

APPRAISAL OF LEGAL MEASURES IN CURTAILING LAND GRABBING IN THE SOUTHWESTERN REGION OF NIGERIA

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Abstract

Land is a vital natural resource that plays a crucial role in the well-being and survival of humanity. As the global population and capital continue to grow, the demand for land is rising every day. Unfortunately, this has led to situations where governments, private individuals, and corporations are forcibly taking land from its rightful owners. Land grabbing is worrisome as it is prevalent in Nigeria, and most especially in the southwest region. This article aims to analyze the legal measures put in place to curb land grabbing in the southwest region of Nigeria. And further seeks to assess the effectiveness of these existing legal measures (if any). This article takes a doctrinal approach, focusing on a thorough analysis and assessment of both the theoretical foundations and the real-world effects of the existing legal framework. The findings of this study show that despite the introduction of laws, there are still major hurdles to overcome in order to reach their intended goals. It recommends not only the amendment of legislative instruments but also the harmonization of statutory law with established customary practices.

Keywords: Land grabbing, Legal measures, Southwest Nigeria,

1.0 INTRODUCTION

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The significance of land is something we cannot overlook. It is the bedrock of agricultural production, drives economic growth, and provides us with shelter¹. Nevertheless, it is the allocation of land that has become a contentious issue in many developing nations, including Nigeria, where the illicit practice of land grabbing has become rampant². The phenomenon involves the seizure of land through exploitative means, often characterized by intimidation violence or deception. The perpetrators of land grabbing range from rogue individuals and organized groups, unscrupulous corporations, and even to government agencies, all of which make use of unethical and illegal tactics to get large amounts of land³.

The illicit seizure of land, commonly known as land grabbing, involves the unauthorized or coercive takeover of land by the government, corporations, or individuals. Frequently, at the expense of the legitimate landowner.⁴ This acquisition often occurs without adherence to proper legal protocols or provision of fair compensation. Typically, the land is taken from local communities, which may lack formal land titles or the resources to challenge the expropriation. Land grabbing has evolved into a pressing socio-economic concern in numerous developing nations, with Nigeria being a very notable example.⁵

¹ D Foster and others, 'The Importance of Land-Use Legacies to Ecology and Conservation' (2003) 53(1) *BioScience* 77-88

² J O Arowosegbe 'ethnic minorities and the Land Question in Nigeria' (2016) 43(148) *Review of African Political Economy* 260-276

³ Beacon press: 'The Land Grabbers' (*Beacon .org*2024) <http://www.beacon.org/The-Land-Grabbers-P887.aspx> accessed 27 September 2024.

⁴ EB Kapstin, 'Governing the Global Land Grab' (2018) 9(2) *Global Policy* 173-183.

⁵ 'Land Grabbing' (2028) <http://www.globalagriculture.org/report-topics/landgrabbing.html> accessed 27 September 2024

Land grabbing has severe repercussions, including social unrest, economic disruption and disregard for the law. This issue undermines sustainable development and peace particularly in countries like Nigeria with complex land ownership, system and rapid urbanization. Nigeria's land ownership system is a blend of statutory and customary laws, which often creates tensions between traditional land claims and formal ones. This ambiguity creates opportunities for land grabbers to exploit.⁶⁶ The Land Use Act of 1978 govern land ownership in Nigeria, giving state governors significant control over land allocation and management, which can contribute to land grabbing.⁷⁷

The Land Use Act of 1978 was designed to streamline land management and minimize disputes by bringing control under a central authority. Unfortunately, the way it has been put into practice has been plagued by inefficiencies and corruption, which have seriously hindered effective land administration. Customary laws also play a very important role in land ownership, especially in rural areas, where traditional practices are what finally make up land rights. These laws vary largely across communities, adding complications to the land ownership system. The coexistence of customary and statutory systems creates a combined system that is vulnerable to exploitation by land grabbers. In Oyo State, a prominent.

⁶ Hu Obuene, O Akanle and A O Omobowale, 'Land Grabbing and Resistance of Indigenous Landowners in Ibadan, Nigeria' (2022) 37(1) *International Sociology* 143-159.

