

Land Use Constraints And Challenges To Sustainable Land Resource Control In Rural Nigeria

Busari Morufu Salawu

Department of Public and International Law, Faculty of Law,
 Osun State University, Osogbo Osun State, Nigeria,
busari.salawu@uniosun.edu.ng

Abstract

In Sub Sahara Africa, land occupies an important position in the life of the people. Apart from its important economic value in food security and job creation to millions of rural dwellers, it is sacred and physical. In Nigeria, most of the rural dwellers are into agriculture and pastoralism. But the constraints on access to land resources under various land tenure systems have created tensions in rural communities and threaten agricultural enterprises. Under these tenures, land resources are not available in the right quantities for varying agricultural purposes as to allow sustainable food security, reduction of poverty, hunger and gender discrimination. The article discusses the concept of land under the various tenure systems; examines land resource control in rural Nigeria and establishes a need for legal reform in land use access and control to ameliorate the constraints. The study adopts a doctrinal research method which relied on primary and secondary sources of information. The article, after establishing that the claim that multiple land tenures and the discriminating policy implementation under the tenures have considerably weakened the land resource control laws, advocates the reforms of the current legal regime to make land resources available to all people needing it for economic development. Transparent and consistent implementation of legal regime, removal of undue delays in the administration of Governor's consent and streamlining of the incidents of customary land tenure to that of the Land Use Act are suggested.

Keywords: *Good Governance; Land Policy; Rural Peace; Sustainable Land Use*

1. INTRODUCTION

Nigeria is a complex federation with a population above 230 million¹ and 350 ethnic groups each with distinct language and culture.² The three major ethnic groups had more than 50% of the total population altogether.³ These ethnic nationalities are Hausa/Fulani, Igbo and Yoruba. The nation has a total land mass of 923,768km² with the arable land area comprised of 34 million hectares: 6.6 million hectares for tree crops and 28.6 million hectares for cash crops and pastures.⁴ It has a coastline of 850 kilometres at its corridor, and many freshwater lakes, rivers and creeks suitable for fishing.⁵

¹ *Worldometer*, "Nigeria Population (Live) 2024," accessed September 27, 2024, <https://www.worldometers.info/world-population/nigeria-population/>.

² CIFORB, "Country Profile-Nigeria," accessed September 27, 2024, <https://www.birmingham.ac.uk/Documents/college-artslaw/ptr/ciforb/resources/Nigeria.pdf>.

³ CIFORB, "Country Profile-Nigeria."

⁴ Doris Dokua Sasu, "Agriculture in Nigeria: Statistics and Facts," *Statista*, December 11, 2024, <https://www.statista.com/topics/6729/agriculture-in-nigeria>.

⁵ Sasu, "Agriculture in Nigeria."

Land resources in Nigeria have not been optimally utilised for national development. The National Minister of Agriculture lamented this situation while commenting on the vast land endowment and promising that the government would step up actions to ensure a more optimal use.⁶ Challenges to fair and just land resource allocation in rural Nigeria could be attributed to socio-cultural and religious attitudes to land.⁷ In most traditional communities in Africa, land is seen as a sacred inheritance from ancestors which should not be allowed to get into the hands of the strangers.⁸ A stranger in this respect could mean a person from another village of not more than two or three kilometres distance. The traditional African religious thought attaches great importance to what is bequeathed to those still living by the deceased. While corroborating this, a scholar has observed that “Africans have the understanding that there exists a relationship/affinity between man and his environment (the earth) and because of this, they worshipped and revered most natural elements/objects including rivers, trees, mountains and animals, etcetera.”⁹ The implication of this worldview is that land has spiritual, social and cultural elements. It is, therefore, not what can be allocated to ‘strangers’ who are not part of the inheritance.

This research interrogates issues on why land resources are not readily accessible to various land users, despite legislative efforts and executive policy making in Nigeria. In rural areas, inability to have access to land has been responsible for farmer/herder conflicts, rural conflicts, insecurity and banditry, in most parts of Nigeria.¹⁰ Specifically, this research has the objectives to discuss the concept of land under the various tenure systems in rural Nigeria; to examine land resource control in rural Nigeria; and to appraise legal reforms in land use access and control in Nigeria.

2. RESEARCH METHOD

The study adopts a doctrinal research method which relied on primary and secondary sources of information. The primary source made use of statutes such as the 1999 Constitution of the Federal Republic of Nigeria,¹¹ Land Use Act (LUA) 1978,¹² Land Tenure Law 1962,¹³ and others and the case law as primary sources. The secondary sources included the use of textbooks, journal articles, newspapers, conference proceedings and the internet. Data gathered were subjected to contextual analysis. Apart from the opportunity to be familiar with statutes, caselaw and other literature in Nigeria’s property practice,

⁶ Seriki Adinoyi, “56% of Nigeria’s Agricultural Land Not in Use, Says Minister,” *This Day*, September 22, 2022, <https://www.thisdaylive.com/index.php/2022/09/16/56-of-nigerias-agricultural-land-not-in-use-says-minister/>.

⁷ Aderonke E. Adegbite and Abiola Abiade, “Land as the Life of a People: Nigerian Government, Laws and Indigenous Land Matters,” *Madonna University, Nigeria Faculty of Law Law Journal* 8 (2021): 86, <https://journals.ezenwaohaetorc.org/index.php/MUNFOLLJ/article/view/1823>.

⁸ James N. Amanze, “Land and the Spirituality of Indigenous People in Africa: A Case Study of the Basarwa of the Central Kalagari Game Reserve in Botswana,” *Sabinet African Journals* 1, no. 3 (January 2007): 97, https://journals.co.za/doi/10.10520/AJA18172741_8.

⁹ Obelden Mmesomachukwu Lumanze, “The Concept of Land/Earth in the Old Testament and in Africa: Implications to the Contemporary Nigerian Christian,” *Journal of Religion and Human Relations* 13, no. 1 (2021): 76, <https://www.ajol.info/index.php/jrhr/article/view/211096>.

¹⁰ Amanze, “Land and the Spirituality,” 97.

¹¹ Cap C23, Law of the Federation of Nigeria 2004.

¹² Cap L5, Law of the Federation of Nigeria 2004.

¹³ Law of Northern Nigeria.

adopting this method will ensure that arguments on, and positions arrived at, are situated with the principles and practice of land administration in Nigeria.

