



Land Policy and Sustainable Land use in Rivers State, Nigeria

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Abstract: *Land and its resources will ever remain at the epicenter in the development of any nation and people. The enhancement of proper management of land by government and its sustainable dialogue with the people especially in the acquisition of land call for workable land policy. Acquisition of land in Rivers State is one of the most controversial issues confronting the state administrators. Thus, previously acquired lands were not used for the interest of the common people. This paper aimed to determine land policy and sustainable land use in Rivers State, Nigeria and attempted to proffer solutions to identified challenges. 10 questionnaires were administered to stakeholders, community leaders and co-coordinators of nongovernmental organizations in each of the 23 local government areas of the state. It is ascertained that the people were unaware of the contents of the land use Act despite that they were willing to conditionally release their land to government for public interest. Adequate compensations in terms of finance, employment, scholarship and skill acquisitions be made before acquisition of land.*

Key words: *Land; policy; Sustainable; development; land use*

1. Introduction

The concept of land has consistently occupied a central place in the annals of all human societies sequel to the enormous role played and is playing in the existence of man as a living and social creature (Okorobia, 1996). The definitional perspectives of land have been assessed from different fields of study. Thus, land according to Udo (1990), is a nation of people or town and community within a socio-political framework. This reveals that land is not only the space but the group of people with socio-political affiliation. The view points of the economists are

also considered in the definition of land. Thus, Economists see land as a source of human wealth and raw materials for man's daily needs.

The Urban and Regional Planning Profession views Land from the spatial angle. In this aspect, the concept of land is manifested in the definition of development. The Nigeria urban and Regional Planning Law (1992) defines development as the carrying out of any building engineering, mining or other operations in, on, over or under any land. Land therefore is physical, and quantitative. Barlowe (1958), asserts that land may be thought of as space-room and surface within which and upon which life takes place.

Land as space includes not only the surface of the earth but also cubic space. Land thus involves the space beneath the surface within which minerals are found and from which they might be removed, the space that man occupies in his daily living and the space above and about him. Obateru (2005) ascertains that in physical planning, land is also synonymous with the physical environment of man and natural resources which encompasses the earth's crust or lithosphere, hydrosphere, biosphere and the troposphere.

Sequel to the socio-economic and physical values of land to human, land has to be used for various purposes for the satisfaction of man and his environment. Thus, the Land Use Act of 1978 recognizes the different uses of land within Nigeria territory. The commencement of the Act reveals that all land comprised in the territory of each state (except land vested in the Federal Government or its agencies) solely in the Governor of the state, who would hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the state and to organizations for residential, agricultural, commercial and other purposes (Land Use Act, 1978). Land can therefore be used for various activities such as residential, commercial, industrial, agricultural, open spaces, recreational, institutional and other ancillary activities.

The Port Harcourt Master Plan of 1975 recognizes the different operational Land Use patterns as residential area, industrial area, commercial activities, educational (institution), open space, recreation and other infrastructure. Chapin (1978), maintains that land use is the spatial distribution of city functions – its residential areas, its industrial, commercial and retail business districts, and the space set aside for institutional and leisure – time functions. Land use is also observed in terms of activity patterns of people in the urban setting and their institutions as they require space, as well as physical facilities or improvements to the land in the urban or rural settings which are made to accommodate these activities. Land use is also devoted to the role that value systems of people play as they regulate space – using activities and thence the use patterns which emerge. Thus, according to Roberts (1999), the pattern of uses of land is the expression of exceedingly complex influences of demand and supply that have interacted over a long period of settlement by man.

1.1. Determinants of Land use

Several factors ranging from the economic, social and behavioral aspects are instrumental to the determination of land use. Thus, according to Chapin (1978), the economic explanations of the land use pattern begins with forces extending far beyond the immediate environs of any particular area of interest and involve considerations of the structure and functioning of the

sub-regional economy as it fits into the larger nation. It is therefore of interest to know that both regional and localized forces of economic basis of land use interact to shape the land use pattern or, more specifically that external forces affecting the makeup and vitality of the economy act upon internally focused processes of the urban land functions on the land. The different forces within the region collectively influence the rate land goes into usage and development within the area of interest (Onokerhoraye and Omuta, 1994).

It is significant to note that the economic factors alone are not the only determinants of land use but others. Chapin (1978) observed that factors of social origins also affect the location and arrangement of land use. The social sub processes such as dominance - one area in the city bearing a controlling social position in relation to other areas; gradient – the receding degrees of dominance from some selected dominant centre to the more distant locations relative to that centre; segregation – a selection process by which homogenous units become grouped together to form clusters; centralization – congregation of people and urban functions in a particular urban centre; decentralization – the breaking down of the urban centre with the accompanying ebb movements of people and urban functions to fringe areas or new satellite centres; invasion – the interpenetration of one population group or use area by another and succession – the displacement of the former occupants or uses of the area by the new population group.

