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**Land policy as a constraint to sustainable housing delivery in the Niger delta region of Nigeria**

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**ABSTRACT**

Inadequate housing is one of the basic problems of the Niger Delta region of Nigeria. Efforts by private and public housing developers to enhance sustainable housing delivery in the region over the years have failed due to some constraints. One of such constraints is land policy. This paper examines Nigeria's land policy as a constraint to sustainable housing delivery in the Niger Delta region of the country. Primary and secondary data were collected and analyzed for the study. Results of data analysis reveals that the present land policy in Nigeria as applicable to the Niger Delta region is cumbersome in terms of documentation of land transactions, land registration and land titling. The paper argues that in view of the fact that most households in the Niger Delta region are poor, coupled with the frustrating nature of land titling under the present land policy in the country, most people in the region have limited access to land for housing development as they cannot cope with the hassles of land registration in the region. The paper advocates for pro-poor land reform in Nigeria and concludes that such reform should be based on a comprehensive review of the nation's Land Use Act of 1978 to facilitate effective access to land for housing development in the region.

**Keywords:** *Housing; Land Policy; Land Use Act; Niger Delta.*

**Introduction**

The Federal Republic of Nigeria is a federation of 36 states and 774 local governments with over 250 ethnic groups, spread over a land area of 909,890 square kilometer (NBS 2006). The Niger Delta region of Nigeria is the coastal part of the country and comprises 9 out of the 36 states of the federation. The importance of land to the survival of the Nigerian people cannot be overemphasized. Land is required for every human activity on earth. It is the very foundation and framework on and within which social, political and economic activities of a nation function (Umeh 1973). Land plays an essential role in supporting our existence and our day -to- day activities as it provides us with living space, the primary products that support our material needs, and opportunities and satisfactions dear to our ways of life (Barlowe 1986). As observed by Utuama (2008), land is a definer of the status of man and society and has inseparable organic relationship between his sustenance, social standing and economic wellbeing. In an attempt to explain the importance of land to human existence, several scholars in the fields of real estate, land economics and land law including Elias(1971), Umeh(1978), Simpson(1976), Barlowe(1986), Harvey(1992), Ozigbo (2005), Ukaejiofor (2007)

and Utuama (2008) have summarized that land is the source of all material wealth. In order to regulate the use and development of land and its resources, nations the world over have instituted land use legislations aimed at consistent balancing of the interests of the government, the land owning class and the landless class. In Nigeria, such legislations have evolved over the years until 1978 when they became a single land policy document, otherwise known as the Land Use Act of 1978. The constraints posed by this Act to sustainable housing delivery in the Niger Delta region of the country is the subject of this paper.

**Evolution of land policy in Nigeria**

The evolution of land policy in Nigeria and particularly the Niger Delta region of the country may be traced to the pre – colonial period when the community chiefs controlled the ownership, use and development of land based on native laws and customs. In the ancient Niger Delta, land was deemed to belong to the living, the dead and the yet unborn. The chief or village head held the village, community or family land in trust for the use of every member. Where one village or community had land to spare, the chief instead of allowing the land to lie unused, could permit another village or community to settle on it for a

consideration which took the form of tithes and tributes. An important feature of the pre – colonial land policy in the Niger Delta region of Nigeria was that, land ownership, use and development was communal. Thus, the chief of the community acting as the administrator, protector and trustee of the land which belonged to the community had to give permission, with the consent of the elders of the community before vacant lands in his community could be used or developed for any purpose. Following the pre – colonial period in the evolution of land policy in Nigeria is the era of colonial administration. As a major factor of production, land was inevitably required by the colonial government for several purposes. The British merchants who came into the country for commerce also required land to establish their merchandise. Because land ownership in pre – colonial Nigeria was communal, the colonial government enacted laws and regulations governing land ownership, land use and development among others to enable them acquire, convey and register titles to land.

After Nigeria's independence in 1960, there was need for a single land policy document for the whole country. Hence, the Land Use Act No. 6 of 1978 (herein referred to as "the Act") was promulgated into law with effect from 29<sup>th</sup> 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. The provisions of the Act are applicable to all states in the Federation of Nigeria, including the nine states which geo – politically comprise the Niger Delta region of the country. The major provisions of the Act are stated as follows:

#### **Land ownership:**

Section 1 of the Act vests all land comprised in 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.

