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**FIG WORKING WEEK 2012**  
May 6-10 2012  
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**An Evaluation of the Efficiency of the Land Use Act  
1978 of the Federal Republic of Nigeria and its  
Implications in Minna and Environs**

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FIGWW 2012: *Knowing to Manage the Territory – Protect the Environment – Evaluate the Cultural Heritage*  
TSO1E: *Pro Poor Land Management:*  
Lazarus Mustapha OJIGI (Nigeria):  
5/29/2012 Paper No.5577: *An Evaluation of the Efficiency of the Land Use Act 1978 of the Federal Republic of Nigeria and its  
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**INTRODUCTION**  
*Land Use Act 1978, No.6*  
*Development Control Conditions Contained in the C of O*  
*Statement of Problem*  
*Objectives*  
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*Adherence to Statutory Conditions in the Offer of C of O*  
*Development Control*  
*Government Policy and Decision Making*

**CONCLUSION AND RECOMMENDATIONS**

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**INTRODUCTION**

For over thirty years in Minna and environs, there has been a rising profile of informal settlement and slum, particularly on the urban fringes and the phenomenon is disturbing, as it potent huge obstacle to quality development of the city. This trend perhaps may be as a result of the dearth of requisite spatial information for effective land administration, planning and implementation of the existing land use laws.

One pertinent observation made by Dumashie (2006) on the emergence of slums in African countries is that, “rapid population growth and rural-urban migration is placing enormous pressure on the ability of African countries to facilitate access to housing and public services, as manifested by the high housing rents, overcrowding, and emergence of slums and informal settlements”

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**The Land Use Act 1978, No.6**

The economic value of land (urban and rural) is an important and key factor in sustainable land marketing and Information management strategies.

In early 1978, the Federal Government of Nigeria realized that, land cannot be treated as an ordinary asset controlled by individuals and subject only to market forces, rather should be used in the interest of society to achieve social goals like decreasing inequalities in access to land and tenure, land registration and administration and improve development quality. This was the basis upon which Land Use Act No. 6 of 1978 was established by the Federal Government of Nigeria in March 1978.

The Act simply transferred the ownership of land to the state, which is to hold the land in public interest. The individual citizens or corporate bodies thereafter hold the possession of such lands and could continue holding such lands **as if** the holder has the *statutory* ownership of such land (Land Use Act, 1978).

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**The Land Use Act 1978, No.6 (Cont...)**

The Certificate-of-Occupancy (C of O) of a landed property is the evidence of an offer of the statutory right of occupancy to an applicant over a given portion of land by the Governor or the Chief Executive of a State.

There are standard information, terms and conditions conveyed by the offer letter; which include the plot location, size (in square metre or hectares), the premium per square metre, rent per square metre per annum, improvement value, the purpose or land use type, lease period (usually 99 years) and rent revision period (usually 5 years).

The grant of C of O provides adequate statutory conditions for sustainable city growth and almost automatic development control, but the reverse has been the case in Minna and Environs.

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**Development Control Conditions Contained in the Certificate-of-Occupancy (C of O)**

Some of the important common conditions include the following (*paraphrased from Land Use Act, 1978*):

- Within 2 years from the date of the acceptance of the C of O, the plot owner is expected to erect and complete buildings or other works on the offered plot, in accordance with the approved detailed plans by the state or any other agency empowered to do so.
- Plot owners are not to erect or build or permit to be erected or built on the offered plot of land any other buildings or structures other than those permitted to be erected by virtue of the C of O nor make or permit to be made additions or alterations to the said buildings to be erected or buildings already erected on the plot of land except in accordance with the plans and specifications approved by the State Urban Development Board or any other agency empowered to do so.

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c. No plot owner must alienate the Right of Occupancy granted him/her, or any part thereof by sale, assignment, mortgage, transfer of possession, sub-lease or bequest, or otherwise howsoever without the prior consent of the Governor or the Surveyor-General first had/obtained.

d. The Governor or any other public officer duly authorized by the Governor in his behalf, shall have power to enter upon and inspect the land comprised in any statutory right of occupancy or any improvements effected thereon, at any reasonable hours during the day and the occupier shall permit and give free access to the Governor or any such officer to enter and so inspect (Land Use Act, 1978).

e. The plot owner is required to pay other fees and charges at a rate to be determined for the survey, preparation, and execution of the Certificate of Occupancy, and building plan approvals.