3. ANALYSIS AND DISCUSSION

3.1. Concept of Land in Rural Nigeria

3.1.1. Nature of Land in Law

Land has been defined variously across disciplines, depending on the background and orientation of scholars. Economists have focused on land, because of its central position in the production chain. Classical and neo-classical economists such as Adams Smith (1727–1790) and David Ricardo (1772–1823) gave pioneer directions to the understanding of the concept.¹⁴

In legal perspective, land consists of corporeal and incorporeal hereditaments.¹⁵ The corporeal hereditaments are the physical parts of the land, including the earth surface itself, all things affixed to the land and all things on the land naturally including oceans and seas, all things under the land (mineral resources) as well as things above the land. Incorporeal hereditaments refer to the non-tangible aspects of the land which are perceived to exist as interests and the rights relating to land as easements, profits, licences and so on.¹⁶ The above is the common law conception of land emanating from the principle of *quicquid plantatur solo solo cedit*¹⁷ which Nigeria inherited as a common law country. The English law of property applied in Nigeria subject to some necessary modifications from customary law of the people and domestic legislations from January 1, 1900.¹⁸

Nigerian statutes on land property management appear to have paid little attention to the definitional issue in land control and management. Apart from the definition of land in the Property Conveyancing Act (PCL)¹⁹ which appears to have been adopted from the Law of Property Act,²⁰ other domestic legislations overlooked this important area.

The PCL defines land to include:

Land of any tenure, buildings or parts of buildings (whether the division is horizontal, vertical or made in any other way) and other corporeal hereditaments, also a rent and other incorporeal hereditament and an easement, right, privilege or benefit in, over, or derived from land, but not an undivided share in land.

¹⁴ Ekaterina Gnedenko, "Land and Economics and Policy," accessed September 27, 2024, <https://www.bu.edu/eci/2024/08/23/land-economics-and-policy/>.

¹⁵ I.O. Smith, *Practical Approach to Law of Real Property in Nigeria*, Rev. ed. (Ibadan: Ecowatch Publication, 2013), 8.

¹⁶ Smith, *Practical Approach*.

¹⁷ "Whatever is affixed to the soil goes with it".

¹⁸ I. Oluwole Agbede, *Themes on Conflict of Laws*, Rev. ed. (Lagos: Princeton & Associates, 2018), 9.

¹⁹ Cap 100, Law of Western Region of Nigeria 1959.

²⁰ Cap 100, Law of Western Region of Nigeria 1959, S. 2(1).

The above definition is a canonisation of the common law conception of land. The question that requires interrogation is: does the above conception describes land in a complex nation like Nigeria, where land rights are determined largely by communal and family land ownership? The conception of land at customary law, under which the largest portion of rural lands belongs is more difficult to align with common law/statutory conception. Apart from the fact that the customary law does not support *quicquid plantature solo solo cedit* of the common law, the ownership rights reside in the community and the family.²¹

3.1.2. Land in Rural Nigeria

Prior to the British adventure in the areas now called Nigeria, customary land tenure system defined rights, privileges, interests and title which the owner could enjoy on the land.²² The customary tenure is still largely recognized among the people as determining land owning rights of those who hold their rights subject to it. It may be argued that more than 70% of the arable lands in Nigeria are still regulated by the customary land tenure despite the passage of the LUA 1978 which also recognised previous land tenurial practices, particularly the customary tenure. Its principles of land control and management uphold the rights of the families and communities to their ancestral lands in the form of deemed grants.²³ Based on the continued relevance of the customary tenure, its incidents which include restrictive land devolution by the family heads and other principal members, gender discrimination and deprivation of land rights, perpetuation of poverty and hunger through denied land access continue despite the constitutional directive which makes property right a fundamental human right continue and operate with the LUA.²⁴

From the foregoing analysis, the diversity of culture, customs, beliefs and worldviews from about 350 ethnic groups with varying methods of land devolution and access seriously constrains land resource distribution. Commenting on this development, the Supreme Court in *AGF v AG Abia & 36 Ors* noted:

Until the advent of the British colonial rule in what is now known as the Federal Republic of Nigeria..., there existed at various times various sovereign states known as emirates, kingdoms and empires made up of ethnic groups in Nigeria. Each was independent of the other with its mode indigenous to it. At one time or another, these sovereign states were either making wars with each other or making

²¹ Michael Takim Out, *Customary Land Law in Nigeria: Law and Practice* (Lagos: Princeton and Associate Publishing Co Ltd, 2022), 54.

²² Out, *Customary Land Law*, 2.

²³ Land Use Act, Cap L5; Law of the Federation of Nigeria 2004 Ss 34-36.

²⁴ 1999 Constitution of the Federal Republic of Nigeria, S. 43.

alliances, on equal terms. This position existed throughout the land known as Nigeria...²⁵

The reality depicted by the apex court judgement underscored the struggles for land in many plural nations, including Nigeria, over access to land resources by a section of the community, in rural areas, largely governed by customary land tenure. These struggles result in social fractions, violence and resistance often lead to the destruction of lives and properties.²⁶

Among Igbo of southeastern Nigeria, for example, land belongs to some specified groups who lack power of alienation, especially in rural communities. It is a taboo to either sell, transfer or alienate land to the non-indigenous peoples or even members of the same communities belonging to non-land-owning groups.²⁷ Furthermore, despite the developments in the legal regime, principle of primogeniture and patrilineal inheritance system which exclude the female gender and sometimes the latter sons from land inheritance still operate to the detriment of national development.²⁸ Through Received English doctrine of estate and domestic statutes, the land owing pattern in Igbo land is changing slowly, with more people deriving access to land, both in rural and urban centres on temporary or short-term lease. These constraints to land deny other Nigerians' opportunities of embarking on economic activities that would require long lease or possession in Igbo land (southeastern Nigeria), comprising Anambra, Abia, Ebonyi, Imo and Enugu States.²⁹

In rural communities in Nigeria, access to land means being a member of the community through physical and spiritual affiliation. Agricultural development and food security depend on the availability of, and access to, land in rural Nigeria.³⁰ The achievement of Sustainable Development Goals (SDGs) 1 and 2 ("no poverty" and "zero hunger" respectively) by 2030 require non-discriminatory access to land.³¹ It has been contended that factors such as the customary land tenure system, family land inheritance, high cost of land and the size of the land available to each farmer which determine the farm output could inhibit the realisation of the goals.³²

²⁵ (2006) 6 NWLR (763) 940.

