

## **LAND LIBERALISATION BEYOND BORDERS UNDER THE AfCFTA: THE THESIS, ANTITHESIS, AND SYNTHESIS OF SUSTAINABLE DEVELOPMENT WITHIN THE AFRICAN CONTINENT.**

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### **ABSTRACT:**

The book chapter examined Land as potential and uncommon material asset for investments, food security, agriculture, industrial and residential purposes across the Global North and South. Yet this uncommon material asset is not considered as key and foundational component in both the “General Objectives and Specific Objectives, of the African Continental Free Trade Area (AfCFTA). It will be recalled that the AfCFTA is one of the 15 flagship projects under the Agenda 2063 of the African Union (AU) and it is also supported by the AU’s recognised eight Regional Economic Communities (RECs). A cursory look at the land reform policies among the RECs countries- which are the building blocks to the AfCFTA, reveals that member States in most of the RECs or the RECs as regional bodies do not adopt generally or have harmonised policies on land use and allocation especially as it affects residents from neighbouring countries within the same region. Indeed, customary land tenure system with inherent discriminatory characteristics, hold greater percentage of land space across the RECs in Africa. Perhaps, that might have informed or influenced the opinions of the drafters of the AfCFTA, that is, the Agreement,

to not emphatically make a case for land liberalization in the Agreement, except to donate powers to member States' governing institutions to progressively make policies in aid of the smooth implementation of the objectives under the Agreement. The work adopts doctrinal, descriptive and qualitative research methods. In specifics, the paper dwells on the nature of land policies of the RECs, general and specific objectives under the Agreement, the UN Food and Agricultural Organisation Framework on "Voluntary Guidelines on the Responsible Governance of Tenure (VGGT), 2012 and the literature on land reform policies in Africa. The work found that different RECs adopt different land reform policies. However, there is no unanimous land policy among the countries in most of the RECs. It is also noted that customary land tenure system dominates land space in most RECs with potential discrimination against marginalized groups such as youths, women and people with disabilities. The State land policy is limited to the urban areas. This therefore, negatively impacts most residents from other countries in the area of land acquisition for investment and food production. The work therefore, recommends among other things, that the RECs and member states should intentionally review their land policies through citizen education, and legislative frameworks, so as to facilitate and drive land liberalization among the member states under the AfCFTA. This is in furtherance of the single market, investments, food security and agricultural objectives under the AfCFTA.

**Keywords:** AfCFTA, RECs, AU, Customary Land and Food Security.

## INTRODUCTION

The African Continental Free Trade Area (AfCFTA) initiative was adopted on March 21, 2018 at Kigali, Rwanda, came into force on 30 May, 2019 and the body commenced business on 1 January, 2021. The constitutive agreement established the AfCFTA<sup>1</sup> as one of the flagship projects under the "Agenda 2063" of the African Union (AU). The AfCFTA initiative was earlier adopted by the 18<sup>th</sup> ordinary session of the Assembly of Heads of States and Governments in Addis Ababa, Ethiopia, in January 2012. The agreement as of 2020 was signed by 54 of 55 African countries on the continent. The philosophy behind the establishment of AfCFTA and indeed the Agenda 2063 was predicated upon the compelling need to accelerate the pace of intra-African Trade, move Africa away from perennial imports-oriented continent, promote integrated economic relations among the existing Regional Economic Communities (RECs), strengthens Africa's common voice and policy in global trade negotiations.

AfCFTA is founded and driven, significantly, on the philosophy, thresholds and imperatives of the RECs, thereby making the RECs the building blocks for the AfCFTA in Africa. The AfCFTA, no doubt, is characteristically similar, to a greater extent, to other continental unions in the global world. These other political and/or economic unions include:

i. **European Union (EU)**<sup>2</sup>: established in 1993, with member states' population as of 2026 standing at 450 million people as well as having an area of about 1.65 square miles.

