

Public Land Policy, New Trends: Challenges in Nigerian Institutional Frameworks for State and Public Sector Land Management

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SUMMARY

The vesting of ownership of Nigerian land in state/ public sector management is a feature of 1978 Land Use Act (LUA). Over the years, implementation of the LUA is bedeviled with problems resulting to injustice, loss of land market, lack of equity, transparency and inaccessibility of land to the urban/rural poor. Therefore, the criticisms range from inadequate payment of compensation, inappropriate application of the provisions of the LUA by the State, isolation of the Local Government (LG) councils/ community leaders and urban poor in the implementation of LUA. These criticisms are justified based on the physical inspection and interaction with the stakeholders in land rights of the study Area. It was discovered that the LUA is too technical for common man to comprehend, very expensive and burdensome, it is oriented towards governmental needs. The objective of the study is to analyze the current practices in public sector land management in Minna, Niger State of Nigeria and to find possible and effective solution to solve the problems. To ensure success, it is advocated that respect for existing property rights, access to credit markets and a conducive policy environment are essential. Attention needs to be paid to the fiscal viability of the land reform agenda of the present Government in Nigeria.

1. INTRODUCTION

Nigeria land policies which has a long enduring history inform of the traditional land tenure system, statutory land law (Southern and Northern protectorate) Land and Native Rights Proclamation 1910 because of their shortcomings and failure to meet up with the demand led the government to promulgate another land policy instrument on the 29th March, 1978 know as Land Use Act (LUA) the principal Nigerian land policy with regard to all land which will, to a great extent unify the laws relating to land tenure in Nigeria. The LUA has done away with the various state land laws governing land tenure system in the country.

The LUA was established purposely to unify land policy through-out Nigeria and to eradicate land speculation so as to protect the rights of all Nigerians to land. It is in the public interest of all Nigerians to use and enjoy land in the Country and the natural fruits thereof in sufficient quantity to enable them provide for the sustenance of themselves and their families. Despite all these objectives the LUA still has some shortcomings, which shall be examined in this paper.

Land policy in Nigeria is intricately tied to governmental needs and development. Land policy has had a significant impact over housing production for civil servants; the ability of urban

areas to expand into rural areas; and the ability to use land without adequate payment of compensation. All previous land policies up until the LUA were restricted to specific areas, mainly North and South. In traditional society, land was not owned by any individual but was vested in the group, extended family, and the village or the community. Land assignment was on a freehold basis by the community Chief. During the colonial period, individual ownership was introduced, particularly in Lagos, and hence, two different forms of land ownership emerged: individual and communal land tenure. With the LUA, individual ownership was disallowed, and the state governor (s) replaced the chief, family head or emir as the controlling force behind the land. This was done in theory at least so that land acquisition by government would be made easier for urban expansion: so that ethnicity would be less of a factor in land ownership in urban areas as indigenous groups often controlled land in the older urban areas; to encourage the non-indigenous population have access to land, and to curtail land speculation by limiting the amount of land owned by individuals. The LUA provides that Land Allocation Committees would be created which would dispense the land through the granting of Certificates of Occupancy. While the LUA sought in theory to break up large land holdings, and hence facilitate the transfer of land for housing development and to encourage rehabilitation of older indigenous areas in prime commercial locations in city centers, in reality, it has not accomplished these ends. The traditional authorities still exert influence over the land and generally refuse to relinquish their control over it, and the LUA has not stopped land speculation or land hoarding. While the LUA looks good on paper, Okolocha (1980) states that the powerful have manipulated the system: the state lacks the will to implement it; and generally the principles have not been upheld. However, the attempt to control and manage urban growth constitutes a major theme in Nigerian development. The Nigerian Institution of Estate Surveyors and Valuers at various fora discussed and concluded that the following policies would establish an agenda for planned and orderly urban land management/growth within a framework of social justice: (1) the need for review of the existing LUA and coordination of urban planning functions between various levels of government and between agencies of government; (2) the creation of a national land registry and urban cadastre plan which would relate economic planning to regional balance and physical planning; (3) the need to encourage the development of small and medium-sized cities as a way to reduce regional inequalities and the trend toward primary dominance; (4) the need to encourage more indigenous housing designs which utilize local building materials with cultural traditions, and adhere to the environmental restraints of a tropical climate; (5) to utilize a site and services policy whereby government provides physical infrastructure services to low-income housing residents who rehabilitate or improve existing housing rather than rely exclusively on public housing; (6) to remove the existing LUA from the 1999 Constitution and make it more pro-active to facilitate the alienation of land for development. (7) Reduction of restrictions of traditional ownership which inhibits urban rehabilitation, and peripheral urban development and produce a more efficient land system through facilitation of traditional layout designs and ownership with land titles that could motivate credit facilities.

Land policy has been viewed by many authors whom the researcher agreed with as an integral part of socio-cultural framework of every country. It entails the formation of laws guideline strategies and tactics of administering land in the body polity of the country. It has legal

implication law rules, rules and regulation to fashion out, monitor, land allocation and ownership. Umeh (1983) has described land policy as a set of rules, principles, objectives, or course of action respecting land ownership, land development, and land resource utilization and further identified eighteen (18) objectives of land policy namely: 1, social justice; 2, social welfare; 3, economic efficiency; 4, economic livelihood; 5, political stability; 6, social cohesion; 7, cultural identity; 8, environmental viability; 9, external influence (social, economic, spiritual, political, cultural etc); 10, independence or self reliance; 11, national unity; 12, self regeneration; 13, continuity; 14, territorial integrity; 15, resource conservation; 16, accelerated development; 17, revolutions or evolutions; and 18, social insurance.

