



LAND GRABBING IN NIGERIA: CAUSES, VARIANTS AND IMPLICATIONS FOR REAL PROPERTY DEVELOPMENT

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ABSTRACT

This paper interrogates the issue of land grabbing in Nigeria and its implications for real property development. In discussing the heightening menace of land grabbing amidst issues of human rights abuses and global economic downturn and uncertainties, the paper examines the causes and variants of this phenomenon. It establishes the reality of land grabbing in the country and the fact that it has led to the loss of lives of individuals, groups and whole communities; it has stifled the economic livelihood of many, turned many destitute and new inmates into several internally displaced persons' camp; caused avoidable crises and breaches of the peace in communities as well as the permanent displacement of persons from their ancestral homes and land. In examining land grabbing, the paper recognises that land in Nigeria is principally regulated by the Land Use Act 1978¹ described as a single piece of legislation nationalizing all lands with control and management given to the Government at the State and Local Government areas in section one. The article posits however, that this State control of one of the greatest resources and critical factor of production has wittingly or unwittingly encouraged the issue of land grabbing in the guise of deploying land hitherto held by individuals and families to the development of public infrastructures and social amenities under the cloak of overriding public interest. How this ugly trend can be arrested is the focus of this work which has an introduction, examination of relevant concepts, legal basis for land ownership, control and management in Nigeria, a brief history of land grabbing, causes of land grabbing, variants and implications for real property development as well as suggestions on the way forward which includes executive and legislative inputs, and ends with a conclusion.

Keywords: Land, Land Grabbing, Real Property and Real Property Development.

INTRODUCTION

Societies emerge from the pristine and traditional to the modern and developing where citizens' relationships are governed and regulated by agreed rules and laws with recognised institutions seized with the powers to meet varying degrees of attendant sanctions in cases of breach, wilful or otherwise. The existence of human beings is generally dependent on the earth's surface called land as well as the mineral resources, animal and plant life in and on the land. The land therefore

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¹ Land Use Act 1978, Cap L5, LFN 2004.



remains a critical asset of development for any society whether traditional or modern as it enjoys an enviable position of an invaluable factor of production needed by other factors and for virtually any meaningful pursuit of man for a successful life.

Land is needed for shelter and accommodation for man. The United Nations Sustainable Development Goal 11² on housing underscores the importance of housing and the need for governments to intentionally provide for human habitation for its citizens. Many nations of the world including Nigeria are grappling with the challenges of achieving UN Goal 11 on adequate and affordable housing for all before the year 2030. The huge housing deficit in Nigeria clearly shows that the country has a lot of work to do in this area particularly to ensure that the number of homeless people roaming the streets of different cities in Nigeria, sleeping under bridges as well as those currently housed in makeshifts and temporary structures in the different internally displaced persons (IDP)camps are drastically reduced.

While residential buildings are necessary for human accommodation from the vagaries of the weather and protection from wild animals and all forms of terror on the streets, business or commercial buildings are needed for manufacturing purposes, export and import businesses, the establishment of social amenities like hospitals, and schools etcetera which are clear indicators of national growth and development. Land, a natural and God-given asset to man is needed to achieve all these and much more. Land can be “owned,” or possessed by persons and groups who are at liberty to transfer same to another on agreed terms.

Generally, first settlers in a particular location have always laid claim to ownership of the land where they settled and its appurtenances, especially on the strength of clearing same for human habitation. It is trite that land in Nigeria was originally owned by families as individual ownership of land was not recognised.³ This position is no longer tenable with the evolvement of Nigerian society and the complexities of social, economic and political interests. Individuals now

² The targets of Goal 11 include “ensuring access for all to adequate, safe and affordable housing and basic services and upgrade slums; enhancing inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries...”