***The above conditions, if properly managed will generate qualitative, orderly, profitable and litigation-free land administration system in a city such as Minna and elsewhere in Nigeria***

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**Statement of Problem**

❖ For over thirty years in Minna and environs, there has been a rising profile of informal settlement and slum, particularly on the urban fringes and the phenomenon is disturbing, as it potent huge obstacle to quality and sustainable development of the city.

❖ **What is responsible for this trend?**

❖ **Could it be one, some or all of the following?**

- inefficient land administration system in handling the provisions of the Land Use Act, 1978;*
- dearth of requisite spatial information for planning;*
- the statutory conditions in the C of O as provided by the Land Use Act 1978, No. 6 are too difficult for the land owner/developers to meet or a deliberate refusal to adhere to them;*
- poor Government socio-economic/housing policies and capacity to effectively implement them.*

This paper therefore, *aims* at an evaluation of the efficiency of the Land Use Act 1978 of the Federal Republic of Nigeria and its implications in Minna and Environs in order to identify the challenges and the way forward in the strategic and speedy land use planning and development in the area

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**Objectives of Study**

The objectives of the study are to:

- i. Examine the Land Use Act 1978, No. 6 provision in the offer of Certificate of Occupancy and the procedures in obtaining it in Minna;
- ii. Examine the available cadastral map, their respective scales and date of production and mode of field survey data capture;
- iii. Assess the level of adherence of plot owners to the inherent conditions in the offer of statutory right-of-occupancy;
- iv. Identify the role of development control unit of urban development board in Minna;
- v. Identify the challenges and the way forward in strategic and speedy land use planning and development to stem the tide of informal settlement in the Minna and environs.

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**The Study Area**

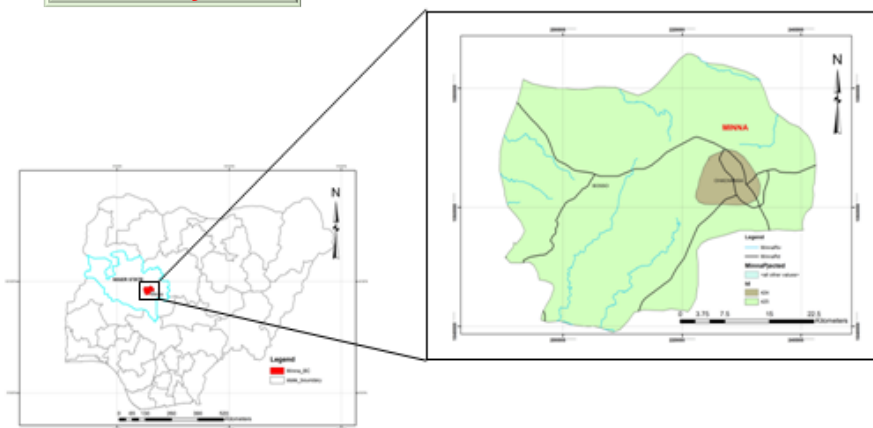
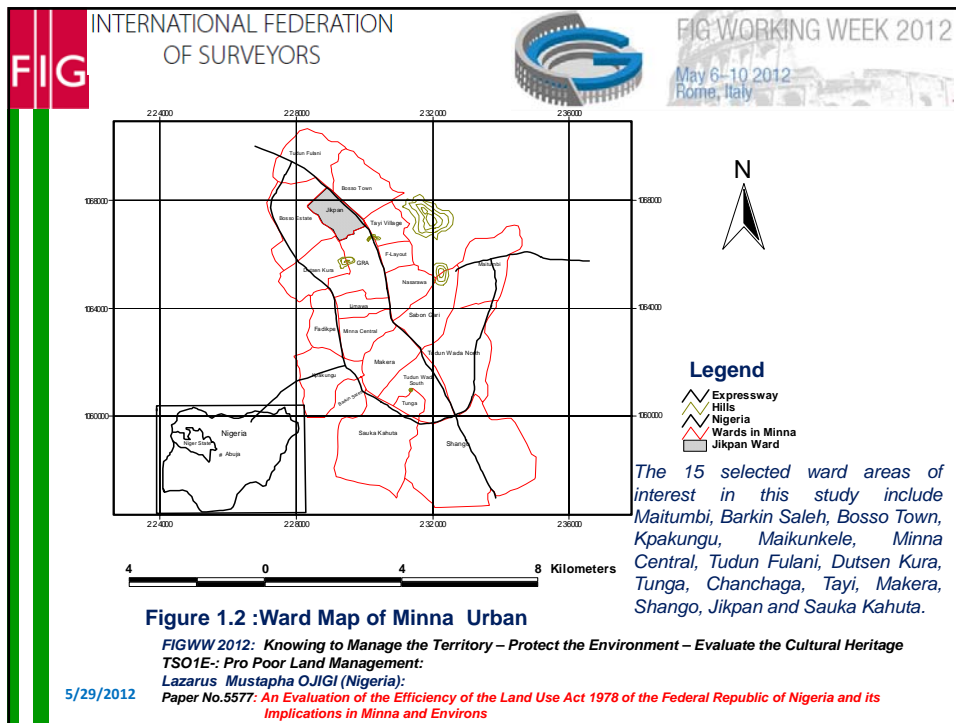


