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ENTREPRENEURSHIP AND THE LEGAL SYSTEM: THE LAW'S RESPONSE TO UNEMPLOYMENT

BY

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INTRODUCTION

The failure of the Nigerian state is confirmed by the decayed and non existing infrastructure, policy summersaults, badly planned economy and unplanned educational system which threw up unemployable persons into the economy on a yearly basis. The unemployment level has reached an alarming and dangerously suffocating state, thereby creating a big problem for the citizenry and the government alike. The massive youth unemployment manifest through the upward swing in terrorism, kidnapping, armed robbery, prostitution, fraud, corrupt practices, homo sexualism and other unacceptable social vices. The age long adage that the idle hand is the devil's workshop seems to ring true for the country. The afore mentioned manifestation of unemployment and its twin brother poverty made the government, the "egg heads" and the common folks to come up with an antidote for this endemic phenomenon and the prescription is "entrepreneurship" .

The law is indispensable as an agent or instrument of social control or social change. It is commonplace to use the instrumentality of law to effect social change[1]. Nigeria is a nation conceived in crises[2] , thus it has stumbled from one crisis to the other[3]. This problem is further compounded by visionless leadership and parasitic elites at the helm of the country's affairs. The planlessness, wanton and obscene consumption, and widespread corruption of this class over the years have taken its toll, with chronic unemployment as one of the manifested maladies. The majority of these unemployed are youth, some of which after many years of unemployment warm up to life in the underworld. This problem became acute with the social and economic dislocation brought about by the introduction of Structural Adjustment Programme (SAP). This has forced the ruling elites to come up with legislations meant at arresting this menace.

The definition of law in relation to human action is complex and there is no universally acceptable definition[4]. However, for our purpose law may be defined as enforceable body of rules that govern any society, to which sanction is evoked if such rules are violated or transgressed.

The Nigerian legal system is indeed complex, comprising of the received English Laws, the customary laws of the various communities, including Islamic law and judicial precedents. It also includes the court system, administration of justice, the legal profession and legal procedures.

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[1] Obilade A.O. (1984) The transformation of the Law: The developing country's dilemma. *Nigerian Current Law Review* p141.

[2] Johnson Segun(1990) Readings in Selected Nigerian Problem Okanlanwon Publishers Ltd. Lagos.

[3] Obasanjo O. (1994) *Let's Examine the concept of Zones as basis of our federation"*, The Guardian, Friday 4th February 1994, p 31

[4] Obilade A.O. (1985) The Nigerian Legal System. Sweet and Maxwell. London ISBN 0421 23920 4

CONCEPT OF UNEMPLOYMENT

In every economy there are both the active and inactive populations. The economically active ones are those that are willing and able to work, and engaged in the production of goods and services and those who are unemployed.

The International Labour Organization (ILO) defines the unemployed as numbers of the economically active population who are without work but available for and seeking work, including people who have lost their jobs and those who have voluntarily left work[5]. Fajana [6] defines unemployment as a situation where people who are willing and capable of working are unable to find suitable paid employment. The higher the unemployment rate in an economy the higher would be the poverty level and associated welfare challenges. Unemployment rate is used to measure the health of a nation's economy.

Oladele et al[7], Anyadike et al [8] identify the following types of unemployment.

Structural unemployment occurs when there is a change in the structure of an industry or the economic activities of the country. This may be due to changes in peoples' taste or it may be because technology has outmoded the product and the product or service is no longer in demand. This is prevalent in Asia and Africa. This type of unemployment is due to the deficiency of capital resources in relation to their demand. In other words, structural unemployment results from a mismatch between the demand for labour, and the ability of the workers.

Frictional Unemployment is caused by industrial friction in which jobs may exist, yet the workers may be unable to fill them either because they do not possess the necessary skill, or because they are not aware of the existence of such jobs. The employable may remain unemployed on account of shortage of raw materials, or mechanical defects in the working of plants. Therefore, the better the economy, the lower the level of this type of unemployment.