The EU is, however, built on three pillars namely;

- a) European Communities
- b) Common Foreign and Security Policy and
- c) Police and Judicial Co-operation in Criminal Matters.

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<sup>1</sup>African Union Publication titled Regional Economic Communities. Retrieved from au.int on 10<sup>th</sup> of May, 2026

<sup>2</sup>Being report of the Association for Diplomatic Studies and Training titled "How Did We Get Here? A look Back at the creation of the European Union Retrieved from aclst.org on 10<sup>th</sup> of May 2026.

EU is a political and economic union and the EU Agreement came into force in 2009 upon the 2007 Lisbon Treaty.

- ii. **Gulf Co-operation Council (GCC):** was established in 1981. It is also a political and economic union for six Middle Eastern countries.<sup>3</sup>
- iii. **United States-Mexico-Canada Agreement (USMCA)**<sup>4</sup> came into effect on 1<sup>st</sup> July, 2020. USMCA member States have a population of about 510 million people and it is the largest of any trade bloc in the world.
- iv. **ASEAN Free Trade Area:** It was established in 1967 and has a population of 500 million people.<sup>5</sup>
- v. **Southern Common Market (MERCOSUR).** It was established in 1991. It has a population of 270 million people.<sup>6</sup>

However, comparatively, the population of member states of the AfCTA as of 2026 is estimated at 1.58 billion people thereby making it the 2<sup>nd</sup> largest continent. The African land area is put at 11.447.338sq miles<sup>7</sup>. The continent reportedly holds 60% to 65% unused arable farmlands and many deserts, which if unlocked, could convert the continent into exports-oriented and industrial hub.<sup>8</sup>

Indeed, AfCTA runs on semblance economic blueprints with other political and/or economic blocs around the world. While the AfCTA agreement does not provide for a uniform land policy nor land liberalization-perhaps because its founding member states of the RECs, do not have a common land reform policy, the EU and United States-Mexico-Canada unions have deemed it fit to encourage the member states to adopt land policies, which do not deny people from other member states the right to land ownership for agricultural

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<sup>3</sup>Britannica Editors- Gulf Co-operative Council International Organization, Retrieved from britannica.com on 10<sup>th</sup> of May, 2026.

<sup>4</sup> International trade Administration U.S Dept of Commerce, Retrieved from U.S MCA trade.gov on 10<sup>th</sup> of May, 2026

<sup>5</sup>South East Asia, A free trade Area- Retrieved from <https://www.aseansec.org> on 10<sup>th</sup> of May, 2026

<sup>6</sup> What is MERCOSUR? Retrieved from mercosur.int on 10<sup>th</sup> of May, 2026.

<sup>7</sup> AFTA. Retrieved from the African Union au.int on 10<sup>th</sup> of May, 2026

<sup>8</sup> African Development Bank Group Communication and External Relations Department-document titled "FEED AFRICA" Retrieved from <https://www.afdb.org> on 10<sup>th</sup> of May, 2026

and investment purposes.<sup>9</sup> The discriminatory position of the RECs and AfCTFA protocol on land liberalization against foreigners is clearly against international law with attendant sanction for unfriendly conduct and behavior within the comity of nations.

Nevertheless, the Association of South East Asian member states and Southern Commons Market counterparts, do not make it mandatory in their unions' agreements for the adoption of a uniform land policy-such as land liberalization for the advancement of a single and liberalised market among member states.

Paradoxically, the vast unused arable land and indeed the deserts on the continent of Africa, have become a source of concerns, when viewed against the increasing modern technologies such as: nanoclay technology, drip irrigation; soil improvement re-vegetation, and shelter belts, and controlled environment agriculture, with which to convert these unused arable farmlands and deserts into productive and fertile land.<sup>10</sup> However, the argument for the underutilization of the said unused arable farmlands in most African countries is often on the door-post of insecurity and farmers-herders clashes. For example, the security challenge is greatly experienced across many states in Northern Nigeria-a situation where members of the insurgent group called Boko Haram, bandits, kidnappers and farmers-herders clashes have led to farmland abandonment with attendant food crises across the states in Nigeria.<sup>11</sup> Similarly, in Ghana and South Africa, unused arable farmlands have been reported beside incidents of unprogressive customary land rights which negatively impact land meant for commercial, agro-business. This is viewed against dearth of requisite funding, technology and infrastructure.<sup>12</sup>

