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Desafios e Perspetivas

بعث أفريقيا الغد في سياق التحولات المعولمة :

رهانات و آفاق

Land Ownership Versus Development in the Era of Globalisation: A Trajectory of Conflict and Wealth Accumulation in Southern Nigeria

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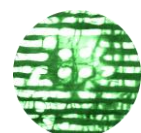
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Abstract

In the post-independence period, the need for unhindered development in Nigeria necessitated the enactment of the Land Use Act which gave both the federal and state government unrestricted access to land for public use and purpose. During this period the rate of land dispossession and forceful displacement of individuals and communities was minimal as well as the people's resistance to such dispossession. The reason was because the people saw those projects on their land as their own as well as the fact that they were compensated most times and the developments on the land impacted lives positively. However, in modern times, globalisation and the increased pressure on governments, desperate for foreign investments have tripled the allocation of this resource to private and corporate entities for investment purposes; construction, mining, communication and other industrial purposes. This meant that this scarce resource became a source of nightmare and restiveness for the communities and individuals concerned. This is partly due to concerns that compensations now take years to be effected or worse, cornered by politicians or traditional rulers who claim to represent such communities. Further, the land resources acquired by these investors are usually the fertile and cultivable areas on which locals and their livestock depend on for food, this thus, exacerbates food insecurity, poverty, hunger and destitution amongst the various communities in the region; the impact of the activities of these investors; multinational cooperation, international partners of the federal and state governments, etc., are not felt in these communities where their operations are sited, thus, painting a picture of 'wealth in the mist of poverty'. This study therefore investigates the attendant effect of unregulated land acquisition by governments and investment partners, forceful dispossession and displacement of individuals and communities in the era of globalisation and wealth creation by increasingly capitalist regimes in southern Nigeria. The investigation of the trajectory of wealth and conflict resulting from this phenomenon is the key focus of this research.

Introduction

In Nigeria and Africa generally, land ownership among communities and individuals has been the basic guarantee of their sustainability and livelihood throughout history. (Odoemene, 2012a; 2012c; Daniel and Mittal, 2009; Oxfam International, 2011; 2007). In southern Nigeria, where land is scarce due to population explosion (Nwoko, 2011), land possession and accumulation among communities and individuals reflects their level of socio-economic wellbeing. It also secures crucial sources of livelihoods in rural area mainly for food and livestock grazing just like in other areas of Africa where locals depend on it for subsistence (Hall and Paradza, 2012; Future Agriculture, 2011). For the various communities and individuals in this part of Nigeria, land is a treasured possession which is seen as the only enduring legacy an individual or community could bequeath posterity. The socio-economic and cultural importance attached to land has been a major cause of inter-communal conflicts



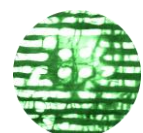
not only in this part of Nigeria, but also in other parts where land holding has both socio-economic and cultural significance, (Otite and Albert, 1999).

In the post independence period, the need for unhindered development in Nigeria necessitated the enactment of the Land Use Act of 1978 which gave both the federal and state government unrestricted access to land for public use and purpose. During this early period of the Act, the rate of land dispossession and forceful displacement of individuals and communities was minimal as well as the people's resistance to such dispossession. The reason was because the people saw those projects on their land as their own as well as the fact that they were compensated most times and the developments on the land impacted lives positively. However, in modern times, globalisation and the increased pressure on governments desperate for foreign investments have tripled the allocation of this resource to private and corporate entities for investment purposes; construction, mining, communication and other industrial purposes. This meant that this scarce resource became a source of nightmare and restiveness for the communities and individuals concerned. This is partly due to concerns that compensations now take years to be effected or worse, cornered by politicians or traditional rulers who claim to represent such communities. Further, the land resources acquired by these investors are usually the fertile and cultivable areas on which locals and their livestock depend on for food, this thus, exacerbates food insecurity, poverty, hunger and destitution amongst the various communities in the region; the impact of the activities of these investors; multinational cooperation, international partners of the federal and state governments, etc., are not felt in these communities where their operations are sited, thus, painting a picture of 'wealth in the mist of poverty'.