Seasonal Unemployment is due to seasonal variations in the activities of particular industries caused by climatic changes, changes in fashions or by the inherent nature of such industries. In the tropical region, ice factories are less active in rainy season because demand for ice is low. Seasonal oriented industries are bound to give rise to seasonal unemployment

Cyclical Unemployment also known as Keynesian unemployment or the demand deficient unemployment is due to the operation of the business cycle. This arises at a time when the aggregate effective community demand becomes deficient in relation to the productive capacity of the country. In other words, when the aggregate demand falls below the full employment level, it is not sufficient to purchase the full employment level of output. Cyclical or Keynesian unemployment mischaracterized by an economy wide shortage of jobs and last as long as the cyclical depression lasts.

Residual Unemployment is caused by personal factors such as old age, physical or mental disability, poor work attitudes and inadequate training.

Technological Unemployment is caused by changes in the techniques of production. Technological changes are taking place constantly, leading to the increased mechanization of

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[5] National Bureau of Statistics. (2010). Statistical News: Labor Force Statistics No. 476. Abuja: The NBS

[6] Fajana S (2000). *Functioning of the Nigerian Labour Market.* Lagos, Nigeria: Labonfin and Company.

[7] Oladele P.O, Akeke.I, Oladunjoye.O. (2011) Entrepreneurship Development: A Panacea for Unemployment Reduction in Nigeria. *Journal of Emerging Trends in Economics and Management Sciences*(JETEMS) 2 (4): 251-256 © Scholarlink Research Institute Journals, 2011 (ISSN: 2141-7024). jetems.scholarlinkresearch.org.

[8] Anyadike N., Emeh Ikechukwu EJ and Okechukwu U.F. (2012) Entrepreneurship development and employment generation in Nigeria: Problems and prospects. *Universal Journal of Education and General Studies* Vol. 1(4) pp. 088-102, April, 2012 accessed on 12:07:13 from http://www.universalresearchjournals.org/ujegs.

the production process. This naturally results in the displacement of labour and finally causing unemployment[9].

The antidote to the different types of unemployment is entrepreneurship.

It has been discovered that the observed situation of unemployment is more serious than what official statistics want us to believe. The rate posted by the Central Bank of Nigeria is doubtful; the unemployment rate in Nigeria has attained an unacceptable dimension[10]. **The Director-General of Nigeria Employers' Consultative Association, Olusegun Oshinowo** stated that 56 per cent statistics of unemployed youth is though disturbing, is not the true reflection of the existing situation, but puts the actual rate at between 60 and 65 per cent! [11].

In the study of unemployment in Nigeria, Adebayo(1999), Alanana (2003), Echebiri (2005), Ayinde (2008),Morphy (2008) and Awogbenle and Iwuamadi (2010) in Anyadike et al (2012)[12] have identified the main causes of youth unemployment in Nigeria.

The first is the rapidly growing urban labour force arising from rural urban migration. Rural-urban migration is usually explained in terms of push-pull factors. The push factors include the pressure resulting from man-land ratio in the rural areas and the existence of serious underemployment arising from the seasonal cycle of climate. The factors are further exacerbated in Nigeria byte lack of infrastructural facilities that make the rural life unattractive. Youths move to urban areas with the probability of securing lucrative employment in the industries. In addition to this, there is the concentration of social amenities in the urban centers. This meant that the rural areas are neglected in the allocation of social and economic opportunities.

The second is the rapid population growth. The 2006 census in Nigeria put the nation's population at 140,431,790 and projections for the future indicate that the population could be over 180 million by the year2020, given the annual growth rate of 3.2 percent[13]. With this population, Nigeria is the most populous nation in Africa. It is argued that the high population growth rate has resulted in the rapid growth of the labour force, which is far outstripping the supply of jobs. The accelerated growth of population on Nigeria's unemployment problem is multifaceted. It affects the supply side through a high and rapid increase in the labour force relative to the absorptive capacity of the economy.

The third is the outdated school curricula and lack of employable skills. The current curricula ill prepare the average graduate for the job market thus making them unemployable, as they do not possess the skills needed by the employers of labor for a formal employment. This is compounded by the liberal bias in the curricular, endemic dysfunctions in the system which allocates places in the tertiary institutions to persons based on their area of origin,(public institutions) financial status (Private institutions) and monetary and other inducements (corruption) whereby barely literate individuals come out with first and second class! The courses of most tertiary education in Nigeria lack entrepreneurial contents that would have enabled graduates to become job creators rather than job seekers.

