

Comparative Analysis of Land Use Act Using Traditional Method Nimoanambra State, Nigeria

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ABSTRACT

Land is a vital aspect of man's existence. Every nation of the world relies on land, all human activities are carried out on land which is the basic factor of production. The need to acquire land by man has tremendously increased over the years. Prior to the promulgation of land use Act, Land is completely owned by individuals, families and communities with the head who hold the land in trust for the use of the entire people. But the commencement of land use Act of 1978 altered the existing land tenure and vested all lands in the government. Having observed all these in recent years, it is clearly understood that these goals have not in any way come to reality rather the Act has been used to achieve personal goals and objectives by various past administrators and governments of various levels. This study examines comparative analysis of Land Use Act using traditional methods in Nimo, Anambra State, Nigeria. The study also examines traditional methods of land acquisition and classification of land ownership. Structured questionnaires were used to elicit information from indigenous residents of Nimo. Some of the indigenous residents of Nimo were interviewed in the community. The study found out that land is acquired in Nimo community mainly through inheritance and purchase and also most of the lands in Nimo community are owned by individuals. The paper recommended that the land Use Act should be amended to bring it in line with the reality of the custom of the populace, in order to have a clear and not confusing land tenure system. The government should revisit the method of land holding in the country and to take drastic measures to address the inequities.

Keywords: Land Use Act 1978, Traditional Method, Nigeria

I. INTRODUCTION

Land is the most valuable property in the life of man and his development. It is a source of wealth to those who have it and the mother of all properties. In other words, virtually all the basic needs of human existence are land dependent. The land system of a given society is the manner in which land is owned and possessed. It is an institutional framework within which decisions are taken about the use of land, embodying that legal or customary arrangement whereby individuals or groups or organizations gain access to economic and social opportunities through land (Udo, 2003). The land system is also constituted by the rules and procedures which govern the right and responsibilities of both individuals and groups in the acquisition, use and control of land.

The evolution of land tenure is a complex and dynamic process, involving the traditional political system, the modern legal system and Islam. Conflicts over jurisdiction in land matters may arise between individuals with different tenurial rights under different systems of land tenure. The resultant effects of population explosion, urbanization and socio-economic growth have been one of the major social and economic problems connected with the land tenure system. Urbanization has forced people to migrate from rural to urban areas. The increasing population pressure in cities and towns made residential accommodation in particular a challenge. Governments wanted to expand facilities and introduce new ones but there was no land. The land ownership structure in Nigeria is based on the absolute and derivative interests. The structure of ownership of these interests in the country has evolved over the years. Before the introduction of the formal legal structure, decisions regarding the allocation and transfer of land were made by traditional leaders on the basis of customary Law

(Adedipe, Olawoye, and Okediran, 1997). Customary land tenure is not only still in operation, it has become formalized and modified as necessary. Other modes of land tenure have also been formalized. There is an overriding principle guiding all types of customary land tenure in Nigeria. This is that land belongs not to humans, but to God. Humans merely have the use of the land. This right of use belongs primarily to the ancestors, but it is also for the living and the future generations (Craigweii-Handy, 1939). Initial acquisition of land was accomplished by settlement of virgin land by a group or individual (Amechi, 1989).

Customary land tenure systems in Nigeria are related to family and inheritance systems, and are based on the concept of group ownership of absolute rights in land, with individuals acquiring usufructuary rights. Customary land rights establish the basis for access to land resources and the opportunity to use land for productive purposes (Famoriyo, 1980). Famoriyo (1973) notes that under the customary rules of tenure, three principles were observed: first, each individual member of a landholding family was entitled to a portion of land enough to feed himself and the members of his family; second, no member of the community could dispossess another of his or her stake in family land; and third, no one could alienate family members interests in family land without the knowledge and consent of those members. It has been observed that according to traditional notions of land tenure, no land existed without an owner (Fomoriyo, 1973). In Western Nigeria, for instance, rights to land can be vested in a variety of groups and the overriding category is lineage membership (Nwosu, 2001). Individuals are entitled to portions of communal land as members of a family or clan (Adeleke and Iyanda, 2001). Most times, much of the land acquired by a group of people was allotted on a family basis, a portion of land being apportioned to the head of each family. As a result, families could ensure continuous use of the same land over time. Even though family size may vary, the legal claims relating to family property are largely the same. Nigerian land policies have a long and illustrious history, which include the traditional land tenure system, statutory land law (Southern and Northern protectorates), and the Land and Native Rights Proclamation 1910. However, due to their shortcomings and inability to meet demand, the government promulgated another land policy instrument on March 29, 1978, known as the Land Use Act (LUA). The LUA has repealed the several state land laws that control the country's land

