



LEGAL ANALYSIS OF LAND ACQUISITION AND USE: IMPLICATIONS FOR SUSTAINABLE FOOD AND SURVIVAL IN NIGERIA

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ABSTRACT

Land is a fundamental resource for agricultural production, economic development and human survival in Nigeria. This paper examines the legal framework governing land acquisition and use, particularly the Land Use Act 1978 and the 1999 Constitution, and its implications for sustainable food production and human survival. It analyses the powers of government to acquire land for public purposes, compensation for compulsory acquisition, customary land tenure and the challenges of land-use conversion. The paper argues that indiscriminate acquisition and conversion of agricultural land can undermine farmers' livelihoods, agricultural productivity and food security, and identifies inadequate compensation, insecure tenure and bureaucratic land administration as key obstacles. It recommends reform of the Land Use Act, improved compensation, recognition of customary rights and stronger environmental regulation, and concludes that equitable land governance is essential to sustainable food production and the survival of present and future generations in Nigeria.

KEYWORDS: Land, Land Use Act, Compulsory Acquisition, Compensation and Food Security

1. INTRODUCTION

Land is one of the most important natural resources in Nigeria. It is the foundation upon which agriculture, housing, industry, infrastructure, transportation and other economic activities are carried out. More importantly, land remains indispensable to food production because virtually all forms of crop cultivation, livestock production and many related agricultural activities depend upon access to suitable land. Consequently, the manner in which land is acquired, administered and utilised has significant implications for food security, livelihoods and the survival of the Nigerian population. The legal framework governing land in Nigeria is principally founded on the Land Use Act 1978, which places all land comprised in the territory of each State, except land vested in the Federal Government or its agencies, in trust for the common use and benefit of all Nigerians.¹ The Act consequently gives the Governor extensive powers over the control and administration of land. While the centralisation of land administration was intended to make land more accessible and facilitate planned development, its operation has generated significant concerns relating to compulsory acquisition, compensation, security of tenure, access to agricultural land and conversion of agricultural land to non-agricultural uses.

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¹Land Use Act 1978, s 1.



The relationship between land law and food security is particularly important in contemporary Nigeria. Food insecurity cannot be addressed solely through agricultural policies or food importation. It also requires a legal and institutional framework that protects access to productive land, promotes secure tenure and discourages unnecessary conversion or destruction of agricultural land. The Food and Agriculture Organization (FAO) recognises that equitable access to land and tenure security are fundamental to sustainable food systems because secure tenure encourages farmers to invest in long-term and sustainable production.² The Nigerian Constitution recognises the right of every citizen to acquire and own immovable property anywhere in Nigeria and places constitutional limitations upon compulsory acquisition.³ However, the constitutional protection must be examined alongside the Land Use Act and environmental laws, because land acquisition and utilisation involve competing interests between private property rights, agricultural production, infrastructure development, urbanisation, industrialisation and environmental protection. This paper therefore examines the legal framework governing land acquisition and use in Nigeria and analyses its implications for sustainable food production and human survival. It argues that although the existing legal framework provides mechanisms for public acquisition and regulation of land, weaknesses in tenure security, compensation, land administration, enforcement and land-use planning can undermine agricultural productivity and consequently threaten food security and sustainable livelihoods.

2. CONCEPTUAL CLARIFICATIONS

An understanding of the legal and developmental issues examined in this paper requires prior clarification of the key concepts employed, namely land, land acquisition, land use, food security and sustainable development. These concepts are closely related but are not synonymous, and each carry distinct legal and practical implications for the discussion that follows.

2.1 Land

Land is as an immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, the space above and below the surface, and everything growing on or permanently affixed to it.⁴ This definition is consistent with the statutory position, as the Interpretation Act provides that land includes any building and any other thing attached to the earth or permanently fastened to anything so attached, but does not include minerals.⁵

The Supreme Court of Nigeria has adopted a similarly broad approach. In *Salami v Gbodoolu*,⁶ Adio JSC observed that the word 'land', in its ordinary meaning, refers to any ground, soil or earth,

²Food and Agriculture Organization of the United Nations, 'Tenure of Land, Fisheries and Forests', noting that equitable access to land and tenure security are fundamental to sustainable food-system transformation and food security.

