



Research Paper

The Impact of Land Use Act on Sustainable Food in Nigeria – A Review

DR. OGBONNAH, MEDOBI CHINASA

ABSTRACT

This study explores the impact of Nigeria's Land Use Act of 1978 on sustainable food production, particularly in the context of rural livelihoods and national food security. The research adopts doctrinal methodology, relying on statutory provisions, judicial decisions, and academic commentary. It critically examines how the Act, though originally intended to ensure equitable land access and foster agricultural development, has instead facilitated bureaucratic bottlenecks, tenure insecurity, and corruption in land administration. Findings reveal that land acquisition and abandonment driven by oil exploration, construction, and speculative activities have led to reduced agricultural productivity and undermined food security in regions like Rivers and Bayelsa States. Moreover, smallholder farmers often lack formal land titles, limiting their access to credit and investment. The study concludes that the Land Use Act, while ambitious in scope, has largely failed to meet its developmental goals after over four decades of implementation. It recommends urgent amendments to the Act, establishment of a Land Reform Commission, integration of food security concerns in development planning and prioritization of equitable land distribution especially for women and small-scale farmers. These reforms are necessary to ensure land access, improve productivity, and build a resilient and inclusive food system in Nigeria.

Received 15 June., 2025; Revised 27 June., 2025; Accepted 29 June., 2025 © The author(s) 2025.

Published with open access at www.questjournas.org

I. INTRODUCTION

The Land Use Act¹ harmonizes the existing dual land tenure system in the country into one and the Act,² was enacted to address the importance of land to mankind and therefore provide viable management options to land administration in Nigeria. The concept of land is sometimes used inter-changeably with earth³ depending on the perspective or the implication the user intends to achieve in the context. The twin concepts are undoubtedly the creation of God Almighty himself for the enjoyment of man here on earth.⁴ The earth used in a wider sense encompasses both the dry land and sea. Land acquisition and use remain a critical issue of great policy relevance in developing countries such as Nigeria. In Nigeria, land is considered to underpin all social, economic and political development of a person or a household. Therefore, access to land also defines one's inclusion (or exclusion) in social, economic and political processes.⁵

Land generally speaking, is referred to as an immovable and indestructible three-dimensional area consisting of a portion of the below the surface, and everything growing on or permanently fixed to it.⁶ In support of the stated definition of land is the case of *Salami v Gbodoolu*,⁷ Adio J.S.C stated that Land in its ordinary meaning is any ground, soil or earth's or solid part of the earth's surface as distinguished from sea'

* LLB (Hons), BL, LL.M, PhD, NOTARY PUBLIC, Department of Property Law, Faculty of Law, University of Port Harcourt, Rivers State, Nigeria; Email: ogbonamc1@yahoo.com

¹ Land Use Act, Cap L5, LFN, 2004

² *Ibid.*

³ Gods own creation, Genesis 1

⁴ *Ibid*, 1: 2-3

⁵ N Emeka and others, 'Land Reform System and Its Implications on Agricultural Production in Nigeria' [2017] (5)(6) *Universal Journal of Agricultural Research*, 338 – 343.

⁶ B A Garner, *Blacks Laws Dictionary* (8thedn Thompson West (2004) 388.

⁷ (1997) 4 NWLR (pt 499) 277 at 278

land, therefore it has been said that by its nature, land ordinarily is an immovable objects⁸ there are plethora or doctrines principle to the definition of land only to its significance to human existence. One of such doctrines is *Quicquid plantator Solosolocedit*, which means in law that (whatever is affixed to the soil belongs to the soil) by implication, and also the doctrine of *agccessiociditprincipali* meaning the owner of such soil also owns the accessory on it, because the land is the principal thing as started in *Ude v Nwara*.⁹

Land is a veritable ingredient of development especially in the agricultural and tourism sector of any economy. Nigeria has a total land mass of 924,768 sq.km with a population of 198 million and annual population growth rate of 2.8%.¹⁰ Land is an asset and factor of production for households in Nigeria.¹¹ However, the level of access and title ownership is determined by the state.¹² Therefore, the land system is characterized by several actors including government, community leaders, families, lawyers, middle men and estate agents among others. All activities of the different actors are regulated by the government through policies and programmes. Generally, land systems thrive on clearly stated property rights.

