



## RENTIERISM, LAND GRABBING AND THE RIGHTS OF THE NIGERIAN INDIGENOUS COMMUNITIES

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### Abstract:

This paper examined the linkages between rentierism, land grabbing and the rights of indigenous communities in Nigeria. It noted that due to the negative impacts of climate change or global warming, writ large on agricultural production across the universe; foreign governments especially from industrialized nations, transnational corporations, pension funds, cooperatives, wealthy individuals, and others, are now in the practice of buying up or leasing large expanse of land (forest), which they clear for large scale industrial agricultural plantation. Designed as a desk study, it made use of secondary data and as such applied the content analysis method of data analysis. It noted that apart from violation of the rights of indigenous people, deforestation also serve as a major contributor of global greenhouse gas emissions. Hence, commercial interests take precedence over environmental and social-cultural rights of the people.

**Keywords:** Rentierism, land grabbing, human rights, Nigeria and indigenous people

### Introduction

Much has been written about the rentier character of the Nigerian State. Indeed, the heavy dependence of the country on oil proceeds as benchmark for funding its annual budgets and projection for national development, attests to this. For instance, the country in the last three decades generated about US\$500 billion in petroleum exports, much of which accrued as revenue to the federal government and has resulted in rent seeking behavior (Anugwom, 2011). While studies on Nigeria rentier state have primarily focused on oil and gas production, this study argues that hiding under the cloak of tapping into the United Nations (UN) carbon trading mechanisms specifically, Reducing Emissions from Deforestation and forest Degradation (REDD and REDD+) programmes in addition to attracting foreign investments in agriculture, encourage land grabbing in the country. With climate change compounding the situation, countries facing crisis of internal food production now produce food abroad (in other countries) to meet the nutritional requirements of their populace, in addition to the need to switch from fossil fuel to biomass (agrofuel and biofuel) (Mychalejko, 2016). To this end, domestic and foreign investors (individuals, cooperate bodies, trust funds and governments) are now in the business of purchasing large expanse of land for production of crops either for food or fuel that they sell at the international market, as well as for carbon trading (Friends of the Earth Europe, 2010). On this note, lands that were of little interest a while ago are now being sought by international investors to the tune of hundreds of thousands of hectares (Cotula, Vermeulen,





Leonard and Keeley, 2009). Accordingly, a 2010 World Bank report estimated that 37 percent of this land is used for food crops, 21 percent for cash crops and 21 percent of biofuels (Plumer, 2016).

Interestingly, these land deals are often transacted and contracted between investors (both domestic and foreign) and governments, since it owns and controls all land based on the provisions of the 1978 Land Use Act, which is the grand norm governing the administration of land in the country. Consequent upon this, individuals and communities across the country are hardly consulted or represented in land deals involving the state or its agents. While, entering into these deals, the government only sees direct investment as means of economic growth/development. Most especially the rent it generates from concession, lease or sale of the country's natural resources/asset without considering the impact of such an action on the citizens. Arising from this, the number of land deals contracted in Nigeria in recent decades had ballooned from few plots of lands to over hundred thousand hectares. In this wise, the Friends of Earth for Africa and Friends of Earth for Europe (2010) note that land acquisitions by the state (specifically the state-owned Nigerian National Petroleum Corporation [NNPC]) using foreign capital and expertise are estimated to amount to 100,000 ha. In accordance with the above assertion, Onoja and Achike (2015) observe that the country is selling off arable lands to foreign investors prospecting in biofuels production to the extent of losing greater than 136,000 ha of land from eight (8) land deals.

Although, the Nigerian rentier state and its apologists have argued times without number that there are lots of benefits inherent in land deals such as increasing of capital inflows, increase in government revenue, employment opportunities and infrastructural development to local host communities; however, experiences across Nigeria where these land investors operate suggest otherwise. This is demonstrated in the activities of Wilmer International in Cross River State; Lee Group of Companies in the four states of Bauchi, Jigawa, Kano and Niger as well as Dominion Farms in Taraba State, Okumu oil palm plantation in Edo State, among others. In fact, contrary to anticipated and advertised developmental gains of foreign land investors to communities; their activities are threatening the rights and survival of these indigenous communities. It was the need to address this problem that gave birth to this study.