³Constitution of the Federal Republic of Nigeria 1999 (as amended), s 43.

⁴U Frank-Igwe and C I G Agwor, 'A Re-examination of the Jurisprudence and Sale of Family Land in Nigeria'[2023] *Journal of Private and Property Law*, RSU 19(1) 54.

⁵ Interpretation Act 1964, s 78.

⁶ (1997) 4 NWLR (Pt 499) 277 (SC).



or the solid part of the earth's *surface*, as distinguished from the sea.⁷ Land is one of the most important natural resources in Nigeria, forming the foundation upon which agriculture, housing, industry, infrastructure and transportation are carried out. Because virtually every form of crop cultivation and livestock production depends on access to suitable land, it is properly regarded not merely as property but as a productive and ecological resource on which food security and human survival depend.

2.2 Land Acquisition

Land acquisition, in its compulsory form, is the exercise by which the government uses its statutory power to acquire private land, for a purpose recognised by law as being in the public interest.⁸ More broadly, acquisition may also occur voluntarily through sale, lease, gift, inheritance or allocation. In Nigeria, government acquisition of land is principally regulated by the Land Use Act 1978, which vests all land in each State, except land vested in the Federal Government or its agencies, in the Governor to hold in trust for the use and benefit of Nigerians.⁹

2.3 Land Use

Turner and others describe land use as involving both the manner in which the physical attributes of land are manipulated and the underlying intent of that manipulation, namely the purpose for which the land is put to use.¹⁰ Applied to the Nigerian context, land use concerns the manner in which land is utilised or developed for particular purposes, whether agricultural, residential, commercial, industrial, infrastructural, conservational or recreational. Proper land-use planning requires land to be utilised in a manner consistent with planning laws, environmental standards and the interests of present and future generations, so that present development does not destroy the capacity of land to support those who come after.

Acquisition and use are therefore closely connected: acquisition confers on a person or institution the right or interest necessary to utilise land, while land use determines how that land may lawfully and beneficially be utilised. In Nigeria, the Governor has power under the Land Use Act to grant rights of occupancy and to control the use and development of land. Uncontrolled acquisition, land speculation, indiscriminate conversion of agricultural land and improper development may reduce agricultural productivity, cause environmental degradation and threaten food security, so that land policies should balance the need for economic development and infrastructure with the protection of agricultural land, environmental resources and the rights of affected landholders.

⁷*Salami v Gbodoolu* per Adio JSC.

⁸R W James, *Nigerian Land Use Act, Policy and Principles* (Unife Press, 1987) 33.

⁹Land Use Act 1978, s 1.

¹⁰B L Turner II, D Skole, S Sanderson, G Fischer, L Fresco and R Leemans, *Land-Use and Land-Cover Change: Science/Research Plan* (IGBP Report No 35, Stockholm, 1995) 20.



2.4 Food Security

Food security was authoritatively defined at the 1996 World Food Summit as a condition in which all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.¹¹ Food security accordingly depends not only on the availability of food but on stable and continuous access to the productive resources, principally land, needed to grow it. The connection between land and food security is direct: where farmers are uncertain about their continued possession of land, they may be reluctant to invest in irrigation, soil improvement, tree crops, conservation practices and other long-term improvements, whereas secure tenure encourages such investment and enables rural households to make autonomous decisions concerning production and natural resources.¹² Land acquisition therefore becomes a food-security issue when agricultural land is compulsorily acquired, converted to urban or industrial purposes, degraded through inappropriate use, or made inaccessible to farmers through excessive administrative or financial barriers.

2.5 Sustainable Development and Survival

Sustainable development is most widely defined, following the Brundtland Commission, as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.¹³ Applied to land, it requires that present acquisition, conversion and exploitation of land does not permanently destroy its capacity to support agriculture, livelihoods and ecological balance for those who come after. Land is, in this sense, central to human existence, since it is from land that individuals and communities derive the essentials of survival, including food, shelter and other means of livelihood.¹⁴ 'Survival', in the context of this paper, therefore refers to the continued ability of individuals, households and communities to sustain life, livelihood and wellbeing through access to land and the resources it provides. Read together, these concepts frame the central inquiry of this paper: whether Nigeria's legal framework for land acquisition and use adequately safeguards food production and human survival, both now and for the future.