#### **Land alienation and acquisition**

Sections 21 and 22 of the Act prohibits alienation, assignment, mortgage, transfer of possession, sub – lease or otherwise howsoever 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.

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.

#### **Land management**

Section 2 (1) of the Act provides as follows:

*As from the commencement of this Act;*

*(a) All land in urban areas shall be under the control and management of the Governor of each state; and*

*(b) All other land shall, subject to this Act be under the control and management of the Local Government within the jurisdiction of which the land is situated. Also, sub – section (2) of this section provides for the establishment of the Land Use and Allocation Committee ( LUAC) in each state of the Federation of Nigeria with the responsibility of advising the Governor on any matter connected with the management of land to which paragraph (a) of sub – section (1) of this section relates and sub – section (5) also provides*

for the establishment of Land Allocation Advisory Committee( LAAC) for each Local Government in the country with the responsibility of advising the Local Government on any matter connected with the management of land to which paragraph ( b) of sub – section ( 1) of this section relates.

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 decades or so, the Act has progressively become a clog in the wheel of economic growth and

development in the Niger Delta, including housing development. The Niger Delta region of Nigeria comprises the coastal area of the country where the River Niger empties itself into the Atlantic Ocean and its surrounding estuaries and communities. As defined by the Niger Delta Development Commission Act of 2000, there are nine states in the Niger Delta region namely; Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Rivers and Ondo States. The total land area of the region is 11,062,400 hectares as presented in Table 1.

**Table 1: Land Area of the Niger Delta Region of Nigeria**

| State       | Land Area in Hectares | % of Total Land Area |
|-------------|-----------------------|----------------------|
| Abia        | 490,000               | 4.43                 |
| Akwa Ibom   | 690,000               | 6.24                 |
| Bayelsa     | 905,900               | 8.19                 |
| Cross River | 2,178,700             | 19.69                |
| Delta       | 1,710,800             | 15.47                |
| Edo         | 1,918,700             | 17.34                |
| Imo         | 528,800               | 4.78                 |
| Ondo        | 1,582,800             | 14.3                 |
| Rivers      | 1,057,500             | 9.56                 |
| Total       | 11,062,400            | 100                  |

Source: National Bureau of Statistics (2006)

The predominant tenural system in the Niger Delta region before the commencement of the Act was the customary land tenure system where land was owned by villages, towns, communities and families. However, with the advent of British rule, commerce and commercialization, it had become possible for individuals to own private land and deal with such land liberally (Omuojine, 1999). Thus, prior to the Act, the states in the Niger Delta region of Nigeria practiced the English and customary land tenure systems. As argued by Utuama (2008), 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 Niger Delta, 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.

#### **Housing situation in the Niger Delta region of Nigeria**

Housing is one of the basic necessities of man which is acknowledged throughout the world. Inadequate accommodation is one of the major socio – economic problems facing Nigeria in general and the Niger Delta region of the country in particular for several decades now. The policy objective of the federal government of Nigeria over the years has been the provision of housing to all classes of Nigerian citizens but its efforts are still nipped in the bud despite the various housing programmes embarked upon by it and other tiers of government in the country. Looking at the efforts made by each successive government towards the provision of affordable housing since the country's independence in 1960 till date, General Yakubu Gowon administration established the National Housing Programme in 1972, which was the first of its kind in the history of Nigeria. This was followed by the establishment of the Federal Housing Authority (FHA) in 1973 as the sole agency with the responsibility of executing its approved housing programmes. This authority has only succeeded in establishing its presence at some old cities in the country, including Abuja, the Federal Capital Territory. Besides, most of its houses are meant for the high income earners which constitute a minute proportion of the