tenure structure. The LUA was formed with the goal of unifying land policy across Nigeria and eliminating land speculation in order to defend the rights of all Nigerians to land. It is in the public interest of all Nigerians to be able to use and enjoy land in the country, as well as the natural fruits that grow on it, in sufficient quantities to feed themselves and their families.

Apparently, the Land Use Act was promulgated to reform and bring sanity into the chaotic land tenure system in Nigeria particularly in the Southern part of Nigeria where the position was unacceptable. It was difficult to ascertain the appropriate vendors to convey genuine title to the purchaser. It was either that the consent of the head of family was not obtained in which case the transaction was void or that the consent of principal members were not obtained which would make the title of the purchaser voidable. In addition to the problem of uncertainty of title, the government was finding it quite difficult to get land for development. The compensation demanded most times was more than the cost of the public project. It became very imperative that the government must intervene through legislation to remedy and correct these and other areas of the customary land tenure that require reforms. The Land Use Act, promulgated in 1978, was motivated by the need to make land accessible to all Nigerians; prevent speculative purchases of communal land; streamline and simplify the management and ownership of land; make land available to governments at all levels for development; and provide a system of government administration of rights that would improve tenure security (Ukaejiofo, 2008). To achieve the foregoing objectives of the Act, various provisions are made in the law to fast-track a seamless administration and implementation of the policy of the Act. However, after many years of implementing and administering the Act, one could say that the Act has failed to achieve its set objectives. It is well-known, for instance, that the Act divests citizens' freehold title to their land. And, of course, this is antithetical to their economic prosperity as land seized from being an article of commerce upon the commencement of the Act (Nwocha, 2016). Administratively, the Act created a monstrous fiefdom in the governor of the state and confounded the roles of the local government and state in land administration in Nigeria. This study examines the Land Use Act using traditional methods.

II. LITERATURE REVIEW

2.1 Customary Land Tenure Systems (Traditional System)

Customary land tenure system has been defined as the system of landholding indigenous to Nigeria, Smith, (2007) relating to family and inheritance systems based on the concept of group ownership of absolute rights in land, with individuals acquiring usufructuary rights. These rights establish the basis for access to land resources and the opportunity to use land for productive purposes. Under customary rules of tenure, it was observed that each individual member of a landholding family was entitled to a portion of land sufficient to feed both himself and his family; no member of the community could dispose another of his stake in family land; and no one could alienate family members' interest in family land without the knowledge and consent of those members; the right to land might be perpetual, for certain periods (for example farming), or for the lifetime of the holder (Arua and Okorji, 2014). Customary land tenure refers to the systems that most rural African communities operate to express and order ownership, possession, and access, and to regulate use and transfer. Unlike introduced landholding regimes, the norms of customary tenure derive from and are sustained by the community itself rather than the state or state law (statutory land tenure). Although the rules which a particular local community follows are known as customary law, they are rarely binding beyond that community. Customary land tenure is as much a social system as a legal code and from the former obtains its enormous resilience, continuity, and flexibility. Of critical importance to modern customary landholders is how far national law supports the land rights it delivers and the norms operated to sustain these.

The predominant land tenure system in Nigeria during the pre-colonial period was the customary land tenancy where land holdings were owned by villages, towns, communities and families. Land was deemed not owned by individuals but by communities and families in trust for all the family members (Omuojine, 1999). The legal estate under customary land tenancy is vested in the family or community as a unit. During this period, land belonged to the community or a vast family of which many are dead, few are living and countless members yet unborn. Thus individuals had no such interest as the fee simple absolute in possession as the actual ownership of land or absolute interest was vested in the community itself. Interests or rights of individuals in community land were derivative interests. According to Dosumu (1977)

and Aniyom (1978), the customary land tenure in the areas comprising the Southern States of Nigeria before colonial rule was held in the following ways:-

- i. Communal Lands.
- ii. Stool or Chieftaincy lands.
- iii. Family lands.
- iv. Individual or Separate property.

