

Ownership and Acquisition of Land, Land-Grabbers and Land-Grabbing in Lagos and Ogun States

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Abstract

Land is an indispensable natural resource for both the survival and prosperity of mankind. The quest for land keeps increasing every day due to human and capital growth globally. Lands are being forcefully acquired by the government from their owners on the pretext of overriding public interest. High demand for land and its insufficiency have resulted in land grabbing in Lagos and Ogun States, in address the menace, both states passed into law, the Lagos State Property Protection Law, 2016, and Ogun State Prohibition of Forcible Occupation of Landed Properties, Armed Robbery, Kidnapping, Cultism and other Anti-Violent and Related Offences Law, 2016, respectively. At the inception of the laws and their implementation, the inhabitants, and land owners of the states thought that succor came their way and it was the end of land grabbing. Conversely, the laws had achieved nothing in eradicating land grabbing in the states. This study investigated ownership and acquisition of land, land grabbers, and land-grabbing in Lagos and Ogun States. Doctrinal methodology was adopted for the research. The paper revealed that the inadequacy of land, greediness of landowners, compulsory/forceful acquisition of land, poverty, and lack of employment among the youths, the law enforcement agents who are saddled with the responsibility of implementing the anti-land-grabbing laws compromised their standards and that the judiciary has not made any clear pronouncements on the land-grabbing cases pending in the law courts of the two states to serve as deterrent resulted in land-grabbing in both states. The study recommended that compensation be paid to the landowners for the land compulsorily/forcefully acquired, employment be provided for the youths, there should be public enlightenment in the states on the implications of land-grabbers and land-grabbing in the society, the judiciary in both states should brace up in dispensing justice in this critical area of endeavour, by decisively and timely, determining land-grabbing cases before them and that the Nigeria Police and other related law enforcement agencies should stop aiding land grabbers in committing crimes related to land-grabbing in both states.

Keywords: Land, land-grabbing, Lagos and Ogun States, ownership and acquisition, Land Use Act

DOI: 10.7176/JLPG/135-07

Publication date: August 31st 2023

1.0 Introduction

The importance of land to human beings cannot be overemphasised. It is basic to all their endeavours. Social, political, economic, educational, religious, agricultural, scientific, medical, engineering and other human activities depend on the land. It is a special natural resource that forms the foundation of all human doings as no development takes place without it. Therefore, ownership, acquisition, and possession of land have always been an issue globally. Lagos and Ogun States of Nigeria are not left out of the crisis relating to land which has resulted in the act of land-grabbers and land-grabbing in the states. This paper studies the issues relating to ownership and acquisition of land, land-grabbers, and land-grabbing in Lagos and Ogun States despite the laws in place in the states.

Land includes any building and any other thing attached to the earth or permanently fastened to anything so

attached but does not include minerals.¹ It is used for settlements, agriculture, and forestry, as well as natural reserve conservation. It supports humans and a variety of terrestrial ecosystems as a store of wealth for individuals, groups, plants, animals, and microorganisms.² The land is a natural gift for men, although claimed to have been inherited from generation to generation. No reasonable man would want to forgo his family land inheritance for another.³

Governments acquire land for some purposes, which include but are not limited to infrastructural developments. People give birth to young ones every day, making the population to increase, alarmingly. The acquisition of land and increase in birth rate and other social developments make people take steps to take over lands belonging to other persons, without having regard to extant laws in the country.⁴

Lagos, being the defunct federal capital territory and the commercial nerve center of the country, attracts more investors and inhabitants. Virtually all the countries of the world have relations residing in the state. On the other hand, the expanse of land in Lagos State is not enough to meet the various needs of the inhabitants and the investors in the state. The larger part of the land in the state is government-acquired. Insufficient land results in different atrocities, including the act of selling a plot of land to more than one buyer at a time, which, usually, results in litigation, crisis, and forcible entry of land.

The quest for more land makes people in Lagos State seek land in Ogun State, which borders Lagos State to the north. Naturally, the virus of forcible entry and acquisition of land, and attendant land litigations, have been extended to Ogun State, particularly, Ogijo, Odogbolu, Makun, Sagamu, Mowe, Magboro, Imeko, Yewa, Ibafo, Akute, Ijebu-Ode, Abeokuta, Ifo, Sango-Ota, Iyana-Ilogbo, Papalanto, Ilishan-Remo, Ikenne-Remo, and Ijebu-Igbo areas, among others. In both States, it has been crises day-in, day-out. There are a series of cases relating to land in the High Courts of Lagos and Ogun States. These sordid developments made the governments of both States enact the Lagos State Property Protection Law, 2016, and the Ogun State Prohibition of Forcible Occupation of Landed Properties, Armed Robbery, Kidnapping, Cultism, and Other Anti-Violent and Related Offences Law, 2016, primarily, to checkmate the ugly issues centered-around land grabbing in the States.

Lagos State Special Task Force on Land Grabbers disclosed recently that it has received about 7,000 petitions against land grabbers in the state since it was set up in 2016.⁵ The Ogun State Anti-Land Grabbing is silent about its activities. Meanwhile, for about eight years the laws have been in effect, however, they have achieved virtually nothing. People have been arrested by law enforcement agents, charged to court, and prosecuted but the courts have not made a single pronouncement on land-grabbing-related matters that could have served as a deterrent to land grabbers. Thus, despite the laws, land-grabbing remains pervasive in both States.

2.0 Ownership of Land in Lagos and Ogun States

Ownership of land in Nigeria particularly in Lagos and Ogun States can be quite a rigid process due to the very complex land tenure system in the country. There have been calls from various quarters for a review of Nigeria's land and property law.

In Lagos and Ogun States, the land tenure system is a mixed story. In both states, under customary law, the land is organised largely around the family or the community. The individual could rarely lay claim to any part of it as owner and therefore could not alienate it without the consent of the head family. Land belongs to a vast family of which many are living, few are dead and countless are yet unborn.⁶ This land tenure system was however whittled down following the introduction of the received common law principles.

State's ownership of land in Nigeria can be traced to the 1861 Treaty of Cession which ceded the colony of Lagos to the British Crown, subject to the customary rights of the local people. Before 1963 land was vested in the Queen, and when Nigeria became a Republic in 1963, it was vested in the Federal Government.⁷ Under customary law, land was generally vested in communities and families in the South, whereas in the North land was vested in authorities for the use and benefit of the people. All this however changed when Nigeria became colonised and land was vested in the Queen until 1963 when Nigeria became a Republic.⁸

¹ Section 18 of the Interpretation Act, LFN, 2004.

² Y. Omodele, *Land! Land Grabbers and Land Grabbing in the Southwestern State of Nigeria...the Secretes* (PAB General Publications Lagos 2020) 6 - 7.

³ United Nations Commission on Human Settlements (UNCHS), *Managing Sustainable/Health Growth and Development of Ibadan Environmental Profile of the Metropolitan Area* (University Press Ibadan 1996) 10-11.