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<sup>9</sup> Court of Justice of European Union (CJEU) rulings of land liberation. See also Ispelt judgement (6-452101) and Festersen case (c-370105) of the CJEU on point see equally Angees, V. M (2024) The United States-Mexico-Canada Agreement (USMCA). Retrieved from congress.gov on 10<sup>th</sup> of May, 2026.

<sup>10</sup> Sharma, R (2022) How to Convert Sahara desert into fertile land- ACTA ins scientific microbiology, Vol5, issue 6

<sup>11</sup> Adaji, D (2024) 30m hectares of Nigerian farmland, unused says Minister. Retrieved from <https://punching.com>

<sup>12</sup> Takecichi, S. (2022) African Land Reform Under Economic Liberalisation (states chiefs and Rural communities) retrieved from <https://doi.org/10.1007/978-981-16-4725-3-Springer> on 9-05-2026. See also, land policy in Africa: A framework to strengthen Land rights, enhance productivity secure livelihoods. Retrieved from [landpolicy@uneca.org](mailto:landpolicy@uneca.org) on 9<sup>th</sup> of May, 2026, Atawoge, K (2026). Over 1 million hectares of Ghana's

Similarly, decades ago, land use and allocation in Zimbabwe had been administered haphazardly thereby leading to uncoordinated and chaotic physical planning and development both in the urban and rural areas. For instance, agricultural lands were negatively impacted resulting in food insecurity and poverty in the land. However, following and flowing from the post agrarian reform programme and the Land Registration Act, the government of Zimbabwe was empowered to compulsorily acquire land from the people, pay compensation though inadequately and redistributed such land to landless indigenous people for use while foreigners were granted leasehold for 99 years. These people were impacted negatively discriminated against by the then colonial administration land policy in Zimbabwe. Nevertheless, the authorities in Zimbabwe has just announced plans to establish a 50 year development plan with land as the focal point aimed at eliminating uncoordinated land administration, political interference in land allocation, promote food security and guarantee land rights between the citizens and foreign investors.<sup>13</sup>

Also, in Sudan, land administration is vague and lacks clarity on the roles of different levels of governance with regards to conflict management and dispute resolution. Additionally, there is absent of a uniform legal regime on land matters for ease of enforcement. The undue involvement of the traditional institution in land use and allocation has led to escalation of conflicts in Sudan thereby leading to spate of killings, food insecurity, poverty and low economic activities across the country. Meanwhile, the state holds ultimate rights over the land while the indigenous people have customary rights for farming and grazing subject however to the state exercising its right of compulsorily acquiring such lands any time.<sup>14</sup>

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irrigable lands underutilized-Agribusiness. Retrieved from EtiNews.com on 9<sup>th</sup> of May, 2026 and Sikhakhane N.(2025). Missed opportunity- state has 2.5 million underused hectares that could ease hunger-say expert Retrieved from Daily maverick- <https://www.dailymarverick.co.25> on 9<sup>th</sup> of May, 2026.

<sup>13</sup> Zimbabwe's 50-year Land Use Master plan: What it means for Farmers. Retrieved from <https://farmfutureafrica.co> on 12 June, 2026. See also Paradzayi, C. (2026) Land Tenure in Zimbabwe's Post Agrarian Reform. Retrieved from <https://fig.net> on 12 June, 2026

<sup>14</sup> RePE Research papers in Economics. Retrieved from <https://ideas.repec.org> on 12 June, 2026