The aim of this study is not to provide comprehensive details of land grab deals in Nigeria. Rather, it intends to demonstrate with selected practical instances where and how the rent seeking behaviour of the Nigerian State (Federal and State inclusive) have facilitated land acquisition processes by both domestic and foreign investors which by all standards, amount to land grabbing. The analysis will attempt to identify cases of land grabbing in the country and how it affects/undermine the rights of the indigenous communities in the country; a situation that threatens their very existence.

## Perspective on rentierism

Rentier State Theory (RST) is a political economy theory that seeks to explain state-society relations in states that generates substantial proportion of its national revenues or income from rents, or externally-derived, unproductively-earned payments. This theory was first postulated by Hossein Mahdavy in (1970). Rent as used in this study denotes earnings originating directly from selling natural resources rather than from production (Marshall cited by





Beblawi 1990). It often comes in form of royalties or other payments for oil and gas exports. Other income such as fees and aid typically are considered rents as well. Rentierism is linked to the emergence of weak states in two ways: Firstly, a high level of rentierism will negatively affect the function of the modern state to represent its citizens (representation function). The existence of a rentier state serves as a strong impediment to democratic rule and pluralistic institutions (Luciani 1994 and Ross 2001). Secondly, a high level of rentierism positively affects the function of the modern state in providing welfare and wealth to its citizens. The high level of wealth and welfare allocation in rentier states has led to an implicit social contract that substitutes political rights for state-provided welfare and to the cooptation of strategic social groups (Schwarz, 2007). In a rentier state, outside earnings do not go directly to members of the society the way they do for example when guest workers make remittances, but a narrow elite, the government in fact, controls their distribution.

Accordingly, Beblawi and Luciani (1990) gave four essential characteristics that define a rentier state as:

- if rent situations predominate.
- if the economy relies on a substantial external rent – and therefore does not require a strong domestic productive sector.
- if only a small proportion of the working population is actually involved in the generation of the rent.
- if perhaps most importantly, the state government is the principal recipient of the external rent.

While many states export resources or license their development by foreign parties, rentier states are characterized by the relative absence of revenue from domestic taxation, as their naturally occurring wealth precludes the need to extract income from their citizenry. As its most basic assumption, RST holds that since the state receives this external income and distributes it to society, it is relieved of having to impose taxation, which in turn means that it does not have to offer concessions to society such as democratic bargain or development strategy. This is exemplified in the Nigerian situation. The rentier state theory is thus premised on three basic planks:

1. that rentier states do not rely on taxation for income and thus are released from democratic obligations,
2. that the state spends [oil] revenue on placating and repressing its population,
3. that the social structure in rentier states leaves very little room for democratic opposition (Sandbakken 2006, Di-John 2007).

As a tool for political analysis, the rentier state theory as applied in this study helps in the explication of the relationship between rentierism and human security in indigenous communities in Nigeria.

This clearly shows that the state and the economy are totally dependent on external oil rents without getting involved in the actual process of oil exploration. We get substantial national revenue from the outside world on a regular basis from resource wealth like oil and other mineral deposits by renting it to foreign clients. This cheap money makes the state independent from its society and unaccountable to its citizens (Bámidélé, 2017). As a result, the government is more concerned with the continuous harvest of these external rents even at the risk of being detached





from the citizens whose security and wellbeing is its primary responsibility. This explains why the Nigerian State are more interested in the selling and leasing of large expanse of lands and forests to land investors irrespective of whatever negative effects it will have on the communities. This shows why the rentier Nigerian state acting through its coercive apparatus will readily intervene on the part of land investors (especially foreign investors) against its citizens (indigenous communities) whenever and wherever they are in conflict. The protests of communities in Bauchi, Cross River, Edo, Jigawa, Kano, Niger, and, Taraba and others, depict the negative impacts of a rentier state in relations to its people.