3. LEGAL FRAMEWORK GOVERNING LAND ACQUISITION IN NIGERIA

3.1 The Constitution of the Federal Republic of Nigeria 1999

The Constitution provides an important foundation for property rights in Nigeria. Section 43 provides that every citizen of Nigeria has the right to acquire and own immovable property

¹¹ World Food Summit, Rome Declaration on World Food Security (FAO, 1996) para 1.

¹² FAO, 'Tenure of Land, Fisheries and Forests'(n 2). FAO notes that tenure security encourages investment and supports sustainable production.

¹³ World Commission on Environment and Development, *Our Common Future* (Oxford University Press, 1987) 43.

¹⁴ A K Otubu, 'Land Reforms and the Future of Land Use Act in Nigeria'[2007-2010] *Nigerian Current Law Review* (NIALS), noting that land is central to human existence and that it is from land that man derives the essentials of survival, including food, fuel, clothing, shelter and medication.



anywhere in Nigeria.¹⁵ This provision establishes property ownership as a constitutionally recognised right.

However, the right is not absolute. Section 44(1) provides that no movable property or interest in immovable property shall be compulsorily taken possession of, or compulsorily acquired, except in the manner and for the purposes prescribed by law. The Constitution also requires the payment of prompt compensation and gives affected persons access to a court or tribunal for the determination of their interests and the amount of compensation to which they are entitled.¹⁶ These provisions are significant because compulsory acquisition can directly affect agricultural land and therefore the livelihood of farmers. Government cannot simply take productive agricultural land without complying with the applicable legal requirements.

3.2 The Land Use Act 1978

The Land Use Act is the principal legislation regulating land tenure and administration in Nigeria. Section 1 vests all land comprised in the territory of each State in the Governor of that State, to be held in trust and administered for the common use and benefit of all Nigerians.¹⁷ The Act distinguishes broadly between statutory and customary rights of occupancy. Under section 5, the Governor has power to grant statutory rights of occupancy over land. Under section 6, Local Government authorities have powers relating to customary rights of occupancy over land in non-urban areas, subject to the provisions of the Act.¹⁸

The system was intended to simplify land administration, prevent speculative accumulation and make land available for development. However, the concentration of powers in government has also produced difficulties. Excessive bureaucratic procedures, delays in obtaining consent and difficulties in obtaining certificates of occupancy can discourage investment and weaken the ability of farmers to use land as an economic asset.

3.3 Compulsory Acquisition under the Land Use Act

The Land Use Act empowers the Governor to revoke a right of occupancy on the ground of overriding public interest.¹⁹ Public purposes include requirements for public facilities, infrastructure and other purposes recognised by law. Although compulsory acquisition may be justified where genuinely necessary for public development, the exercise of the power becomes problematic where agricultural land is acquired without adequate consideration of food-production needs. A highway, housing estate, industrial project or other development may provide public

¹⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 43.

¹⁶ *ibid*, s 44(1). The provision requires compulsory acquisition to be carried out pursuant to law and provides for prompt compensation.

¹⁷ Land Use Act 1978, s 1.

¹⁸ *ibid*, s 5 and s 6.

¹⁹ *ibid*, s 28.



benefits, but if productive farmland is unnecessarily destroyed without replacement or adequate livelihood restoration, the acquisition may produce significant social and economic consequences.

The principle should therefore be that public acquisition must be necessary, proportionate, transparent and accompanied by adequate compensation and, where appropriate, livelihood restoration.

4. COMPENSATION FOR COMPULSORY ACQUISITION

Compensation is a central safeguard against arbitrary deprivation of land, seeking to balance the government's power to acquire land for public purposes with the legitimate interests and economic rights of persons whose interests in the land are affected. Sections 29 to 33 of the Land Use Act contain provisions relating to compensation following revocation of rights of occupancy,²⁰ and are intended to ensure that persons whose interests are affected by compulsory acquisition are not left without legal remedy. Where a right of occupancy is revoked for overriding public interest, the affected holder may be entitled to compensation in accordance with the Act; the amount and nature of compensation generally depend on the interest affected and the improvements existing on the land. Compensation may cover the value of unexhausted improvements on the land, such as buildings, structures and crops, rather than necessarily the market value of the land itself, and such improvements are assessed in accordance with the applicable statutory provisions.