homeless population. The federal government then sought to construct 59,000 housing units throughout the federation of Nigeria but it failed to meet its target. The Generals Murtala and Obasanjo regimes (1975-1979) came up with its housing programme with the aim of improving the overall quantity of comfortable and affordable houses for low – income earners in the country. During this period, a total of 202,000 housing units were to be provided by the government, but only 15% of the houses were completed and delivered. Again, the government failed to meet its target during this period. The provision of houses for the people as a priority continued during the President Shehu Shagari Civilian administration (1979 – 1983). The target group was still the low – income group and a total of 410,000 housing units were to be constructed annually nationwide by the government, but only 32,000 housing units which represents about 7.8% of the estimated housing units required was achieved. This time, the government also failed to meet its target. The General Muhammadu Buhari regime (1983 – 1985) continued from where the Shagari administration stopped, yet no impact was created nor felt. The struggle for affordable housing for the masses continued with the General Ibrahim Babangida regime (1985 – 1993). It came up with a new national housing policy for the country in 1991 with the goal to ensuring that all Nigerians own or have access to decent housing at affordable cost by the year 2000. To meet that deadline, the government in 1991 planned to develop 850,000 housing units yearly. The government then failed to meet its target as it did not develop more than

5% of the estimated housing units before the end of the administration in August, 1993. Other successive governments including those of General Sani Abacha (1993-1998), General Abdulsalami Abubakar (1998-1999) and President Olusegun Obasanjo (1999-2007) also joined the struggle for solving the nation's acute housing problem with very little achievement.

In the Niger Delta region of Nigeria, the rapid population growth in the region has undoubtedly resulted in excessive increase in demand for housing and related basic services and infrastructures. Over the years, the housing situation in the region has been so serious with its associated problems such as high occupancy rate, difficulty in acquiring land, organic growth of slums and blighted areas, spiraling rents compared to the tenants' wage levels and large household size among others. The housing problem in the Niger Delta has quantitative and qualitative dimensions. Quantitatively, the available housing stock is inadequate for the region's population. Qualitatively, most of the houses occupied by the low-income earners are unsafe as a result of poor construction, poor ventilation and unsanitary environmental conditions. The housing situation in the region is further compounded by the poverty level in the region. Current statistics show that an average of about 80% of the region's population is poor as presented in Table 2.

**Table 2: Distribution of states in the Niger Delta region by percentage poverty headcount of households based on self rated lines (2004)**

| State       | Poor (%) | Non-Poor (%) |
|-------------|----------|--------------|
| Abia        | 82.46    | 17.54        |
| Akwa Ibom   | 65.36    | 34.64        |
| Bayelsa     | 95.57    | 4.43         |
| Cross River | 81.16    | 18.84        |
| Delta       | 84.25    | 15.75        |
| Edo         | 83.09    | 16.91        |
| Imo         | 77.78    | 22.22        |
| Ondo        | 80.13    | 19.87        |
| Rivers      | 72.60    | 27.40        |
| Average     | 80.27    | 19.73        |

Source: National Bureau of Statistics (2006)

In Nigeria, poverty is measured in absolute terms and as such it is considered as lack of resources to consume certain bundle of goods and services, including basic necessities such as food, shelter and clothing, among others. Official statistics published by the National Bureau of

Statistics show that 78.3% of the total population in Nigeria are poor while 21.7% are non – poor (NBS, 2006). This can be compared with World Bank's estimate which shows that 70.2% of the total population in Nigeria live on an income of less than US\$1 a day (NPC, 2004). This proportion may have risen since then. Thus, the poverty

situation in the Niger Delta region is a reflection of Nigeria's national poverty profile. Due to their low-income level, most households in the region cannot afford the rents for flats, maisonettes and detached houses and as such prefer to occupy tenements which are let on single-room basis. The percentage distribution of households by type of

dwelling units in the region is presented in Table 3 as follows:-

**Table 3: Percentage distribution of households in the Niger Delta by type of dwelling units**

| Type of Dwelling | Rural (%) | Urban (%) |
|------------------|-----------|-----------|
| Tenements        | 66.4      | 85.6      |
| Flats            | 1.1       | 2.3       |
| Maisonettes      | 0.8       | 2.1       |
| Bungalows        | 31.7      | 10.0      |
| Total            | 100       | 100       |

Source: FOS (1996)

