotion activities such as image building, organizing investor fora, greenfield investments, investor targeting and investor aftercare activities as well as sector specific policy advocacy.

The PLASIPA Bill is makes provision for the full operation of PLASIPA as a full agency of government and apart from the general functions of PLASIPA, some of the key provisions of the Bill regarding certain responsibilities of the agency or the head of the agency are

important to note. Section 5 established a board for PLASIPA while Section 6 made provisions for members of the board whose chairman shall be the Deputy Governor of the State. Then the Vice Chairman is expected to be appointed from the private sector with not less than 20 years cognate experience and should preferably have been a former head of a public quoted company. Key commissioners of relevant ministries are members of the Board. In addition and very importantly, the Director General of chamber of commerce and two representatives of private sector companies or professional organizations are also made members of the Board.

The Bill also made extensive provisions for the position of the Director General who shall be appointed by the Governor from the private sector and he or she shall have a minimum of 15 years cognate experience in investment promotion, financial and economic planning. The position of the Director General is tenured for initial 4 years and a second term of another 4 years. Notwithstanding the tenure, the Director General can however be removed by the governor on the grounds of inability to discharge the functions of his office on the ground of infirmity, misconduct or corruption or “any other cause”. The powers given to the Director General appears to be what should be part of the functions of PLASIPA itself and these are provided for in Section 19 and they include:

- Preparation of 3-year rolling strategic plan and 12-month action plan;
- Monitoring and evaluation of progress of the investment promotion strategy;
- Liaising with the MDAs to compile and develop investment profile for the state;
- Recommend appropriate policy direction and reform priorities;
- Prepare policy and strategy papers on investment issues among others.

These should be part of the core functions of the agency rather than that of the Director General and they were also wrongly termed “powers” of the Director General when they are more of functions rather than powers. Also, Sections 4 and 8 of the Bill were both titled “functions” of PLASIPA with similar provisions. This should be reviewed. Section 4 could look at the purpose or overall mandate of the agency while Section 8 looks at the functions.

In view of the widening roles of Investment Promotion Agencies not only to facilitate investments but also to look into other emerging investment issues and concepts for instance,

increase access to innovative funding for investments, green investments, sustainable or inclusive investment, investment incentives among others, it would be important to give the PLASIPA the power to make guidelines, state strategies or regulations around innovative concepts and programmes to promote investments generally in the state. These regulations may be subject to ratification by the governing board.

16. Plateau Investment and Property Company (PIPC)

Plateau Investment and Property Company (PIPC) is a limited liability company fully owned by the state government and it is responsible for managing all government investments. The Plateau Investment and Property Development Company (PIPC) Limited is a product of the merger of four (4) organisations aimed at streamlining the activities of all the agencies connected with the promotion of industrial and business development in Plateau State. These agencies include: Plateau State Small and Medium Industries Promotion and Development Agency (PSMIPDA), Plateau State Housing Corporation (PHC), Plateau Industrial Development Authority (PIDA) and Plateau Investment Company Limited (PICL)

PIPC's mission was stated on its website as follows:

“We seek to be the main vehicle for the actualization of government's industrial and commercial goals/objectives through a planned process of promoting economically viable projects in the private sector on strict commercial principles and the efficient management of all state investments.”²⁷

In the absence of investment promotion agency, PIPC has been playing some of the roles of investment promotion as well in the state in addition to its corporate aims of developing investment opportunities, seeking investment partners and making investments as a corporate entity. Similarly, since the beginning of discussions around establishing the one stop shop in the state, PIPC has been providing technical as well as financial support for this initiative. PIPC supported the furnishing and provided equipment for the take-off of PS-OSIC. It is therefore curious that the PLASIPA Bill didn't consider PIPC as a member of the

²⁷ <https://www.pipcltd.com.ng/pipc/>

PLASIPA governing board. This should be looked into as PIPC has the institutional and operational experience that will benefit tremendously investment promotion efforts in the state.

17. Plateau State Public Private Partnership Law 2017

The Plateau State Public Private Partnership Law 2017 is a law to provide for public private partnership for Plateau State and for connected purposes. The Law established Plateau State Council on Public Private Partnership with commissioners of relevant MDAs and representatives of the private sector (chamber of commerce) and professional body (the Nigerian Society of Engineers) as members. The Council has wide mandates and powers around setting guidelines and policies for PPP arrangements.

Even though it is not directly relevant for NICOP-SEDIN VCs, a PPP law is essential for management and governance of PPP arrangements. It provides enabling environment and clarity for PPPs which are necessary for infrastructural development. Again, infrastructure is an important business enabling environment factor. It must however be stated that having a law in place is one thing, developing appropriate projects and actively promoting projects to private investors is another.

Key recommendations for improving the system for investment promotion in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	Need for speedy passage of the Plateau State Investment Promotion Agency Bill 2020 currently before the state executive council for consideration. In the meantime, while the bill is being given all necessary attention, the governor should consider issuing an executive order for the establishment of the PS-OSIC pending the passage of the bill.	Commissioner of Justice and Attorney General, Ministry of Commerce, State Executive Council, Plateau State House of Assembly

2	<p>There is a need for onboarding and regular training of seconded staff from the MDAs so they do not bring the same orientation and attitude from the MDAs into the PS-OSIC as that will defeat the essence of OSIC.</p>	<p>PS-OSIC</p>
3	<p>There is also need for the timely appointment of a qualified and experienced head and core staff for the PS-OSIC. This period is a critical period in the life of PS-OSIC and it requires competent leadership to set the vision and strong mission and foundation for the office and also for investment facilitation in Plateau State. It must be stated that the establishment of PS-OSIC is not an end in itself, but a means to an end. Therefore, qualified, experienced, seasoned and competent team is required to drive the office to achieve the purpose for setting it up. The appointment of the head in particular should not be based on political consideration but purely based on merit, competence and experience.</p>	<p>Governor of Plateau State, Ministry of Commerce</p>
4	<p>There is similarly the need to continue with the efforts at creating awareness and sensitizing the members of the public especially the members of the business community, media and potential investors. There is also the need for engagement and sensitization of heads of MDAs in the state on the purpose and benefits of PS-OSIC and disabuse the minds of the leaders of the MDAs who do not understand the purpose and need for PS-OSIC.</p>	<p>PS-OSIC</p>

5	<p>Investment promotion is important but what will count most at the end of the day is the effectiveness and the efficiency of investment facilitation efforts of the PS-OSIC. It is more interesting to travel to different locations locally and abroad to talk about opportunities in Plateau state but what is most important, and the harder work is in providing investment facilitation services when the investors decide to invest in Plateau. PS-OSIC therefore must pay attention and develop capacity and systems for this and not only for foreign investors but also and more importantly for local investors.</p>	PS-OSIC
6	<p>There is a need for PS-OSIC to develop a mid-long term strategic plan that gives a clear picture of its investment promotion and facilitation plan, target results over time and M&E plan.</p>	PS-OSIC
7	<p>It is also very important to have a clear M&E plan and also a robust M&E system that will allow PS-OSIC to document its success and achievement in terms of number and volume of investment attracted to the state and facilitated, the number of jobs created from those investments and the general impact of such investment on the state economy and revenue generation for the state.</p>	PS-OSIC
8	<p>Consider PIPC as a member of the PLASIPA governing board owing to its institutional and operational experience that could benefit tremendously investment promotion efforts in the state</p>	Commissioner of Justice and Attorney General, Plateau State House of Assembly

Contract Enforcement	18	Plateau State Multi-Door Courthouse Law 2017	Law/State	High
	19	Plateau State Judiciary	Institution/State	High
	20	Ministry of Justice	Institution/State	High

One of the key indicators used by the World Bank in assessing national and states economics across the world is the ease of enforcing contracts. This basically deals with how easy it is to enforce commercial (or business) agreement/contracts among business entities in terms of number of processes, ease of the processes, cost, and predictability of the processes. Contract



enforcement is very key aspect of commercial and business engagement generally especially because often commercial and business interactions occur between private individuals or companies who have to mutually depend and trust each other to perform their obligations under the contract. When there is a default or there is any other form of dispute and disagreement arising from the business relations, the aggrieved party need to have some form of laid down, functional, effective and affordable processes to enable the party seek redress. When businesses are not able to enforce contracts or where the process for enforcement is not easy, affordable and predictable, where businesses have no help from business institutions, government or private, to make others keep to their business agreement, then investment may be lost overnight, or people and businesses may simply chose not to transact business with unknown persons, it may make the business environment very chaotic and unfriendly for business growth.

Plateau ranked 22nd out of 36 states and the FCT in the World Bank Ease of Doing Business Report 2018 leaving a lot of room for improvement. To understand the current situation of

contract enforcement and commercial dispute resolution system in the state, the mapping identified 3 relevant public instruments and they are analysed below.

18. Plateau State Multi-Door Courthouse Law 2017

The World Bank Ease of Doing Business Report in 2014 recommended the establishment of the Multi-Door Courthouse by State Judiciaries as one of the reforms needed to enhance the system for commercial dispute resolution in the states. Similarly, in a report of regulatory environment reforms produced by the Nigeria Economic Summit Group (NESG) and PROSHARE Business in 2016, a key recommendation for improving the contract enforcement reads:

“Some states already have the Multi-Door Courthouses. This should be replicated in all states so that all Alternative Dispute Resolution (ADR) processes are available in all states.”

In Plateau State, SEDIN Programme has been supporting the advocacy for the establishment of Multi-Door Courthouse as one of the key business enabling environment reforms and in 2017, the State Government enacted the Plateau State Multi-Door Courthouse Law 2017. The Law among other things established the Plateau Multi-Door Courthouse also called “PMDC” as a court-connected Alternative Dispute Resolution (ADR) Centre.

The objectives of PMDC according to Section 4 of the Law include;

- a. Enhance access to justice by providing alternative mechanisms to supplement litigation in the resolution of disputes;
- b. Minimize citizen’s frustration and delays in justice delivery by providing a Standard Legal Framework for the fair, speedy and efficient settlement of dispute through Alternative Dispute Resolution (ADR);
- c. Serve as the focal point for the promotion of ADR in Plateau State; and
- d. Promote the growth and affective functioning of the justice system through ADR methods.

The Law also in Section 6 mandated the PMDC to collaborate ad maintain working relationship with reputable and recognized organisations including but not limited to the

ADR Centre of the Ministry of Justice. The Law similarly established the Governing Council for PMDC with members from relevant MDAs, the private sector and professional bodies.