⁷ Land Use Act 1978

In the Southwestern Nigerian State, land grabbing has become a pressing issue. Rapid urbanization, population growth, and escalating land values, especially in urban and pre-urban areas, have fueled this trend.⁸⁸

Land grabbing is a major threat, especially in southwest Nigeria, which is made up of Lagos, Ogun, Ondo, Osun, Ekiti and Oyo States, where rapid urbanization and economic growth have fueled high demand for land.⁹ this practice can have catastrophic consequences for communities, livelihoods, and the environment. To tackle the growing problem of land grabbing, certain States have put in place targeted law, like the Lagos State Property Protection Law of 2016. This law is designed to reign in the activities of land grabbers and establish a legal foundation for protecting property rights. It clearly bans forceful entry, illegal occupation, and the coercive sale of land, while also outlining what constitutes land grabbing and related offences. It establishes a legal basis for prosecution and imposes stringent penalties, including imprisonment and fines, on individuals or groups convicted of land grabbing

Despite the passage of anti-land grabbing laws in several states, land-grabbing persists in southwest Nigeria.¹⁰ Challenges such as corruption, lack of awareness, limited access to justice, and conflicting customary laws hinder efforts to address the issue. The consequences of land grabbing in the region are far-reaching, including disrupted agriculture, diminishing real estate investments, increased poverty, internal

⁸ Obuene, Akanle and Omobowale (n 6)

⁹ SF Babalola and others, 'Farmers-Herders Conflict in Selected Communities in Southwestern Nigeria: Seeking for Livelihood or Land-Grabbing?' (2024) 9(1) *International Journal of Novelty Research and Development (IJNRD)* 9.

¹⁰ Ibid.

displacement, and rising violence. The situation is dire, as land grabbing not only harms individual landowners but also jeopardize community security and undermines regional development initiatives.¹¹

The region, known for its cultural significance and economic importance struggles with the repercussions of land-grabbing. The consistence of statutory and customary land ownership laws created an environment prone to disputes, allowing exploiters to take advantage of vulnerable landowners.¹² The Land Use Act, intended to unify land management, has instead confused due to its incomplete integration with traditional system, contributing to land grabbing. In rural areas, land tiles and registration process enable corrupt practices, as influential and entities exploits loopholes to size a land, as urbanization intensifies, land demand surges, exacerbating these conflicts.

The socio-economic consequence of land-grabbing in the region are profound and far reaching.¹³ Beyond the initial land loss, affected communities often suffer from long-term effects such as social fragmentation, loss of income, and environmental degradation. Land grabbing erodes trust between citizens and government institutions, as victims feel helpless against those who exploit legal loopholes. The inadequacy of legal frameworks to address these Issues hinders economic growth and widens the gap between the rich and the poor. This article aims to critically assess the effectiveness of existing legal measures to

¹¹ Ion Ilasco, 'Why does Land-Grabbing Trigger Poverty in Developing Countries?' (*DevelopmentAid* 7 July 2022) <http://www.developmentaid.org/news-stream/post/146088/what-is-land-grabbing> Accessed 29 September 2024

¹² A O Omodele, 'Ownership and Acquisition of Land, Land-grabbers and Land-Grabbing in Lagos and Ogun State' (2023) 135 *JIL Poly & Globalization* 58.

¹³ *Ibid.*

combat land grabbing identifying success and shortcomings, and providing recommendations to strengthen land governance in southwest Nigeria.¹⁴

2.0 CONCEPTUAL CLARIFICATIONS

2.1 Land

Land is a permanent, three-dimensional space that comprises of a section of the earth surface, the airspace above and the subterranean space below, along with all natural growth and permanent fixtures.¹⁵ The definition reveals that land covers both natural and artificial components, where the natural aspect consist of the earth's surface, subsoil and subsurface elements, while the artificial aspect comprises of additions like structures, buildings, and planted vegetation.¹⁶

Land is seen as a very important economic factor due to its very many uses. Over the years, land as had a lot of impact on Nigerians life from social, economic and political perspectives. The use of land has given rise to intricate relationship among various groups, showing its status as highly sensitive and valuable resource.¹⁷

2.2 Rights

The concept signifies a lawful entitlement or stake in something, whether it is concrete or it is conceptual. These entitlements can be grouped into

¹⁴ Jean-Claude N Ashukem and Carol Ngang, 'Land Grabbing and the Implications for the Right to Development in Africa' (2023) 22 *African Human Rights Law Journal* 1.

¹⁵ CA Onah and RE Nduka 'The legal Conception of Land, Right and Interest Thereon' (2023) 4 *IJOCLE*.45]

¹⁶ Ibid.

¹⁷ Bolaji Oseni 'Legal Concept of Land' (2014) *EJLT* 1

three main types: rights related to Individuals, right tied to ownership, and rights associated with possession. In the context of land law, the concept of land rights includes not only title and occupancy but also tangible and intangible property attributes, such as servitudes and other vested interests.¹⁸

The question of land right has sparked debate as a matter of property rights, especially concerning the interest indigenous communities and women, nonetheless the entitlement to own land is conspicuously omitted from global human rights agreements.¹⁹ This research explores land rights through five distinct lenses within the framework of human rights law: as a property rights issue, a fundamental entitlement for indigenous populations, a very important aspect of gender parity, and a necessary factor in addressing disparities in access to food and shelter. This section looks to ascertain the current standing of land rights within international human rights treaties and legal precedent, and to ponder the necessity of acknowledging land rights as a standalone, expressly recognized right.²⁰

2.3 Possession

Possession is having total or absolute control over a property, be it tangible or intangible.²¹ In the landmark case of *Buraimoh v Bamgbose*,

¹⁸ J Gilbert, 'Land Rights as Human Rights: The Case for a Specific Right to Land' (2013) 10 *SUR-Int'IJ. on Hum Rts.* 115.

