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RESEARCH ARTICLE

Investigating the Nature and Effects of Land Conflict at Construction Sites: Insights from Nigeria and South Africa

Daramola Thompson Olapade ¹, Justus Ngala Agumba ¹, and Rudzani Glen Muthelo ¹

¹ Tshwane University of Technology, Pretoria, South Africa

ABSTRACT

Construction work, like other activities, takes place on land, which is often subject to varying disputes, ranging from ownership tussle to full-blown interstate or secessionist conflict. The commencement of construction work is evidence that the site is in possession, thereby drawing the attention of other claimants to the site, possibly leading to dispute that exposes construction workers to hazards. Such situations could impact the health and safety of contractors and construction workers, especially when non-state actors are involved. Considering the high level of conflict at construction sites in Nigeria and, recently, in South Africa, this study examines the nature of land conflicts on construction sites in Nigeria and South Africa, focusing on the activities of non-state actors that interfere with construction work. The study aims to provide insight that can help to reduce conflict at construction sites. Using a mixed-methods approach, the study collected primary data through interviews with 19 informants from Government Offices Providing Land Administrative Services (GOPLAS) and 23 purposively selected landowners who had experienced land disputes during construction in Lagos, Nigeria. For the South Africa context, the data came from desktop media analysis of publications in newspaper editorials, blogs, television news and government publications on non-state actors perpetrating conflict at construction sites (i.e., members of the so-called construction mafia). Following thematic analyses, the study found a similarity between the activities of non-state actors in the construction sector in Nigeria (the *omo onile* and the *ajagungbale*) and South Africa (the construction mafia). Among their activities are extortion, use of threats, violence, and disruption of construction work to enforce their demands. The two groups also enjoy some sort of social and legal legitimacy but differ in the range of construction sites where they perpetrate conflict. The study also discovered that the effects of the activities of non-state actors include physical injury and death, loss of investor confidence, and destruction of construction work and equipment, among others. Conflicts at construction sites frequently lead to resource limitations and uncertainty in the work environment. Thus, the study provides insights into the complex relationship between informal land governance and construction hazards. It highlights the urgent need for devising holistic strategies that address both the institutional and community dimensions of land conflict, thereby paving the way for safer, more inclusive urban development in African cities.

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Corresponding author:
olapadedt@tut.ac.za

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1.0 Introduction

Construction activities inherently depend on land, which is often subject to various forms of conflict ranging from minor disputes to severe confrontations. When such confrontations occur at construction sites, they pose significant risks to the health and safety of project executors. While earlier studies on construction safety have primarily addressed internal site hazards, e.g., slips, falls, and equipment-related accidents, they have largely overlooked external threats, particularly those arising from land disputes. In informal settlements, the initiation of construction is often interpreted as a claim of possession, which can provoke opposition from other claimants. This situation frequently leads to violent confrontations, exposing construction workers to both physical and psychological harm. Notably, such conflicts are often instigated by non-state actors who operate outside formal legal frameworks.

In recent years, the activities of non-state actors interfering with land-based construction projects have escalated significantly in Nigeria and South Africa, prompting various governmental and institutional interventions. In Nigeria, groups such as *omo onile* and *ajagunbale* frequently disrupt construction work, often employing violence and intimidation to assert land claims or extort money from developers. Olapade (2023) documented a case in Lekki, Lagos, where over 400 properties — including active construction sites — were affected by such disputes. In South Africa, similar disruptions are caused by extortionist groups who are members of the *construction mafia*. These groups demand protection fees or a share of infrastructure project costs, with refusal to comply often resulting in violent retaliation (Thorne, 2024; Armstrong & Meyer, 2023). According to the South African Forum of Civil Engineering Contractors, the activities of the construction mafia cost the South African economy about 2.2 billion US Dollars in 2019 alone (Thorne, 2024). Armstrong and Meyer (2013) reported the case of construction work in Eastern Cape worth several millions of US dollar that was abandoned by a foreign engineering company after armed members of the construction mafia besieged the said project for several months after the company refused to yield to their demand for a payment of 30% of the project value. These

incidents highlight a growing trend of organized interference in land development, particularly in urban and peri-urban areas.

The incidence of land conflicts, particularly cases of non-state actors interfering with construction work and forceful dispossessing lawful owners of their landed properties, is partly why the Lagos State government enacted the Property Protection Law of 2016. Similarly, the South African government created various interventions to rid the construction sector of the mafia. Regardless of the institutional mechanisms and policies put in place by the government, the incidence of violent land encroachment and conflict persists in the two countries. Meanwhile, the incessant disputes and conflicts result in the wanton destruction of economic resources and loss of human life, threatening social and political stability and affecting investment (Durand-Lasserve, et al., 2015).

Yet, despite this desperate situation in the construction sector of both countries, not much attention has been paid to the phenomenon. Therefore, this study examines the nature and effects of the activities of non-state actors who perpetrate land conflict at construction sites in South Africa and Lagos, Nigeria. The study attempts to answer the following questions: What is the nature of non-state actors perpetrating land conflict at construction sites in Lagos and South Africa. How do these non-state actors compare and what are the effects of their activities? In terms of organization, this introductory section is followed by a review of the literature. Afterwards, the study methodology is outlined, followed by the discussion of findings. The final section concludes the report.