The shortage of affordable houses for the growing population in the region has gradually resulted in overcrowding, squalid environmental conditions and rapid growth of slums and shanty towns in most cities in the region. In the past two decades, the Federal Government of Nigeria and the governments of the various states in the Niger Delta have initiated various housing programmes to address the housing problem in the region. Important of such programmes is the National Housing Fund (NHF) which was established in 1992, primarily to facilitate the mobilization of funds for provision of affordable houses to all Nigerians for the purpose of building, purchasing and improving their houses. Under the law establishing the Fund, every employed Nigerian, whether in the public or private sector of the economy is expected to contribute 2.5% of his or her monthly salary to the Fund and after six months of continuous contribution, a contributor is

qualified to apply for the NHF loan at an affordable interest rate. However, the security for the NHF loan is a legal mortgage on a real property. This requires a borrower to submit a certificate of occupancy. Due to problems linked to the Land Use Act of 1978, the processing of certificate of occupancy is slow, difficult and frustrating. Therefore, most contributors could not apply for the NHF loans to develop their houses (Adeniji, 2005). Sustainable housing delivery is one of the development challenges facing the Niger Delta region. It entails providing for the housing needs of the region's population today without compromising the provision for the housing needs of the region's future generations yet unborn. As provided in the Niger Delta Regional Development Master Plan (NDDC, 2007), the estimated housing need of the Niger Delta people is 1,266,181 new housing units as presented in Table 4.

**Table 4: Present housing needs of the Niger Delta region**

| State       | Estimated Housing Units Required |
|-------------|----------------------------------|
| Abia        | 134,606                          |
| Akwa Ibom   | 150,410                          |
| Bayelsa     | 70,017                           |
| Cross River | 119,305                          |
| Delta       | 161,700                          |
| Edo         | 135,578                          |
| Imo         | 155,155                          |
| Ondo        | 140,421                          |
| Rivers      | 198,989                          |
| Total       | 1,266,181                        |

Source: Niger Delta Development Commission (2007)

Thus, the region requires a minimum of 1.2 million new housing units to meet the present housing needs of its population. This figure adopts

an average occupancy rate of about 2 persons per room (NDDC, 2007). The housing needs of the region were estimated as the number of dwelling units required to accommodate all households in

the region at specific minimum standards. The methodology adopted was based on the population of the states in the region and average household size in those states. Data on the population of the states were obtained from the National Population Commission while the National Bureau of Statistics provided data on average household size in each of the states in the region. The housing need of each of the states was determined using this model

$$H = \frac{l \cdot p}{k \cdot hs} \text{ where } H = \text{Housing need}$$

p = population

hs = average household size

k = number of persons per room

It has also been recognized in the Niger Delta Regional Development Master Plan that effective access to land is crucial for sustainable housing development in the region. The appropriate land area required for meeting the present housing needs of the region's population for the period 2007 - 2011 as estimated by NDDC (2007) is presented in Table 5 as follows:-

**Table 5: Estimated land requirement (Hectares) for housing development in the Niger Delta, 2007 - 2011.**

| State       | Land Area (Year 2007) | % of Total Land Required | Land Area (Year 2011) | % of Total Land Required |
|-------------|-----------------------|--------------------------|-----------------------|--------------------------|
| Abia        | 105,473               | 10.64                    | 119,132               | 10.63                    |
| Akwa Ibom   | 117,817               | 11.89                    | 133,120               | 11.88                    |
| Bayelsa     | 54,844                | 5.53                     | 61,968                | 5.53                     |
| Cross River | 93,452                | 9.43                     | 105,590               | 9.42                     |
| Delta       | 126,661               | 12.78                    | 143,112               | 12.77                    |
| Edo         | 106,199               | 10.72                    | 119,993               | 10.71                    |
| Imo         | 121,534               | 12.26                    | 137,319               | 12.25                    |
| Ondo        | 109,992               | 11.10                    | 124,278               | 11.09                    |
| Rivers      | 155,127               | 15.65                    | 176,114               | 15.72                    |
| Total       | 991,099               | 100                      | 1,120,626             | 100                      |

Source: Niger Delta Development Commission (2007)

Furthermore, land policy is the foundation for any sustainable housing delivery system. In other words, every housing policy is a subset of the entire land policy of a nation and where the latter has failed, the former cannot succeed. The abysmal failure of the various housing programmes in Nigeria since the country's independence in 1960 has been attributed to the practical difficulties in obtaining land for average households in the country (NHP, 1981). These difficulties are due to excessive state control of land acquisition, ownership and use as envisaged by the nation's land policy. Kasanga (1995) opined that a sustainable land policy cannot thrive on just narrow ideological considerations. The land policy in Nigeria was designed based on the ideas of the pro - nationalization school of thought. The ideas of the pro - nationalization school are anchored on socialism and communism and are explicitly reflected in the nation's land policy document. In the context of the current liberalization and privatization drive in the country, government monopolistic control of land has become a serious challenge to sustainable housing delivery in the country generally and particularly, the Niger Delta

region.