This contradictory posture has elicited criticisms especially that the critical issues centre around the local peoples' right to food and livelihood, especially as this development dispossess them of their land in order to create wealth which was most times expropriated (Borras and Franco, 2011:515). Further in the southeast, the people's problems are further aggravated by the effects of gully erosions and landslides caused by environmental changes and activities of these investors on available cultivable land. This study therefore investigates the attendant effect of unregulated land acquisition by governments and investment partners, forceful dispossession and displacement of individuals and communities in the era of globalisation and wealth creation by increasingly capitalist regimes in southern Nigeria. The investigation of the trajectory of wealth and conflict resulting from this phenomenon is the key focus of this research.

Research Objectives, Questions and Methodology

Owing to the conflict of interests in the Land ownership versus development in southern Nigeria, there is need for a balancing of the various interests for a proper management of the ensuing conflicts. The present research sets out to achieve this. It attempts to develop more





effective strategies for engagement and cooperation between the various interests on land acquisition and use which would aid policymakers and institutions in the country in dealing

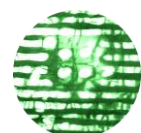
with the effects of increased land acquisition and use in the era of globalisation and increased development in ways that would benefit the local populations, as well as enhance the interests of the government and their investment partners. The study would analyze the Land Use Act, varied land issues, tensions, conflicts, backdrop of resistance and alternative (opportunities) amongst the parties and then through this process, explore productive strategies for mutual cooperation and benefits. The following research questions therefore would guide this research:

- (1) What are the construction of 'title' and 'authority' especially in the context of land ownership, rights, access and usage in Nigeria?
- (2) What constitute the major issues of conflicts associated with land use for development, investment/commercial land use and mechanisms of land acquisition by government in southern Nigeria?
- (3) What policy directions and theoretical perspectives could emerge from the study of effective strategies for managing these conflicts, especially within the context of the agrarian question in peasantry societies subject to globalization and neoliberal capitalism?

Research Methodology

This is a study in history and political economy. The qualitative method and within it the historical method is adopted. The methodology covers data collection, analysis and presentation. On data collection, the research will employ primary sources which include oral information from the community leaders, community spokespersons, Local and State government officials, and relevant government and international agencies and newspaper reports. Focused Group discussions (FGDs) by some member of affected communities shall also be used. Secondary sources are also employed. They include chapters in books, journal articles, from the relevant disciplines, theses and dissertations, seminar and conference papers amongst others. The work also draws approaches from relevant disciplines such as law, history, sociology, food science, economics, political economy etc. In analysis and interpretation, the research employs theoretical explanations from across the various relevant disciplines; hence it adopts the multidisciplinary approach in terms of data analysis and interpretation. In presentation, the study employs the thematic, analytical and chronological style. The fieldwork includes visits to some of the communities, acquired and contested lands in some of the southern states. In all these fields, relevant data shall be collected, including interviews with the relevant officials, indigenes of the various communities, etc.

Relevance of Study





This study is relevant because it adds to the understanding of the extent of the impact of intensive land use for development; urbanization and commercial purposes by governments and their development/investment partners on the local population, food security and poverty

alleviation policies of developing countries especially if the gains of the land use are misappropriated or personalised by government officials.

The research is also relevant to the current theme of capital and commodities as it demonstrates how the appropriation of capital and commodity in the form of land by government and their development/investment partners can be contradictory to the socio-economic and cultural well being of the local population and a trajectory of conflict and restiveness.

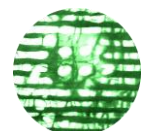
Land Use in southern Nigeria prior to the Land Use Act (LUA) of 1978

Before the regime of the Land Use Act in 1978 in Nigeria, land acquisition and use was governed by three major sources of land law. These include Customary Law which reflected the different customs and traditions of people of Nigeria and which therefore varied from one locality to another. This also was the reason for the diversity of land laws in Nigeria before the Land Use Act of 1978. The other sources of land law include English received law and local legislation. There was also a duality of Land Use System in the southern and northern parts of the country (Oseni, 2012). While the Parliament of the then northern Nigeria passed the Land Tenure Law in 1962, which governed all issues concerning land, in the then Southern Nigeria, however, land tenure was administered based on customary system. Ownership of land was also vested in the communities, families and individuals in freehold (Oseni, 2012). Land was therefore acquired either by inheritance, first settlement, conveyance, gift, outright purchase or long possession.