³ See *Amodu Tijani v Secretary, Southern Nigeria*, where the court recognised the notion of communal or family ownership of land and not individual ownership.



have a constitutional right to own immovable property in any part of the country.⁴ A private citizen by dint of hard work can acquire real property and grant parcels of same to his children and dependants as gifts. Furthermore, ownership of land in Nigeria has been further streamlined with the enactment of the Land Use Act 1978 giving State governments at State and Local Governments the power to control and management of all lands within the territory of the State or Local Government for the use of the citizens and on specific terms. It is obviously, the complexities of human relations and interactions with the highly priced commodity called land especially to facilitate and meet the numerous demands for the development of social amenities as well as make land more accessible to the populace on supposedly equal grounds that warranted the nationalization of all lands in the hands of the Government.⁵

The grant of land under the Act therefore was available to citizens so long as he or she has attained legal age, has followed the prescribed requirements for such a grant or had a recognisable right to a parcel of land before the enactment of the 1978 Act and so attained the status of a holder of the deemed right of occupancy.⁶ The Act further gave the Government of each State the power to grant allocations of land and the power to cancel or revoke allocations for failure to pay land rents and for compulsory acquisition for public interests amongst other reasons. It is, however, regrettable that a new lexicon has been introduced into land acquisition in Nigeria called land grabbing. What is land grabbing? How is land grabbing presented in Nigeria? How and when did it all start? Why is land grabbing our new reality? Is it synonymous with land confiscation or compulsory acquisition of land as captured in the Land Use Act? This paper therefore examines the concept of land grabbing which has become topical, and engages national discussions with the media awash with accusations and counter accusations of land grabbing and land grabbers using State power to wrest land out of the hands of valid occupiers. It also interrogates the consequences of land grabbing on the victims of this social menace whose economic fortunes become

⁴ Constitution of the Federal Republic of Nigeria, 1999(as amended); S. 43

⁵ *Nkwocha v Governor of Anambra State* (1944)1 SCNLR 634 where the Supreme court per Eso, JSC held that the “tenor of the Act was the nationalization of all lands in the country by the vesting of its ownership in the State leaving private individuals with an interest ...”

⁶ See Land Use Act 1978, Cap L5, Laws of the Federation of Nigeria, 2004; s.7



emasculated and suspended by the activities of these grabbers of nature's greatest resource, land. These and other posers will guide this discussion.

UNDERSTANDING RELEVANT CONCEPTS

Land

Curiously, the monolithic legislation on land in Nigeria does not define the term land for which it was enacted. Land however is generally the earth's surface which contains the soil and all that is attached to it in the form of plant life as well as removable or irremovable structures established by man. To Nwabueze⁷ it includes ground and its subsoil, structures and objects like buildings and trees standing on it as well as incorporeal rights like a right of way, easements and profits enjoyed by one person over the ground and buildings belonging to another person. To Utuama,⁸ it is 'the earth's surface, subsoil, the air space above it as well as things that are permanently attached to it.' The Interpretation Act describes land as immovable property and defines same as 'land and everything attached to the earth or permanently fastened to anything which is attached to the earth and all chattels real.' In this paper, the land is the earth's surface made up of the soil on which plants grow, the plants and human structures erected on the land.

Land Grabbing

It is the subtle but intentional acquisition of land by persons, organisations and governments with the aim of displacing huge populations resident in the area for personal, group or organisational benefit. It is "the swift acquisition of property by fraud or force"⁹ or the "act of taking an area of land by force for military or economic reasons."¹⁰ It is further defined "as the practice of large-scale acquisition of land by individuals, corporations or governments often with the intent to

⁷ B.O. Nwabueze, *Nigerian Land Law* (Nwamife Publishers Ltd, Enugu, 1974) 3.

⁸ A.A. Utuama; *Nigerian Law of Real Property* (Shaneson C.I. ltd: Ibadan, 1989)4.