2.0 Literature Review

Land conflict can be described as contestation of land rights between two or more parties. It is a situation in which different stakeholders contest the use, control or ownership of land, often due to divergent interests, values or claims. These disputes can manifest in various forms, including legal battles, public demonstrations or administrative challenges, often involving actors such as local communities, government bodies and private developers (Torre et. al., 2014). Thus, land conflict

or dispute could range from mere ownership tussle to a full-blown interstate or successionist conflict (Olapade, 2023).

Earlier studies on land conflict have focused either on communal clashes (Amnola, 1997) or herder-farmer conflicts (Garsoy, 2020), with few studies (e.g., Akinyele, 2009; Oyalowo et al., 2020) examining land conflicts associated with construction sites. The few studies that have examined the operation of non-state actors such as *omo onile* have not focused on construction sites. For instance, Agboola et al. (2017) examined the activities of *omo onile* in property transactions in Lagos and found that such activities include multiple sales of the same land, forcefully demanding money from the owner as construction progresses and disrupting construction work when such payment is declined. Similarly, Olapade and Aluko (2023) discovered that tenure insecurity in Lagos can arise from the activities of non-state actors such as *omo onile* and *ajagunbale*, often climaxing as criminal encroachment of land and extortion.

In South Africa, land conflict relating to construction sites have been traced to the activities of non-state actors, notably the construction mafia. The activities of this group have garnered increasing attention, although scholarly engagement remains limited. For instance, Armstrong and Meyer (2023) have explored the emergence and operational dynamics of these groups, while the Inclusive

Society Institute (2023) has offered a historical overview and assessed their impact on the broader construction industry. Nyangiwe et al. (2023) further investigated the consequences of such actions on sectoral performance and project delivery. Additional contributions by Theessen (2023), Geldenhuys (2024), Lobola (2024) and Monnye (2023) provide valuable perspectives on the tactics and influence of these networks. Despite these efforts, the precise mechanisms through which these non-state actors disrupt construction projects remain insufficiently understood.

2.1 Conceptual Framework for Understanding Land Conflicts at Construction Sites

Figure 1 presents a conceptual framework for understanding land conflict at construction sites. The conceptual framework is structured around the central premise that institutional failure and the rise of informal power structures are the foundational drivers of land conflict in urban African contexts (Lombard & Rakodi, 2016). These two forces are deeply interconnected and mutually reinforcing. At the top of the framework lies institutional failure, which refers to the inability or unwillingness of formal state institutions, such as land administration bodies, law enforcement agencies and judicial systems, to effectively regulate land ownership, enforce property rights and resolve disputes (Lombard & Rakodi, 2016; Magsi et al., 2017).

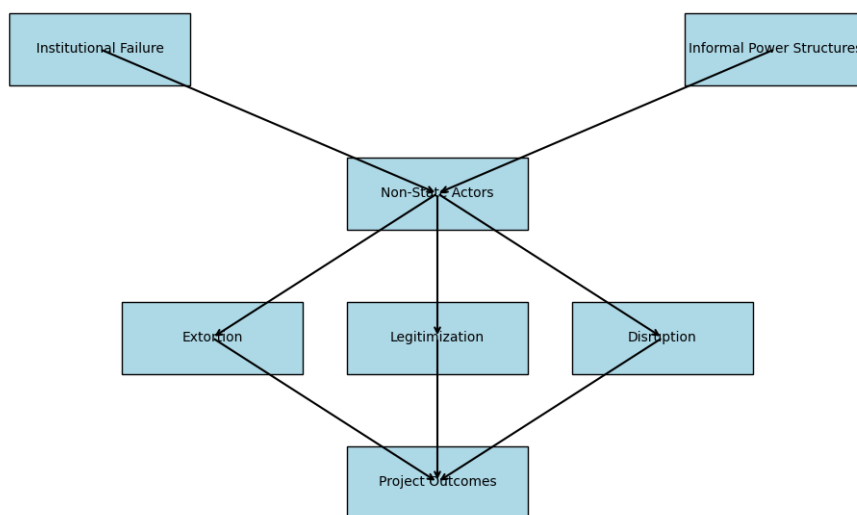


Figure 1: Conceptual framework on land conflict at construction sites

This failure creates a governance vacuum, particularly in rapidly urbanizing areas where land is in high demand and formal systems are often overwhelmed, under-resourced or compromised by corruption. Into this vacuum step informal power structures. These include traditional landowning families, community leaders and organised groups that operate outside the formal legal framework but often enjoy social legitimacy. Their authority is rooted in customary practices, local norms or political patronage. In some cases, these actors are even tolerated or co-opted by formal institutions, a situation that further blurs the lines between legality and informality.

The convergence of institutional failure and informal power structures gives rise to non-state actors such as the *omo onile* in Nigeria or the construction mafia in South Africa. These actors exploit the weaknesses of the formal system and the legitimacy conferred by informal networks to assert control over land and construction activities. Once empowered, non-state actors influence project outcomes through extortion, disruption of construction works and legitimization of their action through cultural norms. These mechanisms collectively shape project outcomes, manifesting as increased construction costs, delays, safety risks and a loss of investor confidence. In extreme cases, they can result in the abandonment of projects or violent confrontations leading to loss of lives.