However, despite the proliferation of these different laws administering land use in Nigeria, problems of land tenure and land administration persisted in the country. Consequently, the Federal Military Government of Nigeria inaugurated series of panels to look for solutions to these problems created by land tenure and administration in Nigeria. The Land Use Panel of 1977, one of these panels, subsequently submitted its report upon whose recommendation the Land Use Act No. 6 of 1978 was promulgated (Rasak, 2011: iv). The Land Use Act therefore, was promulgated on 29 March, 1978 by the military government of Gen. Olusegun Obasanjo.

Land Use in Nigeria under the LUA of 1978

The need for rapid development and industrialisation in the post independent period necessitated the development of a system that would remove the burdensome processes involved in land acquisition and use by individuals and the different levels of government in Nigeria. The practices of community land holding, family ownership of land and all other



forms of traditional title to land made the use of land by governments for development very difficult. The problem arose from the long process of land acquisition involving the identification of the land for use, getting agreements from the owners, settlement of claims by different interest etc. At times after settlement, alleged marginalised parties take recourse to endless litigations against government and her development partners. Similarly, there were

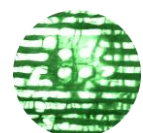
cases where the same land would be sold to different persons at the same time resulting into endless conflict and litigations, (Oseni, 2012).

Another factor was the diversity of customary laws on land tenure and the challenges arising from its application as regards to the various customs of the different people,(Oseni, 2012). This often slowed down the development process or even led to moribund projects for time-bound development project. This consequently called for an effective harmonization of the management and ownership of land in Nigeria. According to Nnamani, the Act was promulgated to “harmonize the land tenure system in the country, the problem of land speculation and the difficulty of government (and individual) in obtaining land for development purposes”(Nnamani,1989).The major objective that underpinned the promulgation of the Land Use Act, 1978 was to enact one basic legislation in which land was vested in the Governor of a State, so as to put land under the control of the government in order to reduce the hazards attendant to the activities of land speculators. In addition to the objective mentioned above, the Act also seeks to make land more affordable to Nigerians, remove land speculation, streamline and simplify the management and ownership of land in the country, assist citizens who desire irrespective of their social status to acquire a place where they and their families would live a secure and peaceful life, accrue development funds to government through land allocation and processing and make land more readily available to the federal, state and local governments for development purposes,(Igbintade and Oyeweso, 2013).

This Act therefore vested ownership in Nigeria to the states under the Governors. Under the Act, land is said to be held in trust and to be administered for the use and common benefit of the people. In particular, Section 1 of the Act provides thus:

Subject to the provisions of this Act, all land comprised in the territory of each state in the Federation are hereby vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act.

Further, the Act vests the powers to grant statutory right of occupancy to persons with the Governor. It also proscribes the alienation of a statutory right of occupancy without the consent of the Governor, (Igbintade and Oyeweso, 2013).The Act also granted the government the constitutional right to compulsorily acquire property but on payment of



compensation. Moreover, government reserves the right to revoke a citizen's title to land only for overriding public interest. However, in revoking such titles, where the holder has unexhausted improvement on the land as at the date of the revocation, they attract compensation which must be paid, (Igbintade and Oyeweso, 2013). This power therefore conferred on the governors, absoluteness with regards to land management and administration in Nigeria. In fact, Section 28 of the Act provides that, "It shall be lawful for a state Governor to revoke a right of occupancy on a property for overriding public interest."

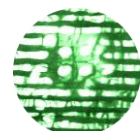
The streamlining of land management and control under the Act was of great importance. M.G. Yakubu observes the unifying element of the Act as it relates to the removal of the various state land laws governing land tenure system in the country and the ease of determining the applicable law in Nigeria (Yakubu, 1986:9-12). Adding to this, former Nigerian President Shehu Shagari observed the synchronizing effect of the Act on the tenure system in the country as well as the eased of access by Government to land for project execution (Daily Times, 12 May, 1988). Further, others in the legal practice have describes the Act as the most impactful of all legislations relating to land tenural system of Nigeria and after full nationhood, (Rasak, 2011:7)

Conversely, the Act has also been faulted on several grounds. Apart from striping all previous owners of land of the ownership of their lands, as implied in Section 1 by the use of the word "vested", the Act is considered as abolishing all existing titles. Therefore many considered it as full of ambiguities, contradictions, absurdities and engendering confusions to the system of land administration in Nigeria, (Omotola, 1988, Nnamani, 1989) and therefore called for its repeal. Others interpreted it as the end of private property rights because the provision nationalizes all lands in the country by vesting its ownership in the state through the Governor (Otubu, 2010: 131). This position is aptly captured by Justice Eso JSC in the case of *Nkwocha v. Governor of Anambra State*, thus:

(T)he tenor of that Act as a single piece of legislation is the nationalization of all lands in the country by the vesting of its ownership in the state leaving the private individuals with an interest in land which is a mere right of occupancy(1984)

There were however other views that believed that the interpretation of section 1 should not be held as expropriating or nationalizing all lands in the country (Omotola, 1985; James, 1987; Smith, 1999). For them, section 1 should not be read in isolation, but in conjunction with other provisions of the Act which then clearly shows that ownership of land by citizen has been regulated but not totally taken away. (Otubu, 2010:132)

There is no doubt that the Land Use Act of 1978 fundamentally and significantly affected property law rights and interest in Nigeria. However, for the fact that the Act raised numerous positions of contestations, the view generally is that it should be repeal at least to remove the ambiguities and confusions which were the features of the Act so that it would



adequately and efficiently address the issues and problems that necessitated its promulgation.

Crises of Land Ownership, Use and Development across Nigeria in LUA regime

Giving credence to the call for the repeal of the Act, the experience in Nigeria has reveal that this power conferred on the chief executives of states has been abused. The implication therefore is that the “Land Use Act has not and cannot guarantee an equitable distribution and administration of land in Nigeria” (Otubu 2010:141). As has been observed,

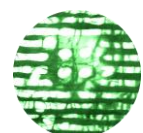
...the objectives of the Act at present can be said not to have been realized to a greater extent because land is placed far away from the people. In fact it is arguable that as things are now, especially considering the rigorous process in obtaining the Governor’s consent for a valid grant, it is harder to acquire land by an individual than it was before the enactment of the Act. (Rasak, 2011:66)

Further, there has been series of allegations and evidences suggesting that some governors used to hide under the section of the Act to victimise perceived political opponents in the issuance of title deeds (Lasabi, 2014). According to an observer, “this power is too enormous to reside in an individual. It is expedient for the National Assembly to whittle down this power when considering the amendment of the Act” (Lasabi, 2014).

In consequence of the LUA, government compulsorily acquire land from the landowners, be it Individuals or communities, who are compelled by law to relinquish ownership of such lands to the state together with the rights and privileges attached. In some cases no compensations are paid owing to the fact that under the Act individual rights and interests in land are curtailed and limited only to right of occupancy and the fact that a bare and undeveloped land under the Act bears no economic value and therefore no compensation is paid for its acquisition by the state, (Otubu, 2010: 132). As has been observed, in some cases, prior consent of the landowner is not sought. (Mendie, Atser & Ofem, 2010:198)

Conflict and Wealth accumulation from the implementation of LUA in southern Nigeria

The experience of land crises in Nigeria appears more real than imagined in certain sections of the country; in the six geo-political regions of the country, crises from the implementation of the LUA are more widespread in the southern states than others, while within the south itself, the cases vary. For instances, in the southeast, it acquires more cultural implications. In Lagos, scores of complaints over forceful acquisition of land by the state government abound. Often, some of the land disputes which began as a civil matter turn into a criminal one against the complainants, in this case individuals or communities who challenged government’s forceful possession of their land. In a recent case, a particular land dispute that began as a civil matter in a Lagos High Court allegedly changed to criminal matter. In this case, five indigenes of Idasho community, who resisted alleged wrongful acquisition of their land by the



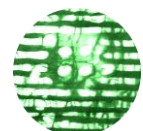
state government had challenged the decision of the government to revoke about 16,500 hectares of land belonging to more than eleven Idasho families namely; Loore, Pankere, Ajegunle, Agbon, Fowoshe, Lajala, Araromi, Kajola Omishode in Ajah-Lekki area, accusing the state of acting in bad faith (Igbintade and Oyeweso, 2013). However, in what appeared to be a reversal of roles, the complainants are presently being tried for a criminal offence over their alleged refusal to release their large parcel of land for the construction of Lekki Free Trade Zone (LFTZ), (Igbintade and Oyeweso, 2013), by foreign investors. To demonstrate the might of the state government, these indigenes of the community namely, Giwa Agbon, Segun Samuel, Suraju Rasaki, Owolabi Samuel and Kazeem Adelaja were arrested for allegedly mobilising youths to disrupt activities of the foreign investors on the acquired land.