The rentier state theory describes a state that derives all or a substantial portion of its national revenue from the rent of indigenous resources to external clients. In such political system, the state is often undemocratic and authoritarian both in nature and in character. The above explanation plays itself out in the Nigerian situation where the government does not consider the interest and well being of citizens in the process of policy formulation and implementation. It does not bother to involve the communities/people whose lives and future it negotiates away. Thus, communities whose land and forests the government lease or sell are neither represented around the negotiation table nor consulted in order to solicit their Free Prior Informed Consent (FPIC). This is because, since the state does not rely on the people's tax for revenue needed to finance its projects or their vote to maintain its hold on power; it therefore indulge in rentier practice of "*no taxation, no consultation and no representation*".

Again, the Nigerian State (government) through its repressive character use to forcefully dispossess and evict members of indigenous communities from their lands, forests and inheritances that they have been inhabiting and using, right from times immemorial without [proper] plans for compensation, relocation or return in future date. These authoritarian tendencies have resulted in homelessness, displacement, loss of territory, loss of communal ties and distinct identity, loss of traditional medicinal plants and practices, shrines, cultural inheritance, food insecurity, loss of job restriction of movements, arrest and detention.

Moreso, the process through which these lands are acquired in addition to its socio-economic impacts on the dispossessed communities often result in conflict and confrontations between community members and investors (be they domestic or foreign). The rentier character of the Nigerian state compels it to undermine and violate the various cultural, social, economic and political rights of indigenous communities across the country as presently demonstrated in land grab deals and illegitimate acquisitions. This is because the government thrives on, as well as, produces and reproduces itself on rents it generates from natural resources the country is endowed with rather than through productive ventures. It is therefore, on this basis that we apply the rentier theory to this study.

## Understanding the concept of land grabbing

Land grabbing as usually described in the literature, denote the large scale acquisition of land by domestic and foreign investors (companies), governments and individuals. It is the process by which transnational corporations, foreign governments, pension funds, individuals are getting concessions over or buying huge tracks of land including forests to make way for industrial agriculture, mining, oil extraction for financial speculation. It also occurs when local communities and individuals lose access to land that they previously used, threatening their

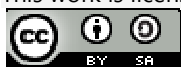




livelihoods. This suggests that in land deals, there should be Free Prior and Informed Consent (FPIC) of the indigenous communities, which is the right to give or withhold free, prior and informed consent over all activities, projects, legislative or administrative measures and policies that take place in or impact the lands, territories, resources or livelihoods of indigenous people, as well as, forest dependent communities. This should be sought through an open, transparent consultation process involving the rights holders (Edem, 2011). Whenever land that was once in custody, access and utilization by community are leased or sold to investors (both domestic and foreign) land grabbing can be said to have occurred.

In order to clearly understand what constitute land grabbing from other forms of land acquisition that are in tune with the dictates of social justice, good conscience, equity and fairness, especially as it concern indigenous communities, Odoemene (2015, p.3) notes that the three basic principles that must be neglected or violated for land grabbing to take place include: the principle of indigenous people, valid consent and non-coercion. These suggest that in every land deal, the interest and survivability of indigenous people who occupy and use the land (forest and water inclusive) from time immemorial for their livelihood must be taken into serious consideration. It is for this reason that the United Nations Declaration on the Rights of Indigenous Communities (UNDRIP) adopted by the UN General Assembly in September 2007, among other things, recognizes “the urgent need to respect and promote the inherent rights of indigenous people which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources (UN, 2007, p.2). Again, proper land acquisition must be based on agreement and freewill of the people occupying the land in question. As only the people truly understand their environment and the nature of the development they want, when they want it, where they want it and how they want it. It is on this basis that the framers of UNDRIP were convinced that control by indigenous people over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs. This implies that they must be consulted for their consent before any transaction/deal concerning their land and resources are concluded. Hence, anything to the contrary, amounts to land grabbing. On this note, Article 32 (2) of UNDRIP, maintains that “state shall consult and cooperate in good faith with the indigenous people concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with development, utilization or exploitation of mineral, water or other resources”. It is for this reason that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action, all acknowledged the fundamental importance of right to self-determination of all the people, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development.