The study adopts the framework of Urban Conflict Theory, which explains how competition over scarce urban resources, e.g., land, can lead to conflict, especially in contexts of weak governance (O'Dowd, 2014; Reul & Bhavnani, 2019). It also draws on Informal Governance Theory, which highlights how informal actors and institutions often fill the void left by ineffective formal systems (Lombard & Rakodi, 2016; Magsi et al., 2017; Olapade, 2023; Olapade & Aluko, 2023). In sum, the framework illustrates a cascading relationship: institutional failure enables informal power structures, which in turn empower non-state actors, who then influence construction outcomes through extortion, legitimization and disruption. Understanding these interrelationships is essential for designing effective interventions to mitigate land conflicts and promote safer, more equitable urban development.

3.0 Methodology

3.1 Research Design

The study adopted a descriptive qualitative approach incorporating the collection of both primary and secondary data. This design allows for data collection from both primary sources, including semi-structured interviews, and secondary sources, such as grey literature, legislation, and media reports (Patton, 2015). This combination of data sources enhances the depth and credibility of the study (Agboola, 2015). This study employs thematic analysis, a widely used method for identifying, analysing and interpreting patterns within qualitative data (Braun & Clarke, 2006). The insights gained will inform the development of context-specific strategies to mitigate the influence of non-state actors on the construction sector.

Primary data was collected from landowners (LOs) across the five administrative divisions of Lagos State, namely Ikeja, Badagry, Ikorodu, Lagos (Eko), and Epe. These divisions were officially created in May 1968 as part of the state's administrative structure to decentralize governance and enhance development planning (Nigeria Bureau of Statistics, 2015). In addition, 19 key informants were interviewed from various government agencies involved in land administration in Lagos State and at the federal level. The Lagos State officials included representatives from the Land Bureau (7), the Surveyor General's Office (1), the Ministry of Physical Planning and Urban Development (1), the Ministry of Waterfront Infrastructure Development (1), the Ministry of Justice (2), the Lagos State Agricultural Land Holding Authority (1), the New Town Development Authority (2), and the Lagos State Property Development Corporation (2). Two officials from relevant Federal Government GOPLAS institutions (2) also participated.

3.2 Data Collection

Primary data was collected through semi-structured interviews with landowners (LO), using an interviewer's guide. Participants were asked open-ended questions, including questions about their encounters with the *omo onile*. Follow-up questions were used to elicit more details on the characteristics, behaviour and modes of operation of these non-state actors. The key informant

(GOPLAS) interviews sought to uncover institutional knowledge and personal encounters with the *omo onile*. Key informants were asked to share their knowledge of the *omo onile* and describe any personal experiences they had with the group. Follow-up questions elicited from the literature, such as “who are *omo onile*?” and “how do they operate?”, were posed to gather more information on the group’s characteristics and methods of operation. Participants were also asked about the actions taken by government institutions to address the challenges posed by *omo onile*.

Secondary data on non-state actors disrupting construction activities in South Africa were collected through desktop research, a method commonly used when primary data collection is constrained by practical or ethical concerns (Bowen, 2009). This approach was particularly appropriate, given the criminal nature of the construction mafia and the reluctance of individuals to participate in interviews due to perceived personal risks (Lobola, 2024). Owing to the limited availability of academic research on this emerging phenomenon, the review incorporated grey literature, including news reports, blogs, online videos and other publicly available multimedia sources, to provide a broader and more contextual understanding (Adams et al., 2017).

The desktop review began with systematic searches in Scopus and Web of Science using the terms “construction mafia” OR “illicit business forum” AND “South Africa”, which returned only one relevant article. The search was then extended to Google Scholar, yielding 111 potentially relevant documents, with a Google search being employed to identify multimedia files and blog posts providing first-hand accounts alongside investigative reporting. In total, 25 documents (including news articles and blogs) and three multimedia sources (e.g., video interviews and news footage) were transcribed, reviewed and qualitatively coded to extract key themes relevant to the characteristics, activities and impact of the construction mafia in South Africa.

3.3 Data Analysis and Limitations

A detailed thematic analysis was conducted on the transcribed interviews and desktop review

materials. All interviews were transcribed into Microsoft Word documents and assigned identifiers (e.g., LO 1 to LO 23) to ensure accurate tracking of individual responses. Similarly, relevant quotations from the desktop review were extracted and coded. Each transcript and document was carefully reviewed, with quotations pertinent to the characteristics, operations and impacts of non-state actors identified. Codes, words or short phrases summarising the meaning of similar quotations, were assigned, with related codes being grouped into broader themes through an iterative process of coding, theme development and refinement.