(Igbintade and Oyeweso, 2013). To ensure that they were frustrated out of their demand, the case against them was amended from alleged disruption of the peace of the community, of which they were released on bail, to armed robbery in order to force them out of the land.

Cases of forceful acquisition of land by the Lagos State Government from individuals and groups under the LUA without due compensation abound. There was the case of Chris Okechukwu, who acquired a piece of land from a family at Isheri Oshun, off the Lagos-Badagry expressway a few years ago but was dispossessed of his property using the LUA, allegedly because he did not have a Certificate of Occupancy and another case between the Registered Trustees of Believers Love World (a.k.a) Christ Embassy) are cases in point. In the latter the church had in March 2013 dragged the government to a Lagos High Court over the purported revocation of its landed property situated at Oyeleke Street, Alausa, Ikeja, Lagos (Igbintade and Oyeweso, 2013).

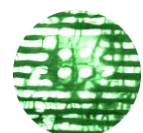
Across the southwest, the situation appears the same. In Oyo, the case of non-compensation by government appears to be the popular allegation against the government. A particular case involves the Afolabi family of Jongbon Village in Akinyele LGA of the state whose land was acquired by the state government for the construction of the Ibadan Circular Road (ICR) since 2005 without any form of compensation, either for the land acquired or the cash crops on the three acres of land acquired (Igbintade and Oyeweso, 2013). This situation has radically increased the poverty level in the family which is dependent on agricultural production for survival. In other words, while their cultivable land had been acquired by the state, there has been no form of compensation at least for them to acquire new farm lands or even to invest in new business. This has become a nightmare for them (oral interview: Elder Abiodun Afolabi).

Elsewhere in Ogun State, the result of the Judicial Commission of Inquiry into all land allocations, acquisitions, sales and concessions of government properties and administration of land policies, rules and regulations instituted by the Amusan administration to cover a period between January 2004 and May 29, 2011 indicted former administrations in the state especially the preceding government and recommended the annulment of the whole process



and recovery of lands and funds from some companies and individuals that were also involved in the illegal acquisitions (Igbintade and Oyeweso, 2013). The implication of that report is that the issue of abuse of the LUA by state governments was real. One of the many discoveries that support the final report of the Commission was the release of state government land (acquired from their owners) to non-existing beneficiaries as well as the allocation of lands and issuance of Certificates of Occupancies to supposed allottees without evidence of any payments. This practice of course was suggestive of fraud and gave credence to several allegations that the state governments were simply acquiring lands from individuals and communities and allocating same to private individuals who will employ the property to the same use the original land owners have been putting it to. (Igbintade and Oyeweso, 2013). This violated the objectives of the LUA, which envisaged the acquisition of land by state government for overriding public interest.

In the Southeastern part of Nigeria, the LUA not only changed the nature of land ownership and the power of control and management of land fundamentally but also the idiosyncrasies of the people. Land ownership and control were once vested in the families, villages and communities and as a result, this natural resource which before the colonial period was considered a sacred social resource became increasingly pecuniary. Apart from opening the eyes of individuals to the huge economic potentials and benefits which they had not tapped during the customary law regime, the social bond among families, villages and communities was broken as land especially community land which was a tool for concretizing the sense of belonging and communality of individuals in a village or community was forcefully taken away from the people. From the perspective of Igbo philosophy, there is a unique attachment which the Igbo have with their land. To the Igbo, land called *Ala* (or *Ani* according to Anambra dialect) is central to his existence as well as constitute his most prized possession which often is not sold but transferred or bequeathed from generation to generation according to customary inheritance rule (Obioha, 2008). Kalu (1978) has explored this deep connection between the Igbo and the earth, which he (the Igbo) deifies and venerates. In traditional Igbo society, land was also a unifying resource and a pointer to the egalitarian nature of the Igbo society. Villages and communities distributed parcels of land among members equally and according to needs as everybody was regarded as equal owner whether rich or poor. The implication of the LUA therefore was that only the rich or connected could afford this hitherto generally owned resource. Second, it resulted in inter-communal land disputes as available and un-acquired lands became sources of conflicts between neighbouring villages and communities. Thirdly, it also resulted in the increasing frustration of host villages and communities which are often vented on institutions of governments or private developers standing on these lands, leading to vandalisation, arson and even murder.