In line with the provisions of this law, the Ministry of Justice and the State Judiciary have taken crucial steps to implement this law by setting up the governing council with the support of SEDIN GIZ. The Governing Council and the Judiciary with the firm support of the Ministry of Justice are working on providing a building accommodation for the PMDC. The PMDC building is about 80% completed and it is expected to commence operations soon. Similarly, SEDIN has supported the State Judiciary to train staff and other stakeholders in Mediation and Conciliation, two of the major ADR processes that will be used by the Multi-Door Courthouse and also most suited for MSMEs.

There is a need to complete the PMDC without further delays. This was initially scheduled to be completed in 2019, then to 2020 and covid-19 played additional role in delaying this further. However, there is a need to complete this project in the first quarter of 2021. Once fully completed and operational, there would be need for awareness creation on this policy facility and the services it provides for MSMEs in particular and business community and general public in particular. There would be the need to organize facility visit for leaders of the business community in the state to the PMDC. Similarly, there would be the need to take the PMDC closer to the people especially to other commercial cities in the state. Already, there is a plan to establish another centre of PMDC in Shendam town in Shendam Local Government Area of the State. There would be need for similar PMDC centre in Mangu and Pankshin as well.

19. Plateau State Judiciary

From the information on the official website of Plateau State Government, the State Judiciary exists;

“chiefly to, interpret, apply and direct the enforcement of the laws, customs, and conventions that make up the State' legal system. It's sphere also extends to the **protection or preservation of contracts**, rights and freedoms that define the socio-political and economic space of the State. The State Judiciary also helps to preserve

and protect the rights and freedoms of individuals and corporate bodies in the State from the over-bearing reach of State officialdom or from other non-state entities – including multinational and local organizations that operate in the State. Its reach even extends to the review of decisions of disciplinary panels of various professional and corporate organizations in the State.”

The Judiciary in Plateau State has been making efforts to contribute to improving the business enabling environment in Plateau State. Currently, the State Judiciary is reviewing the High Court Civil Procedure Rules to integrate reforms in the civil procedure rules and make it easier to enforce civil rights including contractual claims. In addition, the State Judiciary initiated the Multi-Door Courthouse Law, inaugurated its governing council in line with the Law and now setting up the physical structure for the take-off of the PMDC.

Despite all the efforts, the ranking of 22nd in terms of contract enforcement in the Ease of Doing Business Report 2018 shows more still needs to be done. It is good that the State Judiciary is already making efforts to set up a court connected ADR system in form of the multi-door courthouse, there is also the need to complement this with reforms and initiatives in the formal justice system (court processes) and the following are recommended;

- Through the ongoing process of review of Civil Procedure Rule, limit adjournments and introduce effective time limits for commercial cases;
- Consider the introduction of specialized commercial courts or divisions;
- Establish small claim courts and introduce fast-track procedures in small claims courts;
- Perform a resource review to evaluate the need to hire more judges and staff;
- Establish facility, processes and procedures for virtual court hearing for commercial matters; and
- Strengthen case management system through automation of filing and services.

A major challenge for most state Judiciaries in Nigeria is that of poor funding. In Plateau State, the State Judiciary is not spared from this. The new complex of Plateau State Judiciary has been under construction for over 10 years and still not completed. Automation

and technologically driven processes require funding. Therefore, to achieve the highlighted reforms, there is a need to increase funding to the State Judiciary.

20. Ministry of Justice

Curiously, the Ministry of Justice is omitted from the state MDAs on the website of the Plateau State Government and therefore, there is no public information as to what the Ministry's plans towards governance, rule of law and regulatory reforms all of which are important to business enabling environment and investment climate. Section 195 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) made provision for the office of the Attorney-General and Commissioner of Justice for a state, making the Ministry of Justice the only constitutionally created Ministry in the constitution. The Constitution also described the Attorney-General and Commissioner of Justice as the "Chief Law Officer" of the state. In line with the legal mandate of the Ministry, the Plateau State Ministry of Justice has been providing backing for the good governance, rule of law and regulatory reforms in the state. The Ministry has been instrumental to arrays of reform bills and laws that have been enacted or in the process of being enacted in the state.

Specifically, on contract enforcement, the Ministry has an ADR centre which by the Multi-Door Courthouse Law is linked to the PMDC and receives complaint of different nature from the members of the public which has led to quick resolution of disputes including commercial disputes in Plateau state. Similarly, the Ministry has been providing support to the establishment and take-off of multi-door courthouse in Plateau state. In addition, the Ministry through the Commissioner has been wading into the issue of payment of contractors who worked for government and have not been paid after a long period and are now in court or in the process of taking the State to court. The Ministry has been able to achieve some settlement out of court in this regard. Even though it is not expected that a state should default in its contractual commitment, the efforts by the Ministry of Justice to settle such matters out of court and expeditiously is commendable.

While the efforts of the Ministry in enacting necessary enabling laws and initiating relevant regulatory reforms is very commendable, it is important that the Ministry subject such draft

regulations or proposed bills to the relevant private sector stakeholders for input before they are concluded for executive council's approval and sent to the House of Assembly. The Ministry reckons that such opportunities for collecting, collating and integrating the inputs of the private sector at the public hearing level. While this is true, general experience shows that many times, those who needs to know may not be aware of such public hearing as it is usually through open notice which can be missed by relevant stakeholders and many times, such inputs do not get integrated because of the structure for integrating such input. It is better and could make the bill richer when such are subjected to robust consultation and review by the key private sector stakeholders before they are even finalized, and the Ministry should consider this.

Key recommendations for improving the system for contract enforcement and commercial dispute resolution in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	There is a need to complete the PMDC without further delays. This was initially scheduled to be completed in 2019, then to 2020 and covid-19 played additional role in delaying this further. However, there is a need to complete this project in the first quarter of 2021.	Ministry of Justice, State Judiciary
2	Once fully completed and operational, there would be need for awareness creation on this policy facility and the services it provides for MSMEs in particular and business community and general public in particular. There would be the need to organize facility visit for leaders of the business community in the state to the PMDC.	Commissioner of Justice and Attorney General, Ministry of Commerce, State Executive Council, Plateau State House of Assembly

3	<p>The State Judiciary is already making efforts to set up a court connected ADR system in form of the multi-door courthouse, there is also the need to complement this with reforms and initiatives in the formal justice system (court processes) and the following are recommended;</p> <ul style="list-style-type: none"> - Through the ongoing process of review of Civil Procedure Rule, limit adjournments and introduce effective time limits for commercial cases; - Consider the introduction of specialized commercial courts or divisions; - Establish small claim courts and introduce fast-track procedures in small claims courts; - Perform a resource review to evaluate the need to hire more judges and staff; - Establish facility, processes and procedures for virtual court hearing for commercial matters; and - Strengthen case management system through automation of filing and services. 	State Judiciary
4	Increase funding to the Plateau State Judiciary.	Ministry of Justice, Ministry of Finance
5	There is need for robust consultation and review of bills emanating from the executive through the Ministry by relevant private sector stakeholders. The Ministry should consider this as part of its process even before finalizing such bills for EXCO consideration and approval.	Ministry of Justice

Access to Finance	21	Plateau State Micro-Finance Development Agency Law, 2016	Law/State	High
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Access to finance is listed by MSMEs as a major constraint to business enabling environment in Nigeria and this is not different for Plateau State. This mapping exercise identified only one relevant state instrument to promote access to finance for MSMEs and that is analysed below.



21. Plateau State Micro-Finance Development Agency Law, 2016

This Law established the Plateau State Micro-Finance Development Agency, also referred to by the Law as PLASMIDA. Section 11 of the Law made elaborate provision for the functions of PLASMIDA and the 20 paragraphs functions (a – t) can be summarized into three components;

- a. Supervise and monitor Micro-finance Banks in the state;
- b. Collaborate with public schemes managers in the state and micro-finance banks to facilitate access to finance for micro enterprises;
- c. Capacity development for micro enterprises and support them to access finance;
- d. Set up micro-finance credit, fund and other initiatives from the state; and
- e. Initiate and carry out programmes to improve livelihood especially of the rural population.

Section 11 of the Law make a number of provisions around supervisory and monitoring roles for PLASMIDA with respect to Micro-finance Banks (MfBs) in the state. It is very clear that supervision of Micro-finance banks are within the exclusive purview of the Central Bank of Nigeria and no state agency can by state law seek to supervise MfBs in their state. Therefore, PLASMIDA does not have this power. Even where PLASMIDA has given a certain MfB some funds to manage as micro credit, that will not change the position that PLASMIDA cannot supervise and try to regulate such MfB. What it can do is monitor the disbursement

of such fund in line with the agreement made with the MfB. It is important to note that since establishment, PLASMIDA has never attempted to exercise this supervisory power because they were fully aware they didn't have such power. An amendment of this law and particularly this provision has been muted severally.

On the other hand however, PLASMIDA can collaborate with MfBs to facilitate increased access to finance for MSMEs in the state. Such collaboration is expected by the Law to be extended to federal government schemes in the state. In line with this, PLASMIDA has been collaborating with FG schemes in the state and facilitating access to these schemes by MSMEs in the state.

Similarly, PLASMIDA through the support of GIZ has been able to develop its internal capacity to support MSMEs with entrepreneurship trainings and including training for start-ups. PLASMIDA is also now a recognized Entrepreneurship Development Institute (EDI) in the state.

On the other, PLASMIDA has not been able to do much with respect to setting up a state Micro-finance Fund for MSMEs in the state. Even the counterpart collaboration with Bol never materialize in the state. This may be due largely to lack of fund from the state. However, considering the importance of MSMEs and particularly the micro enterprises in Plateau economy and livelihood of the populace, it is important that the state earmark some funding for this. This funding must however be isolated from political considerations and influences. Specifically, Section 16 of the Law provided that PLASMIDA shall establish a Fund to be known as the Plateau State Micro-finance Fund which shall provide additional operational funds to interested MfBs who shall in turn grant loans directly to entrepreneurs in line with the guidelines which shall from time to time be prescribed by PLASMIDA. This FUND is yet to be established.

The Lagos State Employment Trust Fund (LSETF) would be a perfect model for PLASMIDA in playing its role as a government agency with mandates to promote MSMEs through trainings and access to finance. It is recommended that PLASMIDA visits and interacts with LSETF to learn from them. However, for this to be successful and for PLASMIDA to emulate LSETF,

funding support and capacity development of PLASMIDA would be important especially for the management of such funds.