The analysis was conducted both manually and with the aid of ATLAS.ti version 13, which is computer-assisted qualitative data analysis software that enhanced the organisation and categorisation of data. This ensured analytical rigour and consistency across the dataset. A number of measures were taken before and during the fieldwork to achieve the appropriate level of rigour in order to enhance the credibility and dependability of the data collected, as suggested in the literature (Agboola, 2015). Firstly, the author employed both secondary and primary data (through semi-structured interview), thus allowing some forms of data triangulation that further enhanced the credibility of the data. This also involved cross-validating findings from different participant groups, such as landowners and government officials, and comparing interview data with secondary sources, including newspaper articles, blogs and government publications. This multi-source validation helped ensure consistency and credibility in the interpretation of findings. Moreover, peer debriefing was employed to enhance credibility and dependability of the research. This involved inviting disinterested peers to probe aspects of the research prior to fieldwork. Disinterested peers in non-allied courses read through the research design and the interview guide, asking questions that helped to inspire further ideas about the research.

During fieldwork, the author transcribed the interviews personally in order to get familiar with the transcripts and understand the import of the interviews. Again, the fact that the author was an active participant in all the interviews made understanding them easy, since the context of each interview could easily be brought to memory. In

addition to this, member checking was also done when required. This involved calling up the interviewee to request some clarifications or follow-up on some statements they had made. Furthermore, when the author was coding the transcripts, a small part of the transcripts (anonymised section) was given to a colleague conducting a qualitative study to code in order to obtain a second opinion. When the coding was compared with that of the author, there was a good degree of agreement across the respective codes. It is believed that with the aforementioned steps taken, the outcomes of the research were achieved through a rigorous process that ensured correctness and accuracy of the interpretation and conclusion emanating from the study.

The themes and supporting quotations were synthesised into a narrative aligned with the characteristics, operations and impacts of non-state actors. To improve clarity and readability, selected quotations were presented in accordance with recommendations by Corden and Sainsbury (2006). The selection of quotations followed the principles of authenticity and argument, ensuring that excerpts were illustrative, succinct and representative of the broader patterns identified in the data (Lingard & Watling, 2021). As Creswell (2012) notes, the strategic use of quotations can convey the depth and nuance of participants' experiences without overwhelming the reader with excessive data. This method aligns with best practices in qualitative research reporting, as outlined by Tong et al. (2007), emphasising clarity, transparency and coherence in presenting findings.

However, the study faced notable limitations, particularly in the South African context. Owing to the criminal nature of the construction mafia and the associated risks, potential participants were reluctant to engage in interviews. This risk-aversion significantly constrained fieldwork, necessitating reliance on desktop research and secondary data sources. This methodological divergence was necessary to ensure researcher safety and data availability. While this approach provided valuable insights, it may lack the depth and nuance typically obtained through direct field engagement. This limitation is acknowledged as a constraint on the richness of the South African data and underscores the need for cautious interpretation when comparing findings across the two countries.

4.0 Findings and Discussion

The findings and discussion section presents the participants' profiles, followed by the characteristics of the non-state actors in the two countries and, finally, the thematic synthesis of empirical evidence to highlight cross-cutting themes across the two contexts.

4.1 Participants' Profiles

From the results in Table 1, the landowners interviewed were predominantly male, with only one female respondent (LO7). The age of respondents ranged from 30 to 92 years, with a concentration of individuals aged 60 and above, thus indicating a largely older demographic.

Table 1: Landowners (LO) profile

Identifier	Gender	Age	Occupation
LO1	Male	45	Electrical Engineer
LO2	Male	71	Retired Civil Servant
LO3	Male	53	Building contractor
LO4	Male	71	Farmer
LO5	Male	65	Retired private worker
LO6	Male	92	Retired private worker
LO7	Female	30	Self employed
LO8	Male	64	Contractor
LO9	Male	32	Businessman
LO10	Male	63	Industrialist
LO11	Male	49	Retired Artisan
LO12	Male	47	Retired Artisan (tailor)
LO13	Male	73	Retired artisan

LO14	Male	67	Businessman
LO15	Male	58	Builder
LO16	Male	72	Retired Military Officer
LO17	Male	65	Bricklayer
LO18	Male	78	Retired artisan
LO19	Male	61	Artisan
LO20	Male	49	Businessman
LO21	Male	65	Civil Engineer
LO22	Male	43	Businessman
LO23	Male	42	Civil servant

A significant number of landowners were either retired or engaged in skilled trades (artisans, builders and contractors). Retired civil servants, private-sector workers and artisans made up a notable portion of the group, highlighting a strong presence of individuals with long-term occupational histories. A smaller number were actively engaged in business, self-employment or engineering-related professions. This profile reflects a mix of formal- and informal-sector experiences, with the scale tilted towards male, older and semi-skilled or skilled occupational backgrounds.

Given their roles as landowners and their direct involvement or experience with construction activities, these individuals were well positioned to

provide credible insights into the operations and impact of *omo onile* activities.

As Table 2 shows, the GOPLAS participants comprised 19 professionals with diverse but predominantly senior roles within the land administration sector. The group included 13 males and 6 females, reflecting a reasonably balanced gender representation in a traditionally male-dominated field. Most respondents held at least a first-degree qualification, with several possessing second degrees, indicating a generally high level of academic attainment. Their years of experience ranged widely from 5 to over 30 years, with the majority having more than a decade of service.