²⁶ Various ethnic crises in Nigeria such as Niger Dela Crisis, Kaduna Crises, Jos Crisis and Ife Modakeke Crises among others, appear to be as a result of land resource use an access.

²⁷ Patrick E. Nmah, "Spiritual Dimension of Land Identity Crisis in Igboland of Nigeria: An Ethical Reflection," *Unizik Journal of Arts and Humanities* 12, no. 2 (2011): 139, <https://doi.org/10.4314/ujah.v12i2.6>.

²⁸ Adewale Taiwo, *The Nigerian Land Law*, Rev. ed. (Lagos: Princeton and Associates Publishing Press Ltd., 2016), 196.

²⁹ Emea O. Arua and Eugene C. Okorji, *Multidimensional Analysis of Land Tenure Systems in Eastern Nigeria* (FAO), <https://www.fao.org/4/W6728T/w6728t14.htm>.

³⁰ Chigorizim Ndubuisi Onwusiribe and Daniel Chinedu Nwaogu, "Agricultural Land Availability and Rural Farmers' Output in Abia State, Nigeria," *Scientific Paper Series Management, Economic Engineering in Agriculture and Rural Development* 17, no. 1 (2017): 317, https://managementjournal.usamv.ro/pdf/vol.17_1/Art46.pdf.

³¹ "The 17 Goals," Department of Economics and Social Affairs Sustainable Development, accessed September 27, 2024, <https://sdgs.un.org/goals>.

³² Onwusiribe and Nwaogu, "Agricultural Land Availability," 320.

Land ownership rights in the Nigerian agricultural sector is mainly communal which means that its ownership belongs to the family, the village, the community or a clan.³³ In some cases, the allocation of land to individuals is restricted, while land sale is rare, or non-existent in most rural communities where such practice is regarded as an abomination and partitioning of family land is at the discretion of the communal/family leadership.³⁴ The restrictive land access perpetuates poverty and hunger by depriving people opportunities to farmlands. For example, customs and values in some Nigerian communities denies female persons the right to the allocation of family land and promotes the principle of primogeniture and male inheritance.³⁵ This attitude may deny some sections of the community the right to agricultural land. Apart from this, it may be contended that large expanse of land which is under the control of the communities and families and is alienated in line with customary practices would not be available for large scale agricultural use. Hence, arable lands could not be allotted for farming because of the stringent rules of devolution under customary tenure which subsists under Sections 36 of the LUA, and therefore continues till present.

3.2. Examination of Land Resource Control in Rural Nigeria

3.2.1. Co-existence of Multiple Land Tenures

The co-existence of the customary law, Received English law, and domestic law poses major constraints to the management of the rural land in Nigeria. Issues which arise are whether the customary land holding before the advent of the British colonialists could be converted to the fee simple estate or the right of occupancy regime under LUA. This has been contended to be impossible because the customary land tenure conferred absolute possession on the grantee, and it is different in quality and content from the fee simple.³⁶ The right of occupancy granted by LUA, on the other, merely confers usufructuary right which is finite in nature on the grantee.³⁷ Absolute ownership is therefore not contemplated by the LUA in that the reversionary interest subsists in the Governor to whom all lands in the State are vested.³⁸ It may be argued that the ownership granted at customary law, although for a time indefinite, may not be absolute because the position of the communal/family head may be compared to that of the Governor under the LUA. In rural communities operating the customary tenure, with the incident of communal ownership, consent of the communal/family leadership may be required to

³³ Don I. Ike, "The System of Land Rights in Agriculture," *American Journal of Economics and Sociology* 43, no. 4 (October 1984): 469–480, <https://www.jstor.org/stable/3486126>.

³⁴ Taiwo, *The Nigerian Land Law*, 176.

³⁵ Taiwo, *The Nigerian Land Law*, 196.

³⁶ Benjamin Obi Nwabueze, *Nigerian Land Law* (Enugu: Nwamife Publishers Ltd, 1982), 106.

³⁷ Land Use Act 1978, S.8.

³⁸ Land Use Act 1978, S.1.

convey, licence or lease the grant.³⁹ This may be explained by the cardinal principle of the customary tenure which conceives land as belonging to the community, family, village, while the owners are the living, the dead and the unborn members.⁴⁰

A major feature of the English land tenure is that it does not provide for allodial or absolute ownership as all lands under it belonged to the crown.⁴¹ Hence, its reception and implementation indicate that the estates it conveys are not of absolute ownership, and all lands under the estates granted belonged to the crown up to October 1, 1963 when Nigeria became a Republic and subsequently to the Government of each State. While the estates granted under the Received law and its successor, the LUA are not absolute,⁴² it appears the ownership rights of the community and family may appear absolute because rights of alienation granted to members of the family and others may be (in)definite at customary tenure subject to certain occurrences by the prescriptive authorities.⁴³ Therefore, a member of the group has the right to use the allotted portion of the communal land only.⁴⁴ Based on the foregoing, the customary tenure is different in form and structure from the doctrine of estates and the right of occupancy regime of LUA.⁴⁵ Its dynamic, flexible and unwritten nature in its original form has been reformed through its interactions with other tenures. Furthermore, modern reforms in land management have mandated strict compliance with written contract through the deed of conveyance.⁴⁶

Nigeria is a multi-lingual country with diverse differences along ethnic, cultural, religious and traditional lines.⁴⁷ Each of the ethnic nation within it has a complete set of customary land tenure systems to be reconciled with the received English laws. These problems of plurality of laws generate internal conflict of laws.⁴⁸ An attempt to combine either two or all these laws often leads to legal problems,⁴⁹ which are compounded by attempts to formulate a uniform set of rules through the LUA 1978. As it has been argued, rather than abrogating the extant tenures, the LUA allows them to operate with modifications. The transitional arrangement through deemed grants⁵⁰ create more problems than it solves. Various rules of customary land tenure such as

³⁹ Nwabueze, *Nigerian Land Law*, 54.

⁴⁰ Nwabueze, *Nigerian Land Law*, 53.

⁴¹ Nwabueze, *Nigerian Land Law*, 75.

⁴² Daniel Dovar et al., *Megarry's Manual of the Law of Real Property*, 6th ed. (London: Stevens & Sons Ltd, 1982), 29.

⁴³ In case of customary tenure, the communal/family heads and principal members, while under LUA, the appropriating and expropriating powers are vested in the Governor of a State.

⁴⁴ Dovar et al., *Megarry's Manual*, 29.