Indigenous communities must be duly informed about the pros and cons of intended projects in their community. In this wise, they should not be deceived, intimidated, forced or lied to, in all processes that lead to the acquisition of their land. Moreover, legitimate land deals and acquisition should be devoid of forceful eviction and relocation of people. The process has to be



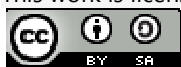


just, fair and square as borne out of good conscience for all involved to the extent that the affected population (indigenous community) will display willingness to vacate their land for another. This is because, land to Africans is not a mere possession but connotes the entire essence of spiritual, physical and psychological linkages between a people's past, present and their future. This explains why Africans are sentimentally attached to their lands, which define them as distinct ethnic and cultural group. Accordingly, Article 8 (2c) of the UNDRIP again notes "states shall provide effective mechanism for prevention of, and redress for: any form of forced population transfer which has the aim or effect of violating or undermining any of their rights". Arising from this, this study sees land grabbing as the unconsented land acquisition that does not consider the human security of indigenous population that result in individuals and local communities losing access to the land they were using before either through outright sale or lease to land investors. The point to note is that in legitimate land deals, there should be Free Prior and informed Consent (FPIC) of indigenous communities and land owners in order.

### **Drivers of Land Grabbing: The Climate Change Connexion**

The issue of land grabbing is not a new phenomenon in global political economy. In fact, land had been grabbed in one form or the other throughout the history of the world such that many a war had been waged either in an attempt to grab or prevent territorial land grabbing. The difference however, is the prevalence and intensity of the phenomenon in global South, especially Africa and other developing countries in recent times. Accordingly, the present scramble for land in these areas is triggered by convergence of interrelated factors namely fuel (energy crisis), food crisis (agriculture) and finance (capital). Despite the multivariate reasons for its occurrence, the need for food and fuel predominate. These factors are said to be interrelated in that they are associated with climate change in one way or the other. Although, we cannot entirely dismiss the capitalist propensities for cheap labour, low investment capital and huge profit (market returns), however, the current spate of land grabs across the universe by multinational corporations (MNCs), transnational cooperations (TNCs), pension funds, governments and local investors in global South is largely driven by effects of climate change and response(s) to it. Lands in global South are increasingly perceived as potential factor of production for increasing global demand for alternative energy (primarily biofuels), food crops, mineral deposits and reservoirs of environmental services. Specifically, Africa has become an attractive destination for land investments (Mbow 2010) because of its perceived relative low population density and availability of cheap lands. To this end, millions of hectares are bought or leased by nations or private companies based outside Africa and more wealthy countries and individuals within the continent.

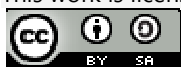
With respect to energy (fuel) crisis, multinational investors and foreign governments in their quest for alternative energy (specifically biomass) that will reduce dependence on, and use of fossil fuel; are searching for suitable and cheap lands outside of their countries to grow crops for biofuels and biodiesel. This accounts for recent preference towards cultivation of crops like palm tree, soya, groundnut, sorghum, jatropha and sugar cane, that are used for this purpose. Similarly, IIED, FAO and IFAD (2009) note that internationally, government consumption targets have been the key driver of biofuels boom, as they create guaranteed markets for decades to come. As at 2010, it was estimated that a third of the land sold or acquired in Africa were





intended for fuel crops - some 5 million hectares. Besides, with a guaranteed market, cheap access to land and cheap labour, agrofuel development is seen as a good business opportunity for European companies and this explains the sudden rush of “land grabs” taking place. The high oil prices in 2007 and 2008 further created an incentive for diversification of the energy sector for energy security reasons. Hence, the cultivation of biofuels has become a direct competitor to food production on existing cropland and another driver of the international land deals. According to Seto et al. (2010), a 100% conversion to bioethanol on a global scale will require a 20-fold increase in the production of biofuels, and a doubling of the total cultivated land worldwide. This implicates the fact that more and more land will be required to make this a reality. Thus, demonstrating that production of liquid biofuels is one of the key drivers of current rush in land acquisition.

The global food crisis of late 2000s that resulted in hike in prices of cereals and staple foods is also a factor. Specifically, the global food crisis of 2008 created food crisis in more than 30 developing countries. The crisis was necessitated by drought, change in precipitation, and other climate change induced extreme weather events that led to low agricultural yield. The multiplier effects of these were the inability of some countries to produce enough food within their territories to feed their population. In this connection, they started out-producing. Hence, most land grabs are linked to concerns about food supply by food importing countries. On this note, (Verschuuren, 2013) observes that the decrease in the quantity of domestic land suitable for food crop production through the interacting effects of climate change and population growth have compelled countries to produce abroad as a means of addressing food insecurity challenges. Hence, they acquire lands in foreign territories where they involve in mono-plantation, commercial agriculture and capitalist plantations. By so doing, a country such as China that is ranked among food importing is generating cereal for its domestic consumption through external production in other countries. Meanwhile, the table below captures selected indices of land grabbing in Nigeria.