¹⁹ *Ibid.*

²⁰ Saulo Padilha, 'Land Rights as Human Rights' (*Sur- International Journal on Human Rights* 25 October 2017) <http://sur.conectas.org/en/land-rights-human-rights/> accessed 4 March 2025.

²¹ Cambridge Dictionary, 'Possession' @*CambridgeWords* (October 2024) <http://dictionary.cambridge.org/dictionary/english/possession> accessed 11 October 2024.

the court established that possession comprises two essential component: firstly, the physical object or property itself, referred to as corpus, and secondly, the mental element of intending to possess or claiming ownership of the object, known as *animus possidendi*.²²

Possession can also be categorized into two types, de jure possession, which refers to possession legitimized by law, and de facto possession, which denotes actual, physical possession. Furthermore, as established in *Adelakun v. Iseogbekun*, possession is characterized by the physical occupation or control of land, which can be exercised directly or through a representative, like an agent or servant.²³

Possession refers to the physical occupation or control of an asset, denoting a person's relationship to the property. To be legally protected, possession must be exclusive. A person that claims possession must demonstrate both their relationship to the land and physical actions showing exclusive control. Holding land can be established through actions like building, planting, fencing or using other markers. The court case *Wuta-Ofrei v Danquah* illustrates this, where wooden pins were deemed sufficient evidence of possession.²⁴

A person in possession has rights, including we key attributes. Firstly, they have the right to protect their possession from intruders, even without a legal title.²⁵ The law safeguards their physical possession, allowing them

²² Ibid.

²³ ibid

²⁴ *Wuta-Ofei V. Danquah* (1961) 3 All E.R. 596

²⁵ CM Rose, 'Possession as the Origin of Property' (1985) 52(1) *The University of Chicago Law Review* 73-88.

to keep others from interfering. However, if someone with a better title emerges, the person in possession may not be able to maintain their claim. In such cases, the person with the better title may need to take legal action to regain possession. The law presumes that the person in possession has a title to property until a court declares otherwise. Interestingly, if the actual owner fails to take action within a certain timeframe, the person in possession may acquire title through adverse possession or forfeiture, effectively gaining ownership with the actual owner's tacit consent.²⁶

2.4 Ownership

Ownership encompasses the entirety of rights and powers exercisable over a property.²⁷ It grants an individual complete control, enabling them to use, dispose of, or transfer the land, excluding all others. Ownership signifies absolute and total control over the land, surpassing all other existing interest. It permits unlimited use and is the paramount right. This includes the right to possess, use, or not use the property at all.

The court in *Abraham v. Olorunfemi* elaborated on this concept, providing further insight into the nature of ownership.²⁸ This refers to the absolute and unconditional right of ownership, unencumbered by any superior rights of others. As the sole owner, an individual has the unconditional right to dispose of or alienate the property without needing anyone else's consent. The reason for this is that, both in legal terms and in real life, no one else has a stronger claim to the property. The owner's rights are the

²⁶ CJ Okoye, 'Topic 4: Rights in Land' (www.cjokoyelawreview.com2025) <http://cjokoyelawreview.com/law-421-land-law-i/topic-4-rights-in-land> accessed 4 March 2025

²⁷ D Rathi, 'Descriptive Analysis of the Concept of Ownership' (2021) 4 *Issue 3 Int'l JL Mgmt. & Human* 3856.²⁸ *Abraham V. Olorunfemi* (1991) and NWLR PT. 165. 53

most important and absolute. The court further elaborated on the characteristics of ownership, stating that a property owner has absolute discretion over its use, regardless of whether the purpose is beneficial, harmful, valuable, or invaluable.²⁸ As the sole owner, they have unfettered control, and as no one can dictate how they use their property. The owner's authority is absolute, beginning and ending with them, unless they voluntarily transfer ownership to a third party, retaining allodial ownership.²⁹

Every legal system has its unique framework for ownership. Under English common law, ownership holds significant importance, but its concept differs from other systems. In England, the Crown is considered the absolute owner of all lands.³¹ However, individuals who have occupied the land for a certain period are granted rights by the Crown. These rights are known as "estates" in land, enabling individuals to use and occupy the land. Although the Crown retains ultimate ownership, individuals have exclusive rights to their estate on the land, which are enforceable against others.