⁴ Food and Agricultural Organization of the United Nations (FAO) and United Nations Environment Programme (UNEP), *The Future of Our Land, Facing the Challenge: Guidelines for Integrated Planning for Sustainable Management of Land Resources* (FAO Rome 1999) <http://www.fao.org/3/x3810e/x3810e00.htm> accessed 26 December, 2022 71.

⁵ R. Shomade, (2023) paper presented at the Annual General Conference of the Nigerian Bar Association, Section on Public Interest and Development Law, NBA-SPIDEL, Ikeja-Lagos, pages 5-6.

⁶ Chief Idundun testifying before the Colonial Land Administration Committee at Odogbolu in 1914. Odogbolu is now in the present Ogun State (an extracted from the National Archives).

⁷ J. F. Ade-Ajayi (1962). *Milestones in Nigerian History*. Ibadan: Ibadan University Press.

⁸ J. C. Anene (1966). *Essays in African History*. Ibadan: Onibonje Publishers.

Due to the economies of industrialised nations, the colonial government in Nigeria needed land for developmental purposes, specifically for agriculture and industrialization. Land at that time was vested in the communities and families, the government was forced to compulsorily acquire these lands from them today we have a rash of acquisition statutes in Nigeria beginning with the Public Land Acquisition Act of 1917, through to the Public Land Acquisition Law Cap 105 of Western Region, 1959, to the Public Land Acquisition Act of 1976. States have their separate Public Land Acquisition Laws.¹

This was the position with our land tenure system up till 1978 when the Land Use Act was introduced. The Act was promulgated to bring about uniformity in Nigeria's land tenure system, ensure that land was available for agricultural and industrial development, and importantly address our socio-economic problems. However, that has also been plagued by a plethora of challenges too.² The Land Use Act of 1978 was meant to usher in a new land reform in Nigeria, it soon became a clog in the wheel of development over the years.³

2.1 Compulsory Acquisition of Land in Lagos and Ogun States

Compulsory acquisition of land by the government for overriding public interest can be in several forms as provided in the Land Use Act 1978 (now Laws of the Federation of Nigeria, 2004) such as infrastructure development, education, health, social, urban planning, or economic projects. The acquisition of private individual land, by the government (local, state, and federal governments), for the use of the state overriding public interest.⁴ However, where it is discovered that such acquisition made by the government was not in the public interest, such acquisition may be marred and challenged in court for a reversal of same.

The 1999 Constitution of the Federal Republic of Nigeria (as amended) provided that no individual land should be acquired without compensation.⁵ Payment of compensation for lands acquired to the land owners should be prompt and not delayed unnecessarily.⁶

The right to own immovable property is not total but subject to certain qualifications.⁷ All lands in every state in Nigeria are 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.⁸ The law of compulsory acquisition of land in Nigeria is rooted in the Nigerian Constitution that every Nigerian has the right to own private property and that such property shall not be acquired compulsorily, except in the manner and for the purposes prescribed by a law that requires both the payment of prompt compensation and compliance with the rule of law on access to the court.⁹ The governor may revoke a right of occupancy over any land in the state on account of overriding public interest.¹⁰

The landowners always get aggrieved when land is compulsorily acquired though there are remedies which include but are not limited to the followings:

- a. **compensation:** as stated in the Land Use Act, landowners are entitled to fair and adequate compensation for the land acquired. The compensation should reflect the market value of the land at the time of acquisition, as well as any improvements on the land.¹¹
- b. **challenge the acquisition in a court of law:** landowners have the right to challenge the legality or necessity of the acquisition in court. They can file a lawsuit to challenge the acquisition if they believe that due process was not followed or that the acquisition is not for a genuine public purpose. Legal representation is advisable in such cases.¹²
- c. **negotiation and alternative arrangements:** landowners can negotiate with the government for alternative land or suitable compensation packages. This could involve exchanging the acquired land for an equivalent parcel in a different location or receiving compensation in the form of alternative land or other benefits as may be agreed on.¹³
- d. **Judicia interpretation:** landowners can seek judicial review of the acquisition process to determine whether the government followed the proper legal procedures. Judicial review can scrutinize the decision-making process, including assessing whether the acquisition was in the public interest and

¹ D. A. Aniyom (1983). An Appraisal of the Land Use Decree and its Effects in its Years (29th March, 1978 to 29th March, 1983). *The Map Maker*. 9(1): 17-26.

² A. Utuama (2008, 31st March). The Land Use Act and the Challenges of Millennium Development Goals. *The Guardian*. 25 (10,687): 41.

³ E. O. Omuojine (1999). Land Use Act and English Doctrine of Estate. *Journal of the Nigerian Institution of Estate Surveyors and Valuers*. 22(3): 54-56.

⁴ Section 28 of the Land Use Act, LFN 2004

⁵ Section 44

⁶ *Mulima vs. Usman* (2014) 16 NWLR (Pt. 1432) at 160.

⁷ Section 43 Constitution of the Federal republic of Nigeria, 1999 (as amended)

⁸ Section 1 Land Use Act 1978 Cap. 5 Laws of the Federation of Nigeria, 2004.

⁹ *Goldmark (Nig) Ltd vs. Ibafo Co. Ltd* (2012) 10 NWLR (Pt. 1308) at 291.

¹⁰ *Olatunji vs. Military Governor of Oyo State* (1994) LPELR-14116

¹¹ *National Universities Commission vs Oluwo* (2001) 3 NWLR (Pt. 699) at 90

¹² *Chief Ereku vs. The Military Governor, Mid-Western State of Nigeria* (1974) 1 All NLR (Pt. 2) 163.

¹³ *Kukoyi vs. Aina* (1999) 10 NWLR (Pt. 624) at 633.

whether the compensation offered is reasonable.¹

- e. **reconciliation, mediation, and arbitration:** landowners can explore alternative dispute resolution mechanisms such as mediation or arbitration to resolve disputes with the government. These processes can provide a forum for open dialogue and negotiation to reach a mutually acceptable resolution.
- f. **consultation and participation:** landowners have the right to be consulted and participate in the decision-making process concerning the acquisition of their land. The government is expected to engage with affected landowners and provide information about the project. Landowners can assert their rights to be involved in the process and raise concerns or propose alternatives.²

3.0 The Concept of Land in Lagos and Ogun States

Human use of land has altered the structure and functioning of the ecosystem.³ The most spatially and economically important human uses of land globally include cultivation in various forms; livestock grazing; settlement and construction; reserves and protected lands; and timber extraction. The patterns of land use give insight into the factors that have caused the land cover to change. A better understanding of the determining factors of land use changes is of crucial importance to the study of global environmental change.⁴