Also, determinant factors like human behavior such as values which are motivating behavior resulting in a certain organized form of action by people or group; experiencing needs and wants, goals, planning alternatives and acting, also shape interest such as health, safety, density control, convenience, economy and amenity, collectively determine land use pattern.

1.2. The Concept of Land use Policy

The organization, co-ordination and effective management of land use is enhanced by the formulation and implementation of land policies. According to Chapin (1978), land use policies are analyzed from different viewpoints. Some view these as something akin to a statement of general principles for planning, and they are thus formulated before plans are developed. According to him, others consider them to be embodied in the plans themselves, and when a plan is officially adopted, the proposals contained in the plan become official land use policies. Land use policies are observed to be documents which determine the aspect of growth and development of an area. Thus, the joint centre for Land Development Studies (1985), maintained that land use policies are statements of the directions in which an area should move in order to achieve the objectives of, and implement the proposals contained in, a plan.

It is also seen as guide to inculcate both private and public opinions in the use of land. Land use policies are considered to be series of guides to consistent and rational public and private decisions in the use and development of land (Groome, 1993). They are maxims to guide land development decisions in principles (Chapin 1978).

The vitality of land use policies is not only in the structuring and guiding of development but still manifesting in the planning process in which according to Roberts (1999), include; information, preliminary analysis, models, plan design, evaluation, implementation and communication. Land use policies give direction to the urban planning process, but they also

become conditioned by the findings and proposals developed from the planning process (Chapin, 1978).

Land use policies as plan of actions cannot be set up by any private individual except government or its agencies to guide activities of land in all ramifications. Thus, Udechukwu (2006), maintains that land policy is a set of values, and standard and plan of actions set by government and its agencies to define, guide and regulate the ownership, transfer, and use, develop and management of land.

1.3. Land Policy in Nigeria

In Nigeria, land policy existed long before the advent of the colonial administration. Land management was traditionally left under the control of the administrator of the geo-political group such as heads of ethnic group, community, clan and family. Kayode (2010), observed that customary tenure is the cornerstone of land – holding in Nigeria. Accordingly, under this system, land is held by the community which is held in trust by the family, the village or the clan. Individual right to use the land was based strictly on being a member of that community. More importantly, the title of any member of the community to land is purely of traditional legitimacy. Land which is no longer in use by an individual usually reverts to the community.

The living and the dead had a degree of ownership of land as well as the generations yet unborn in which the collective ownership was held in trust for the wellbeing of members. Thus, Udo (1990), maintains that land under this system is seen as belonging to the living members of the community as well as those who are dead and are buried in the land and to those members of the community who are yet unborn.

It was out rightly prohibited under the customary land policy for sales of land. Though, increase human population, industrial development and commercial agriculture brought about reduction in supply which subsequently weakened the control and effectiveness of the traditional heads.

Land administration and policy in Nigeria followed the initial two traditional divisions of Northern and Southern regions. This is sequel to the different cultural and political administrations in existence before the colonial administration.

1.4. Land Policy and Administration in Northern Nigeria

In the North, the Fulani conquest super imposed a uniform system of Islamic Land Law on the hitherto existed customary tenure. This was broken by the British intervention which started with the activities of the Royal Niger Company between 1885 and 1890. By January 1900, Britain formally assumed political control over what become known as the protectorate of Northern Nigeria. It was then, the first land legislation in the Northern Nigeria known as Land proclamation No. 8 of 1900 was enacted by the British in 1900.

According to Kayode (2010), in 1902, Sir Lord Lugard declared that all “rights” in land which the Fulani took by conquest from the people henceforth vested in the British Monarch and his descendents. This Legislation was known as the Crown Land Proclamation.

Subsequently, the Land and Native Right Proclamation No. 9 of 1910 was made under Governor Percy Girourd, then the Governor of the Northern Protectorate (Kayode, 2010). As pointed out by Udo (1990), this proclamation is important for three reasons. Firstly, the land

use Decree No. 6 of 1978 and the Percy Girourd Land and native right proclamation No. 9 of 1910 were the product of an intensive study of land situation at the time. Secondly, the fundamental principle on which the 1916 land and native rights No. 1 of 1916 and the land tenure law of 1962 of the Northern Nigerian Land tenure Law centered around the 1910 Percy Girourd's Legislation. Thirdly, land use Decree No. 6 of 1978 has also drawn from the fundamental principle of the Percy's Legislation of 1910.