PLASMIDA at the moment seems to be spreading itself too thin by doing a lot. This may be due to its law which created a 20-paragraph functions including some really omnibus functions like “attract people-oriented development projects and implement and coordinate programmes in the state”. There is need to refocus PLASMIDA a little bit more to be effective. This should be achieved, not only from review of mandate or function in the law but also in its strategic operations. It is recommended that PLASMIDA is refocused as Plateau State SME Development Agency (PLASMEDA) with focus on SME development just like SMEDAN. The Fund established under the current law called Micro-finance Fund should be renamed Plateau MSME Development Fund.

Section 15 provides for the take-off fund for PLASMIDA to defray its operational and administrative expenses for two years, thereafter PLASMIDA is supposed to defray such expenses from its income generated from its service. As PLASMIDA is already over two years, it is not clear whether or not they still receive funding from the state budget for operational and administrative costs or it is already earning enough to take care of those from its income as provided by Section 15. This may be another Section to look at for amendment depending on PLASMIDA’s experience around income generation since inception. Otherwise, if PLASMIDA is not generating enough income by virtue of its focus on looking at micro entrepreneurs, then it may find it difficult to operate and may become ineffective.

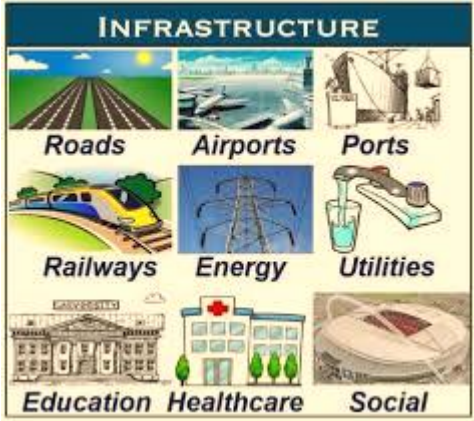
Key recommendations for improving the system for contract enforcement and commercial dispute resolution in the state based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	Need for amendment of PLASMIDA Law to expunge powers that were wrongly donated to the agency and refocus it to what it is currently doing.	Ministry of Justice, House of Assembly, PLASMIDA

2	<p>PLASMIDA at the moment seems to be spreading itself too thin by doing a lot. This may be due to its law which created a 20-paragraph functions including some really omnibus functions like “attract people-oriented development projects and implement and coordinate programmes in the state”. There is need to refocus PLASMIDA a little bit more to be effective. This should be achieved, not only from review of mandate or function in the law but also in its strategic operations.</p>	PLASMIDA
3	<p>Establishment of Plateau MSME Development Fund to replace the Micro-finance Fund under the current law.</p>	Ministry of Justice, House of Assembly, PLASMIDA
4	<p>Capacity development for staff of PLASMIDA on MSME development, business enabling environment, policy advocacy etc to enhance its services.</p>	PLASMIDA
5	<p>PLASMIDA need to collaborate more with public schemes operational in the state and ensure MSMEs are aware of all financing schemes in operation in the state.</p>	PLASMIDA
6	<p>PLASMIDA should also look at the possibility of attracting FinTech companies providing MSMEs funding to link them more with MSMEs in the state.</p>	PLASMIDA

Access to Supporting Infrastructure i.e. Electricity, business accommodation, transportation etc	22	Electricity – JED, NESCO	Public/Private	High
	23	Business accommodation	Public/Private	High
	24	Transportation and logistics	Public/Private	High

A country's infrastructure impacts businesses in many ways. So also is for states or any economy for that matter and at whatever level. Poor infrastructure is a major frustration for small businesses in trying to get on and do their business. Infrastructure from good road, electricity (energy), broadband or general IT infrastructure, financial system infrastructure, among others are very key for MSMEs and availability or the strength of the



infrastructure in an economy could enhance or hamper the competitiveness of businesses operating in that environment. Businesses operating in an environment with better infrastructure will have significantly lower cost of operation compared to businesses operating in an environment where the necessary infrastructure and not available or largely inadequate. For instance, in Nigeria, power has been a major challenge for businesses particularly manufacturers or industries who now need to spend more money in generating their power (generators/diesels) which increase their cost of operation which may make them uncompetitive when compared with producer of same product in an environment where the manufacturer does not have to generate their power but get supply directly from the public power. This mapping exercise identified four relevant infrastructure topic and they are analysed below.

22. Electricity – JED, NESCO

Power is one of the key infrastructures that are very critical to MSMEs especially those in manufacturing sector. While the general power situation in Plateau state, especially through the popular NEPA, PHCN and now JED system, is considered to be average as in most parts

of the country, the presence and operations of the Nigerian Electricity Supply Company (NESCO) has substantially increased electricity situation in Plateau State. There are periods when customers of NESCO enjoy uninterrupted power for months and this has made many to rate the electricity infrastructure in Plateau state as very good. However, it must be noted that NESCO is not available in every part of the state. Therefore, there have been efforts in the past to build industrial village around the areas where NESCO supplies are available to give manufacturers and industrialists access to uninterrupted power for their business. This effort has not materialized. There is a need to still pursue this initiative as it would significantly improve access to power for businesses in such industrial village. The state government should do everything possible to enable MSMEs take advantage of the supply by NESCO.

23. Business accommodation

Many businesses in Plateau State are micro with owners of such businesses relying on rented shops and spaces for their business operations. In the course of this mapping, some of the businesses maintained that the cost of rent affects their business more than the issue of improvement of land registration as they do not have land to register and do not have the resources to acquire land. Even some of the farmers claimed they were renting the field where they are farming and would be interested in government looking at creating a cheaper alternative for them. Hence this topic of business accommodation was identified as one government should look into.

Businesses generally complain of the high cost of rent in Jos-Bukuru metropolis and claimed that this affects significantly the cost of operation for them. It must be noted that shops and other building premises available for rent in the Jos-Bukuru metropolis are provided by private individuals who are also doing that as a business. Therefore, it may be counterproductive for government to consider setting rent price or controlling rent especially of business premises. What government could do therefore is to increase supply or create alternatives especially for micro businesses. However, in creating alternatives for the micro businesses, government must ensure there is transparency so that such alternatives get to those who actually need them at affordable cost. Businesses who currently occupy some of

the government shops complained that such are not allocated to them directly. Most times, civil servants or those who are close to the particular government (state or LGA) are allocated such shops and they now later re-let such to those who need them at an increased market price even when they got it from government at a subsidized price. Bearing this in mind, it is recommended that local governments within Jos-Bukuru metropolis consider building more lockup shops in strategic location and ensure such get to micro-businesses who need them. Government at state level should consider creating commercial hubs and malls where shops are allocated to MSMEs at affordable rent. Government should also consider supporting capacity development for MSMEs in e-commerce which allows MSMEs to operate without shops.

24. Access Road, Transportation and Logistics

Access road is an important infrastructure for business while transportation and logistics are important factors of production. The Plateau state government overtime has made efforts to improve access road not only in the city centre but also in rural areas to ease transportation of goods and farm products. The government however need to look at the access road to the state especially from Manchok in Kaduna State and main road from Forest. While the road from Manchok is largely a state road and can be easily repaired, the Forest to Jos road is a federal road and government must follow up with relevant federal authorities to give attention to that road which is also the gateway to other northern states like Bauchi and Gombe. It is commendable that the State Government has made efforts to bring Max Air to operate a flight for Abuja-Jos-Abuja route. However, the cost and the schedule of the single flight may not necessarily solve the challenge of bad Jos-Abuja road. More efforts need to go into the repair of the road. Similarly, the state government needs to follow up with the Federal Ministry of Transportation on the situation of the rail line to Jos. The Inland Container Port in the state may not be able to run effectively without a rail connectivity. But the benefit of a functional rail system and connection to Jos will not only be beneficial to the Dry Port but also MSMEs in the state.

Transportation on the other hand are provided by private businesses. The State-owned Plateau Riders Limited is also operating in this sector. Generally, the transport system in

Plateau State is largely unstructured. The Ministry of Transportation largely sees its role as that of collecting license fees and not much is being done by the Ministry to improve the transportation system in the state. It is important to get the Ministry to understand its contribution to business enabling environment as the Ministry responsible for transportation. Similarly, there are many transportation related challenges that MSMEs face and the Ministry need to ensure periodic engagement with business associations. There are still currently issues of highway or road extortions which increases the cost of transportation of goods in addition to other relevant transport-related challenges for MSMEs.

Connected to transportation are other related logistics like warehouses, cold-rooms among others. While these are business opportunities for individuals who may want to provide these as services, government could facilitate these as well through a PPP arrangement.

Key recommendations for improving the business infrastructure based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	Government should build industrial village around the areas where NESCO supplies are available to give manufacturers and industrialists access to uninterrupted power for their business. The state government should do everything possible to enable MSMEs take advantage of the supply by NESCO.	Ministry of Commerce, Ministry of Energy and Water Resources, PLASMIDA
2	Local governments within Jos-Bukuru metropolis consider building more lockup shops in strategic location and ensure such get to micro-businesses who need them.	Jos North and Jos South LGAs
3	Government at state level should consider creating commercial hubs and malls where shops are allocated to MSMEs at affordable rent.	Ministry of Commerce, Ministry of Housing

4	State Government should also consider creating commercial estates where 50ft by 50ft land can be allocated to MSMEs to pay in installments and develop overtime.	Ministry of Lands, Ministry of Commerce, PLASMIDA
5	Government should also consider supporting capacity development for MSMEs in e-commerce which allows MSMEs to operate without shops.	PITCDA, PLASMIDA
6	Repair of access roads leading to Jos especially from Forest and Manchok.	The Governor
7	The Ministry of Transport should engage more with business associations to understand their challenges with the transport infrastructure in the state and how it hampers or enhance their businesses.	Ministry of Transport
8	Connected to transportation are other related logistics like warehouses, cold-rooms among others. While these are business opportunities for individuals who may want to provide these as services, government could facilitate these as well through a PPP arrangement.	Ministry of Agric, PIPC

Agricultural Policy and Institutions	25	Plateau State Development Strategy 2019	Strategic Plan/ State	High
	26	Agriculture Services Training Centre and Marketing (ASTC&M Ltd)	Institution/State	High
	27	Plateau Agriculture Development Programme (PADP)	Institution/State	High
	28	Ministry of Agriculture and Rural Development	Institution/State	High

The economy of Plateau state is still largely dominated by the primary production sector, with agriculture, which is predominantly subsistence, peasant and characterized by low and declining productivity. A lot has been said about the potentials the state has in agriculture, the challenge overtime has been how to turn this potential into economic values for the state. Agriculture has been on the agenda of every government in the state and so also it is for the current administration. This mapping exercise identified six relevant agriculture development instruments and they are analysed below.