The economic importance of land cannot be overemphasized, every background of human endeavour and race makes use of land according to their own need, especially for agricultural development. Generally speaking, land is a major factor of production in the scale of analysis. Land and the institutions that govern its ownership and use greatly affect economic growth. Lack of access to land and inefficient or corrupt systems of land administration have a negative impact on agriculture especially in a developing country like Nigeria. Access to even small plots of land to grow crops can also greatly improve food security and quality. Policies that foster lease markets for land can also contribute to the emergence of a vibrant non-farm economy.¹³ Improving land administration may also contribute to broader public service reform and provide a basis for wider reforms. Tenure rights to resources play a fundamental role in governing the patterns of natural resource management, as well as in the welfare of individuals and communities dependent on those resources.¹⁴

Apart from the use of land for agriculture and infrastructural developments, land is a product which can be sold like an article in the market for profit making hence, the activities of the speculators who strictly deals on land as a carrier and as a means of livelihood. Though land is not an article and cannot be moved or transferred from place to place particularly, in traditional African society, land is majorly used for farming, building of residential houses, burial grounds and for communal uses. In the same vein, land is used for modern infrastructural developments, such as hospital, oil pipeline, electricity, markets, water facilities, modern agricultural or mechanized farms which cannot be sited without land. In the world over and Nigeria in particular, you cannot talk of sustainable livelihood and food security without the mention of land.

Land tenure issues are important components of developmental discourse.¹⁵ This is because unplanned or weak regulatory undermines development as informal settlements grow thereby stressing already inadequate urban infrastructure.¹⁶ Therefore, poor land management affects security and growth as it induces, slums and suboptimal living conditions.¹⁷ The Nigerian land use decree of 1978 stipulates that all land belong to the government holding

⁸ J F Fekumo, *Principles of Nigerian Customary Land Law* (PHC % F Publishers 2002) 3.

⁹ *Ude v Nwara* (1993) 2 NWLR (pt 278). 638 at pp. 659-660.

¹⁰ National Population Commission, 'Nigeria's Population Hits 198 million People' <<http://population.gov.ng/nigerias-population-hit-198m-people-npopc-chairman/>> accessed 16 January 2024.

¹¹ F Omole, 'Land use violations: Implications for sustainable development, the case study of the Federal Capital City Abuja, Nigeria' [2009] (1)(1) *Current Research Journal of Social Sciences*, 31-37.

¹² N Udoekanem and others, 'Land ownership in Nigeria: Historical development, current issues and future expectations' [2014] (4)(2) *Journal of Environment and Earth Science*, 182-187.

¹³ J U Chikaire and others, 'Land tenure reform: A vehicle for achieving agricultural transformation agenda in Nigeria' [2014] (2)(9) *Merit Research Journal of Agricultural Science and Soil Sciences*, 114-122.

¹⁴ *Ibid.*

¹⁵ R Zoysa, *The Implications of Large Land Acquisition on Smallholder's Food Security* (London: Development Planning Unit of University College London; 2015) 56.

¹⁶ Omole (n 11)

¹⁷ Chikaire and others (n 13); A Durrand-Lasserve and H Selod, *Land markets and land delivery systems in rapidly expanding West African cities: The case of Bamako* (Sixth Urban Research and Knowledge Symposium. Spain: World Bank; 2012) 1-17.

same in trust for the public.¹⁸ This implies that the government allocates land to individuals and corporate entities based on the objectives of interested parties.¹⁹

It follows that before a successful acquisition of land by the individual, the relevant provision of the Act must be complied with especially that of Section 22 of LUA that talks about governors consent²⁰ any land acquired in alter disregard of the provision of the Act is tantamount to revocation of such acquisition or the right of occupancy²¹ the modus operandi provided by the Land Use Act as condition precedents to land acquisition in Nigeria is a standard set to ensure that there is no indiscriminate acquisition of land by all persons especially the rich speculators as against the interest of the generality of the people. The Land Use Act avails the opportunities to own lands without recourse to families and communal land holdings. The process of obtaining certificates of occupancy is characterised by bureaucratic bottlenecks, high registration fees and perpetual payment of levies and taxes.²² Till date, land tenure is governed by customary laws, especially in rural Nigeria. Therefore, tenure security is low as the transactions in the land market are largely informal.