The position is different under the usual law. Because each legal system defines what is owned by the concept defined under the usual law. In his book, *The Nature of African Customary Law*, Elias said:

"What we've discussed up to this point, along with what we'll say later, will demonstrate that the land acknowledged by African customary law isn't really municipal holding or ownership in the strict English sense. The idea of 'corporate' would not accurately

²⁸ *ibid*

²⁹ Okoye (n 13) (as stated by Justice Niki Tobi)

capture the essence of the land holding system. Parliament falls into a similar category.”

Under customary law, Individual land ownership is rare; instead, land is typically held by communities or families. Community ownership originates from the land occupied by the community since ancient times, whether through conquest or initial settlement. The community as a whole owns the land, with the community head managing it. Individual community members are allocated parcel of land, but they are not considered owners in the classical sense. Rather, they hold superior title against other community members, but not against the community as a whole. Family ownership follows a similar structure, where the land belongs to the family and is inherited by descendants.³⁰ No individual family member can claim sole ownership on sale, mortgage, or transfer the land without the family's consent. In the case of *Amodu Tijani v. Secretary of Southern Nigeria*, Lord Haldane shared some insightful thoughts:

"It's crucial to remember that the idea of individual ownership doesn't really resonate with native perspectives on land law. For them, the land is owned by the community, the village, or the family, rather than by individuals. This is a widespread custom along the coast, and when we do encounter individual land owners, like in Lagos, it's often as result of English influences being introduced”.

Currently, in Nigeria, the Land use Act of 1978 on the basis of its section, all land in each ma entrusted to the Governor of the State, which provides

³⁰ FW Maitland, 'Crown as Corporation' (1901) 17 LQ Rev 131; See also BP Wolffe, *The Royal Demense in English History: The Crown Estate in the Governance of the Realm from the Conquest to 1509* (Routledge, 2019).

the right to occupy individuals and business bodies.³¹ Today is the only right to look forward to Earth, the right to occupy and ownership of land today must be perceived with regard to the right to occupy on Earth.³²

3.0 LAND GRABBING IN NIGERIA: A CASE STUDY OF SOUTHWEST REGION

Land grabbing is the illicit acquisition of land through force, coercion, or exploitation, depriving landowners of their livelihood. This modern form of colonialism disempowers small scale farmers and landowners, undermining their ability to produce affordable food for their communities and connect with nature.

The affected community calling on government to take decisive legal action to curb land grabbing, protect private farms and lands from speculators, and ensure the long-term security of their livelihoods.

Land grabbing is a serious issue, often involving the illegal acquisition of land by taking advantage of loopholes in land laws, weak governance, and the vulnerabilities of local communities. Even though it's against the law, this practice continues to thrive around the globe, thanks to clever legal maneuvers that keep it going. The roots of land grabbing stretch back to colonial era, when British colonizers had the authority to take over lands, displacing indigenous people and altering the landscape of land ownership. The colonial needed land to fulfill their economic, social, and political goals, and this is what we now call "land grabbing." Nowadays, foreign corporation or affluent individuals seeking land for resources, agriculture, or biofuels often engage in this practice, leaving local communities

³¹ Ibid.

³² Land Use Act 1978 s 1.

unrooted and struggling to make a living. For many, land is more than just a financial asset; it is part of their cultural identity. Losing their land means losing a piece of their history, traditions, and sense of self, which can be incredibly hard, if not impossible, to regain.³³

Nigeria's Land Use Act of 1978 serves as the foundation of the country's land law. The Act vests all land ownership in state governments, aiming to simplify transactions and reduce ownership disputes. However, critics argue that it has contributed to issues like bureaucratic delays and limited individual property rights, affecting both urban and rural land use. The act's limitations on individual property rights have inadvertently enabled land grabbing. When property rights are restricted or inadequately protected, vulnerability arises, allowing powerful individuals, corporations, or government entities to exploit and appropriate land.

In the southwest region of Nigeria, these issues are relevant as land grabbing exacerbates urban poverty, diminishes agriculture output, and stirs conflict between cited locals and new occupants, making land security a critical issue for sustainable development.³⁴ Different states in Nigeria have passed anti-land-grabbing laws that are intended to curb the harsh activities of land grabbing. In the South West region, the states of Ogun, Ondo, Oyo, Osun, Lagos, and Ekiti have all taken significant steps by passing bills aimed at combating land grabbing. Lagos was actually the pioneer in Nigeria, enacting the 'Lagos State Property Protections Law' back in 2016 to tackle those issues. Not long after, Ogun State jumped on

³³ Henry Uche Obuene, Olayinka Akanle and Ayokunle Olumuyiwa Omobowale, 'Land Grabbing and Resistance of Indigenous Landowners in Ibadan, Nigeria' [2021] *International Sociology*