25. Plateau State Development Strategy 2019

The Plateau State Development Strategy was launched in September 2019 as the strategic agenda and implementation plan for the Governor Simon Bako Lalong’s development

agenda for 2019 -2023. The Governor had earlier announced three pillar development agenda focusing on;

- i. Sustainable economic re-birth;
- ii. Physical infrastructure development; and
- iii. Peace, security and good governance.

The table below shows clearly the three pillar development agenda and targets.

HE Governor Laing set the vision for Plateau, laying out his priorities for 2019-2023	
Pillar	Key priorities
 <p>Sustainable economic re-birth</p>	<ul style="list-style-type: none"> • Prioritize key crops and identify opportunities for processing • Tap into the potential of the mining sector • Develop tourism and ICT • Increase IGR within MDAs
 <p>Physical infrastructure development</p>	<ul style="list-style-type: none"> • Prioritize infrastructure projects with multiplier potential • Redevelop Jos market • Improve roads and sanitation infrastructure
 <p>Peace, security and good governance</p>	<ul style="list-style-type: none"> • Building on recent gains to ensure peaceable co-existence and equitable development • Reform and restructure MDAs • Sustain and increase partnership with development partners

Non exhaustive

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Source: Plateau State Development Strategy 2019 produced by Boston Consulting Group

The Development Strategy 2019 therefore lays out the Plateau Strategic Agenda and implementation plan to achieve the Governor's vision as highlighted in the diagram above. The Development Strategy has 35 initiatives across the various sectors in line with the development agenda of the governor. The initiatives most relevant to NICOP objectives and value chains are those in the areas of agriculture, revenue and infrastructure and they are highlighted below.

- Agriculture

The objective here is to increase value of crops sales and food processing with the following initiatives.

- a. Promote cooperatives and encourage farmer participation to improve access to inputs and markets and improve farmer profits.
- b. Develop the strategy and overarching policies to create an environment for cooperatives and processing investments to flourish.
- c. Build capacity and disseminate knowledge through partnerships and technology to improve farmer access to information and increase profitability.
- d. Attract investments into the agro-food processing industry through financial and regulatory incentives to capture more of the agricultural value chain

- Revenue

The objective here is to improve revenue capture across MDAs through the following initiatives.

- a. Increase tax registration rates to capture more taxes through a push to bring more people into the tax net and streamline electronic payment options.
- b. Reform land registration to track ownership and usage by streamlining the process and conducting a state-wide push for registration.
- c. Increase transparency for cross-MDA tax payments by publishing fees online, streamlining payments into a single bill, and improving online payment options.
- d. Streamline revenue collection across MDAs by completing the single online interface and minimizing cash collection.

- Infrastructure

The objective under the development pillar of infrastructure is to create the infrastructure needed for growth through coordinated road, energy, and water efforts through the following initiatives.

- a. Attract private sector investment for high value transport infrastructure by providing tax and regulatory incentives and offering PPPs.
- b. Maximize revenue collection from existing road/vehicle streams by increasing inspection points and sharing systems across MDAs.

- c. Ensure dedicated funding for road maintenance through the creation of a maintenance fund to improve critical transit routes.
- d. Increase grid connections through private sector expansion of transmission lines to major economic centers via NESCO or Plateau State Energy Corporation.
- e. Expand existing efforts to enable mini-grid investments through efforts to increase demand for electricity and additional prioritization of investment locations.
- f. Implement planned water laws and sanitation practices by gazetting the water law and developing a local plan to address open defecation.
- g. Prepare the Water Board for commercialization by investing in improved metering and capacity training.
- h. Create an overall development plan and improve coordination across infrastructure MDAs through regular budgeting and funding meetings.

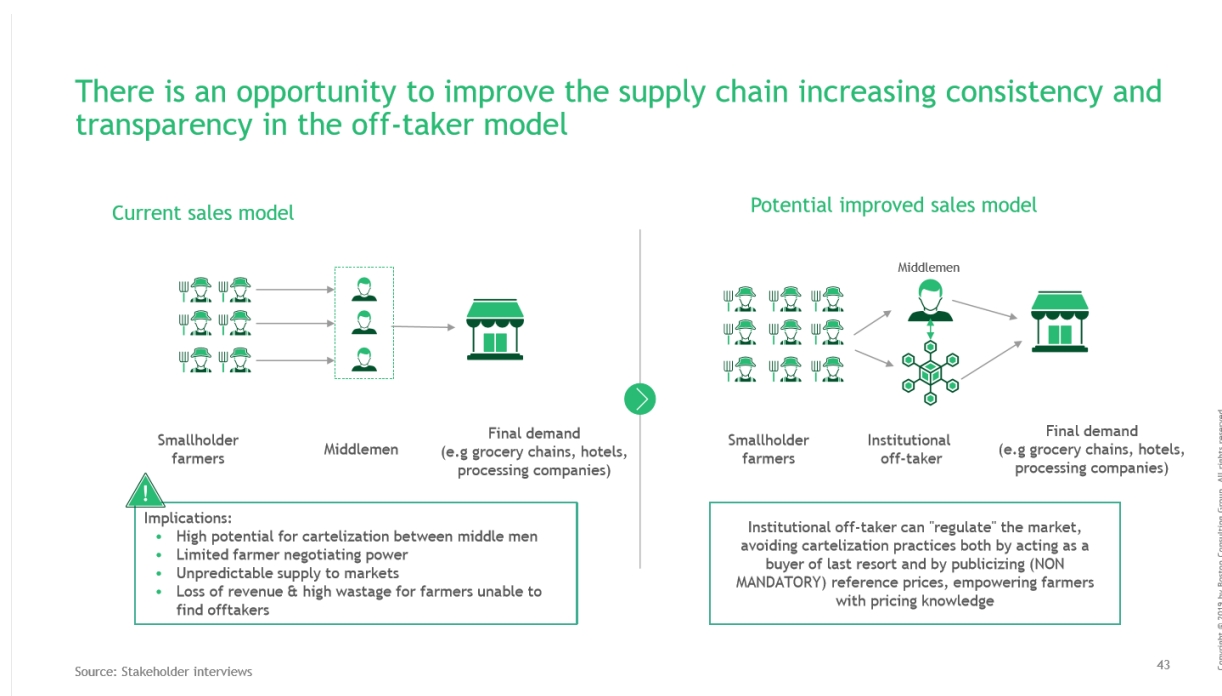
In addition to the various initiatives highlighted, the Plan also recognized some additional key success factors and highlighted the creation of favorable policies, sector conditions and reforms as one of the key success factors especially for driving investment into the key sectors in the state.

Analysis and recommendation

The Plateau State Development Strategy no doubt is a good and well written plan that provides clear roadmap for the state government in driving its developmental agenda for the period 2019 – 2023. The Development Strategy did not only present the initiatives to deliver on the defined objectives for the selected sectors but also formulated key questions for the selected sectors and analysed key challenges facing those sectors and some key business enabling environment issues that should be addressed. For instance, for the agriculture sector, the following questions were formulated;

- Are we growing the right crops? How can we increase production in efficient ways that maximize profitability?
- How can we sell in the right markets and capture higher value for our farmers?
- How can we add value by processing final products?

In trying to answer these questions, the Development Strategy analysed the sectors in details and highlighted particularly some challenges and possible solutions which should interest stakeholders including projects like NICOP and SEDIN. One of those challenges in the area of access to market is the issue of middlemen. The analysis in the Development Strategy shows that up to 80% of potential revenue could be lost to middlemen in the off-takers model currently in place for most of the agricultural products in the state. This model according to the report impoverish the farmers and enriched the middlemen. The Strategy also made a recommendation on how this can be addressed. It proposed the establishment of an institutional off-taker to regulate the market, prevent cartelization or anti-competitive practices and provide pricing information to farmers. The diagram below culled from the Development Strategy gives clear view of the current situation and the proposal for reform.



While this recommendation may be considered as government interference and an attempt to regulate or control pricing in a way, it is important to come to a conclusion that this challenge of cartelization and anti-competitive practices by middlemen constitute a major challenge that must be addressed for the benefit of farmers who are at the bottom of the value chain ladder. A recommendation here would be further deliberation around this challenge and critical consideration of the recommendation in the Development Strategy to

clearly review the pros and cons of this proposal. NICOP-SEDIN could provide platform for this further deliberation and reaching of agreement on the best way to address this challenge in a way that is most favourable to the continued growth of the sector in the state. It is also important not to demonize middlemen in the process but rather have an open and constructive deliberations how to improve the system for the overall benefit of the sector with middlemen as critical stakeholders in the sector.

Another key issue analysed in the Development Strategy that is important for this report and also NICOP-SEDIN and agriculture stakeholders is that of dearth of processing capabilities. Key factors identified in the Development Strategy for this are poor business enabling environment (particularly land acquisition for factory and construction permit) and lack of targeted incentives to attract investment into processing in addition to the general security history of the state. While the challenge of security is not peculiar to the State and efforts are equally being made to address this, the state needs to do more around improving its business enabling environment. In addition, the state needs a strategy for driving investment into processing in the state. There should be clear incentives for setting up of agricultural processing factories in the state. Also, the state needs to encourage the setting up of small-scale industries by creating industrial hubs or clusters where common processing facilities and infrastructure can be shared by processors. The state should also consider the establishment of a special agricultural processing zone with the status of a free trade zone in the state as a longer-term plan and as part of longer-term plan to industrialize the state. Incidentally, industrialization was a key pillar of the current administration in the state in its first term, but efforts were largely around revamping moribund state-owned industries.

A major issue identified by the Development Strategy which stakeholders need to look at addressing is the lack of overall agriculture sector strategy to coordinate efforts, leading to duplicated efforts across MDAs. The Ministry of Agriculture, PADP, FADAMA, ASTC are all driving various initiatives and programmes around trainings, mechanization, etc without clear strategy and coordination. A state like Plateau State that is largely agrarian should have a clear strategy for maximizing the huge potential of the sector. It is recommended that NICOP and SEDIN work with key public and private sector stakeholders in the state to

develop the Plateau State Agriculture Strategy that should look at 10 years. The Strategy should have short, medium- and long-term objectives and targets. It should be multi-sectoral and bring in some targets around women and youths in agriculture, ICT, agriculture land, access to water, road infrastructure, marketing, tax incentives among others with inputs from all the relevant MDAs in the state. The plan should also have clear implementation plans with clear roles and responsibilities for all the major MDAs to avoid duplication of efforts and unnecessary rivalries and competition.