The fourth is the rapid expansion of the educational system which directly leads to increase in the supply of educated manpower above the corresponding demand for them. This contributes to the problem of the youth unemployment in Nigeria. For instance,

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[9] Oladele, et al,(2011) op cit.

[10] Adawo M.A, Essien .E.B. and Ekpo N.U. (2012). Is Nigeria's Unemployment Problem Unsolvable? *Current Research Journal of Social Sciences* 4(6): 389-395, 2012 ISSN: 2041-3246 © Maxwell Scientific Organization, 89

[11] The Nation Newspaper in thenationonlineng.net/new/neca-chief-unemployment-is-nigerias-biggest-problem/May 2 2013.

[12] Op cit

[13] National Population Commission and ICF Macro (2009). Nigeria Demographic and Health Survey 2008. Abuja, Nigeria: National Population Commission and ICF Macro.

according to Anyadike et al [14], the total number of graduates turned out by the higher institutions in Nigeria, which were 73,339 in 1986/1987 which rose to 131,016 in 1996/1997. Presently, with over 97 universities in Nigeria and the increasing demand for higher education there has been the problem of suitable employment for the varieties of graduates who are turned out by these higher institutions every year. Ordinarily, this should not have been a problem, but the reality is that the Nigerian economy is too weak to absorb this large number of graduates. Further, there is no vibrant manufacturing sector which has the capacity to absorb unemployed youths in Nigeria, as there are over 800 collapsed industries in Nigeria and over 37 factories have closed down in 2009. About half of the remaining operating firms have been classified as "ailing," a situation that poses a great threat to the survival of manufacturing in the country in the next few years. According to a survey carried out by the Manufacturers Association of Nigeria (MAN) in January 2010, 834 firms wound up their operations in 2009 across the country[15].

To Adawo et al [16] the causes of unemployment include:

- Recession: Recession is a period an economy is at low ebb. When economy is not growing, jobs are not created rather it is unemployment that is inadvertently created.
- Over regulation: Sometimes over-regulation in an economy hinders business expansion and curtails job creation. Regulations should be those that encourage and strengthen businesses than stifle them.
- Wage rigidity: This is the failure of wages to adjust until labor supply equals labor demand. Yet wages are inflexible downward. Sometimes the real wage is kept above the market clearing level. In reality we have to tread cautiously on the theory of market clearing wage because one, labor is heterogeneous; two, various labor skills attract different wages and three; information in the labor (as it is in any other market) is not perfect. Therefore when these variations are lumped together, it becomes difficult to have market clearing wage. However, the unemployment resulting from wage rigidity and job rationing is called WAIT unemployment. The name WAIT is because job searchers are waiting for availability of job. But wage rigidity is mostly caused by minimum wage and Unions' collective bargaining.
- Efficiency wage: Efficiency-wage theories propose third cause of wage rigidity in addition to minimum wage laws and unionization. The central assumption of efficiency-wage models is that there is a benefit as well as a cost to firm that pays a higher wage. First, a higher wage can increase workers nutritional intake and make a worker healthier and more productive. Second, it makes a worker to be more responsible and increase his effort in the face of imperfect monitoring. When wage is high an employee can decide not to take risk of moral hazard by idling and be caught and fired.

CONCEPT OF ENTREPRENEURSHIP

Entrepreneurship is the act and art of being an entrepreneur or one who undertakes innovations or introducing new things, finance and business acumen, in an effort to transform innovations into economic goods. This may result in the formation of new organizations or may be part of revitalizing mature organizations in response to a perceived opportunity. The most obvious form of entrepreneurship is that of starting new businesses. The whole idea about entrepreneurship is about self-employment, which will generate employment opportunities to others that must work with him as he cannot

[14] Anyadike et al (2012) op cit
[15] ibid
[16] Op cit

work alone[17]. It is also the capacity and willingness to develop, organize and manage a business venture along with any of its risks in order to make a profit. The most obvious example of entrepreneurship is the starting of new businesses.

In economics, entrepreneurship combined with land, labor, natural resources and capital can produce profit. Entrepreneurial spirit is characterized by innovation and risk-taking, and is an essential part of a nation's ability to succeed in an ever changing and increasingly competitive global marketplace[18].