The purpose of compensation is to ensure that compulsory acquisition does not impose an unfair financial burden on the affected person, thereby promoting fairness, justice and confidence in the exercise of governmental powers. Where agricultural land is taken, however, the farmer may lose not merely the physical land but also crops, trees, structures, access to water, farming infrastructure and a source of livelihood.

Nevertheless, the Nigerian compensation regime has attracted criticism because it may not always reflect the contemporary economic value of the land or adequately address the wider economic consequences of displacement suffered by affected landholders. There have consequently been calls for reform to make compensation more realistic, prompt and equitable.

5. LAND ACQUISITION AND SUSTAINABLE FOOD PRODUCTION

Sustainable food production requires continuous access to productive land and natural resources. The law governing land must therefore be understood not merely as property law but also as an important component of agricultural and food-security policy.

The implication of insecure land tenure is reduced investment. A farmer who is uncertain about retaining possession of land may avoid making long-term investments in irrigation systems,

²⁰Land Use Act 1978, s 29–33.



permanent crops, soil fertility, drainage and conservation. Secure tenure, by contrast, provides incentives for farmers to improve productivity and preserve land resources. FAO expressly recognizes that tenure security facilitates investment in sustainable production and improves rural livelihoods.²¹ Similarly, inappropriate conversion of agricultural land can reduce the country's productive capacity. Urban expansion, industrial development, road construction, mining and real-estate development may consume agricultural land. While development is necessary, uncontrolled conversion may reduce the amount of land available for food production. In the same view, land fragmentation can affect agricultural productivity. Where agricultural holdings are divided into small and uneconomic parcels, mechanization and commercial farming may become difficult. The legal framework should therefore promote rational land management while respecting legitimate customary and family interests. A most worrisome concern is environmental degradation. Sustainable agriculture depends on healthy soil, water and ecosystems. Land degradation, erosion, flooding, pollution and deforestation can reduce agricultural productivity and compromise future food production. Nigeria's environmental regulatory framework therefore complements land law. The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 gives NESREA responsibilities concerning environmental protection, biodiversity conservation and sustainable development of Nigeria's natural resources.²²

The National Environmental (Soil Erosion and Flood Control) Regulations 2011 also seek to control activities that contribute to erosion and flooding and to promote protection of ecosystems.²³ Effective enforcement of these laws is important because land that is legally available but environmentally degraded may no longer be capable of supporting sustainable agriculture.

6. LAND USE CONVERSION AND FOOD SECURITY

One of the most significant challenges facing sustainable food production in Nigeria is the conversion of agricultural land to non-agricultural uses. Nigeria's rapid population growth and urbanization have increased demand for residential estates, commercial centers, roads, industries and other infrastructure.

Conversion is not necessarily unlawful or undesirable. Indeed, economic development requires infrastructure and urban growth. The legal challenge is how to ensure that development takes place in a manner that does not unnecessarily undermine agricultural production and ecological sustainability. Land-use planning should therefore identify and protect strategic agricultural zones. Governments should undertake agricultural land assessments before approving large-scale

²¹FAO, 'Tenure of Land, Fisheries and Forests'(n 2).

²²National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, s 1–2.

²³National Environmental (Soil Erosion and Flood Control) Regulations 2011, SI No 12 of 2011. The Regulations seek to control erosion, flooding and sedimentation and to protect vulnerable ecosystems.



conversion. Where conversion is unavoidable, affected communities should be meaningfully consulted and appropriate compensation and resettlement measures should be provided.

The need for careful land-use governance is recognised internationally. FAO notes that effective land governance requires rules and processes for deciding access to land and its use, as well as mechanisms for resolving competing interests.²⁴ It further emphasises the importance of protecting legitimate tenure rights, particularly those of smallholder farmers, women and rural communities. There is a need for effective land-use planning and enforcement of planning and environmental laws to protect prime agricultural land. Government should also encourage sustainable urban development, proper zoning, compensation for affected farmers and policies that discourage unnecessary conversion of agricultural land.