Figure 1.1: The Study Area

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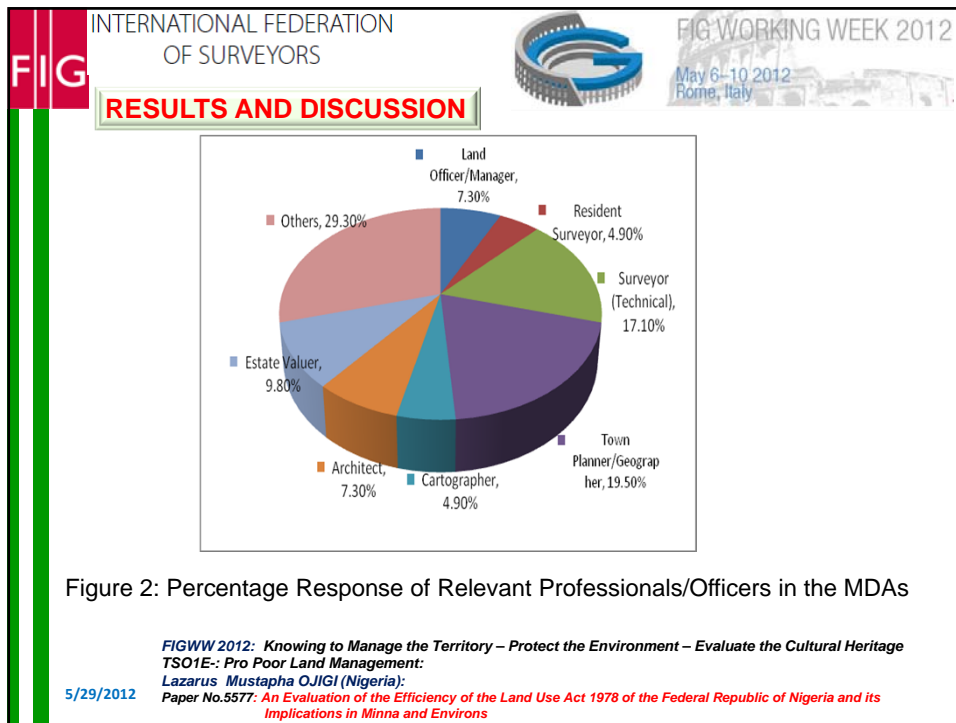
**MATERIALS AND METHODS**

**Field Data Collection**

- i. Personal Interviews;
- ii. Existing Maps and Plan;
- iii. The Land Use Act 1978, Federal Republic of Nigeria;
- iv. Questionnaire Administration in fifteen (15) selected ward areas based on four (4) key elements:
  - Survey and cadastral information system,*
  - Adherence to statutory conditions in the offer of C of O,*
  - Development control and*
  - Government policy and implementation*

A section of the questionnaires was administered to 50 staff of relevant ministries, departments and agencies (MDAs) related to lands, Survey, planning and housing, while other section was administered to a minimum of ten (10) land lords sampled at random in the selected fifteen (15) wards (total of 150 questionnaires).

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Table 2: Percentage of Property Owners that Responded in the 15 selected wards Areas

S/n	Wards/Areas with:	%Yes	%No
1	Properties with genuine C of Os or Grants	36.2	63.8
2	Has approved building plans	20	80
3	Infrastructure (roads, water, etc) prior developments	22.3	77.7
4	Purchased lands from local natives	71	29
5	Those paying annual ground rents	81.9	18.1

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**Survey and Cadastral Information System**

- The available cadastral and topographic map sheets [Scales 1:2500 and 1:25000 respectively] were produced between 1974 and 1986 from a combination of ground survey and photogrammetric methods.
- About 88% of the respondents put the average period of processing one C of O to between 6 months to 1 year, while about 9.6% were for a period of 1 year to 3 years. Only 2.4% were for a period of 3 years and above;
- About 50% of the survey revealed that there was no exact record of the number of C of O processed between 1978 and 2010, while the other 50% gave a range of 5000 and above;
- About 51% of survey showed that, the land owners are ready to officially pay the necessary fees during and after the processes of the C of O.
- Also, the **cost of land** is not a challenge in Minna and environs because, there is sufficient supply of land at relatively affordable prices to interested residents.