Entrepreneurship is more than simply "starting business." it is not just about portfolio carrying businessmen looking for contracts. It is about having the ability and willingness to take risks and to combine factors of production in order to produce goods and services that can satisfy human wants and create wealth. Some basic characteristics of entrepreneurs include: Ambition, Optimism, Achievement orientation, Independent mindedness, Goal orientation, Individualism, Future orientation, Self-confidence, Open-mindedness and Tolerance for ambiguity[19].

An entrepreneur require the following skills; -general skills: leadership, strategic, making, management, time, stress, communication, creativity and information management skills; He also needs the following Special Skills such as ability to draw up a business plan for a new venture; ability to market and sell a new product or idea; financial skills, such as book-keeping and calculating tax; awareness of intellectual property and possibly patent law.

This is different from Job searching skills which include: Resume writing, cover letter writing, personal statement writing, networking skills, interview skills, negotiations, environmental and subscriptions skills.

Entrepreneurship is the most effective method for bridging the gap between science and the market place, creating new enterprises, and bringing new products and services to the market[20]. These entrepreneurial activities significantly affect the economy of an area by building the economic base and providing jobs. Stevenson and Gumpert[21] define entrepreneurship as the process of creating value by pulling together a unique package of resources to exploit opportunity.

According to Drucker [22] and Knight[23], Entrepreneurship is about taking risk. It is the process of creating new values that did not previously exist and the practice of starting new organization, especially new businesses. It also involves creation of new wealth through implementation of new concepts. Drucker[24] believes that what entrepreneurs have in common is not personality traits but a commitment to innovation. An innovative entrepreneur must have talent, ingenuity and knowledge; he must also be hardworking, focused and purposeful. Stevenson[25] defines Entrepreneurship as the pursuit of opportunities without regard to resources currently controlled.

Hisrich et al[26] looked at entrepreneurship as the process of creating something different with value by devoting the necessary time and effort, assuming the accompanied financial, psychological, and social risk, and receiving the resulting rewards of monetary and

[17] Duru M. (2011) Entrepreneurship Opportunities and Challenges in Nigeria. *Business and Management Review 1*(1): 41-48, March, 2011 www.bmr.businessjournalz.org © Global Research Society, 2011 41

[18] Business Dictionary (2013) http://www.businessdictionary.com/definition/ entrepreneurship.html.accessed on 12:07:13

[19] Duru M. (2011) Entrepreneurship Opportunities and Challenges in Nigeria. *Business and Management Review 1*(1): 41-48, March, 2011 www.bmr.businessjournalz.org © Global Research Society, 2011 41

[20] ibid

[21] Stevenson H. and Gumpert D.E. (2002) "The Heart of Entrepreneurship", *Harvard Business Review*, June-July. pp. 77-85

[22] Drucker, P. F. (1985) Innovational and Entrepreneurship: Practice and Principles, London: Williams Heinemann Ltd.

[23] Knight, K (1967) A Descriptive Model of the Intra- Firm Innovation Process. *Journal of Business*. Vol. 40.Oct.p 478-496

[24] Op cit

[25] Stevenson H (2007) "A Perspective on Entrepreneurship", *Harvard Business Review*, Aug.-Sept., pp. 103-108

[26] Hisrich R. D., Peters M.P, and Shepherd.D. (2012) *Entrepreneurship.* New York, U.S: McGraw Hill Education.

personal satisfaction. Developments in entrepreneurship are sometimes seen as arising from three sources, namely: first, from the contributions of economic writers and thinkers on the role of the entrepreneur in economic development and the application of economic theory; second, from the psychological trait approach on personality characteristics of the entrepreneur, and third, from social behavioral Business and approach which stresses the influence of social environment as well as personality trait.

McGrath and MacMillan[27] identified five characteristics of habitual entrepreneurs: firstly, they passionately seek new opportunities: are alert, always seeking for the chance to profit from change and disruption in the way business is done. Secondly, they pursue opportunities with enormous discipline: are not only alert to spot opportunities, but make sure they act on them. Most maintain an inventory of unexploited opportunities and invest only if the competitive arena is attractive and the opportunity is ripe. Thirdly, they pursue only the very best opportunities and avoid chasing after every option: are ruthlessly disciplined about limiting the number of projects they pursue and go after a tightly controlled portfolio of opportunities in different stages of development. Fourthly, they focus specifically on adaptive execution: rather than analyzing new ideas to death, people with entrepreneurial mindset execute. Yet they are adaptive - able to change direction as the real opportunity, and the best way to exploit it evolves. Fifthly, they engage the energies of everyone in their domain: involve many people, inside and outside the organization in the pursuit of an opportunity. They create and sustain networks of relationships rather than going alone, making the most of the intellectual and the other resources people have to offer and helping those people achieve their goals too.