2. AIM AND OBJECTIVES

The main aim of this paper is to assess and discuss the role of Land Policy in the Economic development of Nigeria. While, the objectives are as follows;

- To identify/analyse the shortcomings of the LUA
- To examine its role in practical land accessibility for development in Minna urban area.
- To proffer solution /recommendation to the attainment of the new trends in land management.

3. STATEMENT OF PROBLEM

In the recent years, in Nigeria, the consequences of the population pressure, urbanization and socio-economic growth have social and economic problems connected with land uses. Due to urbanization, many people are moving from rural to urban areas where modern facilities are available; population pressure in cities and town has made residential accommodation a peculiar problem. The congested urban places are in need of expansion but the lands where this expansion is to be made is scarce. Land has become of great marketable value and no longer the ordinary land known to Africa tradition as a gift of nature to mankind. The guarantee to a piece of land by the law to every member was neglected before the LUA. The LUA operates along side previous land laws as there is no express provision that repealed earlier laws on the same subject issues. Section 4(a) of the LUA states that ‘*lands in the Northern States shall continue to be administered in accordance with the provisions of the Land Tenure Law until ‘other provisions are made in that behalf’*’. This law precludes non-natives from acquiring title over land that are subject to customary law. The process of acquiring land under the LUA by individuals and organizations for residential, commercial, industrial, agricultural and other such purposes do not often come easy as such are subjected to high government bureaucratic processes and corruption. Any ownership without the authority of the state government or local government would be regarded as illegal. A point of reference is the current administration in Niger state where even Local Government (LG) titles are disregarded and treated as illegal, while in some cases Certificate of Occupancy (C. of O.) issued in accordance with the LUA in customary residential areas of the old town settlement of ‘*Unguwan daji*’ Minna are ear-marked for demolitions and given seven (7) days only to remove their belongings or face forced eviction/demolition, simply because, the over 50 houses ear-marked for demolitions share boundaries with public schools. Notices were issued on the same day of the

marking with armed police men, no prior invitation to the people for fair hearing and extinguishing of rightful title holders. The question one will ask here is who commits encroachment on whose land/rights? Is it the residents that have their wards/children in the neighbourhood schools with C.of O. signed by Governor/LG Chairman in the case of customary title holders that pre-dates LUA or is it compulsory acquisition for 'public interest' without payment of compensation/due process? This, in whatsoever perspective without prejudice to the rule of law, surely negates the ethics of good urban governance. Even, a tenant in recovery of the premises (house) is at least entitled to between three (3) to six (6) months notice to relocate, what more of a house owner with his wives and childrens? Similarly, at the Federal Capital Territory (FCT), Abuja the big challenges according to the declaration made by Iro (2008), AGIS-GM, that over 6000 C. of Os from recertification are yet to be produced and conveyed. And 12,000 C.of Os from sale of Federal Government Houses, another 4,000 from Federal Authority plots, and about 150,000 from regularization of titles in the Area Councils. He further stressed the high demand of large volume of data from courts handling over 750 land-related litigations, with 2,400 cases of revocations and 1,700 double allocations. This is the consequences of negative implementation of LUA. Furthermore, Nuhu (2006b) revealed that compensation assessed in respect to the acquisition of site for University of Abuja in 1990 was yet to be paid as at 2006 when the research was conducted. Again, Nuhu (2007a) realized that the implementation of the previous Governing Public Land acquisition and payment of Compensation in Nigeria has generated controversies, lapses and disputes. Claimants whose interest had been revoked are always at the loosing and usually left in a position far worse than they were before the revocation. Thus, the aim of compensation has been defeated.

The inadequacy in the compensation payable due to the statutory method of valuation provided by the LUA has been examined and Nuhu (2007b) recommended steps that should be taken to remove the LUA from the Constitution of the Federal Republic of Nigeria. He recommends that: Professionals should also be involved in the formation of an effective National Land Policy for Nigeria and noted that, the absence of any implementation guidelines for LUA has made it difficult for the different States to have a uniform approach to the implementation process as against the major objective of LUA, in addition to the operational and bureaucratic issues, lack of institutional capacity to respect human dignity/rights, lack of administrative, infrastructural and professional expertise for the operations, which adversely affect the effectiveness of public sector land management in Nigeria. The paper intends to proffer answers to the following research questions:

- i. Do individuals have right of ownership to land in the state?
- ii. Does the Governor have the full power to revoke and allocate land to citizens of the state?
- iii. Is the State land being managed properly?
- iv. Are there shortcomings in the Nigeria land policy i.e. Land Use Act?

4. THEORETICAL AND CONCEPTUAL FRAMEWORK

United Nations Conference on Human Settlements [Habitat 1], held in Vancouver, May 31- June 11 1976, item 10 of the Conference Report stated unequivocally, the UN's official policy on land: *'Land cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market. Private land ownership is also a principal instrument of*

accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. The provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interests of society as a whole. Public control of land is therefore indispensable...'

In its recommendations [D.1 and 4a], the Report further stated that: ' Public ownership and effective control of land in the public interest is the single most important means of...achieving a more equitable distribution of the benefits of development whilst assuring environmental impacts are considered. But, public ownership of land cannot be an end in itself; it is justified in so far as it is exercised in favour of the common good rather than to protect the interests of the already privileged'

The UN's land policy ought to help correct the erroneous view held by those entrusted with the management of the African State. Which is that, to contend for the return of the traditional rights of the people to their land and its resources and their management is a legitimate right of the people over their natural resources? But this re-orientation of the state to the restoration of the indigenous peoples' rights to land and its resources has been met with stiff resistance, largely on account of the materialist interests of the state and local/foreign capital in land and its resources.