⁴⁵ Out, *Customary Land Law in Nigeria*, 58.

⁴⁶ Statute of Frauds 1677, S. 4.

⁴⁷ Out, *Customary Land Law in Nigeria*, 147.

⁴⁸ Niki Tobi, *Cases and Materials on Nigeria Land Law* (Lagos: Mabrochi Books, 1992), 11.

⁴⁹ Out, *Customary Land Law in Nigeria*, 149.

⁵⁰ Land Use Act 1978, S. 36(6).

pledge, customary tenancy and kola tenancy, previously in use to make land available to rural dwellers in the past were streamlined and included in the uniform principles of LUA.⁵¹ Rather than recognising the landlord as the person entitled to customary right on rural lands, the Act introduced an innovation which allows tenants to become occupiers and persons entitled to it based on possession.⁵² These sent waves of violence through the rural communities in Nigeria,⁵³ and deprived farmers of land access because their head lessors took panic actions to determine the customary land relationships through self-help.⁵⁴

3.2.2. Constraints to Access to Rural Lands under the Land Use Act 1978

The Act introduced various principles of statutory and customary rights of occupancy into the management of land resource in Nigeria.⁵⁵ The distinction between those two types of rights depends on the authority which grants them. The Governor of a State grants statutory rights while a local government issues a customary grant. Although both could be granted on rural land, it is the customary right that is most predominant and relevant to the analysis in this study. These rights are examined *infra* to bring out ways in which they inhibit access to rural land resources for agricultural development and sustainable quest to banish poverty and end hunger.

a. Grant of Land to Nigerians Only

The overall control of land rights is given to the Governor of each of the 36 states of the federation and the Minister of the Federal Capital Territory (FCT).⁵⁶ By this, the President does not have powers to allocate land for any purpose, unless through the officers of the federating units. Land in each State is held in trust for “the use and common benefits of all Nigerians.”⁵⁷ The implication of this is that only Nigerians could have access to land for whatever purpose in any part of the country. Hence, a foreign company wishing to operate in Nigeria would have to be registered as a Nigerian company by fulfilling incorporation requirements even if it has been registered outside Nigeria.⁵⁸ Unless that is done, it may not be able to acquire any real property under the LUA. This provision appears discriminatory, and thereby constitutes a constraint, to the foreign companies and individuals who may wish to invest their capital in the country.

⁵¹ P Peter Oluyede, *Modern Nigerian Land Law* (Ibadan: Evans Brothers Nigerian Publishers Limited, 1989), 332.

⁵² Land Use Act 1978, S. 36.

⁵³ Land Use Act 1978, S. 36.

⁵⁴ Rural conflicts which immediately followed the promulgation of the Act were Ife/Modakeke conflicts; Offa/Erin Ile conflicts and several boundary issues which had claimed thousands of lives.

⁵⁵ Land Use Act 1978, Ss. 5 and 6 respectively.

⁵⁶ Land Use Act 1978, S.1.

⁵⁷ Land Use Act 1978, S.1.

⁵⁸ Companies and Allied Matters Act 2004 (As Amended); Law of the Federation of Nigeria 2004, Ss. 54–59.

This legal mix-up appears to have emanated from the stable of customary land tenure and Land Tenure Law which regard persons who are non-indigenous to an area as aliens, and thereby cannot obtain valid land titles.⁵⁹ Under these laws, a Nigerian from another part of the country, or outside the village, or community, is a “stranger” who is deemed not entitled to land.⁶⁰ This was inherited by the LUA with a limited limits scope to Nigerians.

b. Issuance of Customary Right

The LUA designated lands in Nigeria to urban and rural lands.⁶¹ While the urban land is to be allocated by the Governor, the rural land is under the local government. Three tiers of government exist in the Nigerian federation, namely, federal, state and local governments. Authorizing a local government to allocate rural lands which consist of arable lands for agriculture has generated a lot of resource control questions. First, by its nature, the local government system is the most inferior tier of government, with powers often circumscribed by the state and federal governments. Struggles to control this tier of governments were the basis of the *AG Lagos State v AGF*⁶² and *AGF v AG Abia State and 36 Ors*,⁶³ and the most recent, *AGF v AG Abia*.⁶⁴ In many cases, the local government is a customary unit, often comprising, in most times, local communities, people of same cultural affiliations and operating the same customary land law. This onerous responsibility of appropriating rural land may be hijacked by communal/family leaders in the local communities or the Governor for selfish interests, thereby depriving Nigerians access to arable lands in the size and quantity required.

The LUA accommodates customary land tenure and its incidents, namely, the continued operations of communal and family ownership of land. Arising from its continued operation, large scale farming and commercial localisation of industries appear difficult in local communities.⁶⁵ In some cases, governments meet resistance in locating public facilities in these areas because of the family/communal land attachments.⁶⁶ An example is the violent dispute on an alleged plan by the Nigerian Army to site a project on the land belonging to Ifon community in Osun State without due consultation.⁶⁷

⁵⁹ Law of Northern Nigeria 1962, S. 9.

⁶⁰ Nmah, “Spiritual Dimension,” 142; Arua and Okorji, *Multidimensional Analysis*.

⁶¹ See Land Use Act 1978, S. 2(a) & (b)

⁶² (2008) 18 NWLR (Pt 904), 125.

⁶³ (2006) NWLR (Pt 764), 264.

⁶⁴ (2024) LPELR-62576 (SC).

⁶⁵ Bola Bamigbola, “Peace Takes Flight as Osun Communities Go to War over Land Dispute,” *Punch*, October 11, 2023, <https://punchng.com/peace-takes-flight-as-osun-communities-go-to-war-over-land-dispute/>.

⁶⁶ Out, *Customary Land Law in Nigeria*, 148; Nwabueze, *Nigerian Land Law*, 107; Bamgbola, “Peace Takes Flight.”

⁶⁷ Bamigbola, “Peace Takes Flight.”