⁹ Merriam-Webster; "Land –Grabbers" available @ <https://www.merriam-webster.com> accessed on 04/4/25

¹⁰ Cambridge Dictionary; "Land Grab" available @ <https://dictionary.cambridge.org>



control or exploit the natural resources and/or labour of that land.”¹¹It is “the application of force to coerce individuals to illegally give up their land or otherwise an illegal dispossession of land.It is an arbitrary deprivation of property outlined in Article 17 of the Universal Declaration of Human Rights.”¹²It is “the control through ownership,lease, concession, contracts, quotas or general power of larger than locally typical amounts of land by any persons or entities-public or private, foreign or domestic via any means legal or illegal for purposes of speculation, extraction, resource control or commodification at the expense of peasant farmers, agro-ecology, land stewardship, food sovereignty and human rights.”¹³

In this paper, land grabbing is any inordinate effort of any person or group of persons or government to take undue advantage of real estate belonging to other persons with the intent to possess the same; or the use of political power or force of arms or resources to deprive legitimate owners of land the permanent right to use their land is land grabbing so long as the deprivation is for personal or group benefit and regardless of the objections of the original owners.

Real Property Development

Real property development concerns the process of making land productive. It is the putting of land to use to maximize its potential. Developing real property is the deployment of land to create wealth for the holder of the land and the nation at large. According to Biobaku real property development concerns the process of buying land, financing real estate deals and building projects as well as orchestrating the process of property development from start to finish.¹⁴So, any engagement of persons in the purchase and sale of land whether as a speculator or a builder; or a person engaged in the transfer of interests in land to another person as security for a loan can be described as being involved in real property or estate development.

¹¹ Eystone; “Causes of Land Grabbing” available @<https://eystone.ng> accessed on 05/4/25.

¹² Researchgate; “Land Grabbing” available @ [https:// www.researchgate.net](https://www.researchgate.net)

¹³ European Coordination via Campesina; “How do we define Land Grabbing?” available @ <https://www.eurovia.org>

¹⁴ Samod Biobaku, ‘Attributes of Successful Real Estate Development,’ available at <https://www.privateproperty.co.ng> accessed March 4, 2025.



LEGAL BASIS FOR REAL PROPERTY DEVELOPMENT IN NIGERIA

The legal claim for any rights to land in Nigeria stems from the Constitution which expressly recognizes the right of citizens to own immovable property or land in any part of the country. This right to own implies the right to use, the right to transfer or alienate to another person on agreed terms. It is true however that this constitutional right to own is not absolute but may in some instances equally recognized by the Constitution be suspended or limited and even taken away.¹⁵

Another national legislation which regulates real estate development in Nigeria is the Land Use Act 1978 which has been variously described as “the most impactful of all legislations touching upon the land tenure system of this country before and after nationhood;”¹⁶ as a piece of legislation whose “tenor is nationalization of all lands in the country;”¹⁷ a legal instrument revolutionizing interests of Nigerians by expropriating the radical title;¹⁸ as a hybrid and a special kind of lease; “abrogating absolute ownership or freehold interest by the community, family and individual.”¹⁹ The Land Use Act indeed has continued to be a basis on which land rights are acquired, maintained for development or revoked where terms and covenants are violated or where the State requires such land for public interest and good. There are several other State laws and international instruments that concern property development and investments. This paper shall not delve into these laws.

BRIEF HISTORY OF LAND GRABBING

Land grabbing did not start in Nigeria. The history of land grabbing dates back to antiquity. It covers the classical, medieval and modern State systems. It is experienced in the 21st century in many countries of the world. Even the early church did not escape from the dangerous autocratic displacement of indigenous peoples from their homelands as Pope Alexander VI issued a decree called the *Inter Caetera*-a papal bull to the effect that “all lands west and south of a pole to pole line, one hundred leagues west and south of any islands of the Azores or Cape Verde islands be

¹⁵ Constitution of the Federal Republic of Nigeria, 1999; s.45

¹⁶ *Nkwocha v Governor of Anambra State* (1984) 6 SC 362 at 363, per Irikefe JSC (as he then was)

¹⁷ *Ibid*; per Eso, JSC

¹⁸ Umezulike, A, ‘Does Land Use Act Expropriate’ Another View (1986) 5 JPPL 61

¹⁹ A L Mabogunje, ‘Land Reform in Nigeria: Progress, Problems & Prospects’ available at <https://aiteresources.worldbank.org> accessed 5/6/2019



given to Spain.”²⁰This was how the entire Central and South America was handed over to Spain regardless of the interests of the native Indians who had lived in those territories for years. The papal bull *Inter Caetera* was the line of demarcation and the exercise of papal authority in confiscating lands and using the same as a reward for ecclesiastical and other assignments. The bull authorized King Ferdinand II of Aragon and Queen Isabella 1 of Castille to take control of the lands named therein which led to their exercising authority over South America²¹ which even after colonization still bears the sobriquet, Latin America with the nation remaining monolithic catholic enclaves.