The Impact of Land Use Act on Sustainable Food in Nigeria

The Land Use Act of 1978 remains a controversial instrument in Nigeria, influencing numerous aspects of land access and management, including its impact on sustainable food production. The Land Use Act, promulgated in 1978, was motivated by the need to make land accessible to all Nigerians; prevent speculative purchases of communal land; streamline and simplify the management and ownership of land; make land available to governments at all levels for development; and provide a system of government administration of rights that would improve tenure security.²³

The positive impact of the LUA on sustainable food is that vesting ownership of all land in the state governors theoretically allow for the allocation of land for agricultural purposes in a planned and organized manner. The Act aimed to prevent land speculation and fragmentation, potentially preserving land for agricultural use. The Act addresses four important issues arising from the former land tenure systems in Nigeria. These are lack of uniformity in the laws governing land-use and ownership; uncontrolled speculation in urban land; access to land rights by Nigerians on equal legal basis; and fragmentation of rural lands arising either from the application of traditional principles of inheritance and/or population growth or the consequent pressure on land. It approaches these issues via three related strategies, namely, the vesting of proprietary rights in land in the State; the granting of usufructuary rights in land to individuals; and the use of an administrative system rather than market forces in the allocation of rights in land. The Land Use Act created a right of occupancy regime in place of the hitherto unrestricted property rights. It vests all lands within a state in the governor but created a two-level management structure; one at the level of the state governor and the other at the local government level. It also recognized the dichotomy in the existing land rights, which birthed the concept of actual grant²⁴ and deemed grant of rights of occupancy²⁵ under the Act.

The Act's provision for agricultural development zones potentially facilitates the concentration of resources and infrastructure to improve agricultural productivity. The government can theoretically use its control over land to promote sustainable agricultural practices, such as soil conservation and crop diversification. Also, the increased land availability for agriculture could potentially contribute to higher food

¹⁸ C Alarima and others, 'Land rights and rental systems: Implications for management of conflicts related to land in Sawah-based rice production systems in Nigeria' [2012] (33)(3) *African Study Monographs*, 189-208.

¹⁹ S Oloyede and others, 'Land market challenges: The case of Ifo/Ota local government area of Ogun state, Nigeria' [2014] (5)(12) *International Journal of Business and Social Science*, 208-214.

²⁰ LUA 1978 s 22

²¹ *Ibid*, s 2(b)

²² Chikaire and others (n 13)

²³ Land Use Act 1978, Preamble

²⁴ *Savannah Bank Limited v Ajilo* (1989) 1 NWLR (Part 97) 305; P I Nwafuru, 'Principles and Cases on Deemed Grant of Right of Occupancy', <https://www.academia.edu/12623272/PRINCIPLES_AND_CASES_ON_DEEMED_GRANT_OF_RIGHT_OF_OCCUPANCY> accessed 20 January 2024.

²⁵ O Adigun (ed), *The Land Use Act: Administration and Policy Implication* (University of Lagos Press 1991) 171; A K Otubu, 'Land Reforms and the Future of Land Use Act in Nigeria', <https://www.researchgate.net/publication/269874624_Land_Reforms_and_the_Future_of_Land_Use_Act_in_nigeria> accessed 20 January 2024.

production, enhancing food security. The act's focus on developing rural areas can theoretically improve access to markets and income, allowing communities to purchase and diversify their food intake.²⁶

However, rural Nigeria is agricultural as 85% of the residents depend on agriculture for their livelihood. However, access to land is limited as families and community heads still manage to control land thereby determining access to land. Given the position of Land Use Act 1978, it implies that the beneficiaries of the communal land allocation system are not formally recognised as the legal holders of right to the land. Again, family and community heads rely on memory and reference to natural and artificial features to define plots of land that is prone to uncertainty regarding the location of boundaries. This is because most communal land allocations are not documented.²⁷

Availability of land determines food and livelihood security given the level of agricultural development in Nigeria.²⁸ This is because farming operations will remain at subsistence level due to inadequate access to land. In fact, an estimated 95% of agricultural lands in Nigeria are not titled.²⁹ This undermines the capacity of farmers to present lands as collateral to access formal loans from financial institutions.³⁰ Again, the lack of absolute or nonderivative property interest constrains the ability of farming households to plant cash crops consequently limiting their income generation potentials.³¹ Therefore, food security is difficult as the population continues to grow and agricultural land becomes scarce.³²

Food security is a current issue in Nigeria, as it is across Africa. According to the review, it was noted that there are 307 million hungry people in Africa, most of whom live in Sub-Saharan Africa (265 million). A FAO statistic indicated that at least 9.4 million Nigerians were under-nourished and that out of Nigeria's 147.7 million citizens, 6% were highly undernourished.³³ Instead of dealing with food supply or food security problems at such a critical time, the country is selling off arable lands to foreign investors prospecting in biofuels production to the extent of losing greater than 136,000 ha of land from only eight deals that could have been used in producing food crops. The implication of this is that the drive for food security will still be a far-fetched dream as long as attraction of foreign investment in agriculture only aims to produce biofuels for profit. The auctioning of fertile farmlands for this purpose also portends danger of losing job opportunities, increasing poverty in the country, and helping the growth of foreign companies to the disadvantage of poor land owners in Nigeria.³⁴