Relatively, in Rwanda, there exists a National Land Policies and the law Governing Land n<sup>o</sup> 27/2021, which convey powers to the government to administer the land in Rwanda. The Law Governing Land specifically gives a right to the people of Rwanda under free hold tenure to hold 2 hectares of land while foreigners are entitled under lease to hold land for 99 years. The National Land Policy also requires indigenous people to consolidate their hectares of land, cultivate their choice of crops and harvest the same in order to maximize their resources with increased productivity and income in view. This practice or policy has resulted in food security and economic development in Rwanda.<sup>15</sup>

This Book Chapter will examine land policies of the eight(8) Regional Economic Communities that is;

- a. The Arab Maghrib Union (AMU):<sup>16</sup> AMU has 5 member states. The regional body does not compel its members to adopt a unified regional land policy. Rather the body encourages its members to make and enforce their individual domestic laws relating to land governance and land tenure system. In all of those national lands AMU, public, private and customary land rights co-exist.
  
- b. The Common Market for Eastern and Southern Africa (COMESA):<sup>17</sup> The COMESA with 21 member states does not also have a uniform land policy. COMESA however encourages its member states to align their land policies with the African Union land policy initiatives for Africa especially, those principles relating to gender, food and nutrition security as well as land tenure system for agricultural productivity.

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<sup>15</sup> Rwanda Environment Management Retrieved from <https://rema.org.rw> on 12 June, 2026

<sup>16</sup> Land Policy in Africa. Retrieved from <https://arablandinitiative.glti.net> on 8 June, 2026

<sup>17</sup> Common Market for Eastern and Southern Africa (COMESA). Retrieved from <https://www.comasaint> on 8 June, 2026

- c. The Community of Sahel-Saharan State:<sup>18</sup> The 29 member states of CEN-SAD do not have uniform land policy due to their colonial era background. Nevertheless, CEN-SAD encourages its member states to implement the African Union's framework on land management so as to achieve economic and sustainable development within the region. Customary land tenure and state land rights co-exist in member states within the CEN-SAD region.
- d. East African Community (EAC):<sup>19</sup> No uniform land policy exists among member states. However, the regional seeks to align member states land policy with African Union framework on land, trade and economic integration. Notably, EAC land is highly localized. However, EAC has a harmonized regional platform on land policy aimed at sharing best practices and to support EAC Common Market Protocol and the AfCFTA protocol on investment.
- e. Economic Community of Central African States (ECCAS):<sup>20</sup> Member states of ECCAS have their individual land policies. The member states enjoy economic, trade and cross border governance integration and relationships. These integrations or relationships are driven by the framework and guidelines on land policy in Africa, which land policy is developed by the African Land Policy Centre (ALPC). The ALPC is driven by the African Union, African Development Bank and the United Nations' Economic Commission for Africa.

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<sup>18</sup> The Community of Sahel-Saharan States – CEN-SAD – PACCI. Retrieved from <https://www.pacci.org> on 8 June, 2026

<sup>19</sup> Land Policy Development in East Africa – Mokoro, by Okoth Ogendo, HWO (1999) Retrieved from <https://mokoro.co.uk> on 8 June, 2026

<sup>20</sup> Economic Community of Central African States, Retrieved from <https://atjhub.CSVT.org.za> on 8 June, 2026

- f. Economic Community of West African States (ECOWAS):<sup>21</sup> The ECOWAS has 15 member states. The regional group does not have a single land policy which binds its member states. That means each country has its own land policy. Nevertheless, the body has been making effort to encourage the member states to fashion their land policies after the UN Voluntary Guidelines on Responsible Governance of Tenure (VGGT) and the African Union policy on land, which is based on equitable land use and access to land by all citizens and people. Under these perspectives, customary land rights co-exist with statutory land rights with its attendant social and economic challenges. These challenges include land acquisition rights by the state, land grabbing, community land conflicts, cultural related harmful land practices etc.
- g. Intergovernmental Authority on Development (IGAD):<sup>22</sup> The above regional body has 8 member countries. IGAD member states land policy is not universal. Every member state has its land policy driven by the member state national Constitution and/or statute. Typically, the states have significant control over land in the region. Public, private and customary rights holders co-exist. These rights are recognized for the benefit of women and youths.
- h. Southern African Development Community (SADC):<sup>23</sup> This regional body has 16 member states. In respect of land policy, each member states has independent land policy. There also exist the Regional Land Reform Technical Committee and Land Facility, which promote collaborative agricultural needs of member states, promote land tenure security, and equitable land redistribution. The individual member state land policy