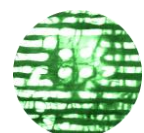


Similarly, in the peasant economies of southeastern states of Nigeria, coupled with land scarce due to population explosion, unregulated land acquisition and forceful dispossession of indigenes of their land has been aggravated by the effects of gully erosions and landslides caused by environmental changes on available cultivable land. In areas such as Imo, Anambra and Enugu, thousands of acres of farm land, livestock and crops are incessantly washed away annually by perennial flooding. There is also the threat to human life and property of people in these communities as well as farmers who live on or close to these farm lands and settlements. Further, scarcity of cultivable land oftentimes lead to communal crises as this region of the country records the highest number of struggles over available land by communities in Nigeria.

In this region therefore, conflicts arising from forceful dispossession, lack of compensation and outright rejection of land take-over by government between individuals and communities and the state government have remained largely unresolved both by legal and peaceful means. In Imo state, land disputes have continued to mar relationships between the state

government, communities and organisations in the state. The case of the land dispute between the Imo State Government and the people of Amawom Community in Owerre Nchi Ise has attracted both national and international attentions. The land central to this crisis was the Land at Area K near the World Bank Housing Estate, which was alleged to have been forcefully acquired from the community and allocated to some individuals who were alleged to be private developers and international business partners of some government officials (Oral interview: Godfrey Mbonu). This acquisition without adequate compensation and consultation therefore angered the Amawom people against the Director of Lands in the state. The aggrieved community resisted by occupying the land in their numbers with men, women, including the aged and youths keeping vigil on the land and consequently disrupting alleged plans by government to build a mega hotel and an Ecumenical centre on the land (Onyeuwku, 2012a).

To ensure that their plight received international attention, the community petitioned the United Nations to intervene in the matter. According to Donald Ebere and Emmanuel Ozuzu, Chairman and Secretary of Amawom Renaissance Group, the petition was to let the world body to be aware that the “forceful acquisition of Owerri community lands has caused Owerri indigenous people and individuals to be subjected to a forced assimilation and destruction of their culture in breach of Article 8(1)” (Onyeuwku, 2012a). According to them, the provision of the LUA has been misapplied to forcefully take away land from the Owerri indigenous people without regards to their aspirations and needs (Onyeuwku, 2012a). On the other hand however, the Imo State government through its Commissioner for Lands and Urban Development, Uche Nwosu, insisted that some of these lands were acquired by previous administrations in the state, but that the state under the Okorocho Administration had compensated Owerri indigenes whose lands were acquired namely, Okohia, Industrial Layout



and other lands (Onyeuwku, 2012b). In these instances, the indigenes alleged that apart from not receiving adequate compensation, the acquired lands were not used for any developmental ventures other than erecting hotels, housing estates and private business of government officials thereby creating personal wealth from their community patrimony (Oral Interview: Donald Ebere).

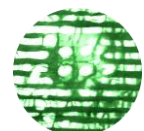
Beyond this, there are several other cases which the government of Imo State had been contending with. In a particular one against the Church, the Diocese of Oru in the State had alleged forceful acquisition of its land by the government, threatening to resist the take-over by employing legal action against the government if the state did not desist from the encroachment (Igbintade and Oyeweso, 2013). The land located at the Central Primary School, Mgbidi, Oru West LGA according to Bishop of the Diocese, Rt. Revd. Geoffrey Chukwunye, had been the possession of the church since 1914 (Igbintade and Oyeweso, 2013).

In Enugu State, the situation in Imo appeared to have been replicated. For example the indigenes of Enugu Ngwo community in Enugu North Local Government Area, an

agricultural community, had resisted what they called a flagrant disobedience by the state government to court order with regards to the conflict between them and the state. According to the allegation, the government of Enugu State had violated a subsisting court order from an Enugu High Court made by Justice B. E. Agbatah on March 17, 2009 restraining the government from trespassing on a piece of land opposite the Golf Estate Enugu (Edike, 2011). Some of the indigenes of Ngwo Community displayed their frustration against what appeared to be connivance by their own state government with private investors to rip them off what belonged to them. Some believed that some of the land forcefully taken from them were given to friends and cronies of the governor to establish their own private companies and business and wondered how these would benefit the public (Group Discussion: Mr Ezekiel Okwu, 2011). The frustration is even worsened “when these people drive big cars with their security escorts in and out of our land as if we are the strangers.” (Group Discussion: Mrs Margaret Okwu, 2011) According to Mr. Obinna Onuigbo, the Legal Adviser to the community, Enugu State government, through the State Ministry of Transport, had disobeyed the court order by carrying out some construction work on the land (Edike, 2011).