Table 2: Profiles of Government Officials Providing Land Administration Services (GOPLAS)

Respondents	Gender	Highest Academic Qualification	Year of Experience	Position/Rank
IGOPLAS1	Male	Second degree	22	Assistant Director
IGOPLAS2	Female	Second degree	17	Chief Land Officer
IGOPLAS3	Male	First degree	14	Assistant Chief Land Officer
IGOPLAS4	Female	First degree	23	Assistant Director
IGOPLAS5	Male	First degree	18	Chief land officer
IGOPLAS6	Female	First degree	18	Registrar of title
IGOPLAS7	Male	First degree	16	Head of unit
IGOPLAS8	Male	First degree	20	Assistant Surveyor General
IGOPLAS9	Male	Second degree	23	General manager
IGOPLAS10	Male	First degree	15	Assistant Town Planner
IGOPLAS11	Male	First degree	22	Assistant Director
IGOPLAS12	Male	First degree	25	General manager
IGOPLAS13	Male	Second degree	25	Assistant general Manager
IGOPLAS14	Male	Second degree	5	Deputy General Manager
IGOPLAS15	Male	Second degree	26	Director
IGOPLAS16	Male	First degree	5	State counsel
IGOPLAS17	Female	First degree	30 years +	Director
IGOPLAS18	Male	First degree	30 years	Assistant Director
IGOPLAS19	Female	First degree	More than 25	Deputy GM

This extensive experience is complemented by the seniority of their designations, such as Directors,

General Managers, Assistant Directors, Chief Land Officers, and other key leadership and specialist

roles such as Assistant Surveyor General and State Counsel. Collectively, this profile demonstrates that the participants had significant expertise and institutional knowledge in land administration. Given their qualifications, depth of experience and leadership roles, these officials were well equipped to provide informed and credible insights into the operations of the construction mafia, including the challenges and dynamics involved in illegal construction and land-related corruption. Therefore, the GOPLAS respondents were valid and reliable sources for information on issues related to the *omo onile* within the land administration context.

4.2 Characteristics of Non-State Actors Interfering with Construction Work

4.2.1 Non-State Actors Interfering with Construction Work in Lagos, Nigeria

From the analysis of the interview, two different non-state actors usually interfere with construction work in Lagos, Nigeria: the *ajagungbale* and the *omo onile* groups.

(a) *Omo onile*

The term *omo onile* literally means ‘children of the landowners’. The negative activities of this group, as identified by Akinyele (2009) and Agboola et al. (2017) among others and confirmed by the interviews, include making spurious claims concerning ownership rights, engaging in multiple sales of single parcels of land to different parties, fomenting violence, withholding possession of already acquired land, dispossessing people of their land, gaining forceful entry and illegal occupation of property, demanding additional compensation upfront before starting development or as a project progresses. Below are some of the comments of participants regarding the actions of the *omo onile*:

The issue of land encroachment by *Omo Onile* is a serious problem which we battle on a continual basis [...] (IGOPLAS 19).

When I started construction work on my site, the *omo onile* came to stop the workers on site and to demand that I pay money for the foundation, even when I had fully paid for the land and obtained building approval from the government [...] (IGOPLAS 13)

This finding aligns with Agboola et al. (2017), which established that the activities of the *omo onile*

are a major factor affecting the operations of the Lagos property market and a key risk to real-estate investment in the study area. The negative activities of the *omo onile* may be a result of the dysfunctional formal institutional framework to ensure the undisturbed possession of sites. This is also coupled with the financial hardship and general poor socioeconomic conditions prevalent in the country. No doubt, the activities of this group call for serious government attention, given that they could result to violence and the disruption of construction work and other economic activities, with consequential loss of lives and property.

(b) *Ajagungbale*

Ajagungbale is a Yoruba word meaning ‘one who wages war to grab land’. Most of the respondents used the term land grabber to refer to the *ajagungbale*.

[...] land grabbers that violently take over a person, family or community land [...]. (IGOPLAS 15).

Land grabbers are people who do not have any right, any provable claims, who are intruders to any land in Lagos State [...]. (IGOPLAS 15).

The Punch newspaper of 24 August 2019 published a feature on land grabbers entitled “Terror Tactics of Lagos, Ogun Notorious Land Grabbers,” where the *Ajagungbale* are described as:

[...] warlords, waiting to be hired by anyone who can pay for their services to take over land by force [...] (Hanafi, 2019).

Thus, *Ajagungbale* can be described as people who engage in the forceful takeover of land that they do not have any legal right on. The term *Ajagungbale* should, however, not be confused with the expression *omo onile*, meaning the ‘children of the owners of the land’ or the legitimate indigenous landowners in a community. Akinyele (2009), making the distinction between the *ajagungbale* and the *omo onile*, observed that the former are “land speculators and land grabbers, who the *Omo Oniles* sometimes employ to fight their course [sic], especially in places where people have hired thugs to challenge the authority of the rightful land owners.” From these observations, it is clear that the *ajagungbale* are either engaged by other persons or act on their own to dispossess or take over land by force.