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**Survey and Cadastral Information System (Cont...)**

The survey shows measures adopted in making applicants to comply to cadastral system to include

- i. Revoking their offer (73.2%),
- ii. Counseling, diplomacy and persuasion (26.8%)

Due to non-availability of well defined cadastral and infrastructure maps, informal settlement are on the sprawl at the outer urban fringes of Minna such as Kpakungu, Dutsen Kura, Bosso Town, Sauka Kahuta, etc.

About 61% of the survey shows that there are over 100 court cases arising from errors in the cadastral system in Minna and environs

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**Adherence to Statutory Conditions in the Offer of C of O**

The result of the survey on the adherence to statutory condition showed that, about 60% of the land owners in Minna develops their properties in accordance with the stated conditions in the C of Os, while 40% were not.

*Table 3: Rating of factors Responsible for Allottees' Non-Compliance to Conditions in the C of O*

S/n	Factors responsible	% Rating
1	Taking things for granted, knowing that nothing will happen after violating the conditions.	34.1
2	Poor and ineffective development policy and control	22
3	Corruption and lack of respect for Statutes and Laws of the Land	19.5
4	Poverty and lack of resource to build standard structures	17.1
5	Ignorance of the conditions and liabilities stated in the C of Os	7.3

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**Development Control**

The survey on development control shows the following as the basic roles of development control unit of urban development board in Minna:

- ✓To issue approval before building commences
- ✓Control physical development and ensure a decent city
- ✓Implement strict compliance to building code
- ✓Adopt best practice and create enough access and urban infrastructure (roads, drainages, water, power line, etc)

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**Development Control (Cont..)**

Investigations conducted on the reason why several buildings and structures were marked “X-STOP WORK” by Niger State Urban Development Board (NSUDB) in the study area showed:

- About 73% for ‘no approved building plans’;
- 18.2% for violation of the building line regulations, while
- About 9.8% was attributed to either building on drainages and power lines or absence of C of Os/Grants.

The study revealed that, the development control unit of NSUDB always insisted on *development standard and specifications*, but due to human tendencies to break laws, it has been difficult to achieve.

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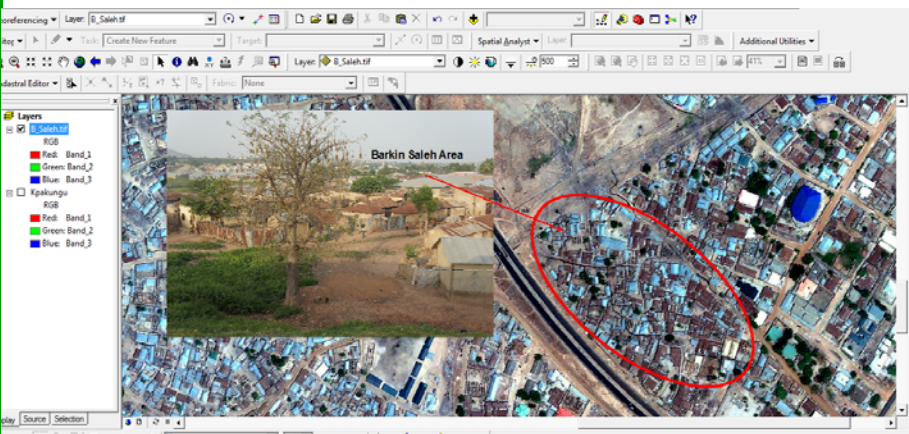


Figure 3: Photograph and Google Earth Image showing Informal Settlement in parts Barkin-Saleh Area of Minna, Nigeria

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Figure 4: Satellite Image and Photograph of Parts of Informal Developing (C) and Built-up Areas (A & B), along Bida Road, Kpakungu, Minna, Nigeria (Image Source: [www.googleearth.com](http://www.googleearth.com) & Author's fieldwork)

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About 87% of the survey indicated there were Cadastral Layout and Township Plans (TP) for MTP52-Industrial Layout, MTP80-Tunga, MTP77-Dusten Kura, MTP95, MTP54, MTP75 and MTP51. In areas with Cadastral Layouts and Township plans, roads, water, drainages and other infrastructures were provided or planned to be provided prior plots allocations and commencement of physical development.