Sequel to Lugard's opposing views of the Percy's legislation of 1910 as – the obnoxious provision, for the payment of land rent on native land meaning that government was assuming ownership of land rather than acting as trustee of all lands. Also, that there was in practice no interference with native occupation or title or the right of the chiefs to dispose of the land to persons under their rule; and that government as at then, had neither the staff nor the cadastral Maps to enable the government to issue the certificate of occupancy to millions of people who are occupiers (Kayode, 2010).

The stated objections and opposing views brought about Lugard's enactment of the Land and Native Rights Ordinance No. 1 of 1916. This ordinance of 1916 provided traditional security of tenure which people enjoyed in the Northern region up till the time of independence in 1960.

The Land Tenure of 1962 was enacted two years after Nigeria Independence. It was an update with slight modification to the well tested land and native Rights Ordinance of 1916. The Land Tenure Law declared all lands in Northern Nigeria as native lands thereby stopping the concept of crown lands and public lands. It also permitted and recognized right of occupancy and not ownership. Still, the 1962 Land Tenure Law recognized statutory right of occupancy.

1.5. Land Policy and Administration in the Southern Nigeria

In the Southern region, the Customary Tenure played prominent role in the administration of land. Thought, the traditional rulers and other customary trustees of land as at this time were unable to protect and control the use of the land. This resulted to sales and fragmentation of land (Udo, 1990). Land speculators particularly the greedy elites look over the sales of land and ignored the rules of customary tenure. According to Kayode (2010), land became a marketable good and to worsen things, some of the so-called trustees of land also sold land under their control for cash or other rewards. Thus, Lugard in recognition of individualization to lands in the southern state asserted in his process of North-South amalgamation that;

Individualization of tenure in southern Nigeria should not be arbitrary interfered with either by introducing foreign principles and theories not understood by the people or through stereotyping by legislation existing systems which were in state of transition (Lugard 1922).

There were also state lands in existence in the southern state. The category of land known as state land existed mainly in urban centre. These lands consisted of land acquired compulsorily by the Colonial Government for residential and other land uses. The initial land for the development of Port Harcourt was acquired from the Ikwerres and the Okrikas traditional land lords. The policy and acquisition of the said land took place in 1912 and was known as "Crown

Land” (Ogionwo, 1979; Nwala and Izeogu, 1979).

The Land use Act of 1978, formerly known as Decree No. 6 of 1978 was promulgated to address challenges of land for the unification of the land policy in both Northern and Southern Nigeria. The main purpose of the Act was to vest ownership of all lands in the Governor of the state for urban lands, while powers with respect to rural lands are conferred on Local Government Councils Under this provision, the powers of land owners are restricted in a way that no assignment alienation or mortgage of urban land can take place without the express consent of the Governor, similarly, land title holders cannot sell their interest on land because they are lease holds (Udechukwu, 2006 and Mabogunje, 2005).

The Land Use Act constitutes a clog in the wheel of economic development of Nigeria due to its obvious nature. It is observed that the Act negates the very essence of land ownership. This is because it puts an end to the private ownership of land as customarily operational in the southern part of Nigeria. In addition, the Act truncated the existence of freehold interest in land as all lands are vested in the hands of the State Governor. Similarly, the Act made land acquisition very cheap for Government and stifled private development initiatives. The Act makes provision for people to occupy and not ownership through obtaining and issuance of Certificate of Occupancy which still constitutes serious challenge in Nigeria.

Uchendu (1979), and Mabogunje (2002), encapsulate some of the challenges of the Land use Decree in Land Management in Nigeria as follows;

- The attempt by the Governor to declare all land in his state as urban gave rise to considerable absurdities in the operation of the land market.
- Many State Governments failed to establish the Land Use and allocation committee in their states for many years. This has hampered the steady and continues delivery of land for building purposes
- The power of state Governor and the Local Government Council to revoke any right of occupancy over land for overriding public interest has been used arbitrarily in the past and helps to underscore the fragility of the rights conferred by the certificate.

1.6. Land Use Policy and Administration in Rivers State

In Rivers state, land policy was customarily carried out as generally operated in the southern region. Thus, the traditional rulers, heads of families and clans were in charge of land allocation. Despite the application of Land use Acts as mandatorily acceptable tool in Nigeria, Rivers State has certain procedures for the acquisition of land for public purpose in the state. Government of Rivers State (2012), outline the following procedures.

- Identification of suitable site
- Preliminary discussion with identified land owner(s)
- Conduct perimeter survey
- Issue/ publication notice of revocation of rights of occupancy
- Enumeration and assessment of compensations
- Payment of compensation to claimant

- Documentation/registration of acquisition
- Gazette of acquisition and grant of certificate of title.