³⁴ *Ibid.*

board with its own legislation, known as the "Prohibition of Forceful Entry and Occupation of Landed Properties', Armed Robbery, Kidnapping, Cultism, and Other Anti-Violence and Related Offences Law, 2016. Oyo State soon followed with the "Real Properties Protection Law, 2016. Then, 2019, Ekiti State introduced its version, the Prohibition of Forceful Entry and Occupation of Landed Properties (Anti-Land Grabbing) law. Osun State also got in on the action with the "State of Osun Forceful Entry and Illegal Occupation of Landed Property (Prohibition) Law, 2019. Finally, Ondo State passed its own take on the Anti-Land Grabbing Law as well.³⁵

Land grabbing comes to be a serious issue in the southwest region of Nigeria, even with the introduction of anti-land-grabbing laws. These laws were created to address the actions of land grabbers across different states, but unfortunately, they don't seem to be making much of a difference. Land grabbers are still operating without fear of repercussions. This research aims to explore how effective these laws have been in reducing land-grabbing activities and offer suggestions on how to better tackle this problem.

3.1 State Land Use Regulations

A. Oyo State Real Properties Protection Law, 2016.

³⁵ 'OGUN ANTI-LAND GRABBING LAW: STAKEHOLDERS SEEK ESTABLISHMENT of SPECIAL TRIBUNAL TO PROSECUTE OFFENDERS - OGHA| Activities' (og.gov.ng21 September 2023) <http://ogha.gov.ng/blog/2023/09/21/ogun-anti-land-grabbing-law-stakeholders-seek-establishment-of-special-tribunal-to-prosecute-offenders/> assessed 14 November 2024.

Land-grabbing has been a growing menace in Oyo State.³⁶ To combat the threat of land grabbing, the government urged the judiciary to adopt a principle of substantial justice, facilitating legislation to tackle the menace. It warned that using thugs or agents to seize land or demolish buildings without due process would be prosecuted under the Real Property Protection Law. This law, enacted in 2017, aims to curb land grabbing; Section 3 of the law stipulates that such actions will be addressed accordingly. "as from the commencement of this law, no person shall use force or self-help to take over any real property or engage in any act inconsistent with the proprietary right of the owner or occupant in the state This law is designed to protect against land grabbing and to address the challenges faced by landowners and property owners in Oyo State. Land grabbers, often referred to as "Omo Onile, are forcefully taking over properties, putting property owners in a tough spot. According to the law, "Any person who, without lawful authority, uses or threatens violence to seize any real property for themselves or anyone else commits an offence and, upon conviction, could face up to 15 years in prison, a fine of N500, 000, or both.³⁷

This law also states that any person who offers for sale any property knowing that he has no lawful title to the property or authority of the owner or sells a property knowing that he has no lawful title to the property or that he or his previews have previously sold the property is liable upon conviction to imprisonment for five years. This law is good and timely, given that the same law has been enacted in other states,

³⁶ Oyo State Government, 'Oyo Govt. Task Judiciary on Enforcement of Land Grabbing law' (*Medium 7 August 2018*)

³⁷ Oyo State Real Property Protection Law, 2016 s 7 (1)

which tends to drive these culprits to Oyo State. The enactment of the law will prevent these land grabbers from having free reign in Oyo State.³⁸

B. Lagos State Properties Protection Law, 2016.

It is a well-known issue that property transactions in Lagos State have faced significant hurdles due to the actions of Omo-onile' and Ajagungbales, who are often referred to as land grabbers.³⁹ Land grabbing is when someone uses force, threats, or even violence to take control of a property or to stop a buyer from rightfully acquiring it, unless specific conditions are fulfilled. To tackle the reckless actions of land grabbers in the area, the Lagos State Government has put a law in place that bans violent entry and illegal occupation of land, along with any violent or fraudulent activities related to land in the state.

The Lagos State Properties Protection Bill was signed into law by the former Executive Governor of Lagos State, Mr. Akinwunmi Ambode, in September 2016.⁴⁰ Land grabbing refers to the act of using force intimidation, or even violence to seize control of a property or to prevent a legitimate buyer from acquiring it, unless certain conditions are met.⁴¹ To combat the reckless behavior of land grabbers in the region, the Lagos State Government has enacted a law that prohibits violent entry and illegal

³⁸ User and User, 'Ajimobi, Enforce Real Property protection Law' (*Tribune online 2 May 2017*) <http://tribuneonlineng.com/ajimobi-enforce-real-property-protection-law/> assessed 16 February 2025.

³⁹ Olanrewaju Taiwo and Omodele (n 38).

⁴⁰ Akintunde Kabir Otubu, 'Statute Review: Lagos State Property Protection Law 2016' [2019] SSRN Electronic Journal.