**Table 4: Problems of smooth enforcement of development control in Minna**

S/n.	Problem (s) in Enforcement	% Rating
1	Hostility and attack by property owners and residents	47.8
2	Double standard and lack of full support by the governments	26.1
3	Sabotage by some superior government officers who are directly or indirectly affected	17.4
4	Lack of will power on the part of the authorized officers	8.7

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**Government Policy and Decision Making**

- About 79% of the survey showed that, government decisions on land information system (LIS) and sustainable urban development in Minna would NOT be effective with the current analog cadastral maps and geoinformation standards in the State.
- For income generation strategy, about 84% of the survey showed that the Grants and C of Os on landed properties have NOT yielded good financial income strategy for the governments in Minna and environs since 1978 due to improper land documentations, records and poor implementation of internal revenue generation system.

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**Discussion**

The statutory conditions in the C of O as provided by the Land Use Act 1978 are meant to achieve effective and functional physical development within the frame work of land use plan. Adherence to these conditions by developers and citizens has been a great challenge in Minna and environs.

For instance, between 1978 and 2010, there were no documented cases of developers who have been compelled to within 2 years from the date of the acceptance of the C of O, to erect and complete buildings or other works on the offered plot, in accordance with the approved detailed plans by the state or any other agency empowered to do so.

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□ The prevailing situation of physical development is that, plot owners erect buildings or structures on their plots of land they so wish provided the structures are located within their plots. Additions or alterations to the approved buildings plans (where applicable) are made without recourse to the Urban Development Board or any other Agency empowered to do allow such alterations.

□ However, there had been instances where the NSUDB tried to enforce some measures of control through the use of writing on the walls in red markers **“STOP WORK (‘X’)-NSUDB”** and a times, pulling down of on-going building construction with bulldozers

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❖ The study has shown that, the informal settlements in Minna and environs arises from the combined effects of the following:

- i. slow procedures and bureaucracy in obtaining C of O;*
- ii. The statutory conditions in the C of O are undermined or taken for granted by developers;*
- iii. inconsistency and inefficiency of government agencies and committees responsible for land administration,*
- iv. rapid population growth and rural-urban migration pressurizing the city,*
- v. poor implementation of government housing programmes and policy over the years.*

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❖ This problem has been further aggravated by lack of capacity for optimizing and implementing land information strategies due to:

- ❖ *Traditional,*
- ❖ *Socio-political,*
- ❖ *Economic, and*
- ❖ *Technical barriers.*

Where qualified professional are available to carry out property inspections and regulations, the fear of being harmed or attacked, and the patriotic will to refuse bribes when offered has been a major challenge.

***For instance, the government officers' right to enter premises is limited by the 'ba-shiga' ('no entry') system in some parts of Minna. Where there is no free access, power to enter, inspect and control developments at the backyard of the residents is largely constrained.***

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**CONCLUSION**

The study has carefully done an evaluation of the efficiency of the Land Use Act 1978, No. 6 of the Federal Republic of Nigeria and its implications in Minna and Environs; in which four (4) key elements consisting; survey and cadastral information system, adherence to statutory conditions in the offer of C of O, development control and government policy and implementation in fifteen (15) selected ward areas were assessed.

The prevailing informal settlement trend in Minna is a failure of the Land Use Act of 1978 and the LUAC in Niger State. The inability of the department of lands, survey and planning to provide effective land records and up-dated cadastral maps, which should guide planners and developers on *where* to build *what* in the study area, is the primary source of irregularities in the physical development process in Minna.

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**CONCLUSION (Cont...)**

Government policies/decisions on housing and land information system (LIS) and sustainable urban development in Minna have **not** been effective over the years due to the heterogeneous cadastral map frames and geoinformation standards. Therefore, an integrated approach to land-use management that combines

- i. *human/institutional capacity development,*
- ii. *land policies,*
- iii. *cadastral/land information management,*
- iv. *Infrastructure development, and*
- v. *land-use monitoring and management.*

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**Recommendations**

- i. The current inefficiency in land administration should be addressed through the reform of Land Use Act, and repositioning of the relevant ministries and the Land Use and Allocation Committee (LUAC) in order meet up the need of the people.
- ii. The Development Control Unit of Urban Development Board should be properly fund, equipped and legally strengthened to cope with the professional and ethical challenges of effective development control in Minna and environs.
- iii. Cases of allocation of lands in areas without township plans and cadastral layouts should be abolished in order to curb slum and informal settlement;
- iv. The procedures of land allocation and processing of C of O should be simplified to last not more than six month from the date of application.
- v. Where government housing programmes are not realistic, urban facilities and infrastructure should be provided in all development layouts in order to automatically control informal settlements.

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**Thank You!**

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