The Enclosure Movement in England between the 12th and 19th centuries successfully pushed the English peasantry of the land to create large agro holdings for the aristocrats at the expense of the gentle folks.²²This movement led to the general landlessness of the poor as former landowners gradually saw themselves without lands and were made to work as tenants of the overlord. It was this usurpation of the lands of the poor landowners by the aristocrats that led to the migrations of some English men to the New World, South Africa, New Zealand and Australia in search of economic survival as land was readily available to persons who dared to set sail.

The phenomenon of the Enclosure movement now called land grabbing is manifesting in developing nations where persons who have access to State power use various devices such as Land Reforms, Urban Renewal Schemes and infrastructural development to take away the land from the poor, for supposedly common good. Some of the countries worse hit by land grabbing are The Democratic Republic of Congo(DRC), Indonesia, Cameroon and Ukraine. DRC is “most heavily affected by land grabs where there is a huge incidence of buying, leasing or concession of land for commercial purposes by companies from abroad affecting land that had previously been used communally by small scale shareholders or was natural environment.”²³

VARIANTS OF LAND GRABBING IN NIGERIA

²⁰ See Pope Alexander VI, *Inter Caetera* (1493) available @ <https://encyclopediavirginia.org>

²¹ William Henry Scott; *Demythologizing the Papal Bull- Inter Caetera* (vol 35 No 3, Ateneo de Manilla University, 1987)67. Available @ <https://www.jstor.org>

²² Eric J. Hobsbawm; “The Age of Revolution” available @ <https://www.academic.oup.com>

²³ Land Matrix Database; available @ <https://www.statista.com>



Land grabbing in Nigeria presents itself in various forms ranging from:

- i. The Farmer/Herders Conflicts of the northern part of Nigeria especially the North Central States where herders reportedly sack whole farming communities and take over their farmlands. The recent case of the Agatu people of Benue State is an example of where a village is pillaged, people killed and “new settlers” take over traditional farmlands.
- ii. Intentional relocation of settlers by the Government in the guise of carrying out development projects only to grant rights to the land to their cronies and business partners.
- iii. Indiscriminate demolition of settlements and businesses on the pretence that they did not comply with urban planning and building rules. This land-grabbing technique relies on State power and the provisions of the Land Use Act which vests all land in the government to take land from indigenous communities in the name of compulsory acquisition completely displacing small-scale farmer and other marginalized groups who may lack the requisite knowledge and legal exposition to protect their lands. Even in instances where the victims insist on their rights, they lack the resources to take the necessary steps to “fight” the government but would rather accept the peanuts paid by the government as compensation for their loss of land especially where there are no developments on the land.
- iv. Outright stealing of land.
- v. Land grabbing as a product of State capture
- vi. Violent evictions and forced displacements

CAUSES OF LAND GRABBING IN NIGERIA

Land grabbing is caused essentially by

- i. Greed: The inordinate ambition of some persons, organisations and groups to exploit resources found on land belonging to others propel them to act singly or in conjunction with



others to take away the land of another especially where they are poor and vulnerable is an incentive to land grab. According to Eystone,²⁴ “one of the main causes of land grabbing is the demand for natural resources such as minerals, oil and gas.”

Also, the increase in urbanization and the attendant need for land for commercial farming, especially for livestock development and ranching, manufacturing and mining all require a huge expanse of land which may not be immediately available to the persons or organizations which need them and so they resort to land grabbing to get land for their commercial needs.