To achieve the foregoing objectives of the LUA, various provisions are made in the law to fast-track a seamless administration and implementation of the policy of the Act. However, after 40 years of implementing and administering the Act, one could say that the Act has failed to achieve its set objectives. It is well-known, for instance, that the Act divests citizens' freehold title to their land. And, of course, this is antithetical to their economic prosperity as land ceased from being an article of commerce upon the commencement of the Act.³⁵ Administratively, the Act created a monstrous fiefdom in the governor of the state and confounded the roles of

²⁶ M I Onwuka and N C Uzoigwe, 'Effects of the Land Use Act of 1978 on Food Security in Rural Nigeria: A Case Study of Anambra State' [2012] (13)(3) *Journal of Sustainable Development in Africa*, 106-112.

²⁷ S K Twene, Land Grabbing and rural livelihood sustainability: experiences from the bui dam construction in Ghana (A Master of Philosophy Thesis submitted to the Department of Geography and Rural Development, Kwame Nkrumah University of Science and Technology for the award of Master of Philosophy Degree, 2016) 1-147

²⁸ L Odoemelam and others, 'Effect of tenure security on livelihood activities of women farmers in Anambra state, Nigeria' [2013] (13)(2) *Journal of Agriculture & Social Sciences*, 94-100.

²⁹ S Hull and others, 'Land Allocation, Boundary Demarcation and Tenure Security in Tribal Areas of South Africa' [2016] (5)(1) *South African Journal of Geomatics*, 68-81.
³⁰ *Ibid.*

³¹ Odoemelam and others (n 28)

³² Federal Ministry of Agriculture and Rural Development, *The Agriculture Promotion Policy (2016–2020): Building on the Successes of the ATA, Closing Key Gaps* (Abuja: FMARD; 2016).

³³ FAO, 'Africa's Changing Landscape: Securing Land Access for the Rural Poor' <www.fao.org/africa> accessed 20 January 2024.

³⁴ I B Oluwatayo and others, 'Land Acquisition and Use in Nigeria: Implications for Sustainable Food and Livelihood Security', <https://www.researchgate.net/publication/331714795_Land_Acquisition_and_Use_in_Nigeria_Implications_for_Sustainable_Food_and_Livelihood_Security> accessed 20 January 2024.

³⁵ M E Nwocha, 'Impact of the Nigerian Land Use Act on Economic Development in the Country' [2016] (8) *Acta Universitatis Danubius. Administration*, 117.

the local government and state in land administration in Nigeria. The current administrative structure provided in the Act stifles land equity and denude tenure security.

Whilst trying to remedy the inadequacies in the existing laws, the Land Use Act created its own genre of problems in land administration in Nigeria. Such as the bureaucratic processes for land acquisition which can be complex and lengthy, discouraging potential farmers from entering the sector. The power vested in state governors raises concerns about corruption and favoritism in land allocation, potentially hindering access for small-scale farmers. Also, the restrictions on customary land rights may have marginalized some traditional farming communities.

Acquisition and Abandonment of Land and its Effects on Food Security in Rivers and Bayelsa State

Fishing and farming households support food production in many ways,³⁶ but they are often susceptible to stressors, shocks, and recurrent instability.³⁷ In deeply divided societies, such as the Niger Delta region of Nigeria, where climate risks evolve and persist along with exposure to conflict and environmental degradation, disruptions to fishing and farming livelihoods often undermine the food and agricultural value chains.³⁸ Rivers and Bayelsa States, nestled in the heart of the Niger Delta region of Nigeria, boast immense agricultural potential with fertile lands, abundant water resources, and a favorable climate. However, despite these advantages, food security remains a critical challenge in both states. One of the key factors contributing to this challenge is the complex and interconnected dynamics of land acquisition and abandonment.

Land acquisition in Rivers and Bayelsa States is often characterized by several key drivers such as the traditional land use systems. Customary land ownership practices, while offering culturale significance, can lead to uncertainties and disputes regarding ownership, hindering investment and sustainable land management. Also, rapid urban expansion and industrial development encroach on agricultural land, reducing the amount of arable land available for food production.³⁹ In Rivers and Bayelsa State, land is also acquired for resource extraction such as the oil and gas industry's exploration and exploitation activities which can lead to land degradation and pollution, rendering it unsuitable for agriculture.⁴⁰ Land is sometimes acquired for speculative purposes, holding it unproductive and contributing to decreased food production.