An entrepreneur is someone who organizes, manages, and assumes the risks of a business or enterprise. An entrepreneur is an agent of change. Entrepreneurship is the process of discovering new ways of combining resources. When the market value generated by this new combination of resources is greater than the market value these resources can generate elsewhere individually or in some other combination, the entrepreneur makes a profit[28]. To Thaddeus[29], the entrepreneur is an important agent of innovation, growth and technical progress. The development and utilization of their technical and commercial skills create growth potential in micro, small and medium-scale enterprises.

According to Aruwa[30] entrepreneurship is the ability some people have to accept risks and combine factors of production in order to produce goods and services. It can also be seen as the willingness and ability of an individual to seek out investment opportunities in an environment, and be able to establish and run an enterprise successfully based on the identified opportunities.

Duru [31] states that entrepreneurship is the creation of new economic entity centered on a novel product or service or, at the very least, one which differs significantly from the products or services offered elsewhere in the market. Schumpeter[32] insists that only certain extraordinary people have the ability to be entrepreneurs and they bring about extra ordinary events.

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[27] McGrath R.G. and MacMillan I.C. (2005) *Entrepreneurial Mindset: Strategies for opportunity in an age of uncertainty.* Harvard Business School Press, Boston.

[28] Russell S.S.(2012) *The concise Encyclopedia of Economics* in =Entrepreneurshiphttp://www.econlib.org/library/Enc/Entrepreneurship.htmAccessed 20 August 2013.

[29] Thaddeus .E. (2012) Perspectives: Entrepreneurship Development & Growth of Enterprises in Nigeria. *Entrepreneurial Practice Review* Vol 2 Issue 2 .Winter.

[30] Aruwa, S.A.S. (2004) *The Business of Entrepreneur: A guide to Entrepreneurial Development.* Kaduna, Nigeria: Scopy Publishing Ltd.

[31] Op cit

[32] Schumpeter, J (1950) *Capitalism, Socialism and Democracy.* New York, U.S: Harper Collins Publishers.

Soyibo[33] defines entrepreneurship as the process of identifying an opportunity related to needs- satisfaction and converting it to a thing (product or service) of value. It can be described as the process and activities undertaken by entrepreneurs to create value (products and services) that is marketable and beneficial to the society (employment opportunities, corporate social responsibility, payment of taxes and levies). It is also as a process driven by the desire to innovate; that is, producing new effects (goods and services, processes or approaches) or improving on existing ones, and profiting from it. It is wrongly assumed that anyone who manages a large company is an entrepreneur. These persons are not entrepreneurs nor the risk taker or the owners of such businesses; they are rather better referred to simply as Managers.

HISTORY OF ENTREPRENEURSHIP IN NIGERIA

Before the arrival of the white man in the Southern and Northern Nigeria, the indigenous African peoples had been engaged in business - the African way. We had the trans-Saharan trade between the various empires that dotted the areas known as West and North Africa. The Songhai (15th-16th century); Kanem-Bornu (9th-19th century); Mali (13th-14th century); Ghana (circa 700-1240) Oyo Empire (circa 1400-1905) and the Benin empire (16th-18th century) - all traded with and amongst themselves, generating revenues/incomes and maintaining their dominions and spheres of influence. They all had their own entrepreneurial ideas and mind-set; were creative, had sources of capital and business plans - which they guided jealously. These concepts were rooted and steeped in their own ways of doing business. Africa had entrepreneurs during those periods[34].

