
IMPACT OF LAND USE ACT ON CONSTRUCTION DEVELOPMENT IN NIGERIA: A CASE FOR JOS

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ABSTRACT

This study is aimed at determining the impact of Land Use Act on construction development in Jos, Nigeria. The objectives of the study are to investigate the Land Use Act impact on construction development and identify ways of facilitating land acquisition in order to enhance construction development. A sampled questionnaire was administered and the resulting data analyzed using simple percentage method. From the study, it was discovered that the Land Use Act has serious impact on construction development in Nigeria, with individual land ownership becoming possible. Delay in commencing construction development is caused by delay in processing land documents and building plan approval. It is recommended that, the Land Use Act should be revised to eliminate the difficulties encountered in acquiring land for construction development purposes.

Keywords: Construction Development, Impact, Individuals, Land Use Act

INTRODUCTION

Land is a natural gift and it is essential for any development. Land is perhaps the single most important natural resources in the sense that it affects every aspect of a people's life; their food, clothing, and shelter. Land is required for various uses in both the urban and rural areas of all society. It is a major factor of production and a vital element in the socio-economic development of any country or society.

A careful and detailed analysis of what role land has played in the lives of the people and more importantly how the system of land tenure has evolved has affected the lives, beliefs and general disposition of the people who live on the land and thus reveal some fundamental attitudes (Olayiwola and Adeleye, 2006). The concentration of the land in one section of the community had always caused chaos and hinders progress and development at national and local levels and also in private sector through high rising cost of acquisition (Adelakun, 1981). Land serves as a social security function to most people because after all else have failed they could still return to their villages to stake a claim on a portion of the family land and raise crops on this for subsistence (Olayiwola and Adeleye, 2006). A land ownership and use policy must recognize the fact that the very existence of some people rest on their having access to piece of land and any attempt to wrest this from them would be strongly resisted.

In Nigeria, there is still strong adherent to the conventional land use planning approach. Most major cities including Lagos, Kaduna, Port Harcourt, Onitsha, Enugu, Aba and some in other

parts of Niger Delta region have been developing with the conventional land use approach (Jiboye, 2005). This has generated diverse urban problems manifesting in the form of deterioration of cities into slums, pollution, congestion, unsanitary condition and epidemics. A cursory look at physical development in Nigeria reveals that a lot of people living in the urban areas find it difficult to live in habitable place. Nigeria cities are reputed to be the dirtiest, most unsanitary, least aesthetically pleasing and dangerously unsafe for living (Agboola 2002). They are characterized by non-functioning infrastructure facilities, most poorly governed, intensively dotted with illegal structures while physical growth and development of the cities had not been properly managed or controlled (Aluko 2000). This is largely as a result of the impact of the Land Use Act as it is been operated.

The Land Use Act was first promulgated by the Military Government on the 29th March, 1978 as "LAND USE DECREE". The Land Use Decree was re-titled: the Land Use Act by adaptation of laws (James, 1987). The Act was enacted for the benefit of Nigerians according to the preambles of the Act. The Land Use Act 1978 was entrenched into the 1979 constitution of the Federal Republic of Nigeria (Nigeria Constitution, 1979). This provision was retained 20 years later in the 1999 constitution (Nigeria Constitution, 1999). Nigeria's Land Use Act, is perhaps the most controversial legislation in the country. The Act, originally promulgated as a decree and annexed to the country's constitution, was ostensibly made to nationalize landholding in the country (Rhuks, 2009). The land use decree was instituted to achieve a number of objectives prominent among them was to solve the problems of lack of immediate availability of land for use when required by all concerned; curb the activities of land speculators (Aririgbola, 2008). According to Falade (2003), land use plans for most cities often seek to make life better for the masses living in cities as a major goal, but the reality of the case is that these lofty and laudable goals are never achieved. The government of Nigeria in the past has introduced developmental strategies of which the introduction of the Land Use Act is one of them. Even up till now, government has been working towards improving housing and other developmental needs of her citizen. Before the promulgation of the Land Use Act, the ownership of land as a form of land tenure system was in communities, clans, hamlets, families, group of individuals and held in trust by the chief or community or family leader. The unavailability of land or the problem associated with it procurement have become very grave issues, which have exasperated and severely taxed the ingenuity, resources and patience of governments, corporations and individuals alike.