In Rivers state, land policy was customarily carried out as generally operated in the southern region. Thus, the traditional rulers, heads of families and clans were in charge of land allocation. Despite the application of Land use Acts as mandatorily acceptable tool in Nigeria, Rivers State has certain procedures for the acquisition of land for public purpose in the state.⁴¹ Government of Rivers State, outline the following procedures such as the identification of suitable site; preliminary discussion with identified land owner(s); conduct perimeter survey; issue/ publication notice of revocation of rights of occupancy; enumeration and assessment of compensations; payment of compensation to claimant; documentation / registration of acquisition; and gazette of acquisition and grant of certificate of title.⁴²

In Rivers State, Nigeria, with its fertile land and abundant water resources, agriculture has traditionally been a vital source of food and income. However, recent trends of land acquisition and abandonment threaten food security in the state. For example, the acquisition and subsequent abandonment of Banana farms in Ogoni, Rivers State, raise significant concerns about food security in the region. In 2011, the government confiscated community farmlands for a private banana plantation, developed by a Mexican company. After six years of killings, human rights abuses by state security services, community resistance and legal battles, the Mexican company has abandoned the land.⁴³

³⁶ U T Okpara and others, 'Using a novel climate–water conflict vulnerability index to capture double exposures in Lake Chad' [2017] (17) *Reg. Environ.Chang.*, 351–366.

³⁷ K J Papaioannou, 'Climate Shocks and Conflict: Evidence from colonial Nigeria' [2016] (50) *Political Geogr.*, 33–47.

³⁸ M Watts, 'Resource curse? governmentality, oil and power in the Niger Delta, Nigeria' [2004] (9) *Geopolitics*, 50–80.

³⁹ G E Esenowo and P O Ifeagwu, 'Food security and land use change in the Niger Delta region of Nigeria' [2018] (6)(2) *International Journal of Agricultural Policy and Research*, 32–41.

⁴⁰ E C Eboh and A N Okoro, 'Impact of land acquisition for oil and gas exploration on food security in the Niger Delta region of Nigeria' [2010] (11)(4) *Journal of Sustainable Development in Africa*, 117–132.

⁴¹ L E Baadom and A I Eebee, 'Land Policy and Sustainable Land use in Rivers State, Nigeria' [2016] (12)(2) *International Journal of Ergonomics and Human Factors*, 9–21.

⁴² Government of Rivers State, 'Rivers State Geographic Information System (RIVGIS)' Ministry of land and Survey, Rivers State, 2012.

⁴³ Rivers Government Land Grabbing: Uncertainty as Ogoni Farmers Reclaim Land, Plant Cassava, <<https://saction.org/old/rivers-government-land-grabbing-uncertainty-as-ogoni-farmers-reclaim-land-plant-cassava/>> accessed 21 January 2024.

Another example is the abandoned police college in Isiodu Emohua LGA in Rivers State which is a large, expanse of arable land, now fallow for many years. The project was to start in the 80's but was abandoned. The college was supposed to be a training facility for police officers from the Niger Delta region, but it is now in a state of abandoned forest. Abandoned farms lead to a decline in food production, a staple food for many affected communities such as the Ogoni and Emohua people. This directly impacts food availability and accessibility, increasing dependence on imported food, often less affordable and culturally appropriate because the acquisition and subsequent abandonment denies the communities the use of the land for farming.

While land acquisition poses challenges, land abandonment also significantly impacts food security in Rivers and Bayelsa States. Rivers and Bayelsa States, in the heart of Nigeria's Niger Delta, boasts fertile lands and abundant water resources, yet food security remains a persistent challenge. A contributing factor? The complex situation of abandoned land, acquired by both the government and property developers.

The Niger Delta Development Commission (NDDC) revealed that 953 awarded projects were abandoned in Rivers State.⁴⁴ These projects are scattered across the state and their abandonment could have implications on land use, potentially affecting agricultural activities and food security. In a case involving the Rivers State Housing and Property Development Authority, it was highlighted that non-urbanized areas characterized by cultivated land, abandoned farmland, grassland, and shrubs represent the remnants of nature in metropolitan areas.⁴⁵ The abandonment of these lands could impact the local ecosystem and disrupt food production.