The Mali Empire was strategically located near gold mines and the agriculturally rich interior flood plain of the Niger River[35]. Gao, a town in eastern Mali - it lies on the River Niger on the southern edge of the Sahara and is the capital of the Gao Region. Gao is one of the oldest trading centres in West Africa and today trades primarily in butter, hides, wool and livestock. It was served by the trans-Saharan road connections and is the terminus for commercial river traffic from Mopti and Koulikoro in the south-west. Gao was founded as a fishing village in the 7th century AD, and became the capital of the Songhai empire in the 11th century. The town grew under Songhai rule, but its importance as a trading centre was reduced when it was annexed by the rulers of the Mali Empire in 1325, and then further diminished by Moroccan control in 1591. Timbuktu is a city in central Mali on the southern edge of the Sahara, just north of the great bend of the River Niger. It is connected with the Niger by canals and is served by the small river port of Kabara. The city is a regional trade centre for salt and other basic commodities. Its manufactured goods included cotton textiles, leather goods, and pottery. Timbuktu was formerly a great commercial entrepôt and an international centre. Timbuktu was an important terminus of trans-Saharan caravans and a distribution point for trade along the upper Niger. All these trades were conducted by the early entrepreneurs who employed traditional business ideas to innovate and manufacture goods.

Later, Timbuktu was conquered by the powerful Songhai Empire. In 1468, the city reached its zenith as a commercial centre. It had a population of about 40,000 in the early 16th century. Merchants (i.e. entrepreneurs) from North African cities traded salt and cloth for gold and for black African slaves in the markets of Timbuktu.

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[33] Soyibo, Adedoyin (2006) The Concept of Entrepreneurship. *Business and Management Review* 1(1): 41-48, March, 2011 www.bmr.Businessjournalz.org © Global Research Society, 2011 48

[34] Niger Reporter (2013) *History of Entrepreneurship in Nigeria* FEB.16, 2013 http:// www. Nigerreporter .com/history-of-entrepreneurship-in-nigeria/

[35] ibid

Nigeria was traditionally an agricultural country, providing the bulk of its own food needs and exporting a variety of agricultural goods, notably palm oil, cacao/cocoa, rubber, and groundnuts (peanuts). At this time, the place called Nigeria had entrepreneurs who had the entrepreneurial mind-set prevalent at the time. They seized opportunities and were innovative and developed business plans using ideas which they sourced from travelers, itinerant tradesmen and consumers of agricultural and manufactured products who benefited from activities like animal husbandry (ranching), poultry farming, mixed farming, strip cropping, truck farming, arboriculture and local manufacturing. They also looked to existing goods and distribution channels; how they were operated; and they generated their own ideas on how best to harness existing resources in order to produce and distribute with better yielding methods, using traditional marketing, merchandising and marketing mix.

New business ideas and innovation were generated to improve storage facilities, preservation of perishables (i.e. tomatoes, fruits and vegetables.) and milking of goats and cows for distribution and sales.

Some entrepreneurs excelled (including the rulers) - i.e. kings or Emirs, Obas, Obis, Obongs etc. - who were in the forefront of entrepreneurship. These rulers were astute entrepreneurs and their expertise and long experience in traditional business methods enabled them to effect important negotiations and transactions with the white colonialists (Europeans), when eventually they showed up unannounced and uninvited to Nigeria as we now know it[36].

The Hausa, Ibo, Yoruba, Benin etc all had their own entrepreneurs (13th-19th century), who were exposed to entrepreneurship opportunities outside their native areas.

The Hausas had astute entrepreneurs who managed workers with skills in tanning, dyeing, weaving, and metalworking which were highly developed. The Hausas have long been famous for wide-ranging itinerant trading, and wealthy merchants shared the highest social positions with the politically powerful and the highly educated. In Hausaland, entrepreneurial success in Islam is not merely measured by the end result but also by the way and means of achieving them.

Business activity is part of ibadah or "good deed" Entrepreneurship was and is always an integral part of the Islamic religion.

Since ancient times, the Ibos have traded craft goods and agricultural products. Traditionally, the Igbo have excelled at metalwork, weaving, and woodcarving. The finished products were traded on as business ventures and enterprises with all the trappings of entrepreneurship - African entrepreneurship. The Ibos also specialized in buying and selling goods and have perfected their entrepreneurial expertise in inventory control, management and distribution - which up till today, has remained their prevalent way of entrepreneuring.