The central theme for justifying the promulgation of the Land Use Act Decree was to ensure that there is productive utilization of land as an important factor of production (Adelakun, 1981). The promulgation of the Act was a revolutionary step, as the Act nationalized all lands in the state and turns all land owners to tenants. The Act in essence, vested all lands comprised in the territory of each state solely in the Government of that state who hold it in trust for the people and administer it for the use and common benefit of all Nigerians (Section 1, Land Use Act No. 6, 1978). According to Olayiwola and Adeleye (2006), the promulgation of the Land Use Act by the Government failed to take into sufficient

consideration the modifications that have taken place in the traditional tenure system by treating land as a free good. The Act concentrates both economic and political powers in the hands of few individuals who are abusing its spirit. The foregoing form basis for this study to actually see how the implementation of the Act impact on construction development in Nigeria.

The aim and objectives of this study is to investigate how much impact the Land Use Act has on construction development and identify ways of facilitating the acquisition of land in Nigeria in order to enhance construction development through implicit land acquisition. The people of Nigeria and the Government can take constructive steps to enhanced construction development through the adjustment of the Act to ease land acquisition.

METHODOLOGY

A basic framework scheme and data collection style and analysis were used for this study. The primary source data were obtained through questionnaire administered to landlords within the study area. The results of the responses generated from the questionnaires were compared with the provisions in the Land Use Act to understand it impact on construction development. Other methods of data collection were oral interviews with professionals and relevant agencies and official documents of Plateau State Ministry of Land and Survey. Also, books and publications were equally used as a guide towards achieving the said aim. The total number of questionnaires distributed was 100 copies out of which, only 84 of the questionnaires distributed were returned. The method of analysis carried out based on the data collected using percentage analysis method and objective reasoning was then derived from the analysis.

RESULTS AND DISCUSSION

Table 1. Number of Plots Individuals Owned

	Less than 11 plots (5000m ² and less)	More than 11 plots (Above 5000m ²)
Number of Plot(s) owned	82	2
Percentage	97.6	2.4

Source: Authors’ Field survey, 2011

The ownership of plots of land from the result in table 1 is such that, 997.6% have less than 11 plots of land which correspond to 5000m² as the total area of land specified by the Land Use Act for construction development. Only 2.4% have more than 11 plots of land which is allowed for agricultural purposes.

Table 2. Responses on the Purpose of Acquiring the Lands

Residential	Commercial	Industrial	Agricultural	Others
62 Plots	14 Plots	-	6 Plots	2 Plot
73.8%	16.7%	-	7.1%	2.4%

Source: Authors’ Field survey, 2011

The acquisition of land is mostly for construction development as shown in table 2. From the result, 73.8% of the land is acquired for residential development, 16.7% for commercial, none for industrial development, 7.1% for agricultural development and 2.4% for others. As can be seen in table 2, about 90% of the land acquired by individuals are for construction purposes and only about 10% used for agriculture and other activities which are non-construction land. The result shows that individuals are willing to embark on construction development. The Land Use Act specified that not more than 5000m² of land should be used for individual construction development while over 5000m² of land is allowed for agricultural purposes. This is actually the case as shown in table 1.