Land policy is a course of action relating to land use or rights over the land adopted and followed by its area of authority, because it is expedient and advantageous to do so. It aims at balancing of interest between government, land owing class and landless class. Within the framework provided by this master goal, five general goals in land policy have been identified (Barlowe, 1985).

- i. Widespread distribution of ownership, operatorship, occupancy and use rights among the citizens who wish to exercise these rights.
- ii. Land holding of appropriate size and productive potential to permit a maximizing of production opportunities.
- iii. Orderly and equitable operating arrangements that encourage efficiency in land-resource use.
- iv. Arrangements that offer economic opportunities, security and stability to land operators, and
- v. Arrangements that lead to the development and conservation of land resources

Meanwhile, it must be recognized that the list is not all-inclusive and that individual goal can conflict with each other, priorities must be assigned to individual goals at times to indicate the direction in which programs should move when two or more goals are in conflict.

A national land policy touches the earth and the lives of a farming people through the system of farming which it supports, or it least permits. It specifies the scope of the permissible freedom of choice in the use and occupancy of land in farming systems; this is the matrix of choice regarding the use and occupancy of land in farming systems, the practice of conservation, and the intensity of exploration in use. The issue is whether to permit the free reign of market forces and individualized tenure or to tamper with market or free enterprise solutions to land ownership and use problems (Parsons, 1982).

Essentially land policy consists of two elements that are, subtle strategy and land reforms. Subtle strategies are regulating the exercise of rights in land and land use. For example, Town Planning laws, public health edicts, laws of compulsory acquisition, residential tenancy laws etc. Prior to LUA, two systems of Land Tenure were operated in Nigeria – a form of freehold system in private properties whereas individuals, families, communities owned and controlled land etc. the North enjoyed only leasehold right granted by either customary law or the Government. This system made Governments participation and relevant whenever land was required. The compulsory acquisition Law which was in existence did not help the Government much and made no provision at all for assisting the private individual who needed a piece of land to build a home for himself and his families. Moreover, the Government could not compulsorily acquire land for the use of a private entrepreneur who wants to establish a viable project – the absence of which will have serious effect on the Nation’s economy. Also, even though the Government itself could compulsorily acquire land and the improvement on it for public purpose, the fact that individuals own the land whether vacant or developed, creates psychological constraints and it strains the relationship between the Government and the individual who owned the land.

The major achievement of the LUA is that it has unified the laws relating to land tenure in Nigeria. It has done away with the various state land laws governing land tenure system in the country. It has made the work of a lawyer and the court easier in determining the applicable land law even though the cost of litigation is high and beyond the reach of a common man in addition to delay in dispensing justice and could be very cumbersome.

In Viitanen and Kakulu (2008), reported that ‘Nuhu (2007) examined the process of land acquisition and compensation within the framework of LUA in the development of the new Capital Territory Abuja, in Nigeria, and reveals that the existing provisions of the law cannot compensate dispossessed land owners adequately. It attributes the controversies associated with compensation to the provisions of statutory methods of valuation contained in the LUA and suggests the need for reforms in statutory valuation processes in Nigeria. Kakulu (2007) reviewed ‘*valuation process*’ issues in the assessment of compensation in compulsory acquisition of land in Nigeria. Particular reference was made to the process of land acquisition and compensation for the construction and development of oil and gas production infrastructure in the Niger Delta region. The framework of analysis was within the context of conflict assessment and resolution. Some of the factors responsible for the assessment and payment of *inadequate compensation* to expropriated land owners is believed to contribute to the current crisis in the Niger Delta region. Valuation for compensation unlike other forms of valuation can be subject to scrutiny by other parties such as civil society and human rights groups if there is an outcry of inadequacy and in order for valuers to be protected, standards are required. In terms of accountability, valuation for compensation is not only expected to satisfy professional standards of valuation but in addition, constitutional provisions and international requirements for just, fair, adequate and equitable value must be met. It identifies lack of transparency; lack of professional standards; bad governance and an underlying fabric of corruption as being responsible for inadequate compensation assessment and payment’.

Land Allocation Problems

Denman, (1962) classify the land problems as follows:

- i. Allocation of land resources;
- ii. Redistribution;
- iii. Restraints on absolute ownership;
- iv. Security investment and private gain; and
- v. Taxation.

The cardinal issues of security problem are duration, compensation and alienation. The duration of an inferior interest may be contingent or combination of the two deaths is the contingency which terminates the duration of a life interest.

In an attempt to address the poverty problems, it is important to consider the impact of land scarcity and problems of accessibility to land because this has been part and parcel of the livelihood of humans since time immemorial.

The urban dwellers have a strong desire for property ownership, particularly for home ownership regardless of how one acquires ownership rights, naturally expects security in the continued possession and exercise of these rights. The land institutional structures are comprised of a mixture of political, economic, legal, and social factors and relationships, each of which has an impact on land rights and use (Marquardt, 2003)

Land rights are social conventions that regulate the distribution of the benefits that accrue from specific uses of a certain piece of land. A number of arguments support public provision of such rights. First, the high fixed cost of the institutional infrastructure needed to establish and permanently maintain land rights favours public provision, or at least regulation. Second, the benefits of being able to exchange land rights will be realized only in cases where such rights are standardized, regulated and be easily and independently verified. Finally, without central provision, householders and entrepreneurs will be forced to spend resources to defend their claims to property, for example through guards, fences etc. which is not only socially wasteful but also disproportionately disadvantages the poor, who will be the least able to afford such expenditures (Deininger, 2005) consequently, Mabogunje (2005) opined that over the ages, the concept of land has come to encompass at least seven different meanings, namely: land as

1. Space
2. Nature
3. A factor of production
4. A consumption goods
5. An element of location
6. Property, and
7. Capital.