⁴¹ A Ajibola, 'Ambode Signs Lagos Property Protection, Neighborhood Safety Bills' (*Channels television, 16 August 2016*) <http://www.channelstv.com/2016/08/16/ambode-signs-lagos-property-protection-neighbourhood-safety-bills/amp> assessed 2 March 2025.

occupation of land, as well as any violent or fraudulent activities associated with land in the state.⁴² The law is designed to deter would-be offenders and tackle the issues stemming from illegal activities. It does this by imposing tough penalties, including lengthy prison sentences that can last anywhere from 6 months to 21 years along with fines that range from 100,000 Naira to 500,000 Naira.⁴³

The Law, which is a piece of criminal legislation, lays out several strict measures designed to protect property within the state. When we talk about "property," it specifically refers to land ownership. In Section 1, the Law gives a broad definition of "Landed property, describing it as "a parcel of land, any improvements made on that land, a building, and any land that goes along with a building, including a site that has one or more buildings along with the associated land."

The Law makes it clear that various actions that infringe on someone else's property rights are not allowed. Some of the prohibited actions include trespassing or encroaching on someone else's land, forcibly evicting someone from their property, violently entering or occupying another person's property, selling land without having a valid title, and selling the same property to multiple buyers, even if the seller has a legitimate name.⁴⁴

⁴² OD Racheal, AM OLusola and OO Adedamola, 'Challenges and Prospect of Property ownership in Ado-Odo Ota Local government Area, Ogun State, Nigeria' (2020) *A Review of : Literature. Covenant Journal of Research In the Built Environment*.

⁴³ Akintunde Kabir Otubu, 'Statute Review: Lagos State Property Protection Law 2016' [2019] SSRN Electronic Journal

⁴⁴ Lagos State Property Protection Law, 2016 s 1

Section 2 (1) of the Act clearly states that using force or self-help to seize any property or infringe on the rights of its owner is strictly prohibited. Those who break this law could face a hefty penalty of up to ten (10) years in prison, and there's no option for a fine. Moving on to Section 2 (2), it highlights that if someone unlawfully takes control of another person's asset, they will remain in that illegal possession for three months after the law comes into effect.⁴⁵

Section 3 of the Act states that anyone who uses or threatens violence without legal permission to gain access to any land or property, whether for themselves or someone else, is committing a crime that could lead up to ten years in prison. If that person forcefully enters with firearms, dangerous weapons, or harmful chemicals, or if there is any violence or injury caused to others, they could face a criminal charge that carries a penalty of four years in prison.⁴⁶

Section 4 of the Act states that if someone occupies an asset, like an encroacher, and is unable to vacate the property, whether it's their own or on behalf of the property owner, they are committing a crime. If convicted, they could face a fine of up to five million naira, or serve a prison sentence of up to five years, or even both.⁴⁷

The Act's Section 6 makes it clear that no agent is allowed to enforce the right. It gives vigilante groups, as well as ethnic and cultural or traditional militias, the authority to execute a court judgment on any land assets. However, this is only applicable when it can be established under the

⁴⁵ Ibid. s 2(2)

⁴⁶ Ibid s 3 (1)(2)(3)(4)

⁴⁷ Ibid. s 4

Sheriff Act, the civic trial or any other relevant legislation. Additionally, the Act put a stop to frivolous and baseless petitions to the Agency for enforcing rights that stem from its provisions, especially when the petitioner is aware that the claims in their petition untrue.⁴⁸

That's why the law states that landlord's petition must come with sworn statement from the petitioner. You see, there are all sorts of "titles" that people can come up with on Earth, and it takes a lot of careful attention and perhaps a few prayers from the buyer to ensure it doesn't end up in the wrong hands.⁴⁹

This kind of practice is unfortunately quite common among family agents who sell family property without getting the go-ahead from the head of the family. Some even go as far as creating fake income documents. If someone tries to sell property without having the legal title or the authority from the actual owner, they're committing a crime. The penalty for this can be a fine of five hundred thousand naira, or six months in prison, or sometimes both.

If someone sells a property that they don't legally own, whether it was previously sold by them or their private law or without the owner's legal authority, they're committing a crime This could lead to a hefty fine of up to 100% of the property's value, a prison sentence of up to five years, or even both, and the property will be returned to its rightful owner. Section 9 of this Act makes it clear that an expert cannot help facilitate a contract between the land-owning family and anyone else if they know that such

⁴⁸ Ibid s 8

⁴⁹ ibid

an agreement will violate this Act or any other law. If they do, they could find themselves facing criminal charges.⁵¹ Thus, the law clearly states that any expert who carries out a court judgment without following the most procedures outlined in the Sheriff and Civic Act, or any other relevant law, is committing a crime. Such professionals can be held accountable under the law.