Table 3. Methods of Acquiring Land

	Government Allocation	Middle Men	Traditional Rulers	Estate Agent	Land Owner	Others
Number of Plots	6	6	10	-	58	4
Percentage	7.1	7.1	11.9	-	69.0	4.8

Source: Authors' Field survey, 2011

The most common method of acquiring land is directly from land owners which response is 69% followed by traditional rulers 11.9%, middlemen and government allocation both 7.1% and finally other means 4.8% as shown in table 3. The result reveals that majority of Nigerians acquired their land mostly from land owners, which could possibly be speculators. This is contrary to the intention of the Land Use Act. Government allocations however hardly reach the individuals of the lower class. The government always claimed having shortage of land where as the Land Use Act has given the State government authority over all lands in a State. Individuals of lower status therefore would have to look for other means of acquiring their lands, which leads to the high cost lands in the State.

Table 4. Evidence of Title Owned by Individuals

	State C of O	State R of O	Local Govt. C of O	Local Govt. R of O	Deed of Assignment/ Transfer	Sale Agreement	Change of Ownership
Number of response	18	6	20	12	4	14	10
percentage	21.4	7.1	23.8	14.3	4.8	16.7	11.9

Source: Authors' Field survey, 2011

Table 4 shows 21.4% as those who have the State Certificate of occupancy (C of O) and 7.1% for Right of Occupancy (R of O), 23.8% and 14.3% for Local Government C of O and R of O respectively. 4.8% have deeds of Assignment/Transfer, 16.7% have sale agreement and

11.9% having change of ownership only. The result above shows that the plots of land are owned by some individuals with no tangible evidence of ownership title. Those who have C of O and R of O are those who are financially buoyant and enlighten.

Table 5. Time Lapse before Collecting Land Documents

	Less than 3 Months	3-6 Months	6-12 Months	Over 12 Months
C of O	4	6	14	14
Percentage	10.5	15.8	36.8	36.8
R of O	6	4	20	16
Percentage	13.6	9.1	45.5	36.4
Plan Approval	10	4	38	26
Percentage	12.8	5.1	43.7	33.3

Source: Authors’ Field survey, 2011

Table 5 shows the time lapse before collecting land title documents and building plan approval, after submission of application. Those who collected their land document for less than 3 months for C of O is 10.5%, 13.6% for R of O and 12.8% for plan approval; and within 3 to 6 month, 15.8%, 9.1% and 5.1% collected their documents for C of O, R of O, and plan approval respectively. Also for within 6 to 12 months, 36.8%, 45.5% and 43.7% received their documents for C of O, R of O, and plan approval respectively while 36.8%, 36.4% and 33.3% received their land documents for C of O, R of O, and plan approval respectively for over 12 months.

The average time lapse therefore for one to collect land documents is about 12 months. The delay in processing land documents is quite overwhelming and the oral interview has shown that, documents may not even be processed without motivating the officers concern with some incentives. This delay in processing of documents and approval of building plans has frustrated many developers especially those who want to obtain loans from banks. A high number of developers started their construction development a year after acquiring their land. This delay has made many to start development on their lands even before collecting land documents and plan approval.

Table 6. Time Lapse before Commencing Development on the Plot(s) Acquired

	Less than 3 Months	3-6 Months	6-12 Months	Over 12 Months
Response	2	8	22	52
Percentage	2.9	11.4	31.4	54.3

Source: Author’s Field survey, 2011

Table 6 shows that only 2.9% took less than 3 months to start development on their acquired lands, 11.4% took 3 to 6 months, while 31.4% took 6 to 12 months and 54.3% took over 12 months. The about 53% that started development after over 12 months is justified by the delay in processing the necessary documents. Those who are impatient would either bribe their ways or boycott those processes of approvals.