The local government has power to grant customary rights in rural areas, while in actual fact, most of such lands either belong to the crown, the community, the family or allottees who are themselves tenants of the three landlords.⁶⁸ In essence, these lands are communal lands whose continued occupation is recognised by the LUA as deemed grants.⁶⁹ Their rights are indeterminable, if the land is used for agricultural purposes.⁷⁰ Unlike the case of an actual customary grantees whose rights are determinable.⁷¹ Based on this, it may be contended that the Act did nothing to change the ownership structure, except in its recognition of the right of the tenant known as the occupier to become the grantee of deemed customary right based on their possessory right as at the commencement of the Act. Rather than reducing land discrimination, the policy worsened it by sparking violence in the rural communities.⁷²

The restriction on the quantum of land a local government can grant to 500 hectares for agricultural purposes and 5,000 hectares for grazing purposes prevents agricultural expansion and limits the land available for agricultural expansion.⁷³ Processing Governor's consent can be fraughted with unnecessary delays. In *Awojugbagbe Light Industries v Chinukwe*,⁷⁴ it took five whole years to obtain the consent after the conveyancing deed had been perfected. The Supreme Court declared that a transaction which had been concluded and perfected without obtaining the consent was not void but "inchoate".⁷⁵ Any grant more than these must be by the approval of the Governor of the state.

Violent boundary disputes were estimated to have killed up to 676 persons in Nigeria between January 2018 and August 2018 because of land resource related disputes.⁷⁶ Jos Crisis which started more than two decades ago is a land resource disputes⁷⁷. It had led to the deaths of thousands of people and destruction of properties worth several millions of dollars. Other disputes go on daily in rural communities, relating to land. The ongoing farmers/herders' conflicts which appear to have defied solutions commenced as land resource conflict and has spread due to a number of factors including ethnic mistrust from other ethnic/religious groups and

⁶⁸ Land Use Act 1978, S. 36(6).

⁶⁹ Land Use Act 1978, S. 36(2).

⁷⁰ Land Use Act 1978, S. 36(2).

⁷¹ Land Use Act 1978, S. 6(2).

⁷² J.O. Toriola, "The Ife/Modakeke Crisis: An Insider View," *IFE Psychologia* 9, no. 3 (2001): 21–29, <https://doi.org/10.4314/ife.v9i3.23629>.

⁷³ Land Use Act 1978, S. 6(2); *Dzungwe v Gbishe* (1985) 2 NWLR (Pt 5) 528.

⁷⁴ (1995) 4 NWLR (Pt. 390).

⁷⁵ *Awojugbagbe Light Industries v Chinukwe*.

⁷⁶ Punch Editorial, "Finding Solutions to Violent Boundary Disputes," *Punch*, September 28, 2022, <https://punchng.com/finding-solutions-to-violent-boundary-disputes/>.

⁷⁷ Punch Editorial, "Finding Solutions."

the nonchalant attitude of the Federal Government.⁷⁸ Furthermore, over-reliance on the customary right of occupancy granted by the local government could be misleading as it has been held by the Supreme Court in Nigeria that it could not over-ride a deemed customary grant,⁷⁹ unless it was duly revoked as in S. 6(3) of the LUA for public purposes. A second grant, while the deemed grant subsists, is of no effect and any official documentation on the land when the root of title is not good is null and void.⁸⁰

c. Policy of Deemed Grants

As discussed above, the bulk of the land in rural Nigeria falls under the deemed grant. It refers to land under the occupation of the occupier before the Act came into operation. In order to alienate a deemed customary grant, the law is settled that consent of either the Governor or a local government is required depending on the quantum of land, or the purpose for which it has been required.⁸¹ It is apt to state that the provision of Section 21 stipulates that Governor's consent is required for judicial sale and local government for all others. The import of this section appears to be that rural land could be subdivided, upon the due consent. This appears to negate Section 36(5) that forbids deemed customary grant from being subdivided or laid-out in plots. This confusion occasioned by the inherent contradictions in the Act is denying agriculturists and financial institutions the use of rural lands for mortgages.⁸²

Another constraint arising from the LUA is the controversy as to who is entitled to a deemed customary grant between the customary tenant and the landlord. In *Abioye v Yakubu* where the issue came for a decision, the plaintiff sought to explore whether the customary tenant, defined by the Act as occupier could benefit from the provision of Section 36(2) to deny the landlord defined as holder's title. Declaring in favour of the landlord title, Obaseki JSC court stated:

The landlord is the holder under the Land Use Act and the tenant does not come within the definition of holder. Where there is a holder, the tenant, although an occupier, is not entitled to a customary right of occupancy.⁸³

Although this decision saved the institution of the customary tenancy by assuring the landlords that their lands would not be lost to the

⁷⁸ Mujidat Olabisi Salawudeen, "Herdsman and Social Integration Among the People of Southwest, Nigeria" (PhD diss., Ekiti State University, Ado Ekiti, 2019), 201–202.

⁷⁹ See *Titilayo v Olupo* (1991) NWLR (Pt 205) 519.

⁸⁰ *Titilayo v Olupo* (1991); *Dantumbu v Adere & Qrs* (1987) 4 NWLR (Pt 65) 314.

⁸¹ Land Use Act 1978, S. 21 (a) & (b).

⁸² *Abioye v Yakubu* (1991) 5 NWLR (Pt 190) 130.

⁸³ *Abioye v Yakubu*.

intransigent customary tenants, the dust it raised in rural communities of Ife/Modakeke, Ifon /Ilobu and many others are not yet settled.⁸⁴

The Supreme Court in *Savannah Bank v Ajilo* declared that both deemed and actual grants under the LUA have determinable years.⁸⁵ This appears controversial and creates further confusion when viewed against the clear provision of Section 8, which limits Governor's appropriating power only to grants under S. 5(1) (a) (i.e. the actual statutory grant). The section states:

Statutory right of occupancy granted under the provision of section 5(1)(a) of this Act shall be for a definite term and may be granted subject to the terms of any contract which may be made by the Governor and the holder not being inconsistent with the provisions of this Act.

Hence, land users and financial institutions relying on the deemed customary grants are in confusion as to the nature of the grant. More importantly, inconsistent decisions of the Supreme Court on the same subject matter in a plethora of cases does not help the situation.⁸⁶ Based on the uncertain nature of deemed grant, an equitable distribution and administration of land may not be achievable under the Act. Citizens who do not have customary land vested on them find it difficult to access land under the system.

d. Accessing Consent from the Government

To alienate land for use, consent of either the Governor or the local government is required.⁸⁷ The consent sections remain the most controversial portions of the Act governing land use and administration system in Nigeria. A customary right of occupancy cannot be granted to the land users without the consent having been sought and obtained.