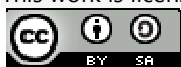


**Table 1:** Selected indices of land grabbing in Nigeria

| Company               | Land Acquired | Crop Type              | Source   |
|-----------------------|---------------|------------------------|--|
| NNPC                  | 200 Sqr Kms   | Sugar Cane             | Local Information  |
| NNPC                  | 20,000 ha     | Sugar Cane             | Fadare, Sola, "Gombe Alternative Source of Energy Biofuel blazes the trail," <i>Nigerian Tribune</i> , 18 July 2008.   |
| NNPC                  | 20,000 ha     | Sugar Cane and Cassava | "Can Nigeria Develop Ethanol As alternative Fuel? – News Analysis." <i>Daily Trust</i> , 18 July 2006, <a href="http://allafrica.com/stories/200607181026.html">http://allafrica.com/stories/200607181026.html</a>             |
| Kwara Casplex Limited | 15,000 ha     | Cassava                | "Case Study: Innovative agriculture project set to take off in Kwara – Maritz, Jaco," June 18 2008, <a href="http://www.tradeinvestnigeria.com/news/621995.html">http://www.tradeinvestnigeria.com/news/621995.html</a> .      |
| NNPC                  | 30,000 ha     | Cassava                | "Inyang, Bassey, Cross River and NNPC Partner On Biofuel Plants," <i>Daily Independent</i> , 6 February 2008.  |
| Global Fuels          | 11,000 ha     | Sweet Sorghum          | "Jakpor, Francis Biofuel Company unveils renewable source of energy," <i>BusinessDay</i> , 13 July 2008, <a href="http://www.businessdayonline.com/energy/12883.html">http://www.businessdayonline.com/energy/12883.html</a> . |
| NNPC                  | 10,000 ha     | Cassava                | <a href="http://www.guardiannewsngr.com/news/article19/010606">http://www.guardiannewsngr.com/news/article19/010606</a> .  |
| Global Fuels          | 30,000 ha     | Sweet Sorghum          | <a href="http://www.globalbiofuelsltd.com/news/chairmanspeech.html">http://www.globalbiofuelsltd.com/news/chairmanspeech.html</a> .  |

Source: Friends of Earth for Africa and Friends of Earth for Europe (2010: 32)

Similarly, as part of the United Nations effort aimed at mitigating the amount of carbon released into the atmosphere. The REDD and REDD+ projects and Clean Development Mechanism (CDM) were developed through the operation of Carbon Market where countries trade their forest reserve in exchange with pollution in other part of the world. Under these schemes, land resources became incentivized under the carbon markets, including for projects in the UN Clean Development Mechanism (CDM). Land grabs are also driven by the extractive and tourism industries. The prospect of rising rates of return from agricultural commodities and from increases in land value boosts the attractiveness of agricultural land also as a speculative investment for rich individuals, large pension funds and state funds.