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<sup>21</sup> Land Policy in Africa: A Framework To Strengthen Land Rights, Enhance Productivity and Secure Livelihoods. Retrieved from [United Nations Economic Commission Land Policy in Africa – https://archive.uneca.org](https://archive.uneca.org) on 8 June, 2026

<sup>22</sup> WHO IS IGAD? #RisingwithIGAD understanding the mandate. Retrieved from IGAD - <https://igad.net> on 8 June, 2026.

<sup>23</sup> Member States Retrieved from <https://www.sadc.int> on 8 June, 2026.

and the regional initiatives, seek to address historical injustices and reverse colonial land policy such as: legal dualism; hierarchical inequality; racial discrimination, and regulate tenure systems. However, in modern times, land is vested in the state for the benefit of the citizens and foreigners, who are into commerce and industry. Be that as it may, huge agricultural land in the region is largely managed under customary land tenure system.

The aforementioned regional economic communities, are the building blocks for AfCTA,<sup>24</sup> The work will equally examine the possibility of re-rigging the present customary land tenure system in order to determine the process of unlocking the vast unused lands of member states on the continent of Africa, with a view to attracting investments into land-related activities. To this end, the paper proposes that one of such avenues to unlock the unused farmlands in Africa is in the adoption of land liberalization aimed at enhancing and deepening the objectives of AfCTA regarding single and liberalized market. Furthermore, the review or examination of the RECs land policies will interrogate possible compliance level with the Food and Agricultural Organizations (FAO), framework on Voluntary Guidelines on Responsible Governance of Tenure (VGGT) as it applies to the AfCTA and the RECs.

The paper adopts doctrinal, qualitative and prescriptive research methods to elicit data and material information. It is hoped that these research methods would aid this paper to attain its objectives. In this wise, the paper dwells on the FAO VGGT document, AfCFTA protocol, other continental political and economic unions' documents, the RECs policies on land and selected literature on the subject of land policies and land liberalisation *vis-à-vis* AfCFTA on single and liberalized market objectives. These dossiers and other related materials utilized herein will form the scope of this paper.

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<sup>24</sup>Odinakalu, O.A (2026) Africa's Trade Blocks were designed to unite the continent: four reasons they haven't delivered. Retrieved from the conversation <https://conversation.com> on 12 May, 2026.

## 2. Thesis on Land Liberalisation Under AfCFTA:

The AfCFTA has thirty (30) Articles and two (2) protocols. For the scope of this paper, articles 3 (b) & (g), 4 (a) and 7 (b) respectively of AfFTA, will be significant. In specificity, article 3 (b) states:

*to create a liberalized trade for goods and services through successive rounds of negotiations to promote industrial development through diversification and regional value chain development, agricultural development, food security- 3 (g), to co-operate on investment, intellectual property rights and competition policy- 4 (a).Negotiations on investment and elimination of tariffs and non-tariff- see Articles 7 (b) and 4.*

A liberalized market connotes reduced state control measures, either financially and/or legally, thereby allowing willing suppliers and willing buyers to do business without any inherent statutory, patent or latent hiccups. A liberalised market within a single market framework is devoid of discrimination among member states within the context of economic and/or political union. This template or nuance creates and deepens competition, efficiency, effectiveness and better services with overall socio-economic development within the society.