4.1 Continuum of Land Rights

Rights are permanent, proven by oral evidence, except transfer, abandonment, death, expelled from community. It is illegal to occupy vacant land, without lawful authority and any person so occupying is liable to eviction. For customary land, this authority may be a chief's permission since the chief is a recognized institution by constitution (Mulolwa, 2002). A share in village land is regarded as a birth right (Chileshe, 2005, Citing Parsons, 1985), migrant workers may come back to the village and are entitled to land.

UN-Habitat (2004) and Payne (2000) describe sets of continuums of land rights (see Fig. 1) and tenure systems. From these lists Van As Peren and Zevenbergen (2006) derived the following strict continuum of land rights (with increasing formality or legality): Illegal; Informal; Customary; Statutory – leasehold; Statutory – freehold. They stressed that the continuum should be seen as an initial legal description. The legal situation might change due to user action or legal action. User action might be transfer or subdivision of any land right, which may happen in any tenure system. Such user action can be illegal, informal or legal. Legal actions are based on the implementation of new laws or directives, which have an effect on tenure security. One may think of adverse possession or anti-eviction measures. It is evident that these actions will have effects on the applicable rights within the continuum and therefore on the level of tenure security as well. The difference between illegal and informal land rights is the existence of an agreement. In case of an illegal right, there is no agreement which is assumed to exist between right holders. The agreement can be oral or in written form. However, such agreements might still lack a legal basis.

Fig. 1

Source: UN-Habitat (2004)

Access to land is a fundamental basis for human shelter, food production and other economic activity, including by businesses and natural resource users of all kinds. Secure rights to land encourage people to invest in improved dwellings and the land itself; they can also enable people to access public services and sources of credit. Property rights can involve combinations of various elements. These include the right to:

- Occupy, enjoy and use
- Cultivate and use productively
- Restrict or exclude others
- Transfer, sell, purchase, grant or loan
- Inherit and bequeath
- Develop or improve
- Rent and sublet
- Benefit from increased property values or rental income

Clearly, documented land rights can also facilitate other rights and opportunities. These include the right to civic and political participation, or access to basic services and to bank credit. Fortune-Ebie

(2007) concluded that land is money; land is credit subject to land titling, registration and secured tenure. The importance of land policy is that it is expected to improve:

- Economic growth: investments, credit, productivity
- Poverty eradication: subsistence farming, market surplus, status
- Governance: basis democracy, decentralization, no conflicts, accountability
- Environmental Sustainability: effective land use, inclusion externalities, state land management

Good land policy can not be divorced from Good governance in land tenure and management, while, the features as reported in Nuhu (2008c) include: the legitimacy of land agencies and land administrators widely recognized by citizens; Land agencies serve all citizens, including the weak as well as the strong; Land agencies provide services that respond to the needs of their customers' e.g in the nature of the services and accessibility to them; The results of the services are consistent, predictable and impartial; The services are provided efficiently, effectively and competently. The services are provided with integrity, transparency and accountability. However, some challenges exist particularly in Nigerian Institutional frameworks which bother on the state and public land management and could be detrimental to achieving good land policy.

5. CHALLENGES IN NIGERIAN INSTITUTIONAL FRAMEWORKS FOR STATE AND PUBLIC SECTOR LAND MANAGEMENT

The growth of the Nigerian economy due mainly to the discovery of oil has made large numbers of people rich enough to build better houses and maintain large farms also heavy and large industries have been established and thus, bringing about more demand for land. The Federal Government at first created twelve states and later nineteen states (19) and this added the pressure and for more land for use in some places-particularly the new state capitals. Necessary infrastructures like road, offices, airport, parks, and other institutions were established.

Generally the LUA was enacted due to litigation problems and the fact that land concentrated in small hand. However other objectives are:

- Redistribution of land as a means of production
- To ensure indivisibility of title (i.e. make title certain)
- To enhance government implementing the development programme (or projects) by having control on land against the land speculators i.e. management controls and against speculators
- To allow every citizen enjoyment of land in life time and to allow anybody to acquire land at any part of the country irrespective of where the person comes from be it from South or North.
- To ensure effective use of land as different from uniformity. So as to be able to get maximum of optimum benefit from the land.
- To unify enjoyment of land holding system.
- To remove the better controversies, resulting at times in loss of lives and limbs, which land is known to be generating.

- To streamline and simplify the management and ownership of land in the country.
- To enable the government to facilitate planning and zoning programmes for particular use of land.
- To unify and simplify all the various land tenure systems in Nigeria.
- To create accessibility to urban land for all Nigerians resident in each state and organization for all purposes.
- To reduce to a barest minimum the activities of land speculators.

Having analysed the LUA and its peculiar shortcoming or defects which hinder its effectiveness and efficiencies from meeting up with the aforementioned objectives (Adu, 1998) identified the following shortcoming of LUA as:

- i. The moderate delays in the allocation of land and their availability for occupancy in some states i.e. there are unnecessary delays on the part of the Governor, Local Government in the allocation of land to people that apply for it.
 - ii. Delay in processing application for approval of land transaction i.e there are unnecessary delays in the processing of application due to the duration. Delay in the processing of application comes also when the people applying refuse to give the people in charge money etc. sometimes; there is delay on the part of the Governor or the Local Government in the approval of the document for land transaction.
 - iii. Exorbitant charge or fees imposed by some state for administrative services etc. another shortcoming or defect of LUA is the exorbitant charge or fees demanded by the people don't see the work as their but see it as imposed on them by people. Many people that refuse to pay have found themselves in serious problem.
 - iv. The exercise of powers by the appropriate authorities in exercise of their power in an arbitrary fashion.
 - v. Inadequate compensation paid for government acquired landed properties under the LUA. There are lot of inadequacies and injustice in the compensation payable to people who their Right Of Occupancy are revoke for public purposes. Some Right of Occupancy are compulsory acquired and compensation that is paid not comparable to the value of the unexhausted improvement on the land.
- a. Some state Government has failed to comply with provision of the LUA in relation to administration of land. It was established that every other policy or law applicable to land is prohibited right from the promulgation of and the appropriate Local government must administer and manage land policy. One of the objectives of Land Use Act is that will be to have access to occupy and land but reverse is the case. Many Nigerians are greatly restricted from having access to land in many ways e.g. fund, application, approval and allocation while the rich have great access. This has negated one of the objectives of the LUA. Example; (a) some states has refuse to constitute/reconstitute Land Use and Allocation Committee (LUAC); (b) Some use only civil servants/political appointees only as members of the LUAC assuring the role both as accused and judge; and (c) Core delegated powers to the Commissioners for Lands and Housing without due regards to tenure issues/security.

Tenure security was defined by Expert Group Meeting on Urban Indicator in 2002 as *'the right of all individuals and groups to effective protection by the state against forced evictions'*. Under international law (which Nigeria is a signatory), 'forced eviction' is considered as *'the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection'*. Land is a critical element in achieving MDG target 11 on "Cities without slums". This target was recently prioritized, amongst other important commitments, in the UN 2005 World Summit. Within the context of UN-HABITAT work, land is an essential dimension for sustainable urbanization, particularly the processes related to land administration. Key issues include exposure to forced evictions, unrecognized rights and the difficulty to exercise them (increasing the degree of marginalization from decision-making process), and obstacles in using property as a source of income or collateral to attain credit.

6. METHODOLOGY

Investigations was focused on the major participants in urban land administration and management in Minna, the Niger State Capital, be it public sector, private sector, Real estate developers and the traditional land owners. Reviews of literature were based on literary reviews of a number of publications, Journals, and international conference papers. Questionnaires were used in gathering information and administered at randomly selected stakeholders in urban land areas in Minna. Field visits/discussions were equally adopted. Relevant institutions charged with the responsibilities of administering and managing land in Minna were visited. The investigating strategies adapted from Brasselte, Gaspart and platteau (1998) asked questions such as mode of acquisition, rights of transfer and use, land improvements made, type of document held and incidence dispute; the collected data were compared on the urban poor of the study area.

7. STUDY AREA

Nigeria is one of the richest countries in sub-Saharan Africa: poverty level at household level is very high due to high level of corruption in all facets including land administration, etc. Nigeria is endowed with vast land mass of approximately 924,768 sq.km, which is slightly more than twice the size of the US state of California. Its coastline is 853 km long; with a Federation of 36 states and the Federal Territory, Abuja. With 144.7 million people according to the 2006 Census; an annual growth rate of 2.4% and more than 250 ethnic groups. Nigeria is situated on the west coast of the continent, bordered by its coastline in the south and Niger and Chad in the north. Benin is to the west and Cameroon to the east. The Nigerian Economy as at 2007 has an external reserves of 51.320 US \$ bn as against 7.681 US \$ bn in 2002 and a market capitalization of 82.1 US \$ bn as against 6.2 US \$ bn in 2002, while Inflation rate was reduced to 5.7% in 2007 as against 12.2 in 2002. Nigeria is urbanizing at a geometrical pace. The urban population in over the last three decades has been growing close to about 5.8 per cent per annum. This according to Federal Ministry of Housing and Urban development (2003) is among the highest urban growth rates in the world, due mainly to migration from rural to urban areas. This explosive growth of Nigeria's urban centers has not only progressively complicated and exacerbated inter-related problems of human settlements and environment, but has also greatly accelerated poverty despite huge external reserves, the demand for

infrastructure, basic services and housing in expanding urban centers. The issues of high unemployment rate, sanitation, waste management, transportation and crime and social conflict have also come to the front burner and global attention as demanded by UN- Millennium Development Goal of improving the lives of 100 million slum dwellers by 2020 in Africa.

1. Nature of tenure system and rights in the study area of Minna.

Minna is a Gwari (Gbagyi) town in the middle belt region of Nigeria, it lies at latitude 9° 37' North of the equator and longitude 6° 33' East of the Greenwich meridian. The town is the north-west direction of the Federal Capital Territory, Abuja. Over the years Minna became an administration centre of increasing importance, and its function as a rail way junction attracted more investment and people. February 1976, Minna became the State Capital of Niger State. The present town is widely dispersed along the main spin from Chanchaga in the south to Bosso in the north where the University campus is located. The total population of Minna in 2006 census (provisional results) was 201,429 (105,803 males and 95,626 females). Ownership of land and other land resources within urban area is vested in the control of the State Government. Such control are exercised and managed on behalf of all the citizenry of the state. By implicating individuals can only hold a leasehold interest for specific duration. There are common principles which are derived from the LUA and other underlying tenure system in the area. Traditional chiefs, whose authority over land derives from the Native land law of 1962, continue to play a dominant role in some settlements, in Minna, e.g. Bosso, Fadikpe, Barikin-Sale, Dusten-Kura, Kpakungu, Maitumbi, Unguwan-Kaje, Shango, areas etc. People obtain access to land through the traditional chiefs in these areas of Minna which constitutes about 55%, 45% through state allocation and 10% through transfer. Because, of the relatively peace enjoyed in Minna and its proximity to F.C.T, Abuja. Minna access to land is relatively unaffordable in relation to income generation of the urban poor particularly from state allocations which is usually very expensive, cumbersome and bedeviled with administrative bottlenecks. These informed the choice of acquiring land through the traditional way which is cheaper and faster. Where private property tenure is operational, market forces and commercial transactions are major determinant of land transfers and traditional ways the “Gbagyis” has in recent times increased in influence; access to land is obtained primarily through purchase based on the value of land. The rights are permanent except for the rights to public interest. It must be mentioned that traditional customary institutions are being straighten as they continue to get court judgment in their favor as against the state and increasingly been recognized by the people who see it as affordable and sure way to shelter. Table 1 shows numbers of applications for land acquisition in Minna from 1999-2005 for various uses, while Table 2 indicates level of approvals granted over such applications.