## Nigerian State, Land Grabs and the Rights of Indigenous Communities

It has been established that the Nigerian state is a rentier state. As bulk of its revenue (if not unwholesomely dependent on) comes from rent it receives from multinational oil and gas companies operating in the country's oil field. In recent times, the country has been diversifying into other sources of revenue through leasing, concession and/or sale of national asset/natural resources to foreign and local investors and governments that pay rent to it. Since the state survives on and sustains itself on the rent, it therefore, predicates much of its actions in relations to the society on commercial interests without due regards to human security of citizens, whose socio-economic, cultural and political rights is its responsibility to protect. On the premise of the 1978 Land Use Act, which confers on the government the rights of ownership and titles on all lands and minerals and natural resources located therein. The Nigerian state often enters into land deals with foreign and local investors without due consultation with or securing the consent of indigenous populations that dwell on, feed from, and survive on these forests and lands that it (the state) deeds away. The action negates the provisions of both the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and African Commission on Human and People's Right (ACHPR), that recognize the rights of indigenous people to their land and natural resources as well as call on states to always and everywhere ensure that those rights are protected. For instance, in its maiden report on indigenous communities in Africa in 2003, the African Commission on Human and People's Right (ACHPR) stated that "the protection of the rights to land and natural resources is fundamental for the survival of indigenous communities in Africa" (Barume, 2010, p.10). The point is that indigenous communities in Africa are intricately connected to their traditional environment as their daily lives and cultural traits are heavily influenced by it. On this note, dispossessing and evicting them from their land, forest and ancestral inheritance and environment constitute serious threat to survival of their cultural and religious practices, traditional medicines, language amongst other things. Contravening their right to decide the type of development they want, the path through which they wish to pursue it, the manner, the rate and nature of the development. In this regard, Article 23 of UNDRIP, states:

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous people have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

This suggests that the actions of the Nigerian state as demonstrated in REDD and REDD+ projects negotiations, contradict the provision of Article 8(2a-c) of the UNDRIP that checkmates any action of the state or its agents that are capable of undermining the rights of indigenous community in relations to land transactions. This, it did by frowning at:

(a) Any action which has the aim or effect of depriving them [*indigenous people* – emphasis mine] of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights.

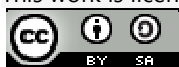




In this regards, the UN-REDD and REDD+ response to climate change, which the Nigerian states embrace, creates a further disconnect about ownership and control of forests and their resources. Their implementation often results in dispossession of ancestral lands and forests in addition to forced eviction, destruction of biodiversity and traditional farming practices. These situations by extension restrict and threaten fundamental human rights of communities where the projects are sited. Decrying this, Luciana, (2012, p.19) observes:

...a REDD project also entails a series of restrictions and prohibitions for communities, for their way of life, and for their traditional use of the forest. Sometimes this affects part of their territory; sometimes it affects all of their territory. For example, in forest areas where REDD projects are established, it is common for members of the community to be prohibited from cutting down a tree to build a canoe or a house, and they are also prohibited from hunting and fishing. Sometimes they are even prohibited from gathering things from the forest, such as medicinal plants, fruit and other foods. Anyone who dares to do any of these things faces persecution by the police or by private security guards working for the REDD project. REDD projects usually determine that the women and men of the communities can no longer use the forests the way they did before. This signifies a violation of their culture, traditions and way of life. They can no longer be the way they were before the arrival of the REDD project.

Worse still, the state does not consult with indigenous people in order to secure their consent before leasing, conceding or sale of their lands and forests. Often times, people are forcefully evicted and displaced without relocation or [adequate] compensation of any kind. For instance, most communities in Cross River State where government mapped out for the UN-REDD projects were neither consulted nor participated in processes (Environmental Rights Action/ Friends of the Earth Nigeria, 2011). The same is also true of the negotiation between the government of Cross River and Wilmar International (Ojo, Uwagie-ero and Tokunbor, n.d). They further note that Wilmar's land grabbing has affected over 1,000 peasant farmers who have lost an estimated 2,000 hectares of land which they used for growing crops like cassava, plantain, banana, vegetables, pawpaw that expose members of these communities to various conditions of human insecurities from both natural and human elements (Ojo, Uwagie-Ero, and Tokunbor, n.d). On a similar note, members Gassol community in Taraba State especially farmers, were evicted from the land they inherited from their ancestors, and have farmed for centuries in order to make way for a United States company, the Dominion Farms to establish a 30,000 hectare rice plantation. The land, which contains plots held by thousands of farmers and an irrigation system was handed over to Dominion Farms by the local government without consulting the community members not to mention plans for compensation or resettlement plan (Walker, 2015). The land is said to be farmed by an estimated 10,000 farmers each year with up to 45,000 more persons benefiting from the land. Besides, the Memorandum of Understanding (MOU) that was signed between the company on one hand and the Taraba State government and the Nigerian government on the other for a 30,000 hectare of land concession on the Upper Benue River Basin Development Authority (UBRBDA) for the creation of a large scale rice farm was made without public knowledge; the details of which are unknown to the local community of Gassol and neighbouring communities that make up the River Basin (Center for Environmental