Lagos is West Africa's most populous city and it provides critical insights into the workings of formal land markets as well as informal land markets, a duality that characterises most African cities. Urban expansion often assumes the operation of formal land markets.⁵ However, Lagos and other African cities have informal land markets that, arguably, dominate land transactions. The behaviour of actors in land market transactions differs with respect to the type of market in which they operate. Operations of government may also differ, in response to actors and operations in either the formal or the informal markets. The resulting spatial order highlights the differences in urban expansion: well-planned communities versus informal communities.⁶

Lagos, having expanded beyond its state boundaries into another state on the northern corridor, while constricted by the Atlantic Ocean and low-lying forms on its southern boundary, offers an opportunity to understand the dynamics of urban growth. Lagos is a megacity and one of the 36 States in Nigeria, West Africa. It has a population of 26 million and a surface area of 3577 km². It is the seventh fastest-growing city in the world, and the second largest city in Africa.⁷

Geographically, Lagos State is bounded in the north and east by Ogun State, in the west by the Republic of Benin, and to the south by the Atlantic Ocean. Thus, its northern and eastern neighbour, Ogun State, bears the brunt of most of the spatial expansion of Lagos. Rapid industrial development took place in Lagos in the 1950s and resulted in the spatial expansion of the continuous built-up area beyond the legal confines of the-then municipality. Presently, Lagos has witnessed expansion in all ramifications that result in its status as a megacity.⁸

Over 10,000 large-scale industrial and commercial businesses are in the city, which also hosts the headquarters of many national and international corporations. Besides, being a coastal city, with additional networks of internal waterways, has made Lagos accessible to both local and international businesses. The intense investment in infrastructure that came with its economic, political, and administrative functions, first as a colonial headquarter, and then as the capital city of Nigeria, coupled with the cultural receptiveness of its people, has enabled Lagos to remain the commercial, real estate and innovation hub of Nigeria. It is, therefore, a city that will continue to be attractive to new migrants and investors and its expansion will continue; thereby, creating even more pressure on the very limited land available.⁹

3.1 Economic and Developmental Purposes of Land in Lagos and Ogun States

Over time, the metropolis had spread to the periphery of Lagos State on its northern boundaries with Ogun State. In 2005, the Ogun State Government developed a regional development plan to address some of the urban sprawl issues arising from the rapid expansion of Lagos into its administrative boundaries. The Lekki region is a naturally formed peninsula on the Atlantic Ocean, east of Lagos City, and on Lagos Lagoon. The peninsula is

¹ Chief A. O. Lawson vs. Chief A. A. Ajibulu (1991) 6 NWLR (Pt. 195) 44.

² Ogunleye vs. Oni (1990) 2 NWLR (Pt. 135) at 745.

³ B. L. Turner II, R. H. Moss and D. L. Scole (Eds), *Relating Land Use and Global-Land Cover Change: A Proposal for an IGBP-HDP Core Project: IGBP Report No 24* (International Geosphere-Biosphere Programme Stockholm 1993) 24.

⁴ UN-Habitat, *The world cities report 2020: the value of sustainable urbanization* (United Nations Human Settlements Programme (UN-Habitat) 2020) 68 <https://www.unhabitat.org> accessed 26 December 2022.

⁵ E. O. Tade and H. B. Ademola, *Cities and Environment: Reflection on Global Debate and its Implication for Urban Research in Development Countries* (Vol. 24 No. 2 Social Research Centre, American University, Cairo) 14-23.

⁶ Chen Zeng, Mengdi Zhang, Jiaying Cui and Sanwei He, 'Monitoring and modeling urban expansion - A spatially explicit and multi-scale perspective (2015) 43 Cities 92-103. DOI: <https://doi.org/10.1016/j.cities.2014.11.009>.

⁷ Vanessa Watson, 'African urban fantasies: dreams or nightmares?' (2013) 26(1) *Environment and Urbanization* 215-231. DOI: <https://doi.org/10.1177/0956247813513705>.

⁸ B. L. Sala et al (Eds), *Changes in Land Use and Land Cover, A Global Perspective* (University of Cambridge Press, U.K. (2010) 17.

⁹ K. E. Rindfus and H Stevi, *Tropical Deforestation, Small Farmers and Land Clearing in the Ecuadorian Amazon* (Columbia University Press, New York) 33.

approximately 70-80 km long with an average width of 10 km.¹

The Ogun State Development Pressure Area (DPA) Plan classified the Isheri-Ibafo corridor and similar locations sharing boundaries with Lagos as a DPA and described them as follows:

The area is immediately to the north of Lagos and under severe development pressure from the neighbouring Lagos metropolis. There is thus a pressing need for a quick response from the government. It is approximately 30 kilometers radius from the intersection of the Ogun River and the Lagos-Ibadan expressway at Isheri.²

The development continued without a defined pattern and there was still no evidence of development control in this region. The major religious development is a planned settlement within the boundaries of the Redeemed Christian Church of God. Development along the road has increased. In 2015, the built-up area had increased with several new developments, some swampy areas were land-filled, but the development is still, largely, uncontrolled. This has, effectively, invalidated the DPA plan for the area to be less developed, although the low-lying area is less intensely developed than the northern part of the corridor.³

In 2022, the unmonitored developments have grown to more than double what it was in 2007. The demand for land and housing in this area is evident from the intensity of development, over the years. There are pockets of newer housing estates developed by corporate real estate developers and these are spatially planned. However, more of these estates are in the eastern part of the Lagos-Ibadan Expressway as the soil conditions are relatively more conducive for development.⁴ The nature of the development reflects more individual land purchases for owner-occupied and rental properties. In addition, despite the low-lying nature of the land on the eastern axis, from the Kara market area up to the Ibafo area, one can see a graduation of uses from cow-penning and shacks providing houses for cow-sellers to the Sparklight Estate area. This estate is a planned residential area that has suffered from incessant flooding, over the years, due to its proximity to the floodplains of the river Ogun. Residential areas have also sprung up from Ibafo, a peri-urban community, to provide housing for individual families, seeking to live in closer proximity to Lagos.⁵

Both the Lekki axis and the Isheri-Ibafo axis have been subjected to formal planning approaches with the Lekki Comprehensive Masterplan for the former, and the DPA Plan for the latter. The outcomes differ in many respects.⁶ The DPA report maintained that the study area, that is, the Isheri-Ibafo corridor, is very low-lying on both sides of the expressway.⁷ The soil type is also alluvial, no meaningful human settlements can be located here at a reasonable cost. The area should be classified as a forest reserve, which can be allocated to farmers to whom the alluvial soil would be beneficial. The following was also expected:

This use of the land will ... create the necessary buffer zone between the heavy development in Lagos and the hopefully more serene landscape being planned for the sub-zone.⁸

Thus, the idea was to use this strip as a containment strategy against expansion from Lagos. It also asserted that:

While there is no need to revoke the existing allocations, their development plans should be seriously guided by the limitations of the area. Development densities should be very low. No new allocation for human settlements should, however, be made.⁹

Beyond the undevelopable area, the plan was for a new city tagged Gateway City to emerge to: re-create a high-class living environment such as Ikoyi, Apapa and Ikeja GRA in Lagos. It is proposed that such a living environment be created in

¹ The Lagos Resilience Office, *Lagos resilience strategy* (The Lagos State Government 2020) 7.