Table 1: NUMBER OF APPLICATION FOR LAND ACQUISITION IN MINNA FROM 1999 to 2005

TYPE OF USE	YEAR							TOTAL
	1999	2000	2001	2002	2003	2004	2005	
Residential	1216	718	832	1021	776	703	639	5905
Commercial	120	101	125	102	52	37	43	580
Industrial	3	1	3	2	1	1	4	15
Agriculture	11	13	13	9	10	7	3	66
Religious	8	5	2	4	7	5	5	36
TOTAL	1358	838	975	1138	846	753	694	6602

SOURCE: Department of Lands, Survey and Town Planning Minna, 2008.

Table 2: NUMBER OF APPROVED APPLICATIONS FOR LAND ACQUISITION FROM 1999 – 2005.

TYPE OF USE	YEAR							TOTAL
	1999	2000	2001	2002	2003	2004	2005	
Residential	850	680	790	980	730	703	630	5363
Commercial	110	94	110	98	48	36	40	536
Industrial	3	1	2	1	1	1	3	12
Agriculture	10	12	11	7	8	6	2	56
Religious	8	4	2	3	6	5	5	33
TOTAL	981	791	915	1089	793	751	680	6000

SOURCE: Department of Lands, Survey and Town Planning, Minna 2008

Table 1 above revealed that within a time frame of (1999 to 2005), out of a total of 5905 applications for land acquisition, 5363 were approved for residential land use, 536 was approved for commercial land use. Only 12 applications out of the 15 applicants were approved for industrial land use. Within 7 year period only 26 applications was granted for agricultural land use and 33 application was granted to use land for religious purposes in Minna.

8. SUMMARY OF FINDINGS

The study indicates that the LUA is the existing land policy in Minna and its environs. The department of lands, survey and town planning is in charge of land management and administration that the authority has granted a total of 5,363 applications to various land uses within a time frame of 7 years (1999 – 2005) out of a total population of 201,429 residents in Minna. The existing land policy in Nigeria (LUA) is outdated haven serve for about 30 year now; it was discovered to be full of bottlenecks and detrimental to mass housing production as well as cumbersome and beyond the reach of a common man.

9. NEW TRENDS

‘Land administration is the process of determining, recording, and disseminating information about ownership, value and use of land; when implementing land management policies’ (UN/ECE, 1996). While, access to land and land related benefits is an important factor to reduce poverty and create economic growth (World Bank 2003). Reforms in the regulatory environment, along with improvements in titling and registration, are bound to have a catalytic effect on land markets. In improving land tenure system; emphasis should be placed on decentralization and subsidiary by especially encouraging civic engagement and private initiatives or by fostering cross current or so called dialogue planning between bottom and top levels. With a well balanced private public partnerships and proper interrelationship between land policy framework, land information or spatially enabled land administration (like land tenure, land values, land use, land development), institutions, capacity building, education and research and finally services to business and citizens as well as facilitating sustainable development towards a better quality of life as illustrated below Fig. 2 by Magel (2006).

Fig.2: A land Management Vision.

Source: Magel (2006)

In the context of sustainable development as illustrated in Figure 2 above, Munro-Faure (1999) postulated that, this legal framework and administrative structure acts as a control in the environmental/planning context, and, in the broader economic context, as a determinant of land market development, of land ownership and of planning/environmental policy. He stressed further that, it has a critical impact on market values and thus on economic decision making as to the uses to which land should be put. Real estate constitutes a bundle of legally defined rights in land. Legal definition of what constitutes “real estate ownership” is usually contained within this framework of legislative provisions and the contractual provisions relating to a specific estate. He opined that, these laws typically define:

- what real estate can be owned and how it is owned (usually in Constitution, Civil Code, Land Law, Registration Law, etc)
- what processes have to be followed in transactions (usually in Land Law, Registration Law, Leasing Law, etc)
- what restrictions there may be on use (usually in Town and Country Planning Law, Environmental Law, etc)
- what rights may be reserved to the state/public (usually in Civil Code, Land Law, Compensation Law, Taxation Law, etc)
- what the rights of third parties may be (usually in Marriage Law, Inheritance Law, etc)
- what the rights of contractually related parties may be (usually in Mortgage Law, Leasing Law, etc)

However, developing new land policies can be a long and difficult process. It is even more so if the policies are to be pro-poor – if they are to help correct the disadvantages that poor people typically suffer in many areas of land policy. This guide suggests a way forward. Based on experience in various developing countries, it is not a recipe-book, but outlines a process that can be adapted as appropriate to the situation in each country and the specific aspect of land policy that needs to be addressed. This process is viewed by many as participatory: it involves a wide range of stakeholders from all aspects of land policy, including civil society and the poor themselves. Including all these groups is vital if the resulting policies are to be politically acceptable, technically feasible, pro-poor and capable of being enforced. In order to conform with the global trends the current administration in Nigeria intent to thinker with the present land policy and the 5th Point in the 7-Point Agenda of the present Administration of the Federal Republic of Nigeria is Land Reforms which stated as follows; *‘Review the existing Land Laws to ensure equitable use of the Nation’s Land Assets for socio-economic development’*.