This requirement would enable the vendor to take responsibility for the transfer of the land. However, this has generated issues. The vendor in many cases, who procured the consent had challenged its validity in courts. The first decision which attempted to defeat the good intention of ensuring vendor's liability is that of *Savannah Bank (Nig) Ltd v Ajilo* where it was held that the vendor could challenge the validity of the Governor's consent he procured.⁸⁸ Other cases which followed accentuated the confusion.⁸⁹ The decision in *UBN v Ayodare*⁹⁰ allowed the vendor to avoid the transaction. All these contributed to the problem

⁸⁴ Toriola, "Ife/Modakeke Crises."

⁸⁵ (1989) 1 NWLR (Pt 97) 305.

⁸⁶ *Ugochukwu v Co-operative Commerce Bank Ltd* (1996) 6 NWLR (Pt. 456) 524; *Union Bank of Nigeria v Ayodare* (2007) 13 NWLR (Pt 1052) 567 among others.

⁸⁷ Land Use Act 1978, Ss. 21 and 22.

⁸⁸ Land Use Act 1978, Ss. 21 and 22.

⁸⁹ *Ugochukwu v Co-operative Commerce Bank Ltd* (1996), *Union Bank of Nigeria v Ayodare* (2007), among others.

⁹⁰ *Ugochukwu v Co-operative Commerce Bank Ltd* (1996), *Union Bank of Nigeria v Ayodare* (2007), among others.

of access to land in the rural areas, while it may make the land title acquired uncertain and difficult to perfect, for accessing financial support for agricultural enterprises.

3.3. Efforts at Legal Reforms in Land Use and Access

Attempts have been made to ensure that peace and security returns to the rural areas. However, a critical factor to achieving this is the equitable access to land resources by all the stakeholders in the rural economy. This section assesses efforts that have been made to regulate the current system of open grazing. Although these efforts have been variously interpreted by the stakeholders, the real issue that is yet to be addressed is the inability of all rural stakeholders to have access to land resources for sustainable development in food production and poverty reduction.⁹¹

3.3.1. Rural Grazing Area Policy

The Rural Grazing Area (RUGA) policy was formulated by the Nigerian Federal Government in 2018 as a solution to the murderous conflicts between the herdsmen and farmers. It is a settlement project which sought to contain the grazing activities of the herdsmen to a designated grazing colony. The Policy was abruptly suspended on July 3, 2019 because of many objections to it based on the view that the then President Muhammadu Buhari, a Fulani man, wanted to use the Policy to acquire homelands for his ethnic group, in all parts of the federation. Although this view appears sentimental, but the fears of the people appear real, given the historical antecedents of the Fulbe people (Fulani), who are most of the herdsmen, as an itinerant group who overran the entire Kingdoms in the current Northern Nigeria except Bornu and part of Oyo Kingdom in Southern Nigeria in early 19th Century and the perceived current “Fulani/Muslim agenda”.⁹²

Furthermore, the settlements were proposed to be in all states, even where grazing activities were low.⁹³ Apart from the fact that no consultation was held with the stakeholders, the policy appears skewed against farmers who felt unprotected by the location of grazing colonies.⁹⁴

Based on this, farmers in the host communities who had access to the land by their communal affiliations, traditional leaders of the land owing communities and the political leadership in many states are right to have seen the attempt to establish RUGA Policy for the herdsmen as a ploy to assist them to acquire their lands.⁹⁵

⁹¹ David Olagunju, “Grazing Law: Miyetti Allah Issues Threat Demands Apology,” *Tribune Online*, October 22, 2016, <https://tribuneonline.ng/grazing-law-miyetti-allah-issues-threat-demands-apology/>.

⁹² Dele Agekameh, “The RUGA Conundrum,” *Premium Times Opinion*, July 10, 2019, <https://opinion.premiumtimesng.com/2019/07/10/the-ruga-conundrum-by-dele-agekameh>.

⁹³ Agekameh, “The RUGA Conundrum.”

⁹⁴ Agekameh, “The RUGA Conundrum.”

⁹⁵ Akinkuolie Rasheed, “RUGA Farm Settlements: Fulani Herders’ Dilemma,” *The News*, August 21, 2019, <https://thenewsnigeria.com.ng/2019/08/21/ruga-farm-settlements-fulani-herders-dilemma/>.

The policy was finally frustrated by state Governors who refused to grant land for the project in their domains.⁹⁶ The Federal Government that authored the policy did not adequately carry along the federating States. Since only State Governors could grant lands for any project in Nigeria under the LUA, the project was frustrated by some of them who saw it as a land-grabbing policy.⁹⁷ The LUA vests the ownership of all lands in the Governor and the case law is unanimous on this. In *Nkwocha v Governor of Anambra State*, Kayode Eso JSC said:

The tenor of the Act as a single piece of legislation is the nationalization of all lands in the country by the vesting of its ownership in the state leaving the private individuals with an interest inland which is a mere right of occupancy.⁹⁸

The implication of the above is that the Governor, to the exclusion of any other person, has powers over the land situated in the state. The Federal Government cannot acquire any land in the States, as it proposed, without obtaining the approval of the Governors.

The RUGA Policy was however formulated as a settlement-based system for ensuring sustainable peace between farmers and pastoralists. Many states opposed it for political and ethnic reasons.⁹⁹ Hence, rather than considering the solution which the RUGA policy could have brought to land access and security, it was abandoned due to a general lack of support, ethnic mistrust and fear of religious and political domination from the Fulani, whose forebears led the 1804 Jihad that overran most part of the modern-day Nigeria.¹⁰⁰ However, it needs be argued that had the Federal Government embarked on stakeholders' consultation, carried along owners of the lands in the States, the Governors, the policy might have scaled through with minimal resistance.

3.3.2. Policy Reform in States

Reacting to the RUGA Policy, some state governments passed laws to either ban or restrict open grazing.¹⁰¹ These laws were opposed by herders who claimed that their interests in having access to grazing land were not

⁹⁶ Maina Williams Apikins, "The Federal Government of Nigeria's Rural Grazing Area (RUGA) Policy. The Demystification of the Elite's Theory?," *International Journal of Advanced Studies and Public Sector Management* 8, no. 1 (2020): 229–243, <https://internationalpolicybrief.org/wp-content/uploads/2023/10/ARTICLE19-17.pdf>.

⁹⁷ Chidi P. Anene, Theodore O. Iyala, and Nlemchukwu Vivian O., "Failure of Ranching Policies in Nigeria: Proposed Cattle Colony and RUGA Settlement in Perspective," *GWEBUIKE: An African Journal of Arts and Humanities* 6, no. 6 (2020): 103, <https://acjol.org/index.php/iaajah/article/view/564>.