The experience elsewhere In Nigeria

In other instances especially in the northern region, the issue appeared to be that of inadequate compensation. In Katsina State, resistance against government acquisition of individual or communal lands had been on the ground that government would not compensate the owners adequately. For instance, it is alleged by individuals whose properties along the Liyafa Hotel-Airport road, were acquired since 2009, particularly lands by the Katsina State government that they were not compensated adequately as their houses were partially or completely



destroyed to pave way for the road. The result of this was several protests and demand for better compensation. Though the state government had announced an adjustment in the compensation formula to assuage their grievances as well as accommodate their losses, especially for those whose structures had been affected, the implementation is yet to be seen.

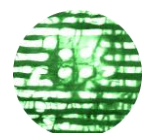
In Benue, the acquisition of arable lands from individuals and communities by government coupled with inadequate compensation had led to disagreements between land owners and the state. Benue which is often depicted as the food basket of the country is an agrarian state with these arable lands as the bedrock of agricultural production in the state. Apart from affecting agricultural yield and the cost of food, the forceful dispossession of land owners of their land often times without notice had remained the basis for protests and resistance by the indigenes of the state. While crisis between individuals and government do not often attract public attention, resistance by groups or communities often does. A particular land dispute between the Nigerian Union of Teachers (NUT), Benue State wing, and the state government had elicited commentaries from observers (Igbintade and Oyeweso, 2013). The 1000 square metres land which the state government had allegedly requested the NUT to surrender and collect undisclosed compensation would enable the government to carry out the expansion of entrepreneurial centre in the state (Igbintade and Oyeweso, 2013). However, this extension of

the carrot to the NUT has not helped in the resolution of the conflict as the latter has continued to maintain its claim over the land.

Based on some of these experiences across the country, many have criticised the Land Use Act as it operates in Nigeria today. According to the former Chairman of Nigerian Bar Association (NBA), Ikeja branch, Victor Odunaiya, "Under the Land Use Act, state government has the power to acquire people's land for public use." However, he denounced the practice where the acquired property is now transferred to another private person as a result of the selfish interest of government officials (Odunaiya, 2013).

Conclusion

The study has carefully done an investigation of the implications of unregulated land acquisition by governments and investment partners, forceful dispossession and displacement of individuals and communities in the era of globalisation and wealth creation on southeast states of Nigeria. This investigation of the trajectory of wealth and conflict resulting from the implementation of the Land Use Act 1978, No. 6 of the Federal Republic of Nigeria reveals that development was only imagined and not felt by the people whose lands were acquired often to be allocated to business partners and cronies of government officials instead of overriding public interest: wealth creation enterprises and general public infrastructure; stadia, high court, hospitals or public schools, praying grounds or companies that could employ the indigenes of such areas, etc.



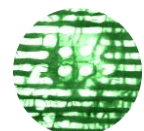
Similarly, the investigation shows that some of these communities, individuals and organisations are handicapped as the LUA had vested all land covered within the territory of each state in Nigeria with the exception of land vested in the Federal Government for its agencies exclusively in the hands of the Chief Executives of the state who by implication hold such land in trust for the people. Since the Governors of these states have the discretionary powers to allocate this resource, what the investigation therefore revealed in some of the acquisition from individuals or organisations is that a few allocations were made to private individuals who did not put up any infrastructure or development beyond what the original land owners have been using them for.

The study also reveals that impact of the LUA regime in southeast Nigeria is peculiar to the area mainly because of the constructions of ‘title’ and ‘authority’ as regards to ownership of land before the LUA which then was vested in the communities, families and individuals in freehold. Compared to other regions of the country for instance the southwest or part of the north where the traditional rulers have ‘title’ and ‘authority’ or freehold over land, the southeast due to the egalitarian and republican nature of the society enjoys communal ownership and as such, land allocation and acquisition especially those owned by communities should have been carried out in full consultations with the communities. Similarly, compensations which would have enable the dispossessed people to acquire other lands or set up new businesses for themselves were either not compensated at all or

adequately. The result of this therefore is that the people were perpetually impoverished while government and government officials enrich themselves thereby creating poverty in the mist of plenty.

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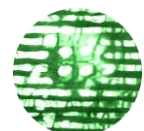
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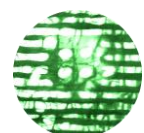
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