Land reform means changing and restructuring the Land tenure rules and the procedure in an attempt to make it consistent with the overall requirements of economic development. In restructuring these rules and procedures involves changes in political, social and economic position of several groups in the society. Although difference of opinion exist as to the scope and meaning of “Land Reform” (Barlowe, 1958). It has essential core meaning which concern significant and purposeful meaning in land tenure. Land reform aims at income redistribution and greater equity for the peasant farmers. In the traditional sense, it means the redistribution of property rights in land resources for the benefit of poor farmers, landless peasants and agricultural worker.

Land reform is concerned with the interrelated aspect of productivity and equity of land use. It is a means of bringing about structural change in the agricultural sector thereby altering the size distribution of holdings or distribution of income (Fabiya, 1995).

Land reform can take one of the following forms (World Bank, 1975; 208):

- i. Redistribution of public or private land in order to change the patterns of land distribution and size of holdings.
- ii. Consolidating of individual holdings, thereby reorganizing the physical patterns of control.
- iii. Changes in land-ownership and tenural rights with or without physical redistribution land; and
- iv. Changes in conditions of tenure without changing ownership or redistributing land.

In carrying-out the proposed land reform in Nigeria the changes that are needed are in line with Munro-Faure’s (1999) opinion on change: legal framework with provisions required as contained in figures 3 and 4 below in addition to incorporating the systems supported by the cadastral infrastructure are:

- Land Tenure System, to secure legal rights in land such as titles, mortgage and easements.
- Land Value System, to assess the value of land and properties and to levy land taxes.
- Land – Use Control System, to enable comprehensive and detailed land used planning
- Land Development System, to enable regulation and implementation in change of land use.
- The real property concept, this way, enable control of land as both a legal, fiscal and physical object. This is illustrated in Figure 4 below;

Figure 3: The real property concept enables control of land as both a legal, fiscal and physical object.
Source: Enemark and Sevatal (1999)

Recently Fortune-Ebie (2008) in his keynote address presented at the Lagos International Housing Conference 2008 suggested for *‘a complete revision and thorough amendments to this obnoxious Land Use Act which for 30 years has strangulated and castrated mass housing development in Nigeria.’* The realism of a good land policy for Nigeria should be the improvement of the lot of the average land operator, and to enhance radical improvement on the nation’s development. Its significance will be largely acknowledged as it should provide the necessary bridge that large segments of the population in the country can use in shifting to a position where they can utilize their available resources to greater advantage, notwithstanding the status of the individual(s) in the society, in addition to contribute more to national production, and share more in the bounties of modern life. Largely recognized in most developed countries of the world is its potential as a tool for enhancing the worth and well-being of individuals as well as for facilitating national economic development.

Fig.4: Land Management Tools

Source: UN/Habitat (2004) Pro-Poor Land Management, Nairobi, Kenya, P.8.

Alongside the legal framework, land administration systems are the main instrument of land policy administration. They include organizations and procedures for the survey, demarcation and mapping of land, recording of land rights and transactions, provision of documentary evidence of land rights, as well as resolution of land disputes and competing claims. Land administration systems are generally managed by specialist formal land institutions, established by government. However, responsibilities for land allocation, documentation and the management of rights can be devolved to local, community or customary bodies, and as some services may be delivered by the private sector.

Effective, well-adapted land administration systems facilitate the realization of the broadly accepted land policy goals of secure land as land-related services are accessible to all land users, including the poor and vulnerable as well as commercial investors. If land rights are to be effectively secured, land access need to be improved, land allocations made fairer, land

more productive and demand better matched with available supplies, two conditions must be met:

- Institutional arrangements for land administration are accessible to all. These are best delivered in a decentralized way, which can respond to local priorities rather than through highly centralized systems.
- Comprehensive, up-to-date land information systems which can capture the complexity of existing land occupation, use and claims, including overlapping sets of rights. Formal land administration services are most effective when provided at local level.

9. CONCLUSION/RECOMMENDATION

The paper has revealed fundamental issues on existing land policy in Nigeria. It identified the organization in charge of land management in Niger State. Challenges associated to land administration and management in Minna were also identified, they include: poor policy implementation, land acquisition and speculation problem, low accessibility to land, inadequate infrastructural facilities and social amenities among others. Certain new trends measures are suggested that will enhance land acquisition policy, public participation, technical infrastructure, formation of Government layouts, and formulation of good urban policy on land to eliminate administrative bottle necks. These will go a long way in achieving functional, safety, security and comfort in the use of land for living, working, circulation and recreation in Minna. In specific terms it is imperative to adopt the following strategies;

- Recognizing the complexity of existing land markets and building on processes that work well. This enables public, private and civil society stakeholders to develop a range of productive partnerships. Government can promote and regulate pluralistic land and housing markets, where a diverse range of suppliers compete on equal terms to meet the needs of various sections of the population.
- Promoting public participation in a common vision of how settlements can be planned to meet future needs. For urban areas, City Development Strategies, as promoted by the Cities Alliance, 11 provide a framework for developing and implementing such a vision.
- Reviewing the framework of planning and building regulations, standards and administrative procedures for the processing of new developments, changes of use, transfer, etc.; this is in order to ensure that these reflect the full range of local needs and resources. Where official norms and procedures impose uncertainty or excessive delays or costs, they will force many otherwise law-abiding people into unauthorized developments. A regulatory audit can reveal any constraints which must be removed or relaxed in order to facilitate incremental development.
- It is necessary for the government to re-examine its role in the control and management of land in Niger State. The members of the public should be enlightened on land affair in order to enable them understand the scope and limitations in the general use of land.