It becomes certain that land ownership in the state is operated under the control of individuals, family and community. Thus, proper compensations stand as basic requirements for acquisition of land even for public use by the government.

2. Methodology

This involved the identification of the 23 Local Government Areas which presently constitute administrative constituencies in Rivers State (see fig.1). Subsequently, a total of 10 questionnaires were randomly administered in each of the Local Government Areas giving a total of 230. The structured questionnaires were administered targeting adult members of the areas such as community leaders, stakeholders, co-ordinators of non governmental organizations and the gerontological class. The questionnaires were structured to source out the existing land use policy in the area and the possibility of allowing government to take over the administration of land as declared in the Land Use Act. The administered questionnaires were finally collected, collated and presented in tabulated form for analysis.



Fig. 1: Map of Rivers State showing the 23 Local Government Areas

3. Results and Discussions

The various variables such as nature of land ownership, readiness to release land for public administration, condition for release of land, reason for not releasing and as well as awareness of Land Use Act were viewed and analyzed by the researchers. It is found that a total of 7 local government areas representing 30.43% of the existing 23 Local Government Areas in Rivers State operated community land ownership (see table 1). These local government areas as observed were mostly located within the riverine settlements except just two (Ikwerre and Emohua). Though another 7 local government areas mostly within the upland of the state operated individual land ownership. It is significant to note that the two local government areas (Port Harcourt and Obio-Akpor) which presently constitute Port Harcourt, the state capital operated individual land ownership. This is closely followed by 6 local government areas symbolizing 26.09% which operated both family and individual land ownership system. It is asserted that only 13.05% of the total local government areas in the state operated both community and family land ownership.

It is important to note that local government areas in Rivers State belong to one ethnic group or the other. Almost all areas or groups initially operated on communal and later family land ownership. The continuous increase in population which posed pressure on the available communal and family lands encouraged individual land administration. The current personal land ownership as mostly practiced in the state creates administrative difficulties in the acquisition and administration of land by the government for public interest.

The study maintains that despite that majority of the respondents (77.39%) ascertained that they were not aware of the contents of the Land Use Act (table 5), they expressed conditional willingness to release their land to government (see table 3 and 2). Such conditions ranged from financial compensation (49.02%) to the skill acquisition the least (9.15%).

Though, very marginal number of respondents (33.48%) expressed reluctance in the release of their land to government. They reasonably maintained that it was their source of survival (46.75%), while others asserted that such land was the product of inheritance from their forefathers which they were holding in trust for their children (table 4).

Table 1: Nature of Land Ownership

Nature	L.G.A	Number	Percent
Community	Asari – toru	70	30.43
	Akuku – toru		
	Degema		
	Ikewrre		
	Emohua		
	Okrika		

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	Ogu – bolo		
Community/family	Bonny Andoni Opobo/Nkoro	30	13.05
Family/individual	Ahoada East Ahoada West Ogba/Egbema/Ndoni Omuma	60	26.09
Individual	Gokana Khana Abua/Oduah Tai Oyigbo Port Harcourt city Obio/Akpor	70	30.43
Total	23	230	100.00

Source: Field Survey, 2015

Table 2: Willingness to Release Land to Government

Readiness	Number	Percent
Yes	153	66.52
No	77	33.48
Total	230	100.00

Source: Field Survey, 2015

Table 3: Condition for Release of Land

Condition	Number	Percent
Financial Compensation	75	49.02
Skill Training	14	9.15
Employment	39	25.49
Scholarship	25	16.34
Total	153	100.00

Source: Field Survey, 2015

Table 4: Reason for not Releasing Land

Reason	Number	Percent
Inheritance	28	36.36
Source of Survival	36	46.75
Poor Compensation	13	16.89
Total	77	100.00

Source: Field Survey, 2015

Table 5: Awareness of Land Use Act

Awareness	Number	Percent
Yes	52	22.61

No	178	77.39
Total	230	100.00

Source: Field Survey, 2015

4. Conclusion

This research paper assessed land policy as well as land use in Rivers State as revealed by other researchers and the respondents. The study confirmed that no tangible land policy exists in the state except that of the national Land Use Act. Though, land can be acquired and managed by the state government after proper compensation.

5. Recommendations

In line with the findings of this research paper the following are recommended;

1. There should be effective communication to create awareness of the contents of Land Use Act of 1978
2. The land policy of the government should seek to modify and improve the obnoxious sections of the Land Use Act
3. Government should make wider consultations with the people before acquiring customary land. In other word, land acquisition should be people's participation.
4. Adequate compensations in terms of finance employment, training and scholarship should be carried out before acquisition of land from the people.

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