² J. L. Ramankntty and K Foley, 'Population Growth, Agricultural Intensification, Innovation and Natural Resource Sustainability: An Application of Neoclassical Growth Theory' (2009) 19(1) *Agricultural Economics* 99-112.

³ K. Oyesiku, 'The New City Concept as Planning Strategy' in WA Kadiri (Ed) *Reflections on Nigeria Urban Planning Issues* (Desi-Oga Publication Abeokuta 1998) 55-8.

⁴ B. Tellman, H Eakin, MA Janssen *et al World development* (2021) 140, 105374.

DOI: <https://doi.org/10.1016/j.worlddev.2020.105374>

⁵ B. Oyalowo, T Nubi, C Otegbulu, 'The Omo-Onile issue is scary': Narratives of the struggles of co-operative societies in land assembly in peri-urban Lagos' in R Akinyele, M Omirin and T Nubi (Eds), *Land and development in Lagos* (University of Lagos Centre for Housing and Sustainable Development 2020) 65-93.

Development. https://www.researchgate.net/publication/351984739_The_Omo-Onile_Issue_is_scary'_Narratives_of_the_struggles_of_co-operative_societies_in_Land_Assembly_in_Peri-Urban_Lagos accessed 26 12 2022.

⁶ Ogun State Government, *Gateway to infrastructure & industrial development investment opportunities* (Ogun State Government 2020) 76.

⁷ Ogun State Government, *Development pressure area report (subregion 5)* (Ogun State Government 2005) 53.

⁸ A. G. Onokerhoraye, 'Urban Land Use in Nigeria', (1994) 48(1) *Town Planning Review* 59-72.

⁹ Y. R. Jabareen, 'Sustainable urban forms: their typologies, models and concepts' (2006) 26 *Journal of Planning Education and Research* 38-52.

this plan.¹

The aerial images of Isheri-Ibafo axis show the continued attractiveness of the area to home-seekers and developers, despite the DPA recommendation that the area should not be inhabited, and subsequently despite a planning instrument to guide the residential development in that area. Government action has not been visible in the subsequent ordering of land use in the area. The Ogun State government has released another assessment of the development potential of this corridor and a new 'Gateway to Infrastructure and Industrial Investment Opportunities' document plans to take advantage of proximity to Lagos by welcoming expansion.² A 'Magboro Cluster' has been identified in this same axis as one of the key economic development clusters in Ogun State, in the new plan. It is described as follows:

a 2,500-hectare cluster strategically located along Lagos-Ogun Border to provide housing for individuals who work within and outside Ogun State.³

It is meant to provide industrial estates, residential estates, and a creative arts and entertainment village. While the 2005 DPA plan had recommendations to contain Lagos, the 2020 plan seeks to consolidate the inevitable expansion of Lagos into an economic return for Ogun State. The ability of the government to muster investments to actualise this will influence the negative or positive externalities of urban expansion in this region in the coming years.⁴

For Lekki in Lagos State, a comprehensive master plan was prepared in 2013, to provide the planning tool, zoning regulations as well as conceptual designs for the roads and primary infrastructure to guide future development in the Lekki Peninsula sub-region.⁵ The overall area coverage of the master plan was about 60,000 hectares, excluding the Lekki free-trade zone, seaport and international airport. A new city is envisaged there, and the master plan proposes a 'Blue-Green' environment city.⁶

The master plan will yield a total built-up area of about 10,671 hectares and accommodate a residential population of about 3.42 million persons as well as a non-residential population, such as touristic, hotels, commercial, offices, and industrial of about 1.75 million. Lekki had been a beneficiary of the Lagos State Regional Plan and Masterplan for Metropolitan Lagos. Despite this, the area continued to have unplanned development alongside major highways, which the master plan sought to correct.⁷

The accessibility of Lekki from three bridges to the mainland, contiguous, and the continual desire to see Lekki grow, all combine, to make it attractive to developers and local and international buyers. These factors ensure that developers would continue to develop high-end properties on the Lekki axis while leaving the Isheri-Ibafo in the Ogun State axis for low-income individual purchasers.⁸ Government officials also support this position.⁹

3.2 Quest for Land and its Economic Benefits in Lagos and Ogun States

In Nigeria, like in most developing countries, the population of towns and cities is increasing at an explosive rate.¹⁰ It has not been possible to stem the movement of people from the rural areas to the urban centers, particularly, the rapidly growing cities in Lagos and Ogun States, such as Ikeja, Badagry, Ojo, Apapa, Epe, Ikorodu, Agege, Ayobo, Isheri-Olofin, Abeokuta, Ota, Iyan-Ilogbo, Ijebu-Ode, Ijebu-Igbo, Papalanto, Ifo, Arepo, Ososa, Simawa, Boun, Odofin, Ogijo, Sagamu and a host of other towns in the stated states.¹¹ The rate of natural population increase in the cities has been consistently high.¹² The most obvious impact of the rapid urban population growth has been the demand for urban land and the consequences are the land acquisition undertaken by the government to take care of social infrastructure facilities.¹³ More people in the urban areas meant an

¹ W. A. Kadiri & B. A. Oyalowo, 'Land alienation and sustainability issues in the peri-urban interface of South West Nigeria' (2011) 54(1) Development 64-69.

² Dar al-Handasah (Shair and Partners), *Lekki comprehensive master plan Lagos-Nigeria*. (Lagos State Government Ministry of Physical Planning and Urban Development 2013) 63-64

³ A. Cain, 'African urban fantasies: Past lessons and emerging realities' (2014) 26(2) Environment & Urbanization 561-567.

⁴ S. Angel, J. Parent, D. Civco, A. Blei & D. Potere, 'The dimensions of global urban expansion: Estimates and projections for all countries 2000-2050' (2011) 75(2011) Progress in Planning 53-107.

⁵ J. Y. Lin, 'How did China Feed itself in the past? How will China Feed Itself in the Future?' Second Distinguished Economic-Lecture. CIMMYT, Mexico (2004) 34.

⁶ M. Andreasen, J. Agergaard & L. Moller-Jensen, 'Suburbanisation, homeownership aspirations and urban housing: exploring urban expansion in Dar es Salaam' (2017) 54(10) Urban Studies 2342-2359.

⁷ O. E. Abiodun, J. B. Olaleye, J. O. Olusina & O. G. Omogunloye, 'Principal component analysis of urban expansion drivers in Greater Lagos, Nigeria' (2017) 1(1) *Nigerian Journal of Environmental Sciences and Technology* 156-168.

⁸ T. R. Loveland, *Environmental and Society in Northern Nigeria* (Routledge London 2014).

⁹ I. A. Abdulai, K. Enu-Kwesi & J. A. Boateng, 'Landowners' willingness to supply agricultural land for conversion into urban uses in peri-urban Ghana (2021). *Local Environment* 102.