- It should encourage efficiency and maximum utilization of land. The policy should provide access to land for economic and social uses. The policy should be compatible with other existing policy instruments and it should be able to integrate well and continue with the cultural and political system in the state and country as a whole.

However, land policies and allocation methods are not always coherent, and the public finds that a variety of channels are available to gain permission and documentary evidence of land rights, while maximizing opportunities. Such 'institutional shopping' has claimants exploiting their familiarity and links with various formal and customary authorities and processes in a bid to gain access to land. This can lead to considerable uncertainty, with conflict arising between land users claiming different sources of legitimacy, and sometimes between different social groups. When preparing or revising land management and tenure policies, it is important to consider incorporating the followings:

- The principle of incremental development allows people to invest what they can when they can in both urban and rural areas, providing their rights are secure,
- Regulatory barriers to affordable and incremental land development must be reviewed and adjusted if necessary, in order to reduce costs and uncertainty in processing planning and building applications.
- Managed properly, housing is a means of economic development and need not be a welfare burden on the economy.
- Similarly, good management of rural land development, agri-business investment and nature conservation can increase employment and improve socially inclusive growth – provided that rural people's land rights are secure.
- A range of land tenure options can meet the needs of all social groups, strengthens land markets and encourages economic stability.

Land and housing policies must be comprehensive and acknowledge economic, social, cultural and human rights aspects of development. In addition, five specific actions have direct and effective impacts on the general improvements of living and housing conditions and sound national policies for adequate shelter and land access, as follows:

- i. Promoting equitable access to land and housing resources,
- ii. Promoting security of tenure and property rights
- iii. Preventing forced evictions and discrimination in the land and housing sectors
- iv. Combating homelessness and landlessness while upholding the rights of homeless and landless people, and
- v. Promoting access to legal, administrative and other remedies.

In line with the above it is recommended that in order to ensure the effectiveness and achievement of the goals of the LUA, the followings should be adhered to:

- i. The Governor of each state in applying the use of LUA should do so in accountable manner to all stakeholders with sense of transparency.

- ii. The Governor and Local Government should try to avoid in-ordinate delays in the processing of application of Certificate of Occupancy, approval of the application and finally allocation of land to people.
- iii. Since the Land Use is to give access for the possession, use and occupancy of land, therefore, the charge or fees should be reduced to allow more investment and more land use in the nation. This will promote economic development.
- iv. Adequate compensation should be paid to landed properties or on unexhausted improvement on land to the people that their Rights of Occupancy are compulsory acquired. The basis of compensation should be based on open market value.
- v. The Land Use Allocation Committee at the state level and the Land Use advisory Committee at the Local Government level should be established and to include registered Estate Surveyors and Valuers.

In the process of land use policy formulation, planning the place of public participation should be given a pride of place. This should involve the establishment of effective communication link with the public at initiation of any land use related policy or scheme. The objective of citizen participation should be tailored to inform and educate the public about the planning procedure in order to enable them understand the scope, limitations and to be able to select alternative useful policies that will be of general interest to the community

A number of responses regarding protection of access to land security of tenure for the urban poor and management of cities have been well documented in the literature (Dowall, 1991, Dowall and Giles, 1991; Azuila 1995; Zinimermann, 1998; Zevenhergen, 1998). Based the theoretical framework of the above and findings in the study area, the following recommendations are eminent:

- Urban redevelopment or renewal with human face/respect for human dignity and the adoption of Katsina state of Nigeria strategy for urban redevelopment scheme (1999-2007) where the people were involved right from the scheme conceptual stage and ending-up by leaving them in better financial status by way of payment of compensation than they were before the scheme irrespective of the type of title they possessed or whether they had obtained approved building plans or not. It is further recommended that parties involved in compulsory acquisition and land takings should go home happily and satisfactory;
- Site and services scheme that will be affordable and buildable;
- Large-scale registration and tenure upgrading and legitimization programme in the study area will facilitate access to credit facilities/improve housing condition.
- Attempts to adapt land law compatible to the situation and needs of the developing cities in line with the maxim '*think globally and act locally*'.
- Tolerance by the public authorities of the existence of a dual, formal/informal, land delivery system (this is the case in most sub-Saharan Africa countries, particularly in Nigeria). It is recommended that new settlements/new towns be established to function side by side with the old town as the case with most cities across developing countries. For instance in Adamawa State, Nigeria there is Jimeta-Yola which houses the

Government house/new settlement and Yola old town houses the Palace of 'Lamido of Adamawa'/indigenous settlement, mostly poor people.

- Setting up a simplified registration system where tenure can be incrementally upgraded to real rights in accordance with the needs and resources of individuals' households and the processing capacity of the administration in charge.
- Adoption of Nuhu (2008a) suggestion of Paradigm shift of thinking and planning to address the issue of affordability, fairness, justice and transparency in land tenure and management of cities as well as stakeholders involvement
- Reforms of the existing LUA in line with present FG seven-point Agenda to make the poor active participants in urban land decisions to enable them overcome poverty. In addition to adopting Nuhu (2008b) recommendation of developing standards and procedures for securing tenure, land development and providing services that the poor find accessible and affordable.
- Capacity building of personnel involved in land administration and management to conform to good governance features/ICT compliance and intensive public enlightenment of the stakeholders on their expected roles and participation.
- Government should improve and encourage the judiciary to be creative and innovative in land case in other to improve access to land justice.
- The court should be encourage to endorse accelerated hearing of land cases in other to reduce the cost of litigation which is otherwise cumbersome intricacies and beyond the capacity of common man.

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