Section 11 of the Act is particularly well-known among those in the construction industry. If you have worked in construction or its vicinity, chances are you have a story of two about the Infamous "Omo Onile."⁵⁰ They are hoodlums that are hiding round building areas, developers charge for every tipper cement/gravel brought to a place, Then, at different stages of the building, they throw more obstacles and demand the payout of huge amount than allow developers to lay the foundation, deck, roof, build a peripheral fence, dig layer and almost anything.⁵¹ In short, they prevent the developer workers from work unless they were paid, and there was little to nothing that can be done to stop them.⁵²

The threat of "Omo onile", whose numbers have increased in recent years with increasing unemployment in Nigeria, discouraged investors, prevented business, and detained development in Lagos. The trend is what section 11 is trying to deal with. The section excludes a person who, whether or not acting as an agent, requires any fee or run-out of construction activities on any assets, disrupts or defends construction

⁵⁰ Ibid s 9.

⁵¹ Ibid s 11

⁵² Ibid. J Ayodele, 'Omo Onile and Violence in Real Estate Development in Lagos, Nigeria' (2017) 12(2) *International Journal of African Renaissance Studies-Multi-Inter-and-Trans-disciplinary* 33-55.

works.⁵³ As a result, this will not be business as usual for the "Omo onile" since any person who violates the provision of the section will commit a crime and will be convicted with a fine not exceeding a million Naira or two years of imprisonment or both.

Section 12 of the Act establishes the working groups to enforce the provisions of the law and testify to it following any other unit or agency for enforcement in the state, while jurisdiction regarding crime under the law was awarded to the court for special crimes and other courts.⁵⁴

From the provision of the law, as emphasized above, it was obvious that this law is a highly anticipated response to many problems associated with the acquisition and development of asset in Lagos, which ensures that real estate and its owners are protected.⁵⁷

Given the serious issue stemming from the troubling actions of violent gangs linked to Omo Onile, Lagos state government took a significant step by enacting the Act on Property protection on August 15, 2016 This law aims to put a stop to violent intrusion and illegal occupation of land, as well as any violent or fraudulent activities related to land in the state. It lays out strict penalties, with varying prison sentences depending on the crime committed. To help enforce this law effectively, a Special Task Force Unit was established on June 26, 2016, called the Lagos State Special Task Force on Land Grabbers. This unit is tasked with overseeing

⁵³ Lagos State Properties Protection Law 11.

⁵⁴ Ibid, s 12. Ola Dammy, 'LAGOS-STATE-PROPERTIES-PROTECTION-LAW-Law Review -051016.pdf' (scribed 2016)
<http://www.scribd.com/document/414796821/LAGOS-STATE-PROPERTIES-PROTECTION-LAW-Law-Reveiw-051016-pdf> accessed 27 February 2025

land activities, coordinating efforts among different government agencies focused on real estate promotion, and collaborating with security forces.⁵⁵ While the services offered by this working group are completely free, petitioners do not need to hire lawyers to draft their representation petitions.

The task force approach to resolving land conflicts in Lagos unfolds in four distinct phases. It all starts with alternative dispute resolution (ADR), where both parties involved in the land conflict come together to discuss their cases and present evidence. If the ADR doesn't lead to a satisfactory outcome for either side, we move on to the second phase, which involves an inspection to gather more evidence. This step typically includes law enforcement officers and the police to ensure everything is above board. After the inspection, the task force's operative council reviews the new evidence and makes a decision. If one party still isn't happy with this decision, we enter the third phase, which means taking the case to court. The court's judgment will then be used to resolve the land dispute, although it may still be subject to appeal. Finally in the fourth phase, the relevant government agencies step in to enforce the court's decision.⁵⁶

C. State of Osun Forceful Entry and Illegal Occupation of Landed Properties (Prohibition) Law, 2019

⁵⁵ 'Omo Onile Lawyer' (*Omoonilelawyer.com, 2016*) <http://omoonilelawyer.com/lagos-state-properties-protection-law/> accessed 27 February 2025.

⁵⁶ mwangi-thita, 'Resolving the Omo Onile Land-Related Crisis in Lagos, Nigeria' (*Kujenga Amani 30 october 2018*) <http://kujenga-amani.ssrc.org/2018/10/30/resolving-the-omo-onile-land-related-crisis-in-lagos-nigeria/> accessed 27th February 2025.