¹⁰ E. A. Houghton et.al, 'Urban Land Policy Issue and Opportunities' (2009) 1 & 2(3) Economic Review 1-10.

¹¹ W. A. Kadiri *ibid* (n...) 76.

¹² L. O. Fresco, 'Imaginable Futures, contributions to thinking about Land Use' in LO Fresco et al (Eds), *The Future of the Land; Mobilizing and Integrating Knowledge for Land Use Options* (Wiley and Sons Chichester 2015) 86.

¹³ Food and Agricultural Organization (FAO), *Food and Agricultural Guidelines for Land Use Planning* (FAO Rome 1989) 301.

increased demand for basic services such as schools, hospitals, postal and telecommunication services, recreational facilities, and so on.¹ In addition, residents in urban areas must have some means of livelihood, which, in turn, generate demand for shops, offices, factories, banks, and workplaces of various descriptions.² This, invariably, necessitated pressure on the available land and the consequences are changes in the uses.³ Thus, the natural pathway of energy and matter in the environment is modified by urbanisation and new ones are created.⁴

Since the return to democratic rules in Nigeria, in 1999, cities in Lagos and Ogun States have been witnessing rapid development and physical expansion.⁵ The areas are Ayobo, Epe, Ikorodu, Ojo, Badagry, Mowe-Ibafo, Simawa, Sagamu, Iperu, Ilisan, Odogbolu, Ikenne, Ijebu-Ode, among others. It is important to highlight some of the factors responsible for these growths.⁶ The growth has been by fission and fusion. “Growth by fission” is the breaking up of single but large family compounds into smaller individual ownership of dwellings while “growth by fusion” is defined as an outward shift in city boundary through the annexation of surrounding villages in order to accommodate more people.⁷ The importance of the emerging settlement patterns and growth corridors is that they show a fairly clear concentrated development in the state, separated by scantily populated sub-regions, then, bound by two, relatively, more developed sub-regions, to the north-west and east, respectively.⁸

Government activities, through the administrative mechanism and policy formulations, have significant effects on shaping and directing urban growth, through the construction of transportation systems and the establishment of public institutions, hospitals, and utilities. As discussed earlier, the establishment of public institutions, the location of public investments, the development of highways and expressways, and the establishment of housing and industrial estates played a significant role in shaping and directing the pattern of growth and physical expansion of Lagos and Ogun States.⁹

The nature of demand for some of these public works or institutions does not require intra-city locational considerations while very many are point-specific, in the sense that they must be areas of the city where they are required. This is, in most cases, the basis for the spatial distribution of public lands, which has contributed to the steady increase in the change of uses of available lands around the public uses.¹⁰

The spatial distribution of public land uses presents different problems, including frequent small and large-scale acquisitions.¹¹ For example, encroachment is more common with large-scale acquisitions than smaller ones. The large-scale acquisition also results in problems of intensified and uncontrolled land use, especially when there is no proper coordination.¹²

The problems that larger acquisition of land caused are the limits, which it forms. A close analysis of the spatial distribution of some of these large acquisitions revealed a concentric form of arrangement around the periphery or suburb. For example, in Abeokuta, starting from Idi-Aba is the Federal Medical Center and Kemta Housing Estate and extending to Ogun State Television and Federal Ministry of Agriculture Scheme. Opposite of these is Olokuta Housing Estate which extends to Sam Ewang Estate, crossing to Idi-Ori extending to Federal Secretariat. Along the axis are the state secretariat and some pockets of newly acquired schemes for future developments forming.¹³ The areas that are worse, in terms of spatial development and proper planning, are Sango, Ijoko, Agbado, Odogbolu, Ikenne, Simawa, Ogijo, Ojokoro, Ilogbo, Ifo, Mowe, Ibafo, and so on. The areas are, generally, described as a “modern slum” an extension of city-core development. The failure of the Ministry of Physical Planning to evolve a development scheme that should guide physical development includes

¹ E. L. Hendricks, ‘Water in the Urban Environment’ in W Ronals and Tanks (Eds) *Focus on Environmental Geology* (Oxford University Press, 1983) 112.

² E. F. Lambin et al, ‘Land Use and Land Cover Change’ (*LUCC*) *IGBP Report 48* (IGBP Stockholm 2009) 79.

³ B. L. Mather et al ‘Global Land Use and Cover Change towards an Integrated Study (2008) 23(1) *Ambio* 91-95.

⁴ L. Egunjobi, ‘Perception of Urban Environmental Problems: A Pilot Study of the City of Ibadan, Nigeria’ (2010) 1 and 2(4) *African Urban Quarterly*, 201.

⁵ A. L. Mabogunje, *Urbanisation in Nigeria* (University of London Press Limited 2008) 95.

⁶ H. L. Chase, ‘Land Use and Land Cover Change Science/Research Plan’ *IGBP Report No.35, HDP Report No. 7* (IGBP Stockholm) 203.

⁷ E. E. David, *Land use control: Evaluating Economics and Political effects* (Ballinger Economic Publishing Company Massachusetts 2007) 98.

⁸ J. Bouma, ‘Information Technology as a tool to access Land Use options in Space and Time’ *Proceeding of an International Workshop (Lima 2008)* 117.

⁹ I. B. Bello-Imam, ‘Administrative Framework for Environmental Management in Nigeria with Emphasis on Refuse Collection’ in EO Adeniji and IB Bello-Imam (Eds) *Development and Environmental Proceedings of a National Conference* (Nigerian Institute for Social and Economic Research, Ibadan 2011) 56-57.

¹⁰ I. K. Bello and O. S. Arowosegbe, ‘Factors Affecting Land-Use Change on Property Values in Nigeria’ (2014) 3(4) *Journal of Research in Economics and International Finance* 79-82.

¹¹ CO Olatubara, ‘An Alternative Approach to the Urban Residential Location Decision in Nigeria: the Nestling Idea’ (2008) 22(1) *Habitat International* 57-67.

¹² I. K. Bello, *Land Use Changes Under the pressure of Urbanization: A time Dimensional Analysis of Ibadan Metropolis (1970-2000)* M. Sc. Thesis submitted to the Department of Urban and Regional Planning, University of Ibadan 2001) 91-92.