⁹⁸ *Nkwocha v Governor of Anambra State* (1984)6 SC 362.

⁹⁹ Apikins, "The Federal Government."

¹⁰⁰ Anene, "Failure of Ranching Policies," 103.

¹⁰¹ Ekiti, Benue, Ondo and Taraba states, among others passed the laws to ban open grazing.

considered.¹⁰² In those states, rather than bringing rural peace, the rate of violence and insecurity increased.¹⁰³ The laws did not provide any alternative land for herders to graze their livestock.

Anti-grazing laws have received stiff opposition not only from the herdsmen, but also from scholars who fear that the laws might further damage already sour relationships among various ethnic groups in Nigeria.¹⁰⁴ In an empirical study on the impact of the open grazing laws on farmers-herders' conflicts in Nigeria, data has suggested that rather than resolving the conflicts, the laws have increased the intensity of the wars.¹⁰⁵

The anti-open grazing laws have been criticised for contradicting the fundamental human rights of the citizens to live and transact their businesses in any part of the country.¹⁰⁶ The purpose of the anti-grazing laws appear to have been misunderstood by the herdsmen who claimed that the laws were to prevent them from performing their lawful vocation and to that extent, they are null and void.¹⁰⁷ Assuming that the herdsmen have rights to protect under the constitution, they too have duties and obligations not to destroy the farm produce of others to transact their own business. It is, however, early to declare the laws illegal as some Federal High Court decisions have affirmed the right of States to implement the laws in their domains, based on the absolute powers of Governors in Section 1 of the LUA, which is also a part of the constitution by virtue of its Section 315.¹⁰⁸

3.3.3. 1999 Constitution and Non-Discriminatory Access to Land

The 1999 Constitution of the Federal Republic of Nigeria (1999 CFRN) guarantees the rights of all citizens to own property (movable and immovable) in any part of the federation.¹⁰⁹ It equally provides that the property shall not be acquired compulsorily without due regard to the law.¹¹⁰ These provisions are in line with the policy of the State to ensure the freedom of people to move from one part of the country to the other and mobility of goods and services for national integration.¹¹¹ The constitution further makes a policy of securing

¹⁰² Olasunkanmi Akoni, Egun Sessou, and Nelson Alu, "Why We Oppose Anti-Open Grazing Law in Lagos — Miyetti-Allah," *Vanguard*, September 8, 2021, <https://www.vanguardngr.com/2021/09/why-we-oppose-anti-open-grazing-law-in-lagos-miyetti-allah/>.

¹⁰³ Salawudeen, "Herdsmen and Social Integration," 202.

¹⁰⁴ Anthony U., Kingsley C. Ezechi, and Augustina N. Eze, "Farmers-Herders Conflict and Anti-Grazing Laws in Nigeria: Issues and Prospects," *Journal of Liberal Studies* 17, no. 3 (December 2019): 508.

¹⁰⁵ Patrick Hufschmidt and Otum Chukwuma Ume, *Conflicts and Political Intervention: Evidence from the Anti-open Grazing Laws in Nigeria* (Essen: Leibniz-Institut für Wirtschaftsforschung, 2023), <https://hdl.handle.net/10419/274027>.

¹⁰⁶ 1999 Constitution of the Federal Republic of Nigeria, Ss. 41, 42 and 43.

¹⁰⁷ Anthony et al., "Farmers-Herders Conflict."

¹⁰⁸ Federal High Court decisions in Makurdi (2017) and Abuja (2021) Jurisdictions.

¹⁰⁹ 1999 Constitution of the Federal Republic of Nigeria, Cap C23; Law of the Federation of Nigeria 2004, S. 43.

¹¹⁰ 1999 Constitution of the Federal Republic of Nigeria, Cap C23; Law of the Federation of Nigeria 2004, S. 44.

¹¹¹ 1999 Constitution of the Federal Republic of Nigeria, Cap C23; Law of the Federation of Nigeria 2004, S. 14.

full residence rights for every citizen in all parts of the federation. Hence, S. 41(1) of the constitution states:

Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof, no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom.

These constitutional provisions provide that a citizen of Nigeria could acquire land in any area of her/his choice in Nigeria. These provisions are affirmed by the LUA 1978 when it proclaims the Governor of a State, as a trustee of Nigerians on land.¹¹²

Based on these ample provisions, why is it that land is not available for the use of citizens in the country? The discrimination in land use allocation in Nigeria could be traced to lack of transparency in governance, political interests, ethno-religious factors and poverty, among others.¹¹³ In some cases, it takes many years and political influence to get the consent of the Governor for the use of land.¹¹⁴ The period of waiting for government's approval could discourage any credible commercial interest, especially agriculture. More importantly, the constitutional provisions are weakly implemented by the public officials and political leadership.¹¹⁵

3.4. Suggestions for Sustainable Land Access in Rural Nigeria

The LUA, as the most important enactment on land management, control and access in Nigeria requires urgent reforms. First, it should check the arbitrariness of the Governor in the management of land. This would make the Act comply with 1999 CFRN in its provision for fundamental rights to movable and immovable property and the rules of fair hearing on the property of Nigerians.¹¹⁶ The current powers given to the Governor are too wide as he can appropriate and expropriate land with impunity.¹¹⁷ Hence, the eminent domain of the Governor should be whittled down and his actions on land grant, revocation and compensation which had been ousted from court's jurisdiction should be reviewed in a manner that will permit the court to intervene and do justice by submitting his actions to court's jurisdiction.¹¹⁸

Furthermore, the zoning of the territory of each State into urban and non-urban (rural) areas by the LUA should be strictly construed to make it unlawful for the Governor to usurp the power of the local government. Therefore, the National Council of States should henceforth be exercising its oversight function based on the powers conferred on it by section 3 of the LUA and issue guidelines for the Governor's compliance. The failure of this important body to perform its oversight function in

¹¹² Land Use Act 1978, S. 1.

¹¹³ Uwakwe Abugu, *Land Use and Reforms in Nigeria: Law and Practice* (Abuja: Immaculate Prints, 2012), 49.

¹¹⁴ *Awojugbagbe Industries v Chiwukwe* (1995) 4 NWLR (Pt 390) 379 where consent takes five years to be procured.

¹¹⁵ Abugu, *Land Use and Reform*, 49.