Education and Development, *et al*, 2015). This compels the Project Officer, Forest and Biodiversity ERA/FoE Nigeria and Coordinator of Forest and Biodiversity Friends of the Earth Africa (FoEA), Mrs. Rita Uwaka to observe:

These land deals, mostly shrouded in secrecy by governments, have continued to fuel deforestation, hunger and starvation, displacement of communities and biodiversity loss, with impacts on women and children. In the name of structural transformation, African lands are been grabbed by multinational companies for dangerous eco-business that violates the rights of mother earth (Adoga, 2016 p.1).

Meanwhile, Article 10 of UNDRIP, Warns that “Indigenous people shall not be forcibly removed from their lands or territories”. It further notes that “No relocation shall take place without the free, prior and informed consent of the indigenous people concerned and after agreement on just and fair compensation and, where possible, with the option of return”. This implies that the non adherence to these principles before takeover and conversion of community land to private property highlights the injustice in land deals to indigenous communities in Nigeria.

In the same vein, land (grab) deals in Nigeria as in most part of Africa are usually concluded and justified by government on the ground that it will spur development in rural communities, create jobs, enhance food security, in addition to other multiplier effects on the country’s economy. Unfortunately, existential realities have demonstrated that these are not often the case. Indeed, what investors provide in these communities are facilities and infrastructure that facilitate their production activities as against those things that address the people’s wellbeing. Again, they hardly create employment opportunities for dispossessed and displaced locals. Even when they do, the number of persons engaged are usually insignificant compared to those pushed into unemployment. They also escalate the problem of poverty in various ways. For instance, the fact remains that those engaged by the companies are paid pittance that are scarcely enough for their survival. Related to this, is the issue of food insecurity, as capitalist investors and industrial plantation often produce for international market and not for consumption benefit of communities where they are produced. This is evident in the type of crops they invest on sugarcane, palm oil, cassava, *Jatropha*, etc.

Meanwhile, indigenous communities are often traditional and heathen worshippers. To this end, they often establish their places of worship, sacrifice, cult initiation, shrines, and ceremonial grounds inside these forests where they conduct their religious rites and rituals. Land grab and its related activities threaten these cultural and religious rights of indigenous communities to worship their gods and ancestors. This is because as soon as land is leased or sold, investors normally restrict movement of community members in and out of acquired forests. After which they bring in tractors and bulldozers to clear the forest of its trees, shrubs and herbs in preparation for industrial agriculture. In the process, they destroy and reverse material relics of community historical existence and civilizations that at times serve as tourist attractions. On this note Article 11(1) of the UNDRIP states:

Indigenous people have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures,





such as archaeological and historical sites, artifacts, designs, ceremonies, technologies and visual and performing arts and literature.

Similarly, Article 25 notes:

Indigenous people have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Ditto to the development thesis of Nigerian State as part of the reasons for supporting land (grabs) deals by foreign and local investors, it is not as if indigenous communities are averse to development. However, it is the process of effectuating the development that grossly overlook and bypasses the people as well as fail to consider their sustainability both in its planning and execution that is at issue. Development as we know it, is by man and for man. This is because development is naturally meant to solve the problem of the immediate environment that embarks/invests in it. This explains the difference in skills and crafts among various parts of the world and regions (even within a country). For instance, while the hunting communities invented the art of bow and arrow, club and spear; farming communities: cutlass and hoe, digger and mattock for clearing of bush and tilling of land; riverine/fishing communities: canoe making for movement and transportation across the water, fishing baskets, fishing lines, and fishing nets. Hence, the people for whom development is meant to serve and whose lives it should affect must be involved in all the developmental processes. The dialectics of this process are two dimensional. Firstly, it will not only appeal to their sensibilities, but will give them proprietary right. This is predicated on the fact that it will directly and indirectly enhance their living conditions by addressing the challenges that come along with their existential realities. Secondly, they will identify with and own the project. This will enable them protect and promote the programme. It is for this reason that Article 19 of UNDRIP states:

States shall consult and cooperate in good faith with the indigenous people concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Experience have demonstrated that the subversion of this natural process often result in conflict between indigenous communities and investors. This at times turns violent especially where the activities of investors or proposed government programmes/projects endanger the community's means of subsistence.