¹³ J. O. Ayoade, ‘Urban Environmental and Ecology’ in Ayeni (Ed) *Research Agenda in Urban Sector* (Centre for African Settlement Studies, Ibadan 2012) 73.

a lack of proper coordination of physical development schemes.¹

Other problems that were created as a result of government policies on acquisition are the over-concentration along certain areas, which makes the extension of infrastructures, such as electricity and water, difficult and creates an extensive remote and undeveloped rural setting beyond the boundaries of these acquisitions.² The poor management of land uses planning, other public authorities are encroaching indiscriminately into these large public acquisitions especially those whose functions are related to land use planning and control.³

As laudable as the functions of each agency of government in land acquisition are, the most peculiar problems associated with each agency are the workforce and lack of modern equipment to carry out the day-to-day activities.⁴ In the Bureau of Lands and Survey, Ogun State, there are vacancies in almost all the divisions and these vacancies are at senior posts; the same thing in the Zonal Planning Offices, where most of the officials are middle-level officers. The implication of this is a limitation of effectiveness in the management and control of physical development in the State.⁵ The influence of the politicians heading these agencies also contributes to the land use change problems. The most unfortunate aspect of this problem is the level of discipline of a few officials in these agencies. Many of these officials collect money for illegal development, thereby, causing slums and inconsistency in physical development in the city.⁶

Government policies and programmes also contribute to the problems of land use changes in the city, especially the Land Use Act of 1978, by virtue of which every land within a State is vested in the State Governor who, usually, allocates the land to his friends and political associates, indiscriminately.⁷

4.0 Land-Grabbing: A Legal Issue in Lagos and Ogun States

Land-grabbing is a legal issue and requires that proper laws should be enacted to prevent the continued violation of the legal rights of landowners, at the hands of governments, multinationals, private individuals, and land-grabbers. Land-grabbing is the new form of colonialism that renders peasant farmers and small-scale landowners powerless and severely curtails their ability to provide affordable food for people in their communities. It also prevents them from enjoying the benefits of nature around them. Cries have risen, from the oppressed in affected nations, for governments to rise and take steps to ensure the future of privately owned farms and lands that are now in danger of being snatched away by greedy land speculators.⁸

Land-grabbing is illegal because the acquisition process, usually, contravenes the law or tends to exploit the loopholes in land laws, tenure systems, and weak level of government coordination and capacity.⁹ Land-grabbing, globally, has persisted, due to the institution of legal manipulations that continue to make the phenomenon possible.¹⁰ The core ideas that justify and facilitate land-grabbing, in recent times, can be found in the past episodes of land-grabbing and include the following:

- (i) The efficiency of seizing land and securing it as exclusive property through legal means;
- (ii) The utility of justifying which land can be grabbed, using the discursive device of vacant or empty land; and
- (iii) The value of establishing an overriding legitimacy in taking over another individual's land, based on public intent or public interest.¹¹

Generally, it is believed that the use and control of land, as a productive asset, entails the preparation of a legal and institutional framework for the control and management of land under international law. There are no specifics as to the compensation requirements for people who suffer the effects of land-grabbing activities. Countries abound where the political elite pay little or no attention to the rights of small landowners, thereby, compromising the future of the people; the consequences of which are serious for the local populace and farmers, who depend on land and land use, as means to their livelihood.

¹ B. Ayeni, *Housing Identification and Housing Survey Report, No. 1* (Department of Geography, University of Ibadan Mimeograph) 23.

² E. O. Awake, *Explosion Cities* (Watch Tower Bible and Tract Society of Pennsylvania) 150.

³ A. Angelsen, 'Rethinking the Causes of Deforestation: Lessons from Economic Modes' (1999) 14(1) *The World Bank Research Observer* 1-15.

⁴ S. B. Agbola, 'The Prospect for Private Sector Involvement in Urban Management Functions in Nigeria' (1994) 6(2) *Review of Urban and Regional Development Studies* 135-149.

⁵ B. Adesola, Opening Address on the National Training Workshop on "the application of Environmental Planning and Management (EPM) Process to Sustainable Urban Planning and Development in Nigeria," organised by the Institute for Human Settlement and Environment at the University of Ibadan 15 - 17 (University of Ibadan Printing Press, 2007) 88.

⁶ H. O. Adesina, 'Urban Environmental and Epidemic Disease' EO Adeniji and IB Bello-Imam (Eds) *Development and Environmental Proceedings of a National Conference* (Nigerian Institute for Social and Economic Research, Ibadan 2011) 187.

⁷ O. Adeagbo, 'Land Distribution and Values in Lagos' (2008) 2(1) *Journal of the Nigeria Institution of Estate Surveyors and Valuers* 39-59.

⁸ A. Otubu, 'Land Use Act and Land Administration in 21st Century Nigeria: Need for Reforms' (2018) 9(1) *Journal of Sustainable Development Law and Policy* 80-108.

⁹ S. Borrás and J. Franco *ibid* 36.

¹⁰ A. Willy, 'The Tragedy Of Public Lands: The Fate Of The Commons Under Global Commercial Pressure' (2011)

<http://www.landcoalition.org/publications/tragedy-public-lands-fate-commons-under-global-commercial-pressure/>. Accessed 9 June 2020.

¹¹ *ibid*.

In developed countries, effective legal and institutional frameworks have been in existence for decades, if not centuries. The frameworks help to ensure effective control and management of land for sustainable development. In contrast, developing countries, across the globe, have not fully established effective and efficient legal frameworks for land planning and management.

Pre-existing formal-legal frameworks are being bent, altered, or redefined, and reinterpreted to accommodate land-grabbing in a way that gives the appearance of legality.¹ These are prevalent in African countries where land-grabbing continues to shift production away from crops destined for local consumption and exacerbate food insecurity, which leads to poor standards of living, displacement, and a lack of jobs.²

A few African states have developed their own laws on international land investments but the legal avenues for the protection of landed properties under national laws are limited, hence, the land and its citizenry can be, easily, exploited by less than well-meaning individuals, as they deem fit. The protection offered by international human rights law, for landed property, has been ineffective in addressing the situation. International human rights law has been found to be inadequate in addressing certain circumstances that deal with specific situations of property rights.

The African Charter on Human and Peoples' Rights affirms the right to property but does not require states to compensate land right-holders for losses suffered or inconveniences accrued from such. It, simply, requires compliance with the applicable law of individual states. This contrasts, sharply, with the legal protection that states are prepared to offer to foreign investors.

When it comes to protecting the interest of the original owners of the land, the law is quite vague; howbeit, when it comes to the protection of the rights of investors, the law has a lot to say. Land-grabbing is a legal issue in whatever form it is considered, either explicitly or implicitly. Indeed, the need for more laws that will safeguard the rights of indigenous people, compared to the rights of investors cannot be over-emphasised.

Any workable legal regime against the vexatious land-grabbing phenomenon must provide satisfactory answers to certain nagging questions. For instance, what amount of acquired land area can qualify as land-grabbing? Who are the main drivers of land-grabbing? Is land-grabbing legal or illegal? Should usage of land after acquisition serve as the basis for ascertaining whether the land has been grabbed?

To answer the first question on what area of acquired land constitutes land grabbing, a point to always remember is that state laws or general cultural trends, usually, determine the size of land considered as a grabbed piece of land. This is because the specific size of the land is not the same for all countries and states. Also, when the area is too big for one person to own or when the land owned puts people or whole communities at a disadvantage, that piece of land is land grabbed.