Table 7. Causes of Delay in Construction

	Response	Percentage	No Response	Total
Dispute Over Land	4	5.0	80	84
Delay in processing Documents	58	67.5	26	84
Delay/Problem in Surveying	8	10.0	76	84
Delay in Securing Planning Approval	48	57.1	36	84
High Cost of Planning Approval	10	12.5	74	84
High Cost of Processing Documents	12	15.0	72	84
Finance to Start the Job	16	20.0	68	84
Others	4	5.0	80	84
No Delay at all	4	5.0	80	84

Source: Author’s Field survey, 2011

Delay in commencing construction on acquired land is caused by multifarious factors as shown in table 7. This is arrange in order of severity as follows: 67.5% for the delay in processing documents, 57.1% for delay in securing building plan approval, 20% for finance to start the job, 15% and 12.5% for high cost of processing documents and plan approval respectively, 10% delay/problem in site surveying and 5% for dispute over land. Those who started their construction without any delay and others have both 5%. From the results above, it can be seen that lack of finance or fund is not only the factor that plays a major role in reducing construction development in Nigeria. Delay in processing of documents and approval of building plans and their high cost has hamstrung many prospective construction developers and individuals alike, since the fund budgeted for the construction has to be increased as a result of the above mentioned factors.

SUMMARY OF FINDINGS

A careful observation of the Land Use Act shows that there are some benefits as well as flaws that attenuate construction development in Nigeria as follows:

1. The Act has made it possible for Nigerians to acquire land in any part of the country for construction purposes.
2. Dispute and litigation in land matters has reduced since Governor is the one holding the land in trust for the people of the State.

3. A section of the Land Use Act allows 400 square metres of land to be granted for the extracting building materials is particularly beneficial to construction development.
4. The Act is more protective than possessive.

However, the implementation of the Land Use Act also serves as a major hindrance to construction development. These constraints include:

1. The combination of factors arising from the zeal attending the generating of internal revenue by State government has put land beyond the reach of ordinary Nigerian. A ground rate charge for allocated land is made beyond the reach of most Nigerians except perhaps the commission agents and as few genuinely affluent citizens. The aspects of the Act which in implementation have brought untold hardship include the provisions relating to issues of certificate of occupancy and grant of consent to alienate.
2. The Land Use Act concentrates both economic and political powers in the hands of few individuals who are abusing its spirit. It has been shown that the Act does not enjoy wide acceptance and the implementation leaves much to be desired. The delay in processing documents which is as a result of bureaucratic bottleneck created by the officers in charge has resulted into significant delay in construction development.
3. The tardiness and corruptive ways in which planning approvals are handled has made prospective developers and individuals to eschew getting their building plans approved before commencement of construction. The result is the slums we see in our towns.
4. Sale of land forbidden by the Act has been continuing unremitted. The inability of the Government to allocate land to individuals who are ready to embark on construction development has made them to patronize speculators and land owners. This has made land to be extremely expensive and out of reach of the ordinary citizen.

CONCLUSION AND RECOMMENDATION

Having discussed Land Use Act impact on construction development in Jos, Nigeria, it is evident that Land Use Act management is ineffective and uncoordinated in the city. The land use act mainly deals with allocation and acquisition and confirmation of title on owners, it does not indicate the vital aspect of management which is the control of development on the land. Underscoring this study, there is no doubt that construction growth and development depends on the availability of land. In Nigeria today, individuals and private bodies provides almost 80% of the housing needs therefore, Nigerians cannot afford the Land Use Act and its implementation to frustrate construction development. There is a need to encourage the people towards housing and construction development in general.

Consequently, the following are recommended;

1. The Government should not be complacent with her effort but rise to its challenges by devising a better policy of acquiring more lands for it citizens. Also, Government should find a way of supplying plots of land to prospective developers without collecting any fees or rent from them at the initial stage until the land is developed.

2. The Act should be revised to ensure that payment and rent is specified for uniformity in all aspects of land transaction. This will help in reducing the cost of land.
3. The administrative procedure for obtaining land for development purposes should be streamlined and standardized throughout the country and made less cumbersome, frustrating and time consuming. The source of acquisition should be decentralized to reduce the delay and bureaucracy involved.
4. The building inspectors should be given the basic tools of their profession to enable them function properly. The cost of approving building plans should be minimized and a system of punishment and reward should also be designed for building inspectors.
5. Some of the existing system of land allocation to individuals as provided for by the Act ought to be revised so that individuals can acquire more plots of land of up to about 2 to 3 hectares.

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