7. CUSTOMARY LAND TENURE AND AGRICULTURAL PRODUCTION

Customary land tenure remains highly significant in Nigeria, especially in rural communities where agricultural activities are carried out. Although the Land Use Act introduced a unified statutory framework, customary practices continue to influence access, inheritance, allocation and use of land.

Customary tenure may provide social security and facilitate access to land within communities. However, it can also produce uncertainty where rights are undocumented or where disputes arise concerning family, communal or individual interests. The absence of documentation may also make it difficult for farmers to use land as collateral for formal credit. Research on land acquisition and livelihood security in Nigeria has identified poor documentation, bureaucratic bottlenecks, high registration costs and weak land markets as significant problems affecting access to land and agricultural investment.²⁵ The solution should not necessarily be the complete abolition of customary tenure. Rather, Nigeria should improve the recognition, documentation and protection of legitimate customary interests while ensuring that registration processes are affordable, accessible and transparent.

8. IMPLICATIONS FOR THE SURVIVAL AND LIVELIHOOD OF NIGERIANS

The significance of land extends beyond agricultural production. For millions of rural households, land represents a source of food, employment, income, shelter and social identity. Loss of agricultural land may therefore result in unemployment, poverty, displacement and increased dependence on purchased food. Where farmers lose access to land without adequate compensation or alternative livelihood opportunities, compulsory acquisition may deepen poverty rather than

²⁴FAO, 'Land Governance and Planning', explaining that land governance concerns the rules, processes and institutions governing access to and use of land and the management of competing interests in land and natural resources.

²⁵'Land Acquisition and Use in Nigeria: Implications for Sustainable Food and Livelihood Security', identifying bureaucratic bottlenecks, high registration costs, weak land markets, poor documentation and policy inconsistency as challenges affecting land access and food security in Nigeria.



promote development. The consequences can extend to food prices, because reduced domestic agricultural production may increase dependence on food imports. Land tenure security is consequently an important element of poverty reduction. FAO identifies secure and equitable access to land as integral to food security and livelihoods, particularly for rural households that depend heavily upon land and natural resources.²⁶

Women also require particular consideration. In many rural communities, women participate significantly in agricultural production but may experience weaker access to land and decision-making. Land policies should therefore promote equality in access to land and ensure that women are not indirectly excluded from agricultural opportunities.

9. CHALLENGES IN THE EXISTING LEGAL FRAMEWORK

1 Excessive Bureaucracy

Land administration in Nigeria can involve complex procedures, multiple government offices and significant delays. Such bureaucratic difficulties discourage formal registration and may encourage informal transactions.

2 Inadequate Compensation and Limited Access to Agricultural Credit

The compensation regime may fail to reflect the full economic consequences of losing agricultural land and should take account of productive investments and livelihood disruption. This is compounded by the fact that where land rights are insecure or undocumented, farmers may find it difficult to use their interests in land to obtain formal credit, limiting their ability to acquire machinery, improved seeds, irrigation facilities and other inputs necessary for sustainable production.

3 Weak Enforcement and Inadequate Land-Use Planning

Nigeria possesses several laws and regulations dealing with land, environment and development, but enforcement remains a major challenge, particularly since degraded agricultural land cannot support sustainable food production. This is compounded by uncoordinated urban expansion and conversion of agricultural land, which may further undermine food production; land-use planning should therefore incorporate food-security considerations alongside stronger environmental enforcement.

4 Insecurity and Displacement

Farmers require not only legal access to land but also the practical ability to use it. Where insecurity prevents farmers from accessing their farms, legal title alone cannot guarantee food production.

²⁶FAO, 'Tenure of Land, Fisheries and Forests'(n 2), noting the importance of secure and equitable access to land for food security, livelihoods and poverty reduction.



Land policy must therefore operate alongside effective security, agricultural and rural-development policies.

5 Judicial Perspective

Nigerian courts have consistently treated the Land Use Act as the principal legislation governing interests in land. In *Ogunleye v Oni*,²⁷ the Supreme Court examined the nature of rights under the Land Use Act and affirmed the importance of statutory provisions governing rights of occupancy.²⁸ Similarly, in *Osho v Foreign Finance Corporation*,²⁹ the Supreme Court considered the nature and effect of interests in land under the Land Use Act.³⁰ These decisions demonstrate the central position of the Act in determining rights over land.

