



# Vox Justicia Attorneys

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**His Excellency,  
Senator (Prof.) B. B. Ayade  
Governor, Cross River State,  
Government House,  
Calabar.**

**Attention:  
Special Adviser (Technical) to the Governor,  
Cross River State.**

Sir,

**UNLAWFUL ENTRY, DESTRUCTION OF FARM CROPS AND ENCROACHMENT OF RURAL  
AGRICULTURAL LAND UNDER THE OWNERSHIP AND POSSESSION OF THE PEOPLE OF  
OKAMBI, OBUDU  
PRE-ACTION NOTICE**

We have been briefed by the leaders and elites of Okambi Community, Obudu (hereinafter referred to as "Our Clients") and on their information and instruction, we hereby serve you this letter.

2. Through and by virtue of the combined operation of **Sections 2(a), 34(5)(a) and 36(2) of the Land Use Act** applicable throughout the Federal Republic of Nigeria and Cross River State also, our clients became siesed of and are vested with ownership over ALL THAT parcel of land making up the farmlands as well as residential lands of the people of Okambi Community, Obudu.
3. Our Clients are predominantly agrarian people whose sustenance and means of livelihood is subsistence farming for immediate food needs as well as for their economic activities in view of the very harsh unemployment regime faced in the country generally.

4. It is our information that Our Clients woke up suddenly to stern looking earth moving operators who moved into their land and have commenced the scarifying of same by clearing the loamy topsoil which aids the cultivation of crops, wanton destruction of farms and the indiscriminate felling of economic as well as other trees.
5. When confronted how they got into their land, the only reason advanced is that the said land is part of a larger parcel of land measuring not less than nine (9) square kilometres being 'acquired' by the state government for use in the construction of an international cargo and passenger airport. A letter from the Office of the Special Adviser (Technical) to the Governor backdated to 25<sup>th</sup> April, 2019 which by every utility of same came as an after thought and addressed to the Clan Head of Okambi/Ikwomikwu Clan remains the only communication they have received from anybody in authority concerning the construction of the said airport.
6. The reason advanced in the said letter for not engaging the stakeholders and the people likely to be environmentally affected the most by the activities of the said project where the S. A. Technical merely said ***"Kindly note that for the urgency of this project and its speedy completion, acquisition and compensation processes in line with the statutes Nigeria Land Use Act (2004) would commence immediately while also site preparation works such as clearing and development of access road would be kick-started by the project delivery team"***, leaves a very sour taste in the mouth. Our Clients are aware that with the exception of emergency services, every government project is carefully planned, stakeholders are engaged, the people are properly briefed on the proprietary of the said project and lastly a procurement process is publicized or the government undertakes the said job by direct labour.
7. Beautiful as the idea cum project sounds, it remains bad news to Our Clients who are being divested of the only source of land used for farming for the purpose of food and subsistence money without any proper arrangement for them, because they were not pre-informed of the said project and they are especially not aware of any form of publicity that the state was embarking on a project of this magnitude which cost does not seem to be contained in the very ambitious budget of Quabalistic Densification.
8. Most annoying and insulting is the fact that crops which are still growing in the ground are being destroyed with reckless abandon and **peanuts** are being issued out to the people as either compensation and/or gratuity for relinquishing their

parcels of land by incompetent persons acting as estate valuers on behalf of the appropriate Ministry of Lands and Housing who have capable personnel with professional capacity to perform this responsibility

9. It is our information that Our Clients made spirited attempts by mounting peaceful protest of the forceful takeover of their ancestral farmlands which have continued to inure in them by virtue of their custom but in gross 'strongman' show, the agent of the Government in charge of either supervision or construction of the "International Cargo and Passenger Airport" has continued destruction of Our Clients' farmlands unfettered aided by men of the Nigeria Police Force who offer him security.
10. It is our further information from Our Clients that your representatives at Okambi have engaged some people who have no direct land holding within the proposed airport route who they are aware entered into the outrageous deals with your agents pretending to be representing the Community on the issue of appropriate compensation for the land taken. And for the avoidance of doubt:
  - i. Let it be known that the traditional lands invaded into are held by families and individuals.
  - ii. None of the said families or individuals have been served with any notice revoking their rights in/or holding of such Land or and none of them have been served with any notice of acquisition of their land for any purpose whatsoever.
  - iii. The lands invaded into are the only arable land they have.
  - iv. The crops already destroyed by the invading bulldozers have the monetary value of about **₦500,000,000.00 (Five Hundred Million Naira)**.

It is Our Clients' contention (though not doubting the government's intention) that every act done on their land which is in contravention of **Section 44 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)** and **Section 26 of the Land Use Act**, is null and void.

It is Our Clients' further contention that the mode of compensation carried out by the agents of the Government in respect of their land contravenes **Section 29(3) and (4) of the Land Use Act** and they are hereby notifying you that the those who have been

discussing with government representatives so far do not have the authorization of the entire Community to do so.

It is worthy of note that the Land Use Act even though the product of a military regime still possess human face hence the provision for the procedure of acquisition of land which by virtue of the Preamble to the Land Use Act, is merely held by the Governor or Local Government Chairman in trust for the people. It however recognizes that ownership of land is in the people.

TAKE NOTICE that within three (3) days of your receipt of this letter (inclusive the date of receipt) you cause all your earth moving construction equipment, men and materials to be removed from Our Clients' land forthwith and a proper compensation be paid them for the losses suffered so far by them by virtue of the unprofessional and high-handed and unlawful activities the persons driving the project on your behalf.

TAKE FURTHER NOTICE that should you elect to neglect and/or refuse to yield to Our clients' demands, we shall be left with no option than to employ highly publicized multiple legal machinery against you, your agents, assigns, representatives and/or any person by whatever name under whatsoever guise.

While trusting that being a constitutional government which is sworn to defend same, you shall do the needful, please accept the assurances of our highest esteem.

Yours sincerely,

**Aniah A. Ikwen, Esq.**  
***Pp. Vox Justicia Attorneys***