The community lands comprised lands which the entire community has an individual or proprietary interest. Such community lands were supervised and administered by the chiefs and traditional rulers. The stool or chieftaincy lands were found mostly among the Yoruba and comprised the Oba's palace and the surrounding lands. The family lands were lands that were vested in the members of the family as a corporate group. Individual property comprised lands whose title was vested on individuals and was obtained by partitioning of the family land to individual members of the family. However, during the pre-colonial period, land held under customary tenure cannot be sold or alienated. Such an act was generally regarded as capable of depriving the future generations of the opportunity to acquire land (Bardi, 1998).

2.2 Traditional Methods of Land Acquisition

The tenureship of land differs slightly from society to society. Joel (2016) identified first settlement, conquest, customary grants, gift, inheritance and sales as methods of land acquisition.

First Settlement: A settler or group of settlers such as a community or family who settled down first on a parcel of land free from any other adverse claim or challenge; such settler(s) is(are) seen as an adverse owner. Most lands were originally acquired through this means.

Conquest: Community/village wars were used as means of acquiring land in the pre-colonial times. Acquisition of land by conquest was possible under the native laws and customs. The conqueror became the owners of the land. This is no longer obtainable in most places including towns and communities in Nigeria.

Customary Grants: This is a process whereby the community through the community heads issue land to individuals, usually members of the community. Land is only granted to the male children. Previously, land was granted to male children who were ready to build where they will live with their families. Currently due to the scarcity of land, few remaining communal lands are now being used for communal purposes such as the development of markets or town halls.

Gift: This is the transfer of land from one person to another without the payment of any consideration. The community or an individual can gift land especially for developmental purposes.

Inheritance: This is one of the predominant methods of land acquisition. It is the devolution of land from one person to another, especially from a father to a son.

Sale: This is the transfer of interest in land by a seller to a purchaser for some consideration. This consideration could be in the form of money and/or other items such as kola nuts, goat and palm wine.

2.3 Classification of Land Tenure in Traditional Igbo Society

Historically, in Igboland, land was held communally, however, this pattern of land ownership or land tenure has given way to individually held pieces and parcels of land. The tenure system in traditional Igbo society is a peculiar one; however, for the purpose of this work, different tenure practices discussed below:

Communal Land Tenure (Ana Obodo): Communal land tenure is usually based on the inalienable and equal rights of joint ownership of land by every member of the community, with some appointed members, usually elders and titled men, given the responsibility to act on behalf of others as custodians of the land. In Igbo land, some cardinal principles of land tenure are that the land belongs to the community and cannot be alienated from it without its consent; within the community, the individual shall have security of tenure of the land required for his compounds, gardens and farm; and, no member of the family shall be without land (Adegboye, 1966). Communal land tenure varies from community to community and is related to farming practices, ethnic heterogeneity and stability of leadership. However, a distinctive feature of communal land tenure systems as noted by Arua (1981b) is that joint decisions are taken on which land to cultivate, which crops are to be grown, the number of seasons during which the land is to be cultivated and the length of the fallow period.

Individual Land Tenure: Under individual tenure in the ancient times, land was available to the individual owner for agricultural purposes, but may be also given out to others on a rental basis, especially for cultivation. In many rural areas in eastern Nigeria, outright purchase of such land was difficult; in a few, it was even prohibited by the lineage or clan. Land may be pledge able but was inalienable. Private individuals as well as institutions exercise ownership rights according to customary and statutory land tenure. Individuals

become entitled to parts of family land by virtue of birth into a family or clan. They can also enjoy absolute rights of ownership on the basis of being the first to clear and occupy a plot of land. Under statutory law, any individual or registered group can own land.

Public (State) Land: When the rate of change in the socio-economic structure of society is faster than the rate of change in customary law, the state often intervenes with statutes or policies to facilitate changes. Under customary tenure systems in eastern Nigeria, rudimentary powers of compulsory acquisition existed. Public rights were exercised whenever land was to be used for the ultimate benefit of the public in general (Famoriyo, 1973). "State land" means all public lands in eastern Nigeria which were subject to the control of the British Crown on 30 September 1960 and held for public purposes. It also includes all land thereafter acquired by or on behalf of the Government of Nigeria held for such purposes.