Six out of the LOs interviewed (3 in Ikorodu, 1 in Ikeja and 2 in Epe divisions) have had direct personal encounters with the *ajagun gbale*. Two of the LOs surveyed alleged that their family lands were forcefully taken over by the *ajagun gbale*, with the entire family driven out by them. A respondent commented on the activities of the group as follows:

In 2005, our family customary tenant ganged up with an agent, a notorious *ajagun gbale* (name withheld) to sell our family land. Since we could not engage them in a physical battle, we took them to court and secured judgment in 2010. We got the possession order and secured our land back after they had sold several plots. Unfortunately, the security we employed conspired with the trespassers and they took over our land in 2017. Our family was chased out of our land as a result of the threat to our life and even I, the *Baale*, had to leave the town and became a sojourner in another town. (LO 19)

The government should work on the issue of *ajagun gbale*. It is very rampant within this neighbourhood. They have chased us out of our roots and we have lost almost all our heritage because of this wickedness. (LO 9)

The *ajagun gbale* disrupt construction work by engaging in extortion, boundary encroachment and destroy construction work and equipment. Other activities include violent and physical injury, with deaths being recorded some cases.

4.2.2 Non-State Actors Interfering with Construction Work in South Africa

In South Africa, the non-state actors who normally interfere with construction work in South Africa are commonly known as the Construction Mafia. According to the State Investigating Unit (SIU), the construction mafia refers to:

Extortion groups that typically seek to forcefully extract protection fees from local construction companies and contractors or extort a portion of the cost of an infrastructure project or that specific individuals affiliated with the mafia are recruited to work on the site [...]. (Armstrong & Meyer, 2023)

The Inclusive Society Institute (2023) describe the construction mafia as:

[...] networks that employ violence and other illegal means of controlling access to public sector procurement opportunities. These groups

typically invade construction sites, demanding money, or a stake in development projects [...] (Inclusive Society Institute, 2023)

Given these two definitions, the construction mafia can be generally viewed as a criminal gang engaged in forcefully extorting money from construction projects in South Africa. Many studies trace the origin of the construction mafia to the enactment of the Preferential Procurement Act and its Regulations, which provide preferential treatment to local businesses (The Inclusive Society Institute, 2023; Armstrong & Meyer, 2023; Shaw, 2022; Pocock, 2018; Nene-Matlou, 2024). Specifically, Section 9 of the Preferential Procurement Regulations (PPR) 2017, allows organs of state to subcontract part of a contract worth more than 30 million Rand to designated groups, such as black-owned or women-owned businesses. The regulations specify who qualifies for subcontracting and require the state to provide a list of approved suppliers from these groups for the particular main contractors to choose from (Nene-Matlou, 2024).

This provision, which was meant to promote transformation and empowerment of Black-owned business, is being exploited by the criminal group to justify their activities. The construction mafia started in the townships of Umlazi and KwaMashu in KwaZulu-Natal, where the Delangokubona Business Forum and the KwaMashu Youth in Action Movement emerged respectively in 2015, before spreading to other provinces in South Africa (Nene-Matlou, 2024). The construction mafia, whose units generally call themselves 'local business forums', localizes its operations, even though the tactics used are similar. The South African Police Services (SAPS), as reported by The Inclusive Society Institute (2023), notes that the Construction Mafia "threatens projects with violence and heavy weaponry, demanding a share without genuine interest in the job itself." The Institute further observed that "Their criminal activities extend to terrorising, intimidating, assaulting, and in some cases, even killing employees or managers on site [...]" (The Inclusive Society Institute, 2023).

Clearly, therefore, the construction mafia engages in criminal extortion using disruptive tactics targeted at hindering progress on construction projects. The

Inclusive Society Institute (2023) reported that such activities could include demands for up to 30% share of contract sums, theft, and demand for constructors to pay protection fees to avoid rival gang interference. Armstrong and Meyer (2023) noted that if their demands are not met, the group could resort to violence, disrupt site activities using mass action, rioting, and damaging of properties and construction equipment. They could also engage in hostage-taking and, in the worst cases, murder.

4.3 Thematic Synthesis of Empirical Evidence

Analyses of the interview and media data revealed several recurring themes across both Nigeria and South Africa. The findings are synthesized to highlight common sentiments, contradictions and illustrative cases in the following themes.

4.3.1 Legitimacy and Social Acceptance

In both countries, non-state actors derive legitimacy from cultural norms or legal ambiguities. In Nigeria, the *omo onile* are often perceived as customary landowners entitled to foundation levies. Respondents from GOPLAS noted that despite legal prohibitions, these actors continue to operate with impunity because of community tolerance and weak enforcement. Similarly, in South Africa, the construction mafia justifies its actions through the Preferential Procurement Regulations, claiming to represent marginalized local businesses. For instance, the *omo onile* enjoy both social and legal legitimacy. For instance, the Yoruba culture allows the payment of customary fees for possession (Olapade & Aluko, 2023). This is also legally legitimized by Section 11 of the Lagos State Properties Protection Law of 2016, which states, *inter alia*:

A person shall not, whether for himself or acting as an agent demand for any fee or levy in respect of construction activities on ~ any property, disrupt or obstruct construction works provided that the provision of this Section shall not be interpreted to preclude land owning families under the authorization of the family head to demand for the customary fee for possession (in the name of foundation levy) from buyers, or ratification fee under judgment of a court of competent jurisdiction (Lagos State Properties Protection Law of 2016) (Nigeria)