The answer to the second question becomes evidently clear when the entities that are capable of amassing lands in such large quantities, legally or illegally, are considered. Such entities include the government, private investors, big businesses, cooperatives, and professional land-grabbers.

The third question is whether land grabbing is legal or illegal. The short answer is that it is both. It is legal when it is acquired through the appropriate channels, for instance, from the government. However, it becomes illegal when land is acquired through sheer brute force or by violent means, such that innocent people are harmed and hurt in the process of acquisition.

The answer to the question of whether a piece of land can be tagged as land grabbed after the acquisition because of its uses is two-fold. One is that the mode of acquisition qualifies the land as land grabbing if force is used to drive out the original owners. Also, when acquired land disrupts the normal life of communities, usually, ending their means of livelihood, such land is said to be land grabbed because of its usage and effect on the local populace.

5.0 Causes of Land Disputes in Lagos and Ogun States

Many a reason cause land disputes in Lagos and Ogun States include but are not limited to scarcity of land, untitled and unregistered land, lack of clear or identified boundaries, compulsory/forceful acquisition of land, multiple sales of land to different buyers, improper implementation of the Land Use Act, improper enforcement of the various anti-land-grabbing laws, intention to fraud, distorted traditional histories and over-ambition.

5.1 Lagos State Property Protection Law, 2016

Lagos State was the first State in Nigeria to pass a law to curb anti-land-grabbing laws. The law is titled: Lagos State Property Protection Law, 2016. Almost immediately after Lagos State passed this law, Ogun State followed suit by passing a similar law. At the inception of the law, residents of Lagos State, especially, landowners, thought that, within a period of two years, there would no longer be anything like land-grabbing in the State.

¹ G. Sauti and L Thiam, 'The Land-Grabbing Debacle: An Analysis of South Africa and Senegal' (2018) 41(1) *Ufahamu: A Journal of African Studies* <https://escholarship.org/uc/item/1kv3h29> accessed 1 June 2020.

² Cotula, et al ibid 23.

The Lagos State Attorney General and Commissioner of Justice made the inhabitants of the State know that anyone caught forcibly taking other peoples' landed property would be prosecuted under Sections 52 and 53 of the Administration of Criminal Justice Law of Lagos State 2015. The Lagos Special Task Force on Land-Grabbing received thousands of petitions. Section 2 of Lagos State Property Protection Law, 2016 prohibits forceful taking over of land, section 3 of the law prohibits entry by violence and section 4 goes against illegal occupation of property. The offense of land grabbing is a strict liability offense. Section 12 of the said law establishes and empowers the state special task force on land grabbers to receive petitions, investigate, make reports, and prosecute culprits at the appropriate court. Section 14 gives authority to special offenses court to prosecute cases of land grabbing.

The question that arises is this: has the Lagos State Judiciary delivered any known judgment in respect of land-grabbing related cases since the law came into force? The answer is negative. Can one say that the law is effective with what happens in the State, every day, in respect of land-grabbing? The Lagos Special Task Force on Land-Grabbing, set up by the government to ensure the implementation of the law, is not helping the situation, as its activities are replete with sentiment, bias, and unfairness to the persons who make complaints before it. Culprits charged to court, are, also, not diligently prosecuted, thereby, failing to deter others from land-grabbing. Furthermore, delays in the judicial system, are much and are quite frustrating and this worsens the already bad anti-land-grabbing legal framework in the State.

6.0 Prohibition of Forcible Occupation of Landed Properties, Armed Robbery Kidnapping, Cultism, and other Anti-Violence and Related Offences Laws, 2016 of Ogun State

The Prohibition of Forcible Occupation of Landed Properties, Armed Robbery, Kidnapping, Cultism, and other Anti Violence and Related Offences Law, 2016 of Ogun State, otherwise known and referred to as 'Anti-Land-Grabbing Law', was passed, almost immediately, after the Lagos State law was passed. Like the Lagos State Law, the rationale of the law¹ was to put an end to, or, at least, reduce to the barest minimum, land-related violence. It was an attempt to remedy some of the loopholes in land litigation, usually, exploited by mischievous litigants, to foist a 'fait accompli' upon the courts, or frustrate their opponents, particularly, through technicalities and long delays.

Land litigation drags, despite judicial best efforts, and some litigants take advantage of this, to harass and intimidate their opponents, forcing some to abandon their claims out of fear or harm. The fact that law enforcement agencies have no power to intervene in land disputes provides added comfort to land-grabbers to inflict acts of violence and intimidation on their weaker opponents. By criminalising the activities of this group of people, backed with strict sanctions, the law evinces a clear intention to deal, decisively, with the evil of land-grabbing.²

In addressing the issue of land grabbing in Ogun State, sections 3(1)(2)(3), 4(1)(4)(a), 5(1)(2)(3), 6(1-4), 7, 8(1-4), 9(1-2), 10(1-2), 11, 12(1-2), 13 and 14 of the Ogun State Prohibition Law; Protection of Landed Property against Act of Violent, 2016 make provisions against forceful taking over of land, violence for securing to landed property, adverse occupation of the property, unlawful use of an agent, government official that trespass, sale of property without authority, unlawful sale of family property, frivolous petitions in respect of landed property, demand for a fee, failure of the landlord or his agent to deliver physical possession, acquisition of land and power of the State Task Force; primarily to bring peace to the State on issues relating to ownership of landed property.

The Ogun State anti-land-grabbing law has some innovations, which if properly interpreted, would have laid to rest, issues relating to land-grabbing and forcible entry into land in the State but several cases being prosecuted in the court are yet to be determined. Series of adjournments and technicalities employed by lawyers resulting in undue delays. Thus, the wheel of justice is being slowed down regarding land-grabbing related cases in Lagos and Ogun States. It can be safely concluded that the anti-land-grabbing laws in both States have done very little good in reducing land-grabbing in the States. There is no known judgment from the courts in both States in respect of land-grabbing. What, then, is the essence of the laws?

Conclusion

The study concludes that the adoption of the colonial masters' way and manner of compulsory acquisition of land in Nigeria particularly in Lagos and Ogun States without adequate compensation of the original owners resulted in insufficient land for the families who owned the land which prompted them to seek for alternative land and resulted in the phenomenon called land-grabbing which is detrimental to the overall development and progress of Lagos and Ogun States. The major perpetrators of land grabbing are the *Omo-oniles*, State

¹ Contained in Part 1 of the law, comprising of sections 3 to 14.

² Abiodun A. Akinyemi, 'The anti-land grabbing law of Ogun State - its effect on land acquisition, land surveying and the general public'. Paper presented at a public lecture organised by the Association of Private Practicing Surveyors of Nigeria (Ogun State Branch) on Thursday, 10 February, 2022 at Abeokuta 6-10. His Lordship, Honourable Justice Akinyemi, is a judge of the Ogun State High Court.

governments, and land speculators. The other factors that gave rise to the phenomenon include mass production, mining, and tourism, the closeness of lands to water, and cheap production costs as well as food insecurity and non-enforcement of anti-land grabbing laws and land transactions, among others.

