



Land Reform and Policy Issues in Nigeria: The Way Forward

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Abstract: *Developing countries like Nigeria faces the problem of its lands from surveying its amount; recognition and registration of rights to land, making it up to date and proposed future use and so on. To deal with these problems-defining them, assessing their state and need for improvement are necessary in any case. This is because Land has cultural as well as economic importance and its proper management is crucial to the present and future of every society. Land is something that often transcends economic sense as is evidenced by the way that nations and individuals both fight and sometimes die for what they regard as their land. Land is a basic resource for wealth creation, and on it activities of man take place. Efficient information on land is a good foundation for wealth generation and national development Land reform ought to be on the front burner of the Federal Government agenda. Hence, Government must as a matter of fact, place emphasis on improving the technical and institutional infrastructure to ensure that robust land registration and cadastral systems are put in place. Significant and special budget must be made to take care of hardware and software without neglecting 'people ware'. When the reform shall finally sail through, the long term sustainability of any reform process will depend on the quality of the management team left behind after technical assistance is provided. This paper looks at some of the human issues that are involved in operating an effective land administration. Failure to address capacity building will almost certainly result in the failure of the system. It is the institutional and human issues that will be crucial to the success of any land reform process.*

Key words: *land reform, policy issues*

INTRODUCTION

The Federal Government of Nigeria established a presidential Technical Committee in April, 2009 to undertake the reform of the land tenure situations in the country following the various problems emanating from the Land Use Act of 1978.

The terms of reference of the 8-man Presidential Technical Committee are as follows:-

- i. To collaborate and provide technical assistance to State and Local Governments to undertake land cadastre nationwide;

- ii. To determine individuals' "possessory" right using best practices and most appropriate technology to determine the process of identification of location and registration of title holdings;
- iii. To ensure that land cadastral boundaries and title holdings are demarcated in such a way that, communities, hamlets, villages, towns, etc will be recognizable.
- iv. To encourage and assist state and local governments to establish an arbitration / adjudication mechanism for land ownership conflict resolution;
- v. To make recommendations for the establishment of a national depository for land title holdings and records in all states of the federations and the federal capital territory.
- vi. To make recommendations for the establishment of a mechanism for land valuation in both Urban and Rural areas in all parts of the federation and
- vii. To make any title recommendations that will ensure effective, simple, sustainable and successful land administration in Nigeria.

In an interim report released by the chairman, presidential technical committee for land reform, Prof Akin L. Mabogunje, "the committee had engaged in four major areas of activities. The first is developing a programme of sensitization for the whole country; the second is determining the technical aspects of its task particularly those relating to the survey of parcels of land in the country on which individuals enjoy "possessory rights" (cadastral survey); the third is developing capacity building program for the manpower whilst the fourth is undertaking pilot projects of one Urban and one Rural Local Government in one state each of the six geopolitical zones in which the 36 states of the country have been grouped so as to begin to appreciate the various problems likely to be encountered as the work progresses.

LAND TENURE SYSTEM IN NIGERIA

At independence, the nation inherited the colonial potpourri land tenure systems with their attendant problems. With the rapid economic development after independence the need to acquire various sizes of land for industrial and agricultural development became very acute. At the same time activities of land speculators and middlemen made land acquisition in the urban areas a very expensive and arduous task. However, in the rural areas, various communities were eager to donate their lands for specific projects in order to attract development to their areas. (Atilola, 2011). It was in attempt to halt the contrasting land tenure systems in the country and the attendant litigations, fraudulent practices, and difficulty being experienced by various governments in accessing land for public good that the Federal Military Government promulgated the Land Use Decree (now Act) of 1978 (Atilola, 2010). The philosophy of the Act is encapsulated in the preamble to the Act as: "whereas it is in the public interest that the rights of all Nigerians to the land of Nigeria be asserted and preserved by law; and whereas it is also in the public interest that the rights of all Nigerians to use and enjoy land in Nigeria and the natural fruit thereof in sufficient quantity to enable them to provide for sustenance of themselves and their families should be assured, protected and preserved..." (Federal Republic of Nigeria, 1978).

The major objectives of the Act are to:

- To remove bitter controversies and litigations that usually arises over title to land.
- To streamline and simplify the management and ownership of land in the country.
- To assist the citizenry, irrespective of his/her social status, to realize his/her ambition and aspiration of owning land.
- To enable government to bring in control into the use to which land can be put in all parts of the country and facilitate planning and zoning programmes for a particular use.
- To curtail the activities of land speculators and remove the undue influence which certain traditional rulers have on land.