Similarly, in South Africa, the construction mafia claims legitimacy through the framework established by the Preferential Procurement Policy Framework Act 5 of 2000 and its subsequent regulations. These regulations allow government agencies to mandate that a portion of large contracts - those exceeding 30 million Rand - be allocated to businesses owned by designated groups, such as Black- or women-owned enterprises (Armstrong & Meyer, 2023; Nene-Matlou, 2024). Beyond this formal framework, the group also derives a degree of legitimacy from local communities, where they recruit members to disrupt construction activities. They are often supported or tolerated by local politicians and sometimes enjoy sympathy – or at least inaction – from law enforcement agencies. As Armstrong and Meyer (2023) put it:

The perpetrators gain sympathy from police, policymakers and political role-players by hiding their criminal enterprise behind a job creation and radical transformation narrative [...] (Armstrong & Meyer, 2023) (South Africa).

It is important to note that the social legitimacy enjoyed by these two groups makes it difficult to categorise them outright as criminal gangs. It should, however, be noted that, unlike the *omo onile* and the construction mafia that enjoy some levels of social and legal legitimacy, the *ajagunbale* do not enjoy any level of legitimacy. The Lagos State Properties Protection Law expressly proscribes and criminalizes their activities, with up to 10 years' imprisonment prescribed for those convicted.

4.3.2 Extortion and Disruption Tactics

Both the *omo onile* and the construction mafia engage in extortion, although their methods differ. In Nigeria, payments are often demanded at various stages of construction (e.g., foundation laying, roofing), while in South Africa, demands are framed as a fixed percentage of the project value (often 30%). It was noted as follows:

When I started construction work on my site, the *omo onile* came to stop the workers on site and to demand that I pay money for the foundation, even when I had fully paid for the land and obtained building approval from the government [...]. (LO13) Nigeria)

Contractors are forced to stop work or face violence if they don't pay the 30%. (News report, South Africa)

4.3.3 Violence and Threats

Violence is a common enforcement mechanism used by non-state actors. In Nigeria, the *ajagungbale* are known for physically displacing landowners. In South Africa, the construction mafia uses armed intimidation, sometimes resulting in fatalities. These views are summed up in the excerpts below:

If you refuse to pay them the amount they demanded, the *omo onile* can be violent and attack workers on the site that refuse to abide by their stop-work order [...]. (LO9) (Nigeria)

[...] threatening projects with violence and heavy weaponry, demanding a share without genuine interest in the job itself. Their criminal activities extend to terrorising, intimidating, assaulting, and in some cases, even killing employees or managers on site [...] (The Inclusive Society Institute, 2023) (South Africa).

4.3.4 Institutional Weakness and Legal Gaps

Respondents in both contexts emphasized the failure of formal institutions to protect land rights or prosecute offenders. In Nigeria, laws exist but are poorly enforced. In South Africa, the legal provisions intended for empowerment are frequently exploited by criminal groups. According to some respondents:

They hide behind the law to justify their actions. (Policy analyst, SA)

The law is not effective. The government agency on land grabbing even arrested them and they were release shortly, since they have money to bribe. The officials of the government who made the law are the set of people using their services (LO 9).

4.3.5 Basis of Claim

The *omo onile* and the *ajagungbale* typically base their actions on proprietary claims to the land, which stem from family customary rights. For example, their claims arise from interests derived

through ancestral ownership, although these claims can often be unfounded. Agboola et al. (2017) attribute such claims to dysfunctions within Nigeria's land policy framework, particularly the Land Use Act of 1978. By contrast, the construction mafia does not assert proprietary rights over land; rather, they base their activities on economic empowerment and exploitation.

It is important to recognise that the disruptive tactics employed by both the construction mafia and the *omo onile* significantly hinder progress at construction projects. Such disruptions are viewed as sabotage to the economy (Watermeyer & Phillips, 2020), resulting in adverse consequences.

4.3.6 Types of Construction Work Targeted

The construction mafia usually targets public-sector projects, e.g., infrastructure works; however, as noted by Theessan (2023), they also target private-sector construction works for extortion. They do this perhaps out of sheer ignorance about the Preferential Procurement Policy Framework Act, assuming it applies only to public projects or because they just aim to exploit the society. According to Theessan (2023),

One of the areas of misunderstanding which has been exploited by the construction mafias is a widespread misconception of the difference between government and private sector procurement (Theessan, 2023). (South Africa)

In Nigeria, the *omo onile* and the *ajagungbale* target only private-sector projects and mainly building constructions, although they sometimes carry out their activities on land owned by government. As noted by one of the government officials, "The issue of land encroachment by *omo onile* is a serious problem which we battle on a continual basis [...]" (LO 5, Nigeria).

Table 3 presents a summary of the comparison of the nature of activities of non-state actors in Nigeria and South Africa.