In addition to the initiatives highlighted under the Development Strategy and the analysis of key challenges and recommendations for addressing them, the document also made a good attempt at breaking the initiatives down into key activities and actions with responsible MDAs, deliverables and timelines. Overall, the Development Strategy is a detailed and well written plan that could stimulate the selected sectors. If implemented, the initiatives developed under the Plan will lead to greater economic development of the state, increase investment in selected sectors, create more jobs and improve the general wellbeing of the people of the state. However, that is a big “if”. The Strategy was developed to run from 2019 to 2023 and this is already end of the 2020 and there are no indications that the plan is already being implemented. While this delayed implementation may be placed squarely on COVID-19 pandemic, there’s a huge possibility that this much celebrated Development Strategy may remain largely unimplemented. In addition, this Strategy was developed as a development strategy for the current administration (the Lalong administration) rather than the state plan. The danger therefore is that a new administration may find it unattractive and may start the process of developing another plan. It is important that strategic plans are developed for the state with less personalization to a particular administration to increase the possibility of the plan outliving the administration that set-up their development.

In terms of NICOP’s value chain, it must also be stated that this Development Strategy only captured tomatoes as a second-tier priority crop for the state below the first-tier priority crops of potatoes, maize, rice and yam. There is no mention of ginger (which is the second NICOP crop in the state) at all in the document despite the potential of the crop in the state and its export value. This however does not make the document less important to NICOP

and its value chains as most of the initiatives, issues and recommendations will affect the farmers in the NICOP value chain equally.

26. Agriculture Services Training Centre and Marketing (ASTC&M Ltd)

Agriculture Services Training Centre and Marketing Limited popularly called ASTC was established through a Joint Venture Agreement between the Plateau State Government and SEC Equipment & Communications Nig. Ltd in 2008. It was set up to introduce principles of commercial agriculture in a rural subsistence agricultural setting through provision of comprehensive, proven and state-of-the-art agricultural services to the farming communities and help create self-sustaining agricultural growth in Plateau State.

According to the information on its website which was also corroborated by the company has the following as goal, vision, objectives and services of the company;

<i>Goal</i>	<i>Application of modern and scientific practices to management, production, training and marketing. Taking Services closer to the farmer at Local Government, District and Village levels for self- reliance.</i>
<i>Vision</i>	Increase farmer's productivity and income and attain self- sufficiency in food production through modernized agricultural practices.
<i>Objectives</i>	<ul style="list-style-type: none"> ● Raising agricultural production. ● Boosting yield and improving the quality of produce through mechanized agricultural services. ● Training for the welfare of farmers and the entire population. ● Employment generation, wealth creation and food security.
<i>Our services</i>	<ul style="list-style-type: none"> ● Spraying ● Soil laboratory analysis ● Agriculture and post-harvest marketing ● Training and seminars ● Dairy farm and dairy produce

- Tractor services for cultivation

Even though ASTC has not brought about the much talked about revolution to the agriculture sector in Plateau State, it has no doubt brought about some significant contributions to agriculture development in Plateau State. Apart from providing production services like soil preparation, tractor services, spraying among others, ASTC is also involved with contract farming of some products including tomato and ginger and provide market guarantee for their farmers.

A major challenge of ASTC which also sometimes make some stakeholders weary about the organization is the strong affiliation to government. ASTC is a joint venture company with some private investment and part ownership by the government of Plateau state, this sometimes create confusion as to their services, mandates, programmes among others. On the one hand, some farmers do not feel comfortable approaching ASTC while some farmers do not see the need to pay for the services of ASTC considering it is “government owned”. On the other hand, other government agencies with similar mandates like the Ministry of Agriculture – PADP sometimes do consider ASTC as competitors rather than just an important “service provider” in the sector. For ASTC to deliver on its goal, it would be important to insulate ASCT from politicization. It is also important that all the agriculture related institutions in the state pursue collaboration rather than competition for the benefit of farmers and other stakeholders in the agriculture sector.

27. Plateau Agriculture Development Programme (PADP)

The Plateau Agricultural Development Programme (PADP) is an Integrated Rural Development outfit. It is one of the multi-state Agricultural Development Projects (MS-ADP 1) which became established under a 1987 Edict by the Plateau State Government following the success of the Lafia Agricultural Development Project (LADP).²⁸ The Plateau

²⁸ International Journal of Arts Humanities and Social Sciences Studies Volume 4 Issue 7 || Aug. 2019.

Agricultural Development Programme (PADP) has a mandate to achieve the following objectives;

- To improve the standard of living through infrastructural development and ensure national food security by increasing food crop production and income of small-scale farmers in Plateau State.
- To fashion out a flexible phased approach to development with initial emphasis on implementing well proven components geared towards the agricultural potentials and within the financial and managerial capacity of the state, while embarking on an intensified programme of On-Farm Adaptive Research.
- To assist the state in rationalizing current agricultural activities through a move to recognize commercial inputs distribution and develop a small but effective extension services.
- To prepare for a transfer of a greater share of the responsibility of project appraisal and supervision of state institution.²⁹

On the whole, the Plateau Agricultural Development Programme (PADP) is saddled with the responsibility of efficient information dissemination, proven and acceptable technologies to farmers, the supply of quality farm inputs to farmers and the construction of rural roads and water supply etc.

Generally, there are challenges of funding for PADP which limit their reach of farmers. Similarly, there are challenges of capacity especially of the extension workers particularly in modern agricultural practices. A GIZ programme, the Green Innovation Centre, is working actively with PADP to train farmers in the State but this is largely at the operational level. There is a need to look at institutional framework of PADP as well to enhance the sustainability of such interventions.

There were frantic efforts to access the enabling law or framework for PADP but this was not successful because the law or document detailing the framework of PADP is not readily available. There are however claims that the enabling Edict and document detailing the

²⁹ Ibid

institutional framework of PADP was made in the 1980s making it expedient to look at its suitability for agricultural development in 2020s.

Also, while it appears some of the traditional roles of PADP like training and provision of extension services to farmers, provision of farm inputs among others are now also being provided by ASTC, a company owned largely by the Plateau State Government, rather than competition, what one should see is collaboration. Both PADP and ASTC can work together to better serve farmers in the state and such collaboration can provide mutual gains for both organizations.

28. Ministry of Agriculture

Like in the case of Ministry of Justice, it is curious why Ministry of Agriculture is not listed on the official website of the Plateau State Government. Information from the Ministry officials however listed the mandate of the Ministry to include driving policies and programmes to promote agriculture and rural development in Plateau State. Currently the Ministry has many programmes including the PADP, FADAMA, RAAMP among others. The Ministry is currently looking to develop the Plateau State Agriculture Policy. It is hoped that the policy when developed will give a direction to state's efforts towards promoting agriculture and rural development in Plateau state. Many literatures talks about the potential of the agriculture sector in Plateau state but there is a need to transform this potential into tangibles in terms of production, value addition and exports, income and employment, revenue for government and general economic development of the state.

The Ministry of Agriculture and Rural Development should recognize the fact that agriculture promotion must have multi-sectoral approach. Therefore, the Agriculture Policy to be developed must have full input and contributions of other key complimentary ministries like;

- the Ministry of Lands (for issues of agriculture land especially in urban areas);
- Ministry of Water Resources (water is key to agriculture – issues of dams and water access for agriculture production);
- ASTC (for inputs on mechanization, trainings and marketing);
- Ministry of Commerce and Industry (commercialization and industrialization of the agriculture sector, special agriculture markets etc);

- Ministry of Justice (especially on developing capacities for contract management/contract farming, PPPs and conflict resolution);
- Ministry of Environment (for consideration of issues of climate change etc);
- Ministry of Women Affairs (promoting participation of women in agriculture and mainstreaming women issues into the policy);
- Ministry of Youths (youths' participation in agriculture);
- PS-OSIC (driving investments into the agriculture sector);
- PIPC (investment opportunities in the agriculture sector of the state and funding);
- Disability Rights Commission (mainstreaming issues of persons with disability into the policy);
- Plateau Peace Building Agency (for possible mainstreaming of peace building initiatives into the agriculture policy);
- Etc.

In addition, the private sector groups, CSOs, agriculture research institutes and the academia should be involved in this process of developing an agriculture policy for the state.

While the Ministry of Agriculture could and should take the lead in the development of agriculture policy, this should be a Plateau State Agriculture Policy and not the Ministry of Agriculture Policy. Therefore, all other MDAs relevant for the topic should have a role and responsibility, input and ownership of the policy.

In addition to the State Agriculture Policy, the Ministry of Agriculture should have an internal strategy which should provide direction to its own operations. There is paucity of information, poor data collection, poor coordination among the various programmes and initiatives of the Ministry. There is a need for a clear strategy which should bring all ministry's activities together and the linkages among the various programmes and initiatives of the Ministry.

The Ministry needs to also put itself out. Apart from an inactive Facebook page, there is scarcely any information about the Ministry anywhere, not even on the Plateau State Government official website where the Ministry is conspicuously missing.

There have also been complaint by farmers around the processes and supports of the Ministry which is not clear and transparent. Distribution of fertilizer and other supports and inputs by the Ministry has been criticized by many as lacking in transparency. The Ministry need to address this and clear information about support areas, how to access them among others should be available to members of the public.

Data is a major challenge of agricultural sector in Plateau State. There is no comprehensive data about any product in the state. The Ministry in its strategy document needs to develop a robust data collection and data management system that allows for the Ministry to have up to date data on activities around different products in the state in terms of volume of land cultivation, volume of production, number of farmers involved, where, markets, volume of investment, contributions to the economy etc. This may not be an easy process, but it is one that is necessary, and the use of appropriate technology and system could help in this. Partnership and collaboration with federal institutions need to improve and be deliberate. For instance, there are literatures on tomato sector in Nigeria that do not recognize Plateau as tomato producing state. While this could be down to lack of data by the Ministry on various products in the state, it could also be down to lack of engagement with federal institutions on key value chains in the state.

Many private sector groups in the agriculture sector feel the Ministry is not engaging them enough. There is a need for the Ministry to increase its engagement and dialogues with various value chain groups in the state to understand their challenges and how to support them in addressing those challenges.