A corollary to a single and liberalized market is land liberalisation, which seek to commodify lands for capital acquisition, accumulation and deployment in agricultural production and other land-based activities. Land is a special asset in modern economy. Also, land is an uncommon collateral that enables and protects financial exposures by financial institutions. Indeed, due to increasing population in Africa and beyond, steep gaps between available graduates and job creation vis-à-vis unemployability status of most graduates on the continent of Africa, individual customary land owners generally and indeed, owners of unused arable lands are constrained to sell their interest in such lands thereby using the proceeds to train their children or to learn skills or go

into commodities trading and/or small and medium enterprises (SMEs). For example, due to lack of capital and the requisite business skills or knowledge, the Federal Government of Nigeria, has recently, begun the sensitisation of people across the regions in Nigeria, with a view to creating awareness and the various business opportunities under the AfCFTA.<sup>25</sup> Equally, there is an ongoing AfCFTA start-up training skill for interested youths toward the AfCFTA framework being mounted by a private organization.<sup>26</sup>

For instance, the Igbos in Nigeria, have comparative advantage in business, in particular, because of their legendary entrepreneurship business model. They extend their business ventures beyond their present five (5) states that make up the South Eastern Nigeria, to all states in the six (6) geo-political zones in Nigeria. Based on the practice of land liberalization policy under the Land Use Decree, 1978 in Nigeria, the Igbos have been able to establish their business empires including residential homes everywhere in the thirty six (36) states of Nigeria and the Federal Capital Territory (FCT), Abuja. This development has equally put money in the hands of the customary land owners thereby affording the people (customary land holders) the opportunity to send their children to schools or to aid them learn skills. This development has contributed significantly toward galvanizing many rural settings into semi-urban areas. The same scenario is experienced among the Hausas, who have established themselves in cattle and vegetable etc businesses in the South, West and Eastern parts of Nigeria. The hitherto fear and anxieties over land liberalisation have given way to good neighbourliness. Moreso, trust and shared communal responsibilities have been created and enjoyed under harmonious environment. Issues of social disorders are always handled amicably through the recognised leaderships of the Igbos and Muslim communities across the states in Nigeria.

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<sup>25</sup> FG Targets MSMEs' Access to \$3.5Trn AfCFTA Market – Launches Cross Border Digital Payments Report. Retrieved from Presidential Villa State House. <https://statehouse.gov.ng> on 12 May, 2026.

<sup>26</sup> Blessing, O. (2026) Call for Application AfCFTA Startup Acceleration Program 2026 for African Startup. Retrieved from <https://msmeafricanline.com> on 12 May, 2026.

### 3. Antithesis on Land Liberalization under AfCFTA.

The major push back for land liberalization is hinged on the notion that once non-natives in their numbers buy land from the customary land owners and such lands are developed and the entire area is physically transformed, the original land owners automatically begin to feel a sense of subservient. Experience has shown that often times than not, proceeds from the sale of land to non-natives are usually lavished on drinks, marrying of new wives or invested in petty businesses or subsistence farming- due to the level of illiteracy and poverty in Nigeria.<sup>27</sup> Also, a lot of the present-day Chiefs, Community leaders and Imans made up of highly educated retired public servants, allegedly indulge in and encourage land marketisation, grabbing and speculations.

The cumulative effects of these acts are that, while these people continue to live large, the youth, rural women and people with disabilities, are obviously denied the needed access to farmlands, to the community lands. Most often, these lands that have been marketed by the privileged few have not produced visible development because such lands have not been developed. Yet it goes without saying that the member states of the RECs still believe that customary land tenure systems still regulate and influence agricultural land space on the continent. Of a truth, most of the available unused lands across Africa have been alleged to be purchased with proceeds of crime and being diverted into land speculations or purchases in order to hide stolen moneys in Naira and Dollars. However, it has been revealed that such lands are lockdown by politically exposed persons and the elite in the hope of finding future buyers at high and prohibitive prices. This is against the background that whenever government's development compass moves to unused land areas, the value of land automatically appreciates.