However, judicial protection alone cannot solve the broader food-security problem. Litigation is often expensive and time-consuming, particularly for rural farmers. Effective land administration, accessible dispute-resolution mechanisms and transparent acquisition procedures are therefore necessary complements to judicial remedies.

10 INTERNATIONAL AND REGIONAL LEGAL CONSIDERATIONS

Nigeria's land policy should also be considered within the broader international human-rights framework. Article 11 of the International Covenant on Economic, Social and Cultural Rights recognizes the right to an adequate standard of living and the fundamental right to be free from hunger. The right to adequate food has direct relevance to land, because access to productive resources is an important means through which individuals and communities produce food and sustain livelihoods. The African Charter on Human and Peoples' Rights also contains provisions relevant to property, development and the protection of peoples' economic and social interests. Nigeria, as a State Party to the African Charter, should interpret domestic land policies consistently with its regional human-rights commitments.

The FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests provide internationally accepted principles for responsible tenure governance. Their objectives include food security, sustainable livelihoods, poverty reduction, environmental protection and sustainable development.³¹ Although the Guidelines are not a Nigerian statute, they provide useful standards for evaluating Nigerian land policies.

²⁷(1990) 2 NWLR (Pt 135) 745 (SC).

²⁸ *ibid.*

²⁹(1991) 4 NWLR (Pt 154) 342 (SC).

³⁰ *ibid.*

³¹FAO, Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO, 2012).



11. CONCLUSION

Land acquisition and use in Nigeria raise important legal, economic, environmental and human-rights questions. The Land Use Act provides the central framework for land administration and gives government extensive powers to regulate and acquire land for public purposes. The Constitution simultaneously protects property rights and requires lawful procedures and compensation for compulsory acquisition. The central problem is therefore not the existence of government power to acquire land but the manner in which that power is exercised. Where agricultural land is acquired without adequate justification, fair compensation, consultation or livelihood restoration, the consequences can extend beyond individual property rights to food production, rural employment and national food security. Sustainable food production requires secure access to productive land, responsible land governance, environmental protection and long-term investment. Nigeria's land laws must consequently be interpreted and reformed in a manner that balances development with the protection of agricultural resources. Secure and equitable land tenure, improved compensation, effective land-use planning, recognition of customary rights and stronger environmental enforcement are essential to ensuring that land remains capable of supporting present and future generations.

Ultimately, the legal regulation of land acquisition and use should pursue a broader constitutional and developmental objective: land should be administered not merely for immediate economic development, but in a manner that protects food production, livelihoods, environmental sustainability and the survival and welfare of present and future generations of Nigerians.

11. RECOMMENDATIONS

1. The Land Use Act should be comprehensively reformed to reduce unnecessary bureaucratic procedures, improve transparency and strengthen the protection of legitimate land interests, and compensation for compulsory acquisition should be improved so that assessments reflect not only the bare value of land but also crops, improvements, agricultural investments and reasonable livelihood-restoration costs.
2. Agricultural land of strategic importance should receive stronger protection through proper land-use planning. State governments should establish land-use plans that identify productive agricultural zones and prevent unnecessary conversion, and environmental impact assessment should be integrated into major development projects before large-scale conversion is approved.
3. Customary land rights should be systematically documented through a simple and affordable land-registration system, and agricultural credit institutions should develop financing schemes compatible with customary as well as statutory tenure, so that farmers are not excluded from credit merely because their interests are undocumented.



4. Land acquisition should be preceded by meaningful consultation with affected communities, with adequate notice, an opportunity to challenge acquisition decisions and access to independent mechanisms for determining compensation. Government should also promote agricultural land banks and long-term leasing arrangements that give farmers secure access to productive land.
5. Special attention should be given to women and other vulnerable groups in land administration, and land policy generally should be integrated with Nigeria's broader food-security, environmental, agricultural and rural-development policies, since land is not merely a commodity for development but also a productive ecological resource and a foundation of human survival.