Land use and land cover change in Rivers State, particularly in Ikwerre Local Government Area, have been examined. The main land use activities in the area include crop cultivation, plantation agriculture, residential, institutional, commercial, transportation, and recreational infrastructures. There has been a constant increase in the rate of expansion of residential built-up areas, while there is a steady decline in land cover for crop cultivation, institutional, and recreational infrastructures.⁴⁶

Land conflicts are a serious issue in Bayelsa State. These conflicts are more concentrated in the state capital, while the riverine areas experience such impacts in a more troublesome manner and of more magnitude in a communal way.⁴⁷ Located on the outskirts of Yenagoa, the Bayelsa State capital, the Elebele Palm Estate, which could be described as one of the biggest estates in the Niger Delta, is a wasting asset. The Bayelsa Development Initiative (BDI) has criticized the Bayelsa State Government led by Governor Douye Diri for abandoning assets, programmes, projects, and policies designed to revitalize the economy, empower the youths, and create employment opportunities in the state.⁴⁸ Another example is the acquisition and abandonment of the Rice farm by the Federal government in Abobiri Ebebe in the 1950's. The fertile land in Abobiri Ebebe might have attracted the government to establish a large-scale rice farm aimed at boosting national production or supporting local communities.

Whether acquired by the government or developers, land often ends up abandoned, creating a range of problems. Arable land vital for food production is taken out of use, contributing to food shortages and higher prices. Unmaintained acquired land can be susceptible to erosion, pollution, and loss of biodiversity. Also, abandoned land causes social and economic impacts such that displaced communities lose their livelihoods and cultural ties to the land, while the potential economic benefits of development projects may not materialize.

Land Acquisition by the Oil Companies

Another major factor leading to food in efficiency in the country is lack of control and non-compliance with the law and regulations during land acquisition by the oil companies. Apart from lack of adequate compensation for farm products they destroy aquatic activities life. It is noted that the activities for the oil companies account for low food security in the country, a good case in point in the Ogoni spillage.

The use of land for farming purposes has been hampered by so many factors which include the activities of the farmers themselves because of lack government control and regulations. Instance in the manner in which cow in grassed in Nigeria unlike other developed jurisdictions.

⁴⁴ B Ibunge, 'NDDC Says over 900 Projects Abandoned in Rivers State' <<https://www.thisdaylive.com/index.php/2024/01/10/nddc-says-over-900-projects-abandoned-in-rivers-state>>accessed 21 January 2024.

⁴⁵ *Iragunima v Rivers State Housing and Property*, 12 NWLR (Pt 834) 427

⁴⁶ D R T Ukpere and others, 'Land Use and Land Cover Change in Ikwerre Local Government Area of Rivers State-Nigeria (1987-2020)' [2021] (6)(1) *International Journal of Geography and Regional Planning Research*, 43-61.

⁴⁷ A James, 'Group knocks Bayelsagovt over abandoned state-owned assets, alleges killing of economy' *Daily Post*, (January 19, 2023) <<https://dailypost.ng/2023/01/19/group-knocks-bayelsa-govt-over-abandoned-state-owned-assets-alleges-killing-of-economy/>> accessed 21 January 2024.

⁴⁸ *Ibid.*

Land Acquisition by the Construction Companies

The construction companies, especially the road construction companies, engage in excavation of borrowed pits by digging up the rich part of the soil in search of latrines. The implication of this is that the portion of land is condemned. The company does not excavate the soil based on recommendation from the government to confirm that such land lacks the fertile potency for agricultural activities such as planting.

To compound the issue of destroying the land meant for farming, such land commonly known as borrow pits is used by the local refuse disposal companies to dispose refuse without minding the implication to the agricultural produce within the neighbourhood as a result of the pollution which it generates.

The Activities of the Estate Developers and Land Grabbers and their adverse effect on Land Acquisition, Sustainable food and livelihood security in Nigeria

The Estate developers and land agents, commonly known as speculators play a significant role in the Nigerian land market, facilitating transactions between buyers and sellers. However, their activities can have a complex and multifaceted impact on the cost of land acquisition. Estate agents help buyers locate desired properties based on specific criteria, saving them time and effort.⁴⁹ They act as intermediaries, negotiating prices and terms on behalf of both buyer and seller, potentially influencing final costs. They also provide valuable insights into market trends, legal processes, and property values, which can guide buyers towards informed decisions as well as advertise properties through various channels, attracting potential buyers and potentially pushing up demand and competition, which can indirectly affect prices.⁵⁰

Estate agents often charge commissions based on a percentage of the sale price, adding to the overall cost for buyers. Additionally, their negotiation tactics might not always result in the best deals for buyers, potentially inflating final prices. A study by Akpan and others⁵¹ found that the use of estate agents in land transactions in Imo State, Nigeria, led to a significant increase in land prices compared to direct buyer-seller negotiations. In the circumstance, land becomes a want instead of a need for the ordinary farmer

The involvement of estate agents can introduce an element of opacity, with buyers relying on their knowledge and information. This can create opportunities for unethical practices, such as inflated listings or hidden fees, contributing to higher overall costs. Obisesan and others⁵² highlighted concerns about transparency and ethical practices of some estate agents in Nigeria, emphasizing the need for regulation and consumer protection measures. Estate agents can contribute to market efficiency by connecting buyers and sellers effectively, increasing competition and potentially driving down prices in some cases. Additionally, they can provide access to properties not readily available in the open market, offering buyers more options but potentially pushing up prices for those specific listings.