### Methodology

Primary and secondary data were collected for the study. The secondary data were collected from the National Bureau of Statistics (NBS) and the Niger Delta Development Commission (NDDC) as presented in Tables 1,2,3,4 and 5. Primary data for the study were collected through field survey using cluster random sampling technique. Cities within the region were sub-divided into clusters for data collection. The cities selected as clusters for the study were Uyo, Port-Harcourt, Warri and Yenogoa. A total of 400 structured questionnaires were administered to respondents selected randomly from the clusters, out of which 225 questionnaires were properly filled and returned, representing about 56.25% of the questionnaires administered. The distribution of questionnaires is presented in Table 6. Respondents to the questionnaires are prospective home owners in the study area who are making efforts to own their houses.

**Table 6: Distribution of Questionnaires in the cities selected for the study**

| Cluster       | No. of Questionnaires Administered | No. of Questionnaires Returned | % of Total Questionnaires Returned |
|---------------|------------------------------------|--------------------------------|------------------------------------|
| Uyo           | 100                                | 58                             | 25.78                              |
| Port-Harcourt | 100                                | 73                             | 32.44                              |
| Warri         | 100                                | 45                             | 20.00                              |
| Yenogoa       | 100                                | 49                             | 21.78                              |
| Total         | 400                                | 225                            | 100                                |

Source: Field Survey (2007)

**Results and discussion**

Primary data for the study are presented in Tables 7 – 10. Responses of the respondents on the ranking of their basic needs for housing development in the region were analysed using a 3-point likert scale. In assigning weights to the respondents' responses on their basic needs for

housing development based on the scale, the highest point, that is, 3 was assigned to the respondents' most basic needs. These are those that were ranked first by the respondents. Based on the mean, the consensus ranks show that the respondents need land more than finance and labour in their quest to own their houses as presented in Table 11.

**Table 7: Composition of respondents selected for study**

| Respondents                   | Frequency    |
|-------------------------------|--------------|
| Civil Servants                | 37 (16.44%)  |
| Private Businessmen and women | 175 (77.78%) |
| Clergymen                     | 13 (5.78%)   |
| Total                         | 225 (100%)   |

Source: Field Survey (2007)

**Table 8: Mode by which Respondents acquired land to develop their houses**

| Mode of Land Acquisition      | Frequency    |
|-------------------------------|--------------|
| Government Allocation         | 32 (14.22%)  |
| Purchase from the Land Market | 164 (72.89%) |
| Inheritance                   | 15 (6.67%)   |
| No Response                   | 14 (6.22%)   |
| Total                         | 225 (100%)   |

Source: Field Survey (2007)

**Table 9: Respondents' ranking of their basic needs for housing development in the Niger Delta**

| Respondents' Basic Needs for Housing Development | Rank and No. of Respondents |     |     |
|--|-----------------------------|-----|-----|
|  | 1                           | 2   | 3   |
| Labour   | 9                           | 86  | 130 |
| Land   | 194                         | 7   | 24  |
| Finance  | 22                          | 132 | 71  |

Source: Field Survey (2007)

**Table 10: Duration of Time spent by Respondents in the processing of Land Title (Certificate of Occupancy) at Land Registries in the Niger Delta.**

| Time Duration Spent | Frequency    |
|---------------------|--------------|
| 1 – 5 months        | 2 (0.89%)    |
| 6 – 10 months       | 2 (0.89%)    |
| 11 – 15 months      | 7 (3.11%)    |
| 16 – 20 months      | 20 (8.89%)   |
| 21 – 25 months      | 16 (7.11%)   |
| 26 – 30 months      | 106 (47.11%) |
| 31 – 35 months      | 51 (22.67%)  |
| 36 – 40 months      | 21 (9.33%)   |
| Total               | 225 (100%)   |

Source: Field Survey (2007)



**Table 11: Consensus ranking of Respondents' basic needs for housing development in the Niger Delta.**

| Respondents' Basic Need for Housing Development | Sum of Responses | Mean | Consensus Rank |
|---|------------------|------|----------------|
| Labour  | 329              | 1.46 | 3              |
| Land  | 620              | 2.76 | 1              |
| Finance   | 401              | 1.78 | 2              |