The Family Land (Ana Ezinauno): Some family land emanates from the clan land. This is so because when a man is allocated a parcel of land by the Umunna, the allotted land is also inherited by his sons. Family land is owned by a family in a certain prescribed manner by the head of the family which is usually the oldest member of the family. He holds the same in trust for the rest of the family. Despite the fact that the family head possesses the right to family land, he cannot take decisions in respect of the land such as alienating, leasing or disposal of the land without the consent of the principal members of the family. He must seek the opinion of the principal members of the family before taking decisions on land. In the Igbo tradition all sons are entitled to their father's compound with the eldest son acting as a caretaker until all the other sons have built their own house and vacate the compound which now wholly belongs to the eldest son. There is also the following:

Ana IruEzi (Front View of Compound): This is also known as the obi and is the exclusive birthright of the eldest son (Di Okpala).

Mkpuke: These are huts built for wives behind the compound which usually includes the woman kitchen. The last son of the woman inherits his mother's mkpuke.

UzoMkpa: These are small track roads between the compounds which usually link the compounds of extended families. In modern times, most of these tracks have been closed by block wall fencing.

2.4 The Land Use Act of 1978

Land Use Act No. 6 of 1978 was promulgated into law with effect from 29th March, 1978 as the nation's land policy document. Since then, it has remained so in the country till date. To all intents and purposes, the Act regulates the ownership, alienation, acquisition, administration and management of land within the Federal Republic of Nigeria. Section 1 of the Land Use Act vests all land comprising the territory of each state in the Federation of Nigeria in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. Section 5(1) of the Act empowers the Governor of a state to grant statutory right of occupancy to any person for all purposes in respect of land, whether or not in an urban area and issue a certificate of occupancy in evidence of such right of occupancy in accordance with the provisions of Section 9(1) of the Act. Also, Section 5(2) of the Act provides that "Upon the grant of a statutory right of occupancy under the provisions of sub-section (1) of this section, all existing rights to the use and occupation of the land which is the subject of the statutory right of occupancy shall be extinguished." Thus, the statutory right of occupancy granted by a Governor is presently the highest right to land in Nigeria. This right of occupancy is a right which allows the holder to use or occupy land to the exclusion of all other persons except the Governor and is granted for a maximum holding period of 99 years, subject to the payment of ground rent fixed by the Governor throughout the holding period. Sections 21 and 22 of the Act prohibit alienation, assignment, mortgage, transfer of possession, sub-lease or otherwise however customary or statutory rights of occupancy in Nigeria without the consent and approval of the Governor of the state where such right of occupancy was granted. The provisions of Sections 21 and 22 of the Act are as follows:

Sections 21, It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sub-lease or otherwise howsoever;

- a) Without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law; or;
- b) In other cases, without the approval of the Local Government

Sections 22, (1) It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of

possession, sub-lease or otherwise howsoever without the consent of the Governor first had and obtained; Provided that the consent of the Governor;

- a) Shall not be required to the creation of a legal mortgage, over a statutory right of occupancy in favour of a person in whose favour an equitable mortgage over the right of occupancy has already been created with the consent of the Governor;
- b) Shall not be required to the reconveyance or release by a mortgage to a holder or occupier of a statutory right of occupancy which that holder or occupier has mortgaged to that mortgagee with the consent of the Governor;
- c) To the renewal of a sub-lease shall not be presumed by reason only of his having consented to the grant of a sub-lease containing an option to renew the same.

Section 22(2) The Governor when giving his consent to an assignment, mortgage or sub-lease may require the holder of a statutory right of occupancy to submit an instrument executed in evidence of the assignment, mortgage or sub-lease and the holder shall when so required deliver the said instrument to the Governor in order that the consent given by the Governor under sub-section (1) of this section may be signified by endorsement thereon. Statutory right of occupancy as interpreted in Section 50 of the Act is a right of occupancy granted by the Governor under the Act for a maximum holding period of 99 years. Customary right of occupancy as also interpreted in that section of the Act is the right of a person or community lawfully using or occupying land in accordance with customary law and includes a customary right of occupancy granted by a Local Government under the Act. Also, Section 28(1) empowers the Governor of a state to revoke a right of occupancy for overriding public interest, subject to the payment of compensation for the unexhausted improvements based on the provisions of Section 29 (4) of the Act.