The impact of estate agents on land acquisition costs in Nigeria is complex and context dependent. While they can provide valuable services and contribute to market efficiency, their activities can also lead to increased prices due to commissions, information asymmetry, and potential lack of transparency. To safeguard buyers' interests, ethical practices, strong regulatory frameworks, and increased market transparency are crucial.

In the same vein, the recent upsurge or trend in the property market where some miscreants popularly called the Land Grabbers invade properties of some communities/individuals and take over by force without due process is a worrisome development. A case in point is that of Igwurita Ali, a community in Ikwere Local Government Area of Rivers State.

The Grabbers are usually armed and ready to kill farmers especially the natives who are carrying on cultivation activities. This development has discouraged the innocent farmers and developers who lack the necessary powers to confront the situation.

In the case of Rivers State cited above, my client, Mrs. Catherine Wekhe, a widow from Igwurita who is a victim is reported to me that these land grabbers work in partnership with the state authorities such as the Police Army, and even the politicians who are corrupt. Sometimes, during their grading of sites, they bulldoze crops and existing buildings leaving their victims stranded. Except this and similar situations in Nigeria is urgently addressed there cannot be a sustainable food and livelihood security.

⁴⁹ O M Ojo and others, 'The role of estate agents in residential property transaction process in Lagos State, Nigeria' [2018] (9)(8) *International Journal of Civil Engineering and Technology*, 1463-1474.

⁵⁰ B O Obisesan and others, 'Consumers' perception of unethical practices by estate agents in Nigeria' [2019] (4)(1) *Journal of Urban and Environmental Research*, 1-10.

⁵¹ M O Akpan and others, 'The impact of estate agents on land acquisition cost in Imo State, Nigeria' [2020] (11)(8) *International Journal of Social Sciences*, 793-803.

⁵² Obisesan and others (n 50)

Loss of Revenue by the Government

Land, a critical resource in Nigeria, contributes significantly to the government's revenue through various avenues. However, the acquisition and abandonment of land can severely impact government revenue in several ways:

Loss of Tax Revenue

Acquired land left unused generates no property tax, ground rent, or development levies, leading to lost income for the government. Also, when communities are displaced through land acquisition, they lose their homes and businesses, resulting in a decline in revenue from personal income tax, business permits, and market fees. Land revoked for overriding public purposes is often sold at a prime market value by the government to land speculators and developers, putting land and housing far out of reach for the poor.⁵³ This could potentially lead to a loss of revenue for the government if the land is not optimally utilized.

Reduced Economic Activity

Uncompleted infrastructure projects or halted development initiatives on acquired land create economic stagnation and unemployment, leading to lower tax revenue from businesses and individuals. Abandoned projects and mismanagement of acquired land can cause soil erosion, deforestation, and pollution, compromise agricultural productivity and impacting revenue from agricultural taxes and export duties.

Farmland abandonment can also result in the deterioration of agro-ecosystems and loss of biodiversity in agricultural landscapes, threaten food security, lead to regional economic decline, and widen the urban–rural income gap.⁵⁴ These factors could indirectly impact the government's revenue through decreased agricultural output and increased expenditure on food imports and social security measures.

Corruption and Mismanagement

Opaque land acquisition procedures and hidden deals can lead to corruption, with revenue from land illegally funnelled into private pockets instead of government coffers. Acquisition and abandonment of land can also lead to poor record-keeping, incomplete land registers, and inadequate management of land resources can result in the government failing to collect taxes and fees effectively. Failure to address land-related grievances and ensure equitable access to this crucial resource can erode public trust, leading to reduced compliance with tax laws and other regulations.

In the Niger Delta region for example, large-scale land acquisition for oil and gas projects has displaced communities and disrupted traditional livelihoods, leading to a decline in revenue from agriculture and fisheries.⁵⁵ Abandoned infrastructure projects throughout the country, often due to corruption or mismanagement, represent billions of dollars lost in potential revenue and development opportunities.⁵⁶ Land acquisition and abandonment pose significant challenges to the Nigerian government's revenue generation. By implementing transparent and sustainable land management practice, empowering communities, and combating corruption, Nigeria can unlock the full potentials of its land resources and ensure fair and equitable revenue generation for the benefit of all citizens."