The Yorubas are predominantly town dwellers who practiced subsistent and large scale agriculture and are well known as traders, skilled workmen and craftspeople. Since the 13th century, Yoruba artists have been producing masterpieces of woodcarving and bronze casting and the finished products traded on as business ventures and enterprises. They are also skilled artisans, fishermen and weavers.

The Portuguese, the first Europeans to traverse the coast of western Africa, were attracted to Benin City in 1486. The Oba established trading contacts with the Portuguese and initially sold them some war captives, which the Portuguese sold as slaves to the Akan of Asante (modern Ghana) in exchange for gold. Later, Benin's trade with Europeans in the 16th and 17th centuries was in palm oil, ivory, pepper, and textiles. Dutch traders to Benin

[36] ibid

City in the 17th century remarked about the astute entrepreneurs they met in Benin kingdom.[37]

With the advent of modern entrepreneurship (20th-21st century), these people have now adapted – to the extent that some of the entrepreneurs have dabbled into import-export, shipping, warehousing, freighting, food processing, financial services, banking, packaging, canning, outsourcing, haulage, logistics, assembling, manufacturing and international entrepreneurship.

THE RESPONSE OF THE LAW TO UNEMPLOYMENT-ENTERS ENTREPRENEURSHIP.

The concept of unemployment and its inseparable Siamese twin poverty have been in contention for a long time but became alarming after the enactment of SAP and the ancillary programmes. Several statutes have been promulgated to eradicate poverty and stimulate employment directly and indirectly. They include the National Minimum Wage Act Cap[38]; the Niger Delta Development Commission (Establishment) Act[39]; the Directorate of Foods, Roads and Rural Infrastructure Act[40]; National Centre for Agricultural Mechanisation Act[41]; National Investment Promotion Commission Act[42];National Office for Technology Acquisition Promotion Act[43]; National Productivity Centre Act[44]; Energy Commission Act[45] ; Electricity Reform Act[46]; Education (National Minimum Standard and Establishment of Institution)Act[47]; Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Act[48]; Family Economic Advancement Programme (Establishment etc.) Act[49]; Family Support Trust Fund Act[50]; Economic and Financial Crime Commission Act[51]; the Federal Housing Authority Act[52]; the Employees Housing Schemes (Special Provisions) Act[53]; the Federal Mortgage Bank of Nigeria Act[54]; the Legal Aids Act[55]; National Business and Technical Examinations Board Act[56]; the National Fertilizer Board Act[57]; the National Emergency Relief Agency Act[58] and National Education Bank Act[59]. These laws were enacted in order to increase productivity, ensure equity, stimulate production, reduce corruption, regulate the educational curricula, train citizens, create employment and ensure self-sufficiency, among other things.

The above mentioned laws have however failed to generate the requisite number of jobs needed for societal stability, which necessitated and regenerated the entrepreneurship option and the promulgation of the following laws: the National Directorate of Employment

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[37] ibid
[38] N61 LFN 2004
[39] Cap N86 LFN 2004
[40] Cap D10 LFN 2004
[41] Cap N13 LFN 2004
[42] Cap N117 LFN 2004
[43] Cap N62 LFN 2004
[44] Cap N70 LFN 2004
[45] Cap E10 LFN 2004
[46] Cap E7 LFN 2004
[47] Cap E3LFN 2004
[48] Cap F2 LFN 2004
[49] Cap F3 LFN 2004
[50] Cap F4 LFN 2004
[51] Cap E1 LFN 2004
[52] Cap F14 LFN 2004
[53] Cap E8 LFN 2004
[54] Cap F16 LFN 2004
[55] Cap L9 LFN 2004
[56] Cap N12 LFN 2004
[57] Cap N39 LFN 2004
[58] Cap N34 LFN 2004
[59] Cap N104 LFN 2004

(NDE) Act, the main objective of which are "to design and implement programme to combat unemployment and to articulate policies aimed at developing work programmes with labour intensive potential".

The Directorate of Foods, Roads and Rural Infrastructure is charged with the task of provision of infrastructural facilities and provide employment opportunities in the rural areas, in order to stem rural- urban migration among other things.