The Nigerian Land Use Act of 1978 abolished the existing land tenure systems and replaced them with a uniform Land Administration system across the Country. Prior to the Act, there were three land tenure systems. They were the customary which was essentially based on the customs and traditions of the various communities with the Chief, community or family head holding the land in trust for family or community use; the non-customary, based on the received English Law (operational mainly in the then Lagos Colony) which vested the land on the British Crown but also allowed for either freeholding or lease holding with

tenured occupancy; and special native favoured system of Northern Nigeria which put the land under the control of the Governor for the use and benefit of the Natives of the Region. All the existing tenure systems encouraged land holding without an obligation to develop them, fragmentation and uncoordinated alienation, hoarding speculatively for value appreciation and without precise documentation.

The Land Use Act was therefore designed to achieve the following objectives (Salami, 2014);

- i. Make land easily accessible to all Nigerians.
- ii. Prevent speculative purchases of communal land.
- iii. Streamline and simplify the management and ownership of land.
- iv. Make land available to government at all levels for development.
- v. Provide the system of Government administration of rights that will improve tenure security.

2.5 Current Issues in Land Ownership in Nigeria

As reflected in its major provisions, the Land Use Act of 1978 was enacted to nationalize land ownership in Nigeria as well as facilitate effective state control of the use and development of land. In the implementation of the Act in the past three and a half decades or so, the Act has progressively become a clog in the wheel of economic growth and development in the country. Currently, only an average of 23.1% of households in Nigeria own land. Utuama (2008) argued that the promulgation of the Land Use Act was aimed at redirecting the general philosophies of pre-existing land tenure systems in Nigeria through the application of a uniform statutory regulation of ownership and control of land rights and to stimulate easier access to land for greater economic development as well as promote national social cohesion. In an attempt to harmonize the different land tenure systems previously existing in the country, the Act has created multiple forms of tenure resulting in insecurity of right of occupancy granted under the Act, excessive bureaucracy in obtaining Governor's consent and approval for land transactions and certificate of occupancy, among other shortcomings. This excessive bureaucracy has made land registration in the country very prohibitive. As reported by World Bank (2014), Nigeria ranks among the lowest in terms of ease of registration of property title. While it will take twelve days and fifteen days to register property title in Rwanda and Botswana respectively, such title will take seventy-seven days to be registered in Nigeria. In addition to excessive bureaucracy as

depicted by its highest number of procedures required for property registration in sub-Saharan Africa (13 procedures as compared with 3 in Rwanda), the cost of property registration in Nigeria (20% of property value) is the highest when compared with those of other countries in the region. While such cost is 0.2% in Rwanda, it is 1.2%, 4.3% and 5.1% in Ghana, Kenya and Botswana respectively. A land ownership system which restricts the citizens' right to occupy land, buy, let or sell their land without obtaining the consent and approval of their Governors as provided in Sections 21 and 22 of Nigeria's Land Use Act is anti-people and oppressive and cannot enhance sustainable development in any egalitarian society. Undoubtedly, the Act has also hindered the effective functioning and operation of the property markets in the country. By virtue of Section 1 of the Act, individuals cannot own freehold interest in land in Nigeria. Individuals can only be granted a right of occupancy for a maximum holding period of 99 years, subject to payment of ground rent to the government as fixed by the Governor. This has made private land ownership in the country insecure. It has also affected the efficiency of the property markets. To all intents and purposes, this right of occupancy is a leasehold interest. The muddle made by this interpretation on the property markets in the country has resulted in ignorant trading and transfer of property rights by professionals and laymen alike as people continue to sell freehold interests in land which they don't have within the context of the Act. The vesting of all land comprising the territory of each state in the Federation of Nigeria in the Governor of that state implies that the Governor holds the absolute interest in land in each state of the Federation. By virtue of Section 1 of the Act, individuals cannot own freehold interest in land in Nigeria. Individuals can only be granted a right of occupancy for a maximum holding period of 99 years, subject to payment of ground rent to the government as fixed by the Governor. This has made private land ownership in the country insecure. This is the reason why compensation is not paid for bare land without unexhausted improvements within the provisions of the Act, except for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked. Besides, compensation payable on revocation of right of occupancy by the Governor is limited to unexhausted improvements as provided in Section 29(4) of the Act and does not include other pertinent claims for severance and injurious affection. Also, the Land Use Act of 1978 lacks adequate capacity for conflict resolution with

respect to disputes arising from unjust and unfair revocation of rights of occupancy granted under the provisions of the Act. This is evident in Section 47 of the Act which states as follows:-