Key recommendations for improving the framework, strategy and policy infrastructure for agricultural development in Plateau State based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	In trying to address the challenge of cartelization and anti-competitive practice by middlemen, the State Development Strategy proposed an	Ministry of Agriculture, PMRDO

<p>2</p> <p>To increase the processing capabilities and investment in agro-processing, the state need to consider targeted incentives to attract investment into agro-processing. There should be clear incentives for setting up of agricultural processing factories in the state. Also, the state needs to encourage the setting up of small-scale industries by creating industrial hubs or clusters where common processing facilities and infrastructure can be shared by processors.</p>	<p>Ministry of Agriculture, Ministry of Finance</p>
<p>3</p> <p>The state should also consider the establishment of a special agricultural processing zone with the status of a free trade zone in the state as a longer-term plan</p>	<p>Ministry of Commerce, Economic Management</p>

	and as part of longer-term plan to industrialize the state. Incidentally, industrialization was a key pillar of the current administration in the state in its first term, but efforts were largely around revamping moribund state-owned industries.	Team, Ministry of Agriculture
4	On the issue of lack of overall agriculture sector strategy to coordinate efforts, leading to duplicated efforts across MDAs, it is recommended that the Ministry of Agriculture works with key public and private sector stakeholders in the state to develop the Plateau State Agriculture Strategy with short, medium and long-term objectives and targets. It should be multi-sectoral and bring in some targets around women and youths in agriculture, ICT, agriculture land, access to water, road infrastructure, marketing, tax incentives among others.	Ministry of Agriculture
5	There have been delays in the implementation of the Development Strategy since it was launched in 2019 largely as well due to Covid-19 pandemic. There is a need for deliberate efforts to speed up the implementation of this well celebrated document by all MDAs and the establishment of Project Monitoring and Result Delivery Office (PMRDO) should help drive this.	Economic Management Team, PMRDO
6	For ASTC to deliver on its goal, it would be important to insulate ASCT from politicization. It is also important that all the agriculture related institutions in the state pursue collaboration rather than	ASTC, Ministry of Agriculture

	competition for the benefit of farmers and other stakeholders in the agriculture sector.	
7	There is a need to look at the legal and institutional framework of PADP with a view to improving its efficiency and effectiveness.	Ministry of Agriculture, Ministry of Justice
8	PADP and ASTC can work together to better serve the farmers in the state and such collaboration can also bring mutual gains for both entities. Therefore, there is need for more engagement between the two entities.	Ministry of Agriculture, PADP, ASTC
9	There is need to speed up the process of developing the Plateau State Agriculture Policy which should be a state policy rather than Ministry's policy and should therefore involve all relevant MDAs, the private sector groups, CSOs, agriculture research institutes and the academia in its development and implementation.	Ministry of Agriculture
10	In addition to the State Agriculture Policy, the Ministry of Agriculture should develop an internal strategy document which should provide direction to its own operations.	Ministry of Agriculture
11	The Ministry needs to also put itself out. Apart from an inactive Facebook page, there is scarcely any information about the Ministry anywhere, not even on the Plateau State Government official website where the Ministry is conspicuously missing.	Ministry of Agriculture
12	There have also been complaint by farmers around the processes and supports of the Ministry which is	Ministry of Agriculture

	<p>not clear and transparent. Distribution of fertilizer and other supports and inputs by the Ministry has been criticized by many as lacking in transparency. The Ministry need to address this and clear information about support areas, how to access them among others should be available to members of the public.</p>	
13	<p>Data is a major challenge of the agriculture sector in Plateau State. There is no comprehensive data about any product in the state. The Ministry in its strategy document needs to develop a robust data collection and data management system for all agriculture-related activities and agriculture products in the state.</p>	Ministry of Agriculture
14	<p>Partnership and collaboration with federal institutions need to improve and be deliberate. For instance, there are literatures on tomato sector in Nigeria that do not recognize Plateau as tomato producing state. While this could be down to lack of data by the Ministry on various products in the state, it could also be down to lack of engagement with federal institutions on key value chains in the state.</p>	Ministry of Agriculture
15	<p>Many private sector groups in the agriculture sector feel the Ministry is not engaging them enough. There is a need for the Ministry to increase its engagement and dialogues with various value chain groups in the state to understand their challenges and how to support them in addressing those challenges.</p>	Ministry of Agriculture

Standards and Certifications	29	Standards Organization of Nigeria (SON)	Institution/Fed.	Medium
	30	National Agency for Food & Drug Administration & Control (NAFDAC)	Institution/Fed.	Medium

Registration of products with standards and certifications agencies like Standard Organization of Nigeria (SON) and the National Agency for Food & Drug Administration & Control (NAFDAC) are key issues for MSMEs in Nigeria. The cumbersome nature, cost and the time it takes make MSMEs sometimes consider these agencies as not very friendly to businesses. On the other hand, standards registration and product certification is key for entry of products into formal markets. It is therefore a major business enabling environment issue. This mapping exercise identified two major standards and certification registration most relevant for MSMEs and they are analysed below.

29. Standards Organization of Nigeria (SON)

The Standards Organisation of Nigeria (SON) was established by an Enabling Act Number 56 of December 1971 - the Standards Organisation of Nigeria cap 412 of the laws of Federal Republic of Nigeria. The Act has three amendments: Act No. 20 of 1976, Act No. 32 of 1984 and Act No. 18 of 1990 and Act No.9 of 2004. Act No. 9 of 2004 has been repealed and replaced with Act No. 14 of 2015. SON's governing body is known as the Standards Council of Nigeria. This is the Policymaking body for supervising the administration and financial management of the Organisation.

The aims and objective of SON includes preparation of standards relating to products, measurements, materials and processes; certification of industrial products, amongst others. Under the later aim, a Nigerian Industrial Standards (NIS) was approved to formulate the relevant criteria to ensure that a material, product or procedure is fit for the purpose for which is intended.

SON listed the following as some of its strategies for achieving its objectives;

- Consumer Protection and Engagement
- ***Improving the Competitiveness of Local Products***
- Aggressive Conformity Assessment
- Media Engagement
- Global relevance
- Capacity Building

30. National Agency for Food & Drug Administration & Control (NAFDAC)

NAFDAC deals primarily with food, cosmetics, medical devices and bottled water. Its guideline provides that:

No food, cosmetics, medical devices or bottled water shall be manufactured, imported, exported, advertised, sold or distributed in Nigeria unless it has been registered in accordance with the provisions of the enabling law establishing that office

Apart from the above, labelling of products is also monitored by NAFDAC. The following minimum requirements must appear on the label:

- ✓ Name of product- brand name or common name in bold letters
- ✓ Full location and address of the manufacturer
- ✓ Batch number, date of manufacture and best before date
- ✓ Net content of essential ingredients in metric weight units in case of solid, semi-solid and aerosols and metric volume in case of liquids
- ✓ In case of food, ingredients must be listed by their common names in order of their predominance by weight unless the food is standardized, in which case the label must include only those ingredients which the standard makes optional
- ✓ Food additives and colours must be declared on the label.
- ✓ There are further provisions for labelling of food for special dietary uses.

Like in the case of SON, the NAFDAC registration is considered equally cumbersome, unfriendly, too costly and too time consuming especially for MSMEs. Realising this as well, the National Agency for Food and Drug Administration and Control (NAFDAC) issued this statement and a process for registration of products by MSMEs;

National Agency for Food and Drug Administration and Control (NAFDAC) identified the challenges of Micro, Small and Medium Enterprises (MSMEs) in registration of their products with NAFDAC. The Agency has instituted several activities which include further review of guidelines and streamlined registration processes to handle their peculiar difficulties. The aim is to remove critical bottlenecks and bureaucratic red tapes that hinder the smooth registration and regulatory activities of MSMEs

In line with this, NAFDAC set out some reforms to ease the registration processes for MSMEs including the following;

- The Agency reviewed the Guidelines for the registration of products in line with the transparency policy of the Federal Government. It further streamlined its requirements for some types of food products and cosmetics.
- NAFDAC granted MSMEs with five (5) staff or below, a 50% discount on tariffs for product registration.
- To help MSMEs track registration status at different stages of product registration (documentation, inspection, sampling, laboratory result and approvals), the Agency sends out text messages, emails, makes phone calls to applicants.
- Product samples of MSMEs benefit expedited laboratory analysis.
- Clients are advised to commence the renewal of products three (3) months before the expiration of their licenses.
- The Agency allows shared facility for production by companies with similar products, but limited resources.
- Directors now head Zonal Offices for ease of product registration, especially for MSMEs.

- The Agency does not encourage companies to engaged Consultants for products' certification. Companies are instructed to visit NAFDAC offices directly or register via the electronic platform (napams .org) for registration of products.

This statement and the process review notwithstanding, MSMEs still largely consider registration with NAFDAC as very cumbersome, unfriendly, too costly and time consuming.

Earlier in the year, in May 2020 to be precise, as part of measures to cushion the impact of covid-19 on MSMEs, the Federal Government announced that new Micro Small and Medium Enterprises (MSMEs) will access National Agency for Food and Drugs Administration and Control (NAFDAC) registration of their products at an 80% discount, over the next 6 months. This concession covers MSMEs that are into production of foods, drugs, and related consumables.

Generally, the challenges of standard and certification agencies in Nigeria including SON and NAFDAC are quite fundamental and relates largely with organizational orientation. These agencies were created to facilitate trade, improve standards, and deliver services that will enhance the growth of MSMEs who will then in turn contribute to the growth of the economy. However, these agencies see their roles as more of generating revenue for government. The exorbitant charges by these agencies is a put-off for most MSMEs who would rather remain informal and underground rather than go through with the costly and cumbersome systems of registration. The 80% discount granted to MSMEs for 6 months and which should have ended by November should remain as the new cost of registration for MSMEs. This should be in a bit to encourage the registration of products by MSMEs and stimulate growth of those MSMEs who would have operated underground.

Another fundamental issue to look at while review product registration and which also has to do with orientation is that these agencies and the staff somehow have developed the culture and belief that such registration at SON or NAFDAC should not be "too easy". Added to this is the lack of adequate facility for the various tests that are required for certification across the country. The registration forms as well are unnecessarily too long. The agency have now created an e-registration platform. While this has limited the number of times an

applicant need to visit NAFDAC office, it has not reduced the time it takes for registration substantially.