- ii. Corruption and abuse of office can lead to indiscriminate grabbing of land in the guise of acquiring same for public benefit and with false promises of employment and relocation to the citizens who find themselves in the lurch without a homeland, no means of livelihood and no money to engage in alternative business.
- iii. Impunity and arrogance of power by State actors fuel the incidence of land grabbing. The insatiable appetite of some persons to own and leave legacies for their 10th generation keeps pushing them to satisfy their acquisition syndrome.
- iv. Weak laws or inadequate legal controls
- v. Compromised or weak State institutions.
- vi. Militancy and terrorism

IMPLICATIONS OF LAND GRABBING ON REAL PROPERTY DEVELOPMENT

- i. Increased Poverty
- ii. Displacements and Homelessness
- iii. Increased criminality such as kidnapping and thuggery as these persons have lost their means of livelihood.
- iv. Food Insecurity and hunger
- v. Human Rights violations

²⁴ (n11)



THE WAY FORWARD

This paper suggests legislative inputs through the enactment of laws and the amendment of existing laws to tackle the menace of land grabbing in Nigeria. For instance, national legislation providing for the registration and ranching of livestock while criminalizing the roaming of cattle will cure the incessant clashes between marauding herders and sedentary farmers. The law prohibiting the use of firearms by citizens without a permit should be amended to increase the punishment attached to the offence to be more of a deterrent. In addition, a special unit of Surveillance and Seizure should be created by the Police Force and empowered to seize any marauding cow which automatically becomes the property of the State. An amendment of the Land Use Act is necessary to create an independent body seized with the responsibility of delineating areas to be compulsorily acquired for public purposes upon a written application by the State's Ministry of Lands and Housing as well as the right to determine payable compensation in such cases of compulsory acquisition of property. It is further suggested that a law be enacted by the National Assembly to expressly make land grabbing an offence punishable upon conviction with a 5-year imprisonment term without an option of fine.

Executive inputs in the form of the establishment of specific agencies and units to receive reports of land grabbing monitor activities of alleged grabbing and mediate between parties to ensure that hostilities do not escalate. On the issue of government intervention to forestall land grabbing, the work of Lagos State is to be commended. Lagos State has taken the lead in recognising the menace and dangers of land grabbing to its citizens. It has established a Special Task Force on Land Grabbers to curb the menace. Persons who are threatened by the activities of grabbers are encouraged to send a petition to the Honourable Attorney General & Commissioner for Justice. This Task Force was set up in 2016 and has a Coordinator whose mandate is to deploy the resources of government to arrest the havoc caused by the land grabbers. The Lagos State law²⁵ criminalizes the use of threat of arms, or physical threat to dispossess people of their legitimate property. While s. 281 included land as something capable of being stolen, sections 52 and 53 prescribed a jail term of 2 years for any person “who forcibly enters or takes possession of land in

²⁵ Criminal law of Lagos State; ss.52, 53 and 281; See also Lagos State Properties Protection Law of 2016.



a manner likely to cause a breach of peace against a person entitled by law to the possession of the land.” It is suggested that other States in the Federation should replicate this Lagos model.

CONCLUDING REMARKS

It is evident that land grabbing involves the expropriation of land against the interest of original landholders; and that such an acquisition is usually not for a value commensurate with the size of the landholding grabbed but is an acquisition in blatant disregard to the wishes of the owners and usually not in tandem with established regulation. The concept of land grabbing is at the expense of the vulnerable communities who get peanuts as compensation or get forcefully ejected through State power without recognising their rights to be compensated for their injurious affections on the land.

Land grabbing in many instances becomes a by-product of State capture where the interests and well-being of the citizenry become subsumed in the parochial interests of a select few who wield State power. The disparate treatment received by the populace in comparison to that of the operators of State power is further accentuated by the fact that in cases of land grab or confiscation or compulsory acquisition, the decision to acquire and how much to pay as compensation and when the payment is to be made are all made by the government without input from the persons whose lands and means of livelihood have been acquired by the “State.” The compensation scheme is usually drawn up and administered by the body to the total exclusion of the recipient.

It is the conclusion of this paper that the acquisition of land without due regard to the rights and interests of the original landholders amounts to land grabbing. And that land grabbing is a clear violation of the human rights of citizens to hold an interest in land though the paper also recognises that this right is not absolute.