The Land Use Act introduced a major paradigm in the country's land tenure system since the introduction of freehold to southern Nigeria and the transfer of land to the state in the north in the late 19th century. The Act sought, for the first time, to unify the land tenure systems all over the country in addition to nationalizing land in the country's geographical space. To this end the Act vested all land in the territory of each state in the governor of the state to hold in trust for the citizens. It created a statutory title to land known as the statutory lease hold in the urban areas, and customary rights of occupancy in the rural areas to be granted by the governor or the local government chairman respectively. Evidence of title is covered by a Certificate of Occupancy, issued to every lease holder.

IMPORTANCE OF LAND REFORMS IN NIGERIA

In every developed nation, there is a system for recording land ownership and facilitating land transfer. Land has cultural as well as economic importance and its proper management is crucial to the present and the future of every society. There are many examples that show the cultural importance of land, not least of which is the reluctance of many ethnic groups to open up their land markets to foreigners. Land is something that often transcends economic sense as is evidenced by the way that, nations and individuals both fight and sometimes die for what they regard as their land (Dale, 2002)

This emotive aspect of land is often forgotten by those who are concerned to forge ahead with the development of land markets. This is not to decry the economic importance of land. In a study by Hernando De Soto (De Soto, 2000) he documented examples that illustrate the relationship between wealth and access to real property market. He argued that poverty in the third world is not a result of any lack of intelligence, hard work or entrepreneurial skills; it is because so many of the citizens are barred from access to real estate.

As a result they have capital that is essentially dead capital-it cannot be used at present to create wealth. What this means is that many in the developing countries including Nigeria had been put aside, their land never having been formally registered meant they possessed land but no title, and they have no access to credit. So they are not as poor as people in the developed countries think they are. They seem poor because their main asset, land, is not a recognized security for loan. Land reform therefore is the starting point for many people to escape the poverty trap.

Land reform will not only support the market economy, but also sustainable development, good governance and, above all, contribute to eradicating poverty. "In this paradigm shift [land reform] not only supports land owners and tax collectors but society as a whole, including the landless and the have-nots" (Mathias Lemmens, 2010).

Nigeria was rated 178th out of 183 economies in a recent survey conducted titled "Doing Business in Nigeria" in respect to difficulties associated with registering properties in the country (World Bank, 2010). It is therefore imperative that Nigeria gives very urgent and sustained attention to promoting its land reform programmes in its entire ramification in order to meet the challenges of competing effectively in an increasingly globalizing world.

Recognition of both aspects of land-the cultural and the economic – is fundamental to the stable and successful societies. That is why land reform, the process that underpins land resource management, is important. According to Dale (2007), the major goals of any land administration are:

- There are secure dealings in land.
- The cost of transactions is kept low.
- There is access to credit.
- There is transparency in all dealings.
- There is easy access for all participants, poor or rich.
- Minority rights are protected.
- Environmental sustainability is supported.

The benefits of good land administration in relation to Nigeria include (UN/ECE, 1996):

- a. Guarantee of ownership and security of tenure
- b. Support land and property taxation
- c. Provide security for credit
- d. Reduce land disputes
- e. Facilitate land reform
- f. Improve urban planning and infrastructure development
- g. Support environmental management
- h. Produce statistical data

CAPACITY BUILDING AND THE PARTICIPANT IN LAND REFORM

The term 'capacity building' is often used to describe what is needed to ensure that programmes of reform are sustainable.

"Capacity building is the development of knowledge, skills and attitudes of individuals and groups of people aiming for playing a leading role in the design, development, management and maintenance of institutional and operational infrastructures and process".(Van der molen & Groot, 2000)

The term 'capacity building' has many meanings and interpretations, depending upon who is using it and in what context. Capacity building as a concept is loosely related to education, training and human-resources development. However this conventional interpretation has shifted toward a broader and more holistic view covering social, organizational and educational aspect.

The presidential technical committee in its interim report released identified four major areas of activities for effective land reform in Nigeria, among which are “determining the technical aspects in its task particularly those relating to the survey of parcels of land in the country on which individuals enjoy ‘possessory rights’ (cadastral survey) and developing a capacity building program for the manpower required for this enormous national assignment. The committee went further to state that the skills that will be required will include “The collection, processing and structuring of spatial data into information that is useful for a nation-wide, multipurpose cadastre. Other skills identified are the ability to read and interpret aerial photographs and satellite imageries, using GPS (Global Positioning System) and other instruments for boundary determination, and provide spatial data for points, lines and aerial futures.

There is no gainsaying in the fact that surveying forms the back-bone for the land reform agenda. This notwithstanding must be stressed that capacity building in the context of land reforms involves much more than educating people to practice surveying or geo-information. Vitrally too is educating decision makers at the National, State and Local government, training practitioners and outreach to professionals in other areas such as urban planning, architecture, estate management and related fields within the built environment.

Presently Nigeria has about 23 Polytechnics and 11 Universities offering surveying and other programmes found within the built environment at various levels. Many of these institutions are bedeviled with various problems ranging from poor staffing, old curricula, and lack of funding and teaching facilities. Urgent steps must be taken to address these problems for the land reform effort to be sustained.