Regrettably, efforts by members of these communities at seeking redress, adequate compensation and/or to regain their lands were often criminalized and repressed by the state through security operatives. This was the situation in Gayawar, Malam, Garin Chiroma, Kore, Sabuwa, Dan Mani and others where farmers and communities dispossessed of their land and means of livelihood were harassed, intimidated, arrested and detained by the police at the behest of Northern Agri-business limited, a subsidiary of a Chinese firm, Lee Group of companies that grabbed and displaced them from their land. The company is said to indulge in land grabbing activities across the four states of Bauchi, Jigawa, Kano and Niger estimated 500,000 hectares of





farmlands. In fact, in Jigawa alone, the company is said to have grabbed an estimated 10,000 hectares of farmlands (Baiyewu, 2019).

A popular community in Eti Osa, Lagos state which was then known as MAROKO is a typical example of the injustice the ordinary masses suffer when it comes to land issues in Nigeria.

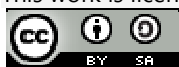
It becomes rather pathetic when Government authorities sometimes collaborate with business and foreign investors to evict the poor, and more disturbing is the fact that legal notices are rarely given before the eviction is carried out (People's Daily, 2017).

In Edo State, The trio, are among several farmers from over 25 communities who are currently at war with Okomu Oil Palm Plc over alleged encroachment of their farm lands for agriculture. The land in dispute covers 13,750 hectares spread in Okomu Village, Agbede, IK Camp, Makilolo, Memo, Oweike, Aibiosi, Sobe, Uhiere, Owan, Ugbebezi, Oke-Ora, Ekpan, One, Atorunu, Ogbetu, Umokpe, Orhua, Ozalla, Sabongida Ora, Odiguete, Agudezi, Uhunmora, Uzebba, Odighi and others (Emenyonu, 2017).

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### Conclusions and recommendations

This study examined the link between rentierism and land grabbing in Nigeria, especially as it affects the rights of the indigenous communities. The paper tried to identify drivers of land grabbing activities in the country. It noted that increasing demand for biomass, financial and food crises are related to conditions that contribute to land grab in Nigeria as in other parts of the African continent due to availability of cheap land compared to international market. It observed that the causes of land are not isolated from manifestations of global climate change that triggers shift from fossil fuel dependence, food insecurity and lots more. Similarly, the rentier character of the Nigerian State provided the favourable atmosphere to foreign and domestic land investors to either lease or purchase swath of forest and communal farmlands for industrial agriculture. Significantly, this results in population displacement, eviction (forceful in most cases), destruction of property and means of livelihood, food insecurity, deficit of local staple foods, loss of bio-diversity, reduction in available land area for community members, loss of jobs and income, unfulfilled promises to communities by investors, restriction of movement, inadequate compensation and displacement without relocation. These and many others, violate the rights of indigenous communities in the country especially as it pertains the seeking their Free Prior and Informed Consent (FPIC) before deeding away community's land and forests. This suggests that the states appetite for foreign investment and receipt of unaccounted rents through partaking in carbon market, concession, lease and/or sale of lands and forests that communities inherit from their ancestors, farm and survive on threaten the economic, cultural, social, religious and political rights of these indigenous communities.

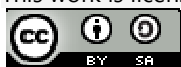




Worse still, the inability of the Nigerian rent seeking state to regulate the activities of these land investors is furthering the problem of environmental degradation, depletion and despoliation of community lands, air, water (rivers, streams,) and forests. The study therefore, notes that the human security of Nigerian indigenous communities should always and everywhere be taken into consideration in all land transactions starting with securing their free prior and informed consent. To this end, preference must be given to human rights of citizens in every decision and policies concerning land especially the rural and poor. Again, the practice of displacement without relocation by the Nigerian rentier state and land speculators must be reviewed. Likewise, sufficient time must be given to people to enable them harvest their crops, remove their properties and plan their lives before eviction and demolition.

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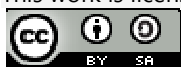
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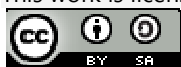




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