The Land Use Act, which was meant to address issues bordering on land, has not been effective in addressing land-grabbing, due to existing ambiguities and controversies inherent in some of its provisions.

The value of land in Lagos State and Ogun States continues to appreciate, remarkably, because the land is scarce and unable to meet the residential and industrial demands of inhabitants and investors of the states and others who are desirous of migrating to the states. The land scarcity problem experienced in Lagos and Ogun States, often, leads to communal clashes and disputes among landowners, sometimes ending in the loss of lives and properties. Experience has shown that Police Officers, Naval Officers, soldiers, and other para-military officers have turned land-grabbing into a business venture, where they make money at the instances of the landowners and buyers who go to them for the enforcement of the provisions of the land-grabbing laws of the States.

Recommendations

The study recommended thus:

The National Assembly and the Houses of Assembly members from both Lagos and Ogun States should sponsor bills that will immediately amend the controversial and ambiguous sections of the Land Use Act that are associated with private land ownership in the country to easy access to land for interested Nigerians, without any undue burden being placed on them by State governments this will lead to the amendment of Sections 22, 26, 28, and 35 of the Land Use Act, among others.

Lagos and Ogun State Governments should formulate policies and programmes that would either minimise or end land-grabbing and strengthen state institutions so that they are able to, rigorously, enforce laws on land-grabbing, for the benefit of the citizenry.

Governments of both States should intervene in the land-grabbing debacle, by proffering a permanent solution to conflicts arising from the phenomenon, through the passage, amendment, and implementation of land policies and laws that would take the fight to land-grabbers and serve notice to them that the days of violent and criminal land grabs must come to an end in States.

Provisions of extant legislations that deal with criminal justice relating to ownership and acquisition of land must be reviewed with due consideration given to the realities of the circumstance prevalent in Lagos and Ogun States. The objectives of such reviews should be the attainment of equity and justice as it relates to land-related issues without undermining the rights of citizens, in the guise of national or state interest.

Lagos and Ogun States should pursue policies and programmes that would create a favourable business environment for land because land-grabbing only contributes to their continued underdevelopment and trading against the inhabitants and the investors.

A comprehensive strategy should be formulated to halt the further spread of land-grabbing in both states and ultimately, make it undesirable for those who may wish to persist in the odious trade of depriving others of their landed properties. The onus falls on governments in both States to adopt good governance practices, such as accountability and transparency in land matters and administration. Adjustments should also be made to human rights clauses while legislative mediation aimed at the protection of property rights and public peace should be adopted.

The effectiveness of guidelines for tackling land-grabbing in Lagos and Ogun States will depend on how they are interpreted by competing forces embedded in existing power structures.¹ A World Bank report asserted that curbing the menace of land-grabbing can be guaranteed through strengthened property rights, environmental and labour standards, greater community consultation, and the use of some international governance instruments, such as transparency mechanisms in land deals, to facilitate capital accumulation within an efficient institutional context.²

The introduction of good governance on issues bordering on land showed that Lagos and Ogun States must further focus on redistributive land and rural development policies that promote small-scale farming-based development, as against large-scale land deals. Such moves will improve food security. They should also make it mandatory for prospective investors in the land to provide satisfactory evidence of consultations with local communities and submit documents detailing agreements between them and the locals.

The national social objectives of Nigeria under the Nigerian Constitution (1999) affirm that the State social order is founded on ideals of freedom, equality, and justice,³ and in furtherance of the social order, every citizen

¹ W. Zimmermann, 'Good governance in public land management' (2007)

https://www.researchgate.net/publication/298462274_Good_governance_in_public_land_management30-40 Accessed 1 June 2020.

² World Bank, World Development Report 2010: Development and Climate Change (World Bank, Washington, D. C. 2010) 101.

³ Section 17(1) of the Constitution of Federal Republic of Nigeria (1999) (as amended) (CFRN).

shall have equality of rights, obligations, and opportunity before the law¹ and the sanctity of the human person shall be recognised and human dignity shall be maintained and enhanced.² However, land-grabbing negates these very objectives, as there have been many instances, where force has been used by law enforcement agents, especially, by officers of the Nigerian Police and the military, in a few cases, to deprive legitimate owners of their landed property.

Due to the characteristic overzealousness of security agents, especially officers, and men of the Nigerian Police, derogatory clauses on the right to life, the right to peaceful assembly, and the right to protection from unlawful or forceful arrest have, often, been abused. In tackling issues relating to land grabbing, there is a need to broaden the scope of land rights and further educate Police officers on such rights. Such moves should be made a priority, along with the amplification of a comprehensive security framework that will protect Nigerian citizens from the fraudulent practices of land-grabbers.

The unwholesome activities of land-grabbers or 'Omo-oniles' who are in the habit of forcefully dispossessing lawful owners of their landed properties; and in some instances, selling one parcel of land to several persons, is a common feature in the acquisition of real estate property in the two states studied. Their activities have remained unchecked, for a long time and have resulted in loss of confidence, by investors, who are often swindled and, in some cases, made to pay several times for a particular property.

Considering the growing band of land grabbers and the attendant negative effects on the economic development of Lagos and Ogun States, concerted efforts must be made to further enact new laws or amend existing ones to, drastically, reduce incidences of land-grabbing. When this is done, the knock-on effect will, in turn, lead to the rapid development of individual states in the region. Such laws should also contain effective provisions for criminal justice, which will ensure that justice is served to land-grabbers and that victims of land-grabbing get remediation in the law courts or the general criminal justice system.

Since it has been established that land-grabbing exacerbates food insecurity, poverty, and unemployment, it is imperative that governments in Lagos and Ogun States step-up efforts, aimed at securing local land rights for people who may be affected by the phenomenon, to avoid being arbitrarily dispossessed of their land.

There is also a need for state governments to ensure that affected households whose lands were grabbed are given compensation that is commensurate with their losses. Provision should also be made for the surveillance and monitoring of the activities of community leaders who are known to have a penchant for influencing arbitrary land acquisitions.

Governments in Lagos and Ogun States should make it compulsory for investors, local or foreign, to show evidence of widespread consultation with community members in areas where they wish to acquire land before giving consent for any land deal. Non-governmental organisations (NGOs) should be encouraged to come to the aid of local communities during negotiations on land acquisition by investors. The NGOs will stand in the gap between the communities and investors to ensure that the rights of the locals are fully explained to them and understood.

To this end, the judiciary should dispense justice in cases relating to ownership and acquisition of land, land-grabbers, and land-grabbing before it within the limited time provided by the law and the rules of the court. The courts should be swift on cases brought before them and should discourage the use of legal technicalities by legal practitioners to slow down the operation of justice. Whoever is found wanting, in relation to land-grabbing in both States, should be sent to jail as this will serve as deterrence to others.

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¹ Section 17(2)(a) CFRN.

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