1. This Act shall have effect notwithstanding anything to the contrary in any law or rule of law including the Constitution of the Federal Republic of Nigeria and, without prejudice to the generality of the foregoing, no court shall have jurisdiction to inquire into:-
 - a) Any question concerning or pertaining to the vesting of all land in the Governor in accordance with the provisions of this Act; or
 - b) Any question concerning or pertaining to the right of the Governor to grant a statutory right of occupancy in accordance with the provisions of this Act; or
 - c) Any question concerning or pertaining to the right of a Local government to grant a customary right of occupancy under this Act.
2. No court shall have jurisdiction to inquire into any question concerning or pertaining to the amount or adequacy of any compensation paid or to be paid under this Act. Thus, the court

and even the Constitution of the Federal Republic of Nigeria are excluded from inquiring into any question pertaining to the granting of land rights by the Governor and payment of compensation in cases of compulsory land acquisition in any part of the country.

III. METHODOLOGY AND ANALYSIS

The study area is in Nimo in Njikoka Local Government Area of Anambra state, Nigeria. Nimo is situated north of Oraukwu and southwest of Nofia. The purposive sampling techniques were used for the study. The data for this research work was obtained through the use of structured questionnaires from indigenous residents of Nimo. A total of seventy – nine (79) questionnaires were administered and seventy-one (71) were returned and used for the analysis. Some of the indigenous residents of Nimo were interviewed in the community. Table and simple percentage were used to analyze data from the respondents.

Table 1: Response on Traditional Methods of Land Acquisition in Nimo

Methods of Land Acquisitions	Frequency	Percentage (%)
Inheritance	21	27%
Gift	7	9%
Purchase	19	24%
Exchange	15	19%
Customary grant	7	9%
Others	10	12%
Total	79	100

From table 1, the analysis shows that 27% of respondents agreed that land is acquired through inheritance, 9% through gift, 24% through Purchase, 19% through exchange, 9% through

customary grant and 12% through other means. This implies that land is acquired in the Nimo community mainly through inheritance and purchase.

Table 2: Responses on Land Ownership in Traditional Nimo Society

Types of Land Ownership	Frequency	Percentage (%)
Communal land	7	9%
Village land	12	15%
Clan land	15	19%
Family land	21	27%
Individual land	24	30%
Total	79	100

Table 2 shows land ownership by Nimo people that 9% of lands are owned by the Community, 15% of lands are owned by the Village, 19% of land by the Clan, 27% of land by Family while land owned by Individuals is 30%. Therefore, land ownership in this area is dominated by Individuals followed by Family, Clan and lastly community. This implies that most of the lands in Nimo are owned by individuals.

IV. CONCLUSION AND RECOMMENDATION

The only interest in land created by the Land Use Act is a right of occupancy-statutory or customary. Section 5(1) and 6 (1) of the Act empower the Governor and Local Government to grant statutory and customary rights of occupancy respectively. The land Use Act has not affected so much the customary ownership of land; save the requirement of consent for alienation which is obligatory in every land transaction. Prior to the promulgation of land use Act, Land is completely owned by individuals, families and communities with the head who hold the land in trust for the use of the entire people The Land Use Act of 1978 was enacted to redirect the general philosophies of pre-existing land tenure systems in Nigeria through the application of a uniform statutory regulation of ownership and control of land rights and to stimulate easier access to land for greater economic development as well as promote national and social cohesion. In an attempt to harmonize the different land tenure systems previously existing in the country, the Act has created multiple forms of tenure resulting in insecurity of right of occupancy granted under the Act, excessive bureaucracy in obtaining Governor's consent and approval for land transactions and certificate of occupancy, among other shortcomings.

The paper recommends for the amendment of the Land Use Act to bring it in line with the reality of the custom of the populace, in order to have a clear and not confusing land tenure system. The government should revisit the method of land holding in the country and to take drastic measures to address the inequities.

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