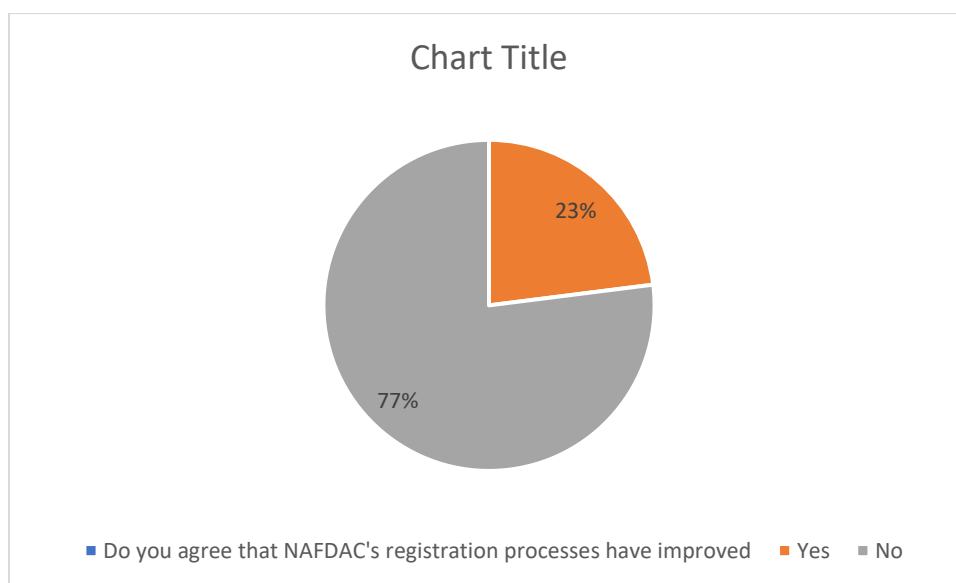
In 2017, the Federal Government issued the Executive Order on the Promotion of Transparency and Efficiency in the Business Environment. Among other things, the Executive Order made provision for what is called “default approvals”. Paragraph 3 of the Order provides that: *“where the relevant agency or official fails to communicate approval or rejection of an application within the time stipulated in the published list, all applications for business registrations, certification, waivers, licenses or permits not concluded within the stipulated timeline shall be deemed approved and granted.”* This provision’s strong potential to de-incentivise undue regulatory delays means that such would no longer be a drag on the pace of business transactions.³⁰

In a default approval scenario, the applicant may within fourteen (14) days of the lapse of the MDA’s stipulated timeline to grant the approval, make an application to the relevant supervising Minister for the issuance of any necessary certificate or document to evidence such approval. The Order though is silent on the procedure for making such application and its supporting documentation. The current duration of most product registration is within 90days (3 months) and it suffices to say that an applicant who did not get an approval or rejection feedback can within 14 days apply to the Minister of Industry, Trade and Investment for a certification of a deemed approval. It is however not certain if many MSMEs are aware of this paragraph of the Executive Order.

Also, there are serious overlaps on the roles of SON and NAFDAC and their bickering over roles have dated back to the time of Prof Dora Akuyinli in NAFDAC. The World Bank in a report in 2018 concluded that part of the reason trade is not progressing well in Nigeria is because of the conflict of interest between NAFDAC and SON. There is a need to look at the law setting up the two agencies to remove any overlap and also ensure MSMEs do not suffer for multiple registration of one product by multiple agencies when just one would have been okay.

³⁰ <https://www.lexology.com/library/detail.aspx?g=e29865f8-6a85-430d-a6b1-18d79bf1b855>

In Plateau State, the situation is not too different from the generation situation and experience across the country. In a data collected from MSMEs who have had dealings (enquiries, applications, follow up on ongoing applications etc.) with NAFDAC from August – December 2020, 77% of respondents do not agree that the processes at NAFDAC have improved.



Similarly, in report on NAFDAC’s website on MSME clinics held between 2017 and 2019 as shown in the table below, apart from the FCT, Plateau has the highest figure for enquiries/complaints.

S/N	STATE	DATE	VENUE	No. of NAFDAC Staff that attended (see appendix 3)	No. of Participants of NAFDAC regulated products that made Enquiries/ Complaints
1.	Abia	26th – 27th January 2017	Aba Sports Club, Aba	28	31
2.	Kwara	23rd – 24th February, 2017	Kwara State Banquet Hall, Ilorin	28	36

3.	Sokoto	8th – 9th March, 2017	Giginya Corel Hotel, Sokoto,	25	55
4.	Plateau	3rd – 4th May, 2017	The Polo Ground, Jos,	29	92
5.	Katsina	10th – 11th May, 2017	The State Secretariat Complex, Katsina	23	69
6.	Cross River	31st May – 1st June, 2017	The International Conference Centre, Calabar	17	57
7.	Ogun	12th – 13th July, 2017	The June 12 Cultural Center, Kuto, Abeokuta	26	70
8.	Akwa- Ibom	22nd – 23rd September, 2017	Ibom Hall, Uyo	14	54
9.	FCT	19th – 20th July, 2017	Eagle Square, Abuja	21	367
10.	Ebonyi	8th December, 2017	The International Conference Centre (ICC) Abakaliki	9	21
11.	Osun	30th November, 2017	The Freedom Park Osogbo.	9	13
12.	Kogi	12th - 13th February, 2018		14	31

13.	Anambra	11th – 12th April, 2018	All Saints Cathedral Compound, Awka Road, Onitsha,	12	57
14.	Ondo	2nd – 3rd May, 2018	The International Culture and Event Centre (DOME), Igbatoro road, Akure	14	63
15.	Kano	23rd - 24th May,		14	29

While this could mean that there are more interests around NAFDAC registration in Plateau State more than most states in Nigeria, it could also mean that there are more challenges and complaints from MSMEs in Plateau state more than other states.

Key recommendations for improving the product registration (SON and NAFDAC) in Plateau State based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	NAFDAC and SON are part of the PS-OSIC, there is a need to increase MSMEs awareness on this so they could explore the option of “facilitation” provided by the PS-OSIC. It is also important for PS-OSIC to ensure continuous participation and involvement of both agencies in the PS-OSIC.	PS-OSIC
2	MSMEs clinic is a clear way to set aside certain period to provide cheaper and targeted services to MSMEs and PLASMIDA should consider holding this	PLASMIDA

	at least once a year to provide more opportunities for MSMEs to register their products.	
3	Sensitization and awareness for MSMEs especially those in light manufacturing and production. Most times, lack of awareness creates a gap between what these agencies are doing and what MSMEs are seeing.	NAFDAC, SON, PLASMIDA
4	NAFDAC, SON should collaborate with relevant MSMEs support partners in Plateau state including government, training institutes like EDIs, financial institutions among others to provide on the site awareness and registration when there is a training or meeting of MSMEs.	NAFDAC, SON, PLASMIDA

Markets and Exports	31	Jos Main Market Authority	Institution/State	High
	32	Nigerian Export Promotion Council (NEPC)	Institution/Fed.	Medium

The importance of markets to the development of any value chain cannot be over-emphasised. Whether in the restrictive form of a physical space or online platform where buying and selling can take place or in the more technical form of a structure for distribution of goods from the manufacturers via the wholesalers and retailers to the final consumers; markets are vital to the whole process of production. While exports can be looked as a subset of markets, it is important to highlight it separately here because of the huge challenges of export for non-oil products in Nigeria. This mapping has identified two major markets and exports policy infrastructure and they are analysed below.

31. Jos Main Market Authority

This is an authority under the state Ministry of Commerce and Industry. The Ministry generally through the Jos Main Market Authority has some responsibilities for the establishment of markets in the state. The Jos main market and kabong satellite market are managed by the Jos Main Market Authority under the Ministry of Commerce and the Ministry currently has the establishment of satellite markets and international market as future plans.

Interaction with some value chain actors highlighted markets, including physical product market as one of the challenges for value chain in the state. There are claims that some of the popular product markets like the tomato markets are inaccessible for farmers who may want to sell their products directly in those markets. Such farmers must sell to middlemen who now sell to buyers in the market. Building a product market where farmers who want to can directly sell their products was identified as one of the things government could do to support selected VCs in the state.

Beyond the physical market, value chain actors would want the Ministry of Commerce and Industry to do more by working with the Ministry of Agriculture to develop markets for the value chains and create market linkages. ASTC is playing some sort of roles in this regard but VC actors would want more to be done by government and this should include deliberate steps to develop the market side of all value chains in the state.

32. Nigerian Export Promotion Council (NEPC)

The Nigerian Export Promotion Council (NEPC) is the Federal Government of Nigeria's apex institution for the promotion, development and diversification of exports. NEPC has over the years worked to achieve its mandate by:

- coordinating and harmonising export development and promotion activities in the country;
- taking the lead in all national export programs; and
- interfacing with international trade agencies on cooperation and capacity building.

NEPC offers numerous export support programmes throughout the country for Nigerian exporters. These are intervention programmes aiming to enhance product quality (focused on specific sectors). These programmes through capacity building and infrastructural provision, aim to help exporters build and increase competitiveness in international markets.

The regional office of NEPC for the North Central Zone is in Jos and this provides opportunity for MSMEs and VC actors in Plateau state. However, it is not very clear if the state is taking enough advantage of hosting the regional office of NEPC.

It is also worth mentioning that ginger is one of the products NEPC is currently actively supporting as one of the top export products in Nigeria. However, and quite curiously too, the information on NEPC website on the profile of ginger³¹ listed the following as ginger producing areas without the mention of Plateau state on the list:

“Kaduna state is the major producer of the product. Other producing States include;

³¹ <https://nepc.gov.ng/blog/market-report/ginger-profile/>

- Nasarawa
- Benue
- Niger
- Gombe States”

This shows the level of cooperation between the relevant actors in the state and NEPC. NICOP, a SEDIN-GIZ project is working on ginger value chain in Plateau state and efforts should be made to increase cooperation between state actors and NEPC especially on the ginger value chain since NEPC has programmes to promote the export of ginger from Nigeria.

Key recommendations for improving markets and exports of key value chains in Plateau State based on analysis presented above.

S/N	RECOMMENDATION	RESPONSIBILITY
1	Markets and exports should feature prominently in the State Agriculture Policy proposed in this report and this should include addressing the challenges of access of farmers to physical markets, expansion or increase in physical markets, standardizing physical markets, developing markets for VC products, promoting value addition, promoting exports.	Ministry of Agriculture
2	Better engagement and collaboration with NEPC to increase export of key value chains in Plateau state.	Ministry of Agriculture, Ministry of Commerce
3	Collaborate with NEPC and other national actors to promote Plateau ginger and to increase the visibility of Plateau ginger production. i.e. develop the profile of ginger value chain in Plateau with data on production, volume, farmers etc.	PS-OSIC, Ministry of Agriculture

Cross-cutting topics	33	Gender mainstreaming	Laws/Institutions	High
	34	Disability Rights	Laws/Institutions	High
	35	Peace building and conflict management	Laws/Institutions	High

The mapping identified four major cross-cutting topics and instruments relevant for MSMEs and VC development and they are analysed below.

33. Gender mainstreaming

Mainstreaming the interests of men and women into policy process and projects is a key topic for development generally. In Plateau State, there has been strong interest by government in increasing the role of women in governance as well as their participation in programmes and projects of government.