The activities of land grabbers, also called "Omo Onile" syndrome, has been a rapid menace in Osun State, leading to conflicts, harassment of landowners and disruption in property, development, in response to this threat, the Osun State Assembly enacted a bill called *the State of Osun Forceful Entry and illegal Occupation of Landed Properties (Prohibition) Law, 2019*, to curb the activities of land grabbers and protect the rights of legitimate landowners. Section 2(3) of the act states that anyone who uses force to take over a landed property shall be guilty of an offence and shall be liable on conviction to 20 years imprisonment without a fine option.⁵⁷

Despite these efforts, incidents of land grabbing have been prevalent in various communities within Osun state. For example, in January 2025, some officials in the Osun State Ministry of Lands and Physical Planning were accused of illegally facilitating the sale of 36 acres of land in the Agric Farm Settlement, Oke-Osun, Osogbo, leading to petitions for government intervention.⁵⁸

Additionally, communities such as Ile Ogbo, Oke-Osun, and others in Ayedire Local Council have reported cases of land grabbing, intimidation, and harassment by local authorities, leading to tension and calls for justice.⁵⁹

⁵⁷ s 2(3) of the State of Osun Forceful Entry and Illegal Occupation of Landed Properties (prohibition) law 2019

⁵⁸ Timothy Agbor and The POintNG, 'The Point is a Newspaper that Covers Top News from Africa and the World' (The Point Ng27 January 2025)
<http://www.thepointng.com/top-officials-fingered-as-land-grabbing-scandal-rocks-osun-ministry/> accessed April 2023

⁵⁹ Guardian Nigeria, 'Osun Communities on Edge Over Alleged Land grabbing by Monarch' (The Guardian News Nigeria and world news 23 July 2023)

The issue of land-grabbing in Osun State remains a complex challenge, involving various actors and requiring a multifaceted approach. While Legislative efforts and government actions demonstrate a commitment to addressing the problem, effective implementation and enforcement are crucial. Continuous monitoring, community engagement, and the establishment of clear legal frameworks are essential to protect the rights of landowners and ensure sustainable development in the state.⁶⁰

4.0 CONCLUSION AND RECOMMENDATIONS

This article has shown that although Nigeria, especially southwest area, has established legal measures to combat land grabbing, substantial obstacles persist in enforcement, legal gaps, and institutional deficiencies. The Land Use Act of 1978, regional anti-land-grabbing regulation, and criminal laws establish a legal structure; however, their efficacy is compromised by corruption, bureaucratic hurdles, and insufficient public awareness.

To tackle these issues, a comprehensive strategy is essential, incorporating legal changes, judicial effectiveness, accountability in law enforcement, digitization of land records, and involvement of the community. The execution of these suggestions will not only reduce land grabbing but also encourage a more secure and transparent land tenure system that advances sustainable development and economic growth in the area.

Ultimately, addressing land grabbing necessitates political determination, institutional changes, and collaborative actions from government bodies,

⁶⁰ 'Osun Communities Alert Adeleke to Looming Unrest' (*Punchng.com*2025) <http://punchng.com/osun-communities-alert-adeleke-to -looming-unrest/> accessed 3 April 2025

the judiciary, community leaders, and civil society groups. By implementing appropriate legal and policy measures, Nigeria can progress towards a land administration system that ensures security of tenure, safeguard property rights and provides fair access to land for every citizen.

4.1 RECOMMENDATIONS

Based on findings, the following recommendations are proposed to strengthen the legal response to land grabbing in the southwest region:

i. Strengthening Legislative Frameworks

It is high time the Nigerian government amends the Land Use Act of 1978 of 45 years to decentralize land management and enhance tenure security for landowners. Each state government should also review and harmonize state-specific anti-land grabbing laws to ensure uniformity and clarity in legal definitions and penalties.

ii. Enhancing Law Enforcement and Judicial Efficiency

The governments should establish specialized land tribunals in each southwest State to fast-track land-related disputes and reduce court delays. They should also strengthen existing anti-land grabbing task forces by ensuring they operate independently from political and real estate influences. Proper training should be given to officers on land laws and ensure strict disciplinary actions against corrupt officials aiding land grabbers.

iii. Digitization of Land Records and Title Registration

The globe is changing and progress is being made. The government ought to establish extensive digital land registries to thwart fraudulent claims and enhance transparency in land dealings. The Certificate of Occupancy (C of O) issuance process should be simplified, allowing legitimate landowners easier access. They may implement block chain technology to

establish secure land records, minimizing instances of double allocation and document fraud.

iv. Strict penalties

To deter people from committing the same offence, severe punishment should be given to offenders of this crime. In the anti-land grabbing law of Ekiti state, 4 years is given to anyone who commits the offence of land grabbing, meanwhile it is 20 years in Osun state.

v. The government should encourage Alternative Dispute Resolution (ADR) mechanisms, such as mediation and arbitration, to resolve land disputes swiftly.

vi. Public Awareness and Advocacy Campaigns

The government ought to intimate radio, television, and social media campaigns to inform citizen about the legal processes for acquiring land and the risk associated with land grabbing. They can also collaborate with NGOs and human rights organizations to promote more robust land legislation and aid victims of land seizures.