Source: Calculated from Data in Table 9

More so, most of the respondents (about 54.67%) who have acquired land for the development of their houses as shown in Table 10 do not possess government recognized land title. As provided in section 9 (1) of the Nigerian Land Use Act, this land title is called Certificate of Occupancy (C. of O) and is issued by the Governor of a state as evidence of a statutory or customary right of occupancy granted under the provisions of the Act. This has hindered the development of their houses as access to mortgage finance from Nigerian financial institutions is based on the possession of Certificate of Occupancy issued by the Governor. Difficulty in obtaining certificate of occupancy is largely attributed to excessive bureaucracy and suffocating bottlenecks arising from procuring the consent and approval of the Governor on all land transactions under Sections 21 and 22 of the Land Use Act. Based on data on the duration of time spent by the respondents in processing certificate of occupancy at land registries in the region as presented in Table 11, the weighed time duration spent by the respondents in that regard was determined to be 2 years, 4 months. This implies that applicants for certificates of occupancy in the region spend an average of 2 years, 4 months at land registries in the region to process their certificates of occupancy. This delay is created by the fact that every applicant has to wait for the Governor to endorse and issue the certificate of occupancy by his hand as provided in Section 9 (1) of the Land Use Act. If the Act is amended to empower the Governors to delegate this function to the Chief Land Officers in the Ministries of Lands and Housing, this delay will disappear. Again, the frustration experienced by applicants for certificate of occupancy has induced many land transactions in the region to be falsely dated as having been concluded before 29<sup>th</sup> March, 1978, the operative date for the Land Use Act. This has resulted in the trading of bad land titles in the land markets within the region.

### Conclusion

Land is highly needed by the Niger Delta people for housing development, more than finance and labour. Most people in the Niger Delta access land to develop their houses through purchase from the land markets (See Table 8). By virtue of the provisions of Sections 21 and 22 of the Land Use Act (see introductory part of this paper) such transactions are illegal and of no effect if the consent of the Governor for such transactions has not been obtained.

Most people in the region who have acquired land for housing development do not possess the certificate of occupancy which is the only land title recognized by the government in the Federal Republic of Nigeria of which the Niger Delta region is part. This has hindered private sector-driven housing delivery system in the region as access to housing finance is hinged on possession of certificate of occupancy issued by the Governor. Applicants for certificate of occupancy in the region spend inconveniently lengthy duration of time (a weighted average of 2 years, 4 months) at land registries to process certificate of occupancy. These delays are caused by the bureaucracy created by the Land Use Act as all transactions must be approved by the Governor before they are valid. The bureaucracy has also introduced corruption and favouritism into the land titling process, thereby making the Land Use Act more anti-poor.

Unencumbered access to land is crucial for the success and sustainability of any housing delivery system. The present land policy of the Federal Republic of Nigeria as encapsulated in the nation's Land Use Act of 1978 requires urgent review. Such review should as a matter of importance, empower state Governors to delegate the issuance of certificates of occupancy, particularly in the absence of the Governors to reduce delays and difficulty presently encountered by the people in obtaining them. If the certificates of occupancy are issued to more people without unnecessary encumbrances posed by some sections of the Land Use Act, the poor households which constitute about 80% of the Niger Delta

population could use their certificates of occupancy as collateral to access mortgage finance from the financial institutions to develop their houses either individually or through their co-operative societies. A land policy 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 effective mass housing delivery in any egalitarian society. Undoubtedly, the Act has also hindered the effective functioning and operation of the property markets in the Niger Delta. 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 Niger Delta 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. With the privatization of most public enterprises hitherto owned by the government, coupled with the deregulation of major sectors of the economy including the housing sub-sector, Nigeria is gradually shifting from pseudo-socialism to capitalism. This implies that the economy will be more private-sector driven than before, including the business of housing development. The present land policy in Nigeria has socialist inclinations with excessive state control of land ownership, use and development. Such land policy cannot effectively support private sector-driven housing delivery system as it creates too much bureaucracy in the documentation of land transactions, land registration and land titling. In conclusion, Nigeria's Land Use Act requires amendment to empower the people access land with ease, particularly for housing development.

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