The Petroleum Training Institute Act[60] main objective is to "provide courses of instructions, training, and research in the petroleum industry and to produce technicians and other skilled personnel required to run the petroleum industry". Petroleum Technology Development Fund Act [61] provides for funds needed for "training and education of Nigerians in the petroleum industry". The Industrial Training Funds Act[62] provides fund for training needed for "acquisition of skills in the industry or commerce". The different state and local governments as well as the private companies and NGOs have their own initiative with the aim of training, promoting and financing entrepreneurs.

National Open Apprenticeship Scheme (NOAS) and the Small and the formation of Medium Enterprise Development Association of Nigeria (SMEDAN) are another step in the same direction. The Centre for Entrepreneurship Development (CED), which has the objective of teaching and encouraging students of higher institutions (especially in science, engineering and technological (SET) to acquire entrepreneurial, innovative, and management skills, was established[63] . The Centre's goal is to make the graduates self-employed, create job opportunities for others and to generate wealth.

On the funding of entrepreneurial ventures, the laws made special provisions, Nigerian Bank for Commerce and Industry Act[64] for instance, provides that the main objective of the bank is to "provide capital for medium and long term investments to indigenous bodies and persons engaged in industry and commerce and for matters connected therewith". The Nigerian Export-Import Bank Act[65] provides "Export credit guarantee and export credit insurance and matter connected therewith" for entrepreneurs. The federal government has recapitalized various development financial institutions including Bank of Industry, National Economic Reconstruction Fund, National Commercial Agriculture Development Project and You Win promotional enterprise for the Nigerian Youth among others for the purpose of entrepreneurship development[66].

Despite the elaborate and detailed enactments meant at solving the problem of unemployment through entrepreneurship, the legal system revealed it inadequacies as the other components which are sine quanon for its effectiveness are lacking. A few of these are stated herein under. There is the prevalence of violent crime which the law enforcement agencies are unable and/ or unwilling to curb. The media is replete with stories of unresolved crimes and connivances between the law enforcement agents and criminals. The lack of steady and sustainable power supply made businesses to depend on generating plants for their operation, thereby increasing the cost of operation in Nigeria and making them unable to compete with foreign goods. Besides, high and multiple levies and taxations being paid by these companies, energy crises have combined to make the cost of doing

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[60] Cap P16 LFN 2004
[61] Cap P15 LFN 2004
[62] Cap I19 LFN 2004
[63] Thaddeus 2012 op cit
[64] Cap N92 LFN 2004
[65] Cap N18 LFN 2004
[66] Daily Trust http://www.dailytrust.com.ng/index.php/business/58454-entrepreneurship-only-20-nigerians-know-about-govt-funds .accesed Jul 5, 2013.

business in Nigeria to be very exorbitant[67]. This is further worsened by the various types of un- official gratification that is demanded by the regulators, bureaucrats and the law enforcement agencies at varied points. When the industries and factories closed down or relocate to another environment, workers are laid off, prospective recruitment closed and factories lying fallow. All this goes a long way in worsening the already precarious situation.

Corruption has become national pastime in Nigeria and has robbed the country of developing a vibrant economic base. Funds meant for development projects have been misappropriated, diverted, or embezzled, while some incompetent and corrupt bureaucrats, regulators and administrators in the public enterprises have permanently shut down these organizations. The ruling elite in concert with their foreign collaborators inflated contract and looted the national treasury.

CONCLUSION

The fact that the unemployment level in Nigeria is abnormally high and has become a problem for the society is incontrovertible. The reason for some of the failure of the laws and policies are myriad (apart from those earlier listed) : managerial incapability, effort duplication, unaccountability, low quality of training inputs, inadequate funding, policy inconsistency and poor governance, unwieldy scope of programmes and ineffective targeting of beneficiaries. Others include oppressive tax regime and undue disturbance of the entrepreneurial businesses by the law enforcement agencies and levy collectors.

In order for the laws to make appreciable impact the following are mandatory: the applicable laws should be remodeled by taking into consideration the societal values and mores; laws and policies meant at reducing the rate of population growth; the provision of infrastructural facilities; promotion of informal micro and small-scale sector enterprises; promotion of entrepreneurship culture through entrepreneurship development programmes; promoting the agricultural sector and modern agricultural practices; curriculum re-engineering, linking education and training with labour market requirements; reformation of the tax regimes; and the reformation of the judicial and law enforcement system.

[67] Anyadike, et al 2012 op cit