¹¹⁶ 1999 Constitution of the Federal Republic of Nigeria, S. 36(1).

¹¹⁷ Land Use Act 1978, Ss. 5, 6, 22 and 28.

¹¹⁸ Land Use Act 1978, S. 47 which ousters the court's jurisdiction on action (s) of the Governor should be removed.

the administration of the LUA has been a constraint on sustainable land use and planning. The non-performance of this body created to regulate the Act has led to abuse of powers and “whimsical interpretation and implementation of the Act.”¹¹⁹

Sections 21 and 22 of the LUA on consent provisions should be reformed to remove administrative bottlenecks, official corruption and waste of time in the exercise which could cripple national economic development. Section 36(5) of the LUA which prohibits alienation of land in non-urban (rural) areas should be expunged to promote agricultural development, mobilise land in rural areas for commerce and industry for overall economic growth. All lands, including those in rural areas, should be transferable and marketable as economic commodities to free up capital to rural farmers for investment in agriculture. Doing this will make land access non-discriminatory to all investors and remove the firm grip of the communal and family holdings which have been delaying growth of the rural economy.

The constitutional provisions¹²⁰ on the rights of Nigerians to real assets, particularly land for diverse use, should be implemented strictly by the government. A situation in which official corruption, primordial ethnic sentiments, national mistrust and religious bigotry would intervene while granting access to the use of land should be eschewed. Strong institutions that will be transparent need to be put in place to monitor citizens’ access to rural lands to fast track economic development and ensuring food security.

Legislative actions¹²¹ from various states on the efforts to put in place grazing policy in Nigeria is in the right direction. Comments from the stakeholders in the agricultural industry, rural communities and the pastoralist group (Miyetti Allah Kauta Hore) have shown mixed reactions to this development.¹²² While farmers and host communities see the new policy direction of the ban on open grazing as a step in the right direction, new laws have vast implications for the Nigerian nation. State laws deprive herders of their rights to have access to land. It is suggested that for rural peace, both farmers and pastoralists should enjoy citizenship rights to live and embark on their vocations in any part of the federation; that both parties should imbibe communal dispute resolution systems that will foster dialogue, cooperation and understanding in the rural communities. Alternative grazing methods that will be inclusive, such as RUGA, should be explored by the states. While there are some modifications and assurances that could take care of ethnic sentiments, RUGA could be a credible way to increase land access to both herders and farmers. Doing this would remove current discrimination in land access. Proclaiming open grazing as illegal while a credible alternative has not been made, is discriminatory and an

¹¹⁹ Abugu, *Land Use and Reform*, 210.

¹²⁰ 1999 Constitution of the Federal Republic of Nigeria, S. 14, 36, 41, 43 and 44.

¹²¹ Ekiti State Anti-Open-Grazing Law No 4 of 2016; Benue State Anti-Open-Grazing Law 2016.

¹²² Azeez Hanafi et al., “Miyetti Allah Threatens Suit As Lagos, Ondo Vow To Defend Open Grazing Law,” *Punch*, October 3, 2021, <https://punchng.com/miyetti-allah-threatens-suit-as-lagos-ondo-vow-to-defend-open-grazing-law/>.

infraction of the rights of the herders to transact their trade and live in order parts of the country.

The government owes citizens a sustainable land policy that would promote non-discriminating land access. This will stabilise the economy, ensure food security and redistribute income. Without this, no meaningful development can take place. To this end, the Federal Government is advised to propose an executive bill to the National Assembly on the formulation of a national grazing policy that will be binding on all parts of the federation. For its effective implementation, the powers to enforce it should be vested in the Governors, as it is in the case of the LUA 1978. However, unlike LUA, the exercise of these powers should be subject to the supervision of the courts.

The LUA is the major enactment on land in Nigeria. It unifies all other tenure systems operating prior to it. It created the trusteeship of the Governor on all land matters. The allocation of the rural lands devolves on the local government, but this power could be taken over by the Governor any time. The court is barred from inquiring into the exercise of these powers which are absolute.¹²³ This clearly is *ultra vires* the 1999 CFRN. To the extent of its contradiction, Section 47 of the LUA is null and void. It is recommended that it should be expunged from the Act.

Land use and planning requires approval. This should be timeous and predictable. Undue delays in procuring Governor's or local government's consent breeds injustice, frustration and lack of transparency. This process should be reformed. The drafting of Ss. 21 and 22 of the LUA on consent should be reviewed to make it less cumbersome. This is expected to open arable lands for economic development.

To ensure that rural land is available for sustainable use and non-discriminating access, section 36 of the LUA on deemed grant of customary rights of occupancy should be amended in such a way as to clarify the position of the "holder" as landlord and "occupier" as customary tenant, in their entitlement to the customary right of occupancy. The position of the Supreme Court in *Abioye v Yakubu*¹²⁴ could serve as the basis of this statutory reform. The nature of deemed grantee under the section should be made certain by clarifying the conditions under which affected lands could be partitioned. As it is now, the occupiers are not sure of their tenure, their rights and privileges. Also, having adopted customary land principles of land use, the Act should be amended to introduce necessary reforms, instead of the present blanket statement of making the laws preceding it conform with its principles with necessary modifications.¹²⁵

Nigeria as a federation needs to put in place institutional framework for social integration. An existing institution, the National Orientation Agency, could be saddled with the additional duties of social integration and enlightenment on communal peace to foster rural peace.

¹²³ Land Use Act 1978, S. 47.

¹²⁴ Land Use Act 1978, S. 47.

¹²⁵ Land Use Act 1978, S. 4.

Finally, a plural nation like Nigeria requires government assisted traditional arbitration institutions in the rural areas to ensure peace. Traditional political institutions such as kings and emirs in rural community could be harnessed for this assignment.

4. CONCLUSION

Nigeria is a country blessed with abundant arable lands suitable for farming and pastoralism. The land is, however, not available for economic development due to several factors which have been discussed above. Various legal regimes regulating land use were examined. It is argued that access to land should be unencumbered with legal technicalities and official delays, if the nation is to achieve food security, rural peace and sustainable economic development. Land as a critical factor of production deserves to be made accessible to anybody who needs it for developmental purposes.

The anti-open grazing laws passed by some southern and middle belt states (notably Ekiti and Benue states) among others would further exacerbate the problems of social integration. Rather than banning open grazing, legal and institutional reforms that would promote nationhood and land access should be formulated. The current anti-open grazing laws have failed in this regard.

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