WHAT SHOULD BE DONE

At the Government Level

- Government official and policy makers should be provided with evidence of costs, benefits and political implications of long-term investment in land reform.
- Ensure that relevant legislation is in place.

At the Professional and Technical Levels

- Ensure that relevant training should be provided by the Universities. The Universities / Polytechnics should have adequate funding and sufficient human and technical resources.

All personnel involve should be made to understand the business environment and should be able to manage their affairs.

The Universities, Polytechnics and Colleges involve should offer relevant courses in land law, surveying and geo-informatics, urban and regional planning, architecture, valuation, computer science and business management. They must also facilitate continuing professional development by organizing appropriate short courses etc.

The formation of professional societies in which both private sector and public sector practitioners will have clearly defined roles. There should be code of ethics and its implementation should be encouraged.

At the Office Staff Level:-

Staff should receive appropriate training and understand their levels of responsibility.

All staff must have appropriate IT skills. Staff should undergo continuing professional development. They must also be trained to communicate effectively.

At the Management Level:-

Senior management courses should be provide for top administrators, developing their skills in

- Business management including cost efficiency.
- Strategic planning.
- The management of change.

They should also focus on both land and human resource management. They must strive to create systems that are user driven rather than producer driven, with built-in mechanisms for accessing customer's needs and levels of satisfaction.

- Managers should encourage the international exchange of ideas, ensuring that lessons learnt are passed down the chain of command and not just retained at the top level.

Again, appropriate management training should also focus on proactive rather than reactive management.

At the Public Relations Level:-

The media should be encouraged to promote national awareness of land reform. The Radio, Newspapers, Television and internet should be used to encourage constructive debate and engage the public. Public meetings should be held in areas where the land reform programme will be carried out. There should be publication of annual reports on progress made by each government agency.

IMPLEMENTING THE LAND REFORM AGENDA

Dale (2007) posited that the goals of any land administration reforms are:

- There are secure dealings in land.
- The cost of transactions is kept low.
- There is access to credit (for the poor and rich).
- There is transparency in all dealings.
- There is easy access for all participants, poor or rich.

- Minority rights are protected.
- Environmental sustainability is supported.

To achieve these goals there is need for a reliable geoinformation, a developed cadastre, appropriate information communication technology (ICT), sound regulatory reform and good governance systems. The success or otherwise of any land administration reform system depends on the flow of information relating to land and property between different government agencies and between these agencies and the public. This can be achieved through appropriate Land Information System (LIS) and National Spatial Data Infrastructure system (SDI) (Atilola, 2010).

CHALLENGES TO EFFECTIVE LAND REFORM

The Land Reform Agenda might be faced with the following challenges:-

- Modern Technology Surveying Equipment (training is of no use without it)
- Spatial literacy and education in the use of geographic information in schools
- Political will

There is also poor infrastructure, particularly low internet band width and poor communication among government agencies.

Other challenges are:-

- Corruption
- Poor institutional development
- Opaque legal systems
- Weak enforcement mechanism
- Lack of Transparency

WAY FORWARD FOR SUCCESSFUL LAND REFORM IN NIGERIA

In order to have a successful land reform, the Nigerian Government needs to take the following into consideration.

- There should be an amendment of all the existing laws of land tenure with a view to making land easily accessible.
- The government should provide a better system of recording rights in land so that it can offer security for credit.
- There is the need for the government to adopt bold and fearless steps to implement land policies.
- Land reform should review the rights of women to own land.
- Lack of man power to implement land policies should be addressed through capacity building.

- The litigation generated by undisputed ownership of land due to long usage is a hindrance and should be addressed.
- The ceiling placed on the amount of land to be acquired by individuals should be based on the population of the country and the amount or extent of Nigeria land space.
- Government should allow the citizens to seek redress regarding the amount or adequacy of compensation paid.
- The issue of excess land that was extinguished should be properly administered.
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CONCLUSION

Capacity building for land reform is an essential but never ending task because learning is a lifelong process. The major challenge of the land reform programme is to build up the required institutional and human capacity. As the reform takes off, there are bound to be lots of challenges from the technical and professional aspect of the land reform. Those who will be saddle with the responsibility of managing the reform programme should ensure they exchange ideas and learn from countries that have successfully carried out the reform in order to solve the problems that may arise. Therefore in implementing the current land reform agenda in the country, various factors that will facilitate the realization of the stated goals of an ideal land reform must be taken into consideration in a holistic manner. These include: technical framework based on reliable geo-information and cadastral system; evolving a regime of land use policy; legal framework, including a review of the Land Use Act; institutional framework; participation of various stakeholders, including various relevant professionals from the programme inception; evolving a mapping and geo-information policies; and a mechanism for capacity building among others.

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