The Plateau state government in 2015 enacted the Gender and Equal Opportunities Law and gazzetted this in 2018³² becoming the first state in Northern Nigeria to achieve this. The Law among other things prohibited discrimination on the grounds of gender. Particularly, the Law made provisions to protect women from all forms of discrimination in politics, economy, traditions and social issues.

Section 24 of the Law provides for the rights of women in rural communities as follows;

24(1) Every organ or agency of government, public or private institution, commercial or corporate body, community, or other entity shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the informal and non-monetized sectors of the economy, and shall ensure the application of the provisions of this Law to women in rural areas.

³² <https://www.vanguardngr.com/2018/06/plateau-govt-gazettes-gender-equal-opportunity-law-first-northern-nigeria/>

(2) Every organ or agency of government, public or private institution, commercial or corporate body, community, or other entity shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on the basis of equality between men and women, that they participate in and benefit from rural development and accordingly, shall ensure to such women the right to:

(a) **participate in the identification, design and implementation of development projects at all levels;**

(b) **benefit directly from social security programmes;**

(c) **obtain all types of training and education, formal and non-formal, including that relating to functional literacy, as well as the benefit of all community and extension services, in order to increase their technical proficiency;**

(d) **organize self-help groups and cooperatives in order to obtain access in economic opportunities through employment or self-employment; and**

(e) **have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes.**

Even though the Law created a Gender and Equal Opportunities Commission, this has not been set up 2 years after the Law was gazetted. While the Ministry of Women Affairs and Social Development have been active in promoting the provisions of the Law, it is important to state that the Ministry as currently constituted does not have the capacity to actively implement the far-reaching provisions of the law. It must also be stated that the law is not only about promoting women but looking at gender issues generally. More importantly too, the equal opportunities part of the law talks about equal opportunities for all regardless of religion, ethnic group and political affiliations in line with the provisions of the Constitution of the Federal Republic of Nigeria. What the law did in addition is to set up institutional machinery for addressing such complaints and may also even go to court to enforce such on behalf of complainants. It is therefore important that the provisions of the Law regarding the establishment of a gender and equal opportunities commission be looked

at. While funding may be raised as an issue for this and quite rightly so, government should look at the most effective way to achieve this instead.

34. Disability Rights

Plateau state in 2005 enacted the Plateau State Disability Rights Commission 2005. The Law among other things established the Disability Rights Commission. Section 8 of the Law provides that;

“The objectives of the Commission shall be to co-ordinate and implement activities that ensure full inclusion of persons with disabilities into the main stream of the society especially in the area of education, employment, rehabilitation and civil rights.”

Section 9 of the Law makes extensive provisions for the functions of the Commission and these include;

- a. promote multi-sectoral and multi-disciplinary collaborations that benefit persons with disabilities and encourage networking among the civil society organization;
- b. maintain service records and register of persons with disabilities in the state;
- c. make and implement policy activities aimed at full inclusion of persons with disabilities with the society;
- d. create and seek opportunities for persons with disabilities to develop and utilize their talents and skills to become self-reliant;
- e. introduce programmes with an aim of promoting educational advancement and empowerment of and addressing unemployment among persons with disabilities;
- f. make, implement and promote policies that encourage persons with disabilities to participate in the social, economic and political life of the society;
- g. work in collaboration with disability organizations and relevant Ministries to provide comprehensive empowerment schemes and services for persons with disabilities;
- h. conduct and promote research and advocacy activities in all disability areas;
- i. mobilize public and private organizations to implement strategies aimed at empowering disability organizations and poverty alleviations among persons with disabilities;

j. promote the sale and marketing of foods and services by persons with disabilities;

Section 10 of the Law placed some responsibilities on government and this includes;

- communication services are accessible to persons with disabilities, which shall include sign language interpretation and information in brail;
- persons with disabilities are taken into consideration in the formulation and design of educational, employment and rehabilitation policies and programmes;
- employment opportunities are given to persons with disabilities both in the public and private sectors without being discriminated against;
- soft loans are granted to persons with disabilities who have acquired skills to set up their businesses;
- measures to promote vocational rehabilitations of persons with disabilities are put in place;

By virtue of this Law, the Government of Plateau State has since 2013 established the Plateau State Disability Rights Commission. The Commission has been performing some of the functions placed on it by the law. However, there is need for more in the area of cooperating with relevant organizations to increase the participation of persons with disability in economic activities. With an enabling law, the Commission could do more to promote the mainstreaming of the issues of persons with disability in policies, programmes and activities of government and non-governmental organizations. A starting point would be to increase awareness of all organizations, public and private in the state on the provisions of the Law and responsibilities placed on stakeholders in the implementation of the Law.

35. Peace building and conflict management

Plateau has had its fair share of violent conflicts ranging from the initial ethno-religious conflicts to the recent farmer-herder conflicts. Businesses and investors in the past have had to look at the security situation as a key factor and many have stayed away from the state due to the ranging security challenges. Even local businesses have counted their losses in the past due to the security situation and the attendant results like burning down of businesses

premises, loss of life, business loss due to curfews etc. As it is commonly said that there cannot be development without peace, so also the economy cannot develop and grow without peace. Currently, in Nigeria as a whole and particularly in the North, investments in agriculture are being threatened due to insecurity, driving up food inflation and hunger.

Recognising the importance of peace to economic development of the state, in addition to other efforts as keeping peace through the various security operations, the Plateau state government in 2016 established the Plateau Peace Building Agency (PPBA). The agency is an institutional framework established by law to respond to the challenges of peace and security in the state. The mandate is to promote the culture of peace and harmonious coexistence, among the various ethno-religious divides in Plateau state.

The law establishing (PPBA) only underscores a broad framework upon which ideas and strategies of conflict prevention and peace building can be addressed but fails short of suggesting pathways for achieving these important tasks. Thus, to effectively address or eradicate the risk of a return to violent conflict can only be achieved through a strategic plan of action that speaks to issues of conflict in a systematic and specialized manner.³³

Recognizing the importance of inclusion and participation in conflict prevention and peace building, the Plateau State Government through the Office of the PPBA developed and launched the Plateau State Roadmap to Peace on 08 March 2018. The development of this Five-Year Strategic Framework became imperative for inclusive and result oriented peace-building, conflict transformation and resolution at all levels. To this end, state and non-state actors and institutions in Plateau State are expected to key into the Road Map while considering their unique peculiarities of local government and communities in terms of peace, security, religious and cultural nuances.

This important document which focuses on conflict prevention and peace-building presents a comprehensive political and programmatic framework within which the protection of people and communities and their role in peace processes including in leadership and governance

³³ Plateau State Road Map to Peace; PPBA Strategic Action Plan (2018 – 2022)

can be enhanced. The Plateau State Roadmap to Peace therefore is designed around the five (5) identified critical issues of;

- Research, Coordination and Partnership;
- Natural Resources Management;
- Peace Education;
- Gender and Youth Development; and
- Post Conflict Rehabilitation

So far, the Peace Building Agency has played critical role in addressing the underlining causes of violence in Plateau state and building the broken fabrics of peace in the state. The Plateau Peace Building Agency is a pioneer agency in peace building and other states including Kaduna state have now copied the model.

While the PPBA is working widely with various stakeholders in the state, it appears PPBA has not done much in partnering with the business community in the state. It also appear that the economic implications and impact of peace or violent conflict on MSMEs and businesses in the state has not well being appreciated by PPBA. Also, how commerce can be used as object of building peace seems missing in the operation focus of PPBA. There is a need for PPBA to include the MSMEs and business community in its implementation framework and engage more with the business community in the state in its bid to foster peaceful coexistence of all persons in the state.

Similarly, it is important to mention that lack of economic opportunities and unemployment are some of the drivers of violence in the state and PPBA must form active partnership with actors in the economic development sector to address this.

Key recommendations for improving the cross-cutting topics of gender mainstreaming, disability rights, sustainability, and peace and conflict based on analysis presented above.

S/N RECOMMENDATION

RESPONSIBILITY

1	There is a need to consider the establishment of Gender and Equal Opportunities Commission as provided for under the Gender and Equal Opportunities Law of Plateau State 2015 to better implement the provisions of the Law.	Ministry of Justice, Ministry of Women Affairs
2	There is a need to increase the awareness on the provisions of the Law especially among policy makers, project managers in various MDAs and the state generally.	Ministry of Women Affairs
3	There is need for more in the area of cooperating with relevant organizations to increase the participation of persons with disability in economic activities. With an enabling law, the Commission could do more to promote the mainstreaming of the issues of persons with disability in policies, programmes and activities of government and non-governmental organizations. A starting point would be to increase awareness of all organizations, public and private, in the state on the provisions of the Law and responsibilities placed on stakeholders in the implementation of the Law.	Disability Rights Commission
4	There is a need for PPBA to include the MSMEs and business community in its implementation framework and engage more with the business community in the state in its bid to foster peaceful coexistence of all persons in the state.	PPBA
5	Similarly, it is important to mention that lack of economic opportunities and unemployment are some of the drivers of violence in the state and PPBA must	PPBA

form active partnership with actors in the economic development sector to address this.

6. CONCLUSION AND RECOMMENDATIONS

In all, the mapping and analysis exercise identified and analysed 35 instruments with relevance for business enabling environment and MSMEs/value chain development in Plateau state. This can further be broken down into 5 national instruments (legislations and institutions), 27 state instruments (legislations and institutions) and 3 public/private infrastructures. For each analysed instrument and policy infrastructure, gaps were identified, recommendations and lead responsible agencies were identified at the end of each sector for easy reference.

In addition to those specific recommendations, the following are generally recommended for the implementation of the sector specific recommendations in the report.

- i. NICOP-SEDIN should consider sharing the summary report, submitted as part of this comprehensive report, with partner MDAs. This is to aid the reading of the report and the recommendations by the partner MDAs who might find it difficult to go through a 136-page report.
- ii. The Plateau State Government through the Office of the Secretary to the Government of the State or the Plateau State Monitoring and Result Delivery Office (PMRDO) should further engage with the MDAs in the state on sector to sector basis to look at deeper into the report and recommendations and develop next steps and workplan for implementation. NICOP-SEDIN could support this process and provide follow-up on it.
- iii. The Plateau State Development Strategy 2019 is indeed a good development plan that will address many of the issues raised in this report if well implemented. However, it is observed that implementation of the strategy has been affected hugely by the covid-19 pandemic. There is therefore a need to expedite action on the implementation of the strategy.