Table 3: Comparison of themes on the nature of activities of non-state actors between Nigeria and South Africa

Themes	Nigeria	South Africa
Legitimacy and Social Acceptance	Omo onile enjoy social and legal legitimacy; Ajagungbale are criminalized	Construction mafia claim legitimacy via procurement laws and local support

Extortion and Disruption Tactics	Extortion through customary levies, threats, and disruption	Extortion of 30% project value, protection fees
Use of Violence and Threats	Threats, violence, and site disruption	Violence, armed invasion, and intimidation
Institutional Weakness and Legal Gaps	Poor enforcement of law	Misinterpretation and exploitation of law by criminal group
Basis of claim	Proprietary land right	Economic empowerment and exploitation
Targeted Projects	Primarily private-sector building projects	Public infrastructure and some private projects

4.4 Effects of Non-State Actors on Construction and Real Estate in Nigeria and South Africa

Next discussed are some of these effects of the activities of non-state actors on the construction and real-estate sector.

(i) *Destruction of Construction Works and Equipment*

When non-state actors such as the construction mafia attack a construction site, they sometimes disrupt the ongoing construction work, construction equipment and the project itself. For instance, Olapade (2023) reported a case where *ajagunbale* destroyed over 400 buildings, including those under construction in Lagos, Nigeria.

(ii) *Delay of Construction Work and Increased Cost*

The activities of non-state actors lead to project delays and the consequential increase in construction costs. As Lobola (2024) noted, when construction sites are invaded by non-state actors, contractors are forced to stop construction work, especially when they feel threatened. Such interruptions lead to cost overruns since delays can result in penalties, increased labour costs and increased cost of materials during the inflation period.

(iii) *Increased Transaction Costs*

Transaction costs are hidden costs outside the budget. They can also be described as institutional hurdles, processes or procedures, extra burdens, effort and commitment (Olapade, 2021). Such costs also include unobserved or implied expenses incurred in the form of time, opportunity and effort. The activities of non-state actors such as the

construction mafia tend to increase transaction costs in the form of additional costs needed for heightened security measures (Lobola, 2024; Armstrong & Meyer, 2023), payment for additional compensation demand by non-state actors before the start of development or during project progression.

(iv) *Loss of Investor Confidence*

The activities of non-state actors in the construction industry could result in loss in investor confidence. This is because investors would be wary of committing funds to projects that may be subject to extortion or disruption. For instance, Lobola (2024) reported that the presence of the construction mafia has shaken investors' confidence in South Africa's real estate market. Mfebe (2019) also noted that the activities of the construction mafia has led to a situation where hundreds of experts and skilled technical workers have left the South African industry because of issues of safety and lack of work.

(v) *Physical Injury and Death*

The activities of non-state actors could result in violence, which could in turn lead to physical injury and death. According to Pocock (2018),

[...] the activities of the construction mafia has engulfed Gauteng in wave after wave of illegal protest action, often marred by violence, physical harm and the destruction of property [...]

The interview sample also confirmed that the activities of the *ajagunbale* and *omo onile* sometimes result in violence that may lead to serious injury and death. As one respondent offered:

One person was gunned down when *ajagunbale* attacked us with a dangerous weapon. (LO 3)

(vi) Negative Impact on Local Communities

When projects are delayed or cancelled due to the actions of non-state actors, this could result in loss of opportunities for local employment and development, as well as tarnish the reputation of the community.

5.0 Conclusion

Land conflicts on construction sites pose significant challenges to the construction industry in Nigeria and South Africa. This study has highlighted the activities of non-state actors, such as *omo onile*, *ajagunbale* (in Nigeria) and the construction mafias (in South Africa), who engage in extortion, threats, violence and disruption of construction work. These illicit activities not only hinder project timelines and budgets but also threaten the safety and well-being of construction workers.

This study underscores a critical shift in how land conflicts are understood within urban development discourse. Traditionally, land disputes have been framed as rural or communal issues, often disconnected from the realities of urban infrastructure and occupational safety. This research challenges that narrative by demonstrating how land conflicts, particularly those instigated by non-state actors, pose direct and severe threats to construction projects in urban settings.

By examining the activities of these non-state actors in the construction industry, the study reveals how informal land governance intersects with occupational health, project disruption and broader issues of urban instability. These actors operate in a space where institutional failure and informal legitimacy converge, enabling them to extort, intimidate and disrupt construction activities with relative impunity. This adds a new perspective to the concept of occupational health, expanding it beyond internal site hazards to include external socio-political threats.

To mitigate these risks, the study proposes a set of actionable recommendations. First, legal and institutional reforms are necessary to strengthen enforcement mechanisms, close loopholes in property laws and ensure accountability for land-related crimes. Second, community engagement models should be adopted to foster dialogue

between developers, traditional authorities and local residents, thereby reducing mistrust and clarifying land-ownership claims. Third, integrated urban governance approaches are needed to coordinate efforts across planning, law enforcement and civil society. Finally, public education campaigns can raise awareness among landowners and developers about the dangers of informal transactions and the importance of legal compliance.

In conclusion, this research offers original and grounded insights into the complex relationship between informal land governance and construction hazards. It challenges dominant narratives that overlook external threats to construction safety, emphasizing the role of informal power structures. The study also highlights the urgent need for devising holistic strategies that address both the institutional and community dimensions of land conflict, thereby paving the way for safer, more inclusive urban development in African cities.

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