II. CONCLUSION

Land in Nigeria is a finite and crucial resource, playing a vital role in food security, livelihoods, and the overall well-being of its citizens. However, patterns of land acquisition and use have significant implications for both sustainable food production and the broader economic development of the country. The results of population pressure, urbanization and socio-economic growth have great social and economic impact on land issues in Nigeria. This therefore makes people to move from rural to urban areas and therefore, congested urban areas are in need for expansion but land is too scarce. Hence, to acquire land became even impossible because of the cost of compensation. These difficulties faced by both the people and governments make it necessary for the government to do something about land distribution in Nigeria. This and many panels and committees

⁵³ U Chioma, 'Land Acquisition and Land Revocation in Nigeria: Land Use Act or Land Misuse Act?', <<https://thenigerialawyer.com/land-acquisition-and-land-revocation-in-nigeria-land-use-act-or-land-misuse-act/>> accessed 21 January 2024.

⁵⁴ T Zhou and others, 'Determinants of Farmland Abandonment on the Urban-Rural Fringe', <<https://link.springer.com/article/10.1007/s00267-020-01258-9>> accessed 21 January 2024.

⁵⁵ M O Akpan, 'Community displacement and resource conflict in the Niger Delta: A case study of the Agbani-Utabebe communities in Abia State, Nigeria' [2017] (6)(8) *International Journal of Social Sciences*, 1541-1552.

⁵⁶ J O Edigbe, 'Land Acquisition and Conflict in the Niger Delta Region of Nigeria: A Case Study of Bayelsa State' [2019] (19)(1) *Journal of International African Studies*, 39-50.

necessitated the enactment of the Land Use Act which provides the framework of national policy in Nigeria and enables the government to control the use of which the land can be put in all parts of the country.

Since the beginning of time, land has been an important component of production and a fundamental factor of production in the agricultural sector all over the world, providing a foundation for crop production in Nigeria and Sub-Saharan Africa. Millions of poor people living in rural areas who rely on agriculture, livestock, or forests require secure access to productive land for their livelihood. In Nigeria, land is both an asset and a factor of production for households. The state, on the other hand, determines the level of access and title ownership. As a result, the land tenure system is defined by a number of actors, including the government, community leaders, families, lawyers, and middlemen.

Inappropriate land policies constitute a serious constraint on economic and social development. On the one hand, insecure land tenure and dysfunctional land institutions discourage private investment and overall economic growth. On the other hand, skewed land ownership distribution and discrimination according to gender or ethnicity limit economic opportunities for disadvantaged groups and provide fertile conditions for social conflict - which often erupt in violence. In Nigeria, land is vital for poverty reduction; most rural households rely on it for the survival of present and future generations. Unresolved land problems or slow progress towards land reform threaten a household's survival. Appropriate land policies, therefore, are crucial to ensuring economic survival, for decreasing land-related conflicts and putting communities on a steady course of sustainable development.

Land acquisition and use in Nigeria present complex challenges, but also opportunities for improving food security, rural livelihoods, and environmental sustainability. By prioritizing the needs of small-scale farmers, promoting sustainable land management, and strengthening land governance institutions, Nigeria can achieve a more equitable and resilient food system for its present and future generations.”

III. RECOMMENDATIONS

It is recommended that:

1. The Nigerian government should seek to modify and repeal the obnoxious sections of the Land Use Act. Introduce obligations to distribute land to farmers and make it enforceable by the farmers.
2. It is recommended that the government integrate food security concerns into infrastructure and development projects, so as to avoid unnecessary land acquisition and promote productive land use.
3. Review of the Land Use Act of 1978, which confers on State Governors the custodian right to issue certificates of occupancy for landholders in their states, which is identified as a major impediment to land acquisition and ownership. There have been calls to amend the Act and remove it from the Constitution to rectify its inadequacies.
4. Land Reform Commission: The establishment of a Land Reform Commission has been proposed to take over the activities of the Presidential Technical Committee on Land Reform. This Commission would be tasked with the responsibility of efficiently investing and managing assets that may be vested in it by the Nigerian Government. The reform should prioritize women and small-scale farmers in land distribution.
5. Maximizing Land Use: There is a need for reforms to maximize the use of land and reduce the frustrating powers of the governor in land acquisition and title perfection. This could involve promoting more equitable land distribution and encouraging productive land use.