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<sup>27</sup> Nigeria launches its most extensive national measure of multi-dimensional poverty data 17 November, 2022 released by the National Bureau of Statistics retrieved from <https://nigerianstat.gov.ng> on 12 of May, 2026. See also Emaojo, E. F (2024) Nigerian Literacy Crisis Deepening Affecting millions of children, retrieved from Development aid-<https://www.developmentaid.org> on 12 of May, 2026.

However, the assertion that Africa holds about 60% to 65% unused arable lands is due to the number of factors including the aforementioned. Also, such assertion only represents the effects and not the causative factors.<sup>28</sup> But the Alliance for Food Sovereignty in Africa, in its defense against such assertion titled, “Africa’s Land is not Empty: New Report debunks the Myth of Unused Land”<sup>29</sup> rejected the assertion in its entirety. The association insisted that such unused land are meant for rotation farming, animal grazing and seasonal planting with a view to enhancing soil fertility. The group, therefore, called for the adoption of the principle of free, prior and informed consent for all land-based investments and customary and rights recognition against the backdrop of land liberalisation.

Be that as it may, the defense put up by the association herein with due respect, is not complete and comprehensive in view of the factors earlier mentioned in this paper. Also, the averments made by the association have or present inadequate empirical evidence to dislodge the assertion especially so, when the body merely conducted interviews in four (4) African nations out of 54-excluding the number 55 uninhabited country. If the association under review had taken into consideration the emerging factors mentioned in this work, its argument would have been plausible and persuasive.

#### **4. Synthesis of Land Liberalisation under AfCFTA.**

Land liberalisation, undoubtedly, promotes socio-economic developments and transformative conduct of businesses at the rural and urban areas in the country. The gains accruable from the practice of land liberalization outweigh the negative impacts. The world has increasingly become borderless through internet devices and digitization and land is no longer said to be inexhaustible because of ever-increasing population. Hence, countries the world over do not have the luxury to continuously lockdown their arable farmlands and deserts,

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<sup>28</sup> Op cit N8

<sup>29</sup> Retrieved from [afsafira.org](http://afsafira.org) on 9 of May, 2026.

in an attempt to preserve unprogressive customary land tenure systems. The FAO VGGT has therefore, amply made prescriptive measures and principles for enforcing or observing customary lands, aimed at distributing social security and economic benefits to all and sundry. What the policymakers only need to do is to adopt land liberalisation policy with recognition to marginalized groups and in sync with sustainable development principles whereby the present generation does not have to spend the whole national resources or proceeds from land transactions without providing for the needs of future generations.<sup>30</sup> In this wise, whenever the community land is being sold or acquired by the government for public use, the proceeds should be divided based on a well defined sharing matrix, for the present and future generations, because to do otherwise will only legitimates the fear and anxieties of the customary land owners over land liberalization policy and its nuances. Also, the allocation of land to commercial investors or foreigners should be define along the line of leasehold of 50 or 99 years under statute for certainty and clarity of purpose.

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<sup>30</sup> Nigerian Land Use Decree (now Act) Section 29(3).

## **CONCLUSION**

The AfCFTA agreement meant for rapid socioeconomic and industrial development of Africa is not cast in stone. The initiative should therefore, be subjected to periodic review for it to respond to global best practices. Sometimes, the proposed review may directly confront and unsettle old norms, customs and traditions; provided should review is aimed at giving birth to an egalitarian continent and in line with international law and practices regarding non discriminatory status of foreigners. To this end, a structured and strategic land liberalisation policy should be introduced into the current AfCFTA framework, so as to launch Africa not only into the desired global economic and industrial big league with all its associated benefits in view but also to cloth Africa with compliance with international law and practices.

**RECOMMENDATION**

That African Union should cause the review of the AfCFTA Protocol to provide for land liberalization or cross boarder land liberalization in order to promote single and liberalized market within Africa in compliance with international law and practices.

That the RECs in turn should endeavour to mainstream land liberalization and align their respective land policies with recommendation one (above).

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