

## EFFECTS OF THE LAND USE ACT OF 1978 ON RURAL LAND DEVELOPMENT IN NIGERIA: A CASE STUDY OF NNOBI

Okafor B. N<sup>1</sup> and Nwike E. C<sup>2</sup>

<sup>1</sup>Department of Estate Management, Faculty of Environmental Sciences, Nnamdi Azikiwe University Awka, Nigeria.

<sup>2</sup>Department of Geography, Nwafor Orizu College of Education Nsugbe, Anambra State, Nigeria.

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**ABSTRACT:** *This study is concerned with the effects of Land Use Act on rural land development in Nigeria with reference to Nnobi as a rural area. Obviously, the law was enacted barely 30 years ago but seems to be a recent innovation to many Nigerians especially in rural areas. The Act conflicts so much with the traditional land proprietary structure in the Southern Nigeria in particular which was predominantly owned by communities. It introduced more controversies and fear from most Nigeria than any previous Act. The importance to the profession of Estate Management of such a radical piece of legislation as the Land Use Act cannot be over emphasized. It is true that laws are for the judiciary to make and interpret, but laws and policies affecting land are also matters in which profession Estate surveyors and valuers as experts on land matters ought to take the front row in offering the benefit of his expertise. Questionnaire and interview methods were mainly used. The purposive sampling technique was used and One hundred twenty (120) respondents. Personal observation was also used to complement the information gathered. The result shows that people especially those living in rural areas are mostly not aware of the Act let alone its provisions on rural land as an avenue for rural land development. This wide ignorant of the Act, by the people has completely retarded the pace of development in our rural areas as well as the socio-economic conditions of the people. After examining the effects of the Act on rural land development in the area concerned and other allied issues, recommendations were made based on the findings for efficient and effective implementation of the Act in rural areas cum rural Lands of Nigeria and if strictly adhered to will go a long way to achieving overall objectives for which the Act was enacted.*

**KEYWORDS:** Land, Rural Land Development, Estate Management, Nigeria

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## INTRODUCTION

### Background of the Study

Land is one of the most controversial assets of nature, a resource of primary importance upon which the whole economy of any nation hinges; hence any policy on land affects the economy of the nation positively or negatively depending on whether a right or wrong policy is initiated. Land is said to be fragile and scarce. This implies that it is not enough and difficult to acquire and also human activities can damage or destroy the land resources. It is short in supply and needed to be effectively utilized in order to satisfy the aspiration of those who acquired it. Land is the basic necessity of life which provides food, shelter, and Livelihood to man (Oxford Advanced Learner's Dictionary 2006; and Omeje 2008). The important insight is that humanity

realized and to decide how negotiable the organizing principles of linkage between society and landscape are. It provides that economic, social and environmental future of our country depends on the wise use of land.

It is construed that no development can be effective without land. Thus, land without dimension of tenure is meaningless concept. So, in using the expression land use Act, it is usually concerned with the legislation that provides the right to use of land in both urban and rural areas of Nigeria. The right includes the rights of occupation and development, alienation and many privileges associated with land.

Therefore, this chapter elaborate on the following subheadings below that provides the fundamental issues of this research work.

Virtually, every nation of the world relies on land, all human activities are carried 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 advancement 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 has not in any way comes to reality rather the Act has been used to achieve personal goals and objectives by various past administrators and government of various levels.

Another issue in this study is that major objectives and purposes of the land use Act of 1978 has been seriously deviated from, the aim of the land use Act was to solve the diversified land policies in Nigeria and ensuring an easy accessibility of all Nigeria to land but in today's concept, land has been shared among highest bidders and buyers.

### **Statement of the Problems**

The present condition of our rural land developments in Nigeria has been a cause for concern in this study. The major problem facing our rural land development is the negative effects which have come with introduction of Land Use Act, 1978 in Nigeria.

The problems become explicitly clear if one takes a look of the provisions of the Act as regards to rural land. These problems are below:

- i. Our rural areas are left behind in terms of development and this posed a lot threat to our socio-economic condition in the country.
- ii. The people living in rural areas are in doubt of the existence of the Act.
- iii. The act of vagabondism and hooliganism is in increase in our rural areas and this posed a great security risk.
- iv. The activities of speculators who are into land business emerged to become questionable as they can sell one parcel of land to different buyers and that becomes a problem.
- v. The difficulties experienced in land acquisition in rural area as a result of tenure arrangements by developers.

This study, having experienced these problems and obstacles among others picked courage to scrutinize on the provisions of land use Act as regards to rural land development in Nigeria by government and developers (Private and Public) taking cognizance of Nnobi.

### **Aims and Objectives of the Study**

The main purpose of this research work is aimed at analyzing the effects of Land Use Act of 1978. On rural land development in taking a look at Nnobi as a rural area.

These analysis are as follows:

1. To know whether the people living in rural areas are aware and the extent of their awareness of land use Act of 1978.
2. To know the modalities of acquiring land in the area.
3. To know whether the Act has effect in land tenure system in Nnobi.
4. To know the most common ownership/right prevalent in the area prior and after the promulgation of land use Act of 1978.
5. To know the impact of public and private development in rural area.
6. To proffer solutions on the negative impact/effects of land use Act on rural lands and its development.

### **METHODOLOGY**

This study has essentially been designed as a descriptive survey. Descriptive survey was considered suitable as the study and at describing the existing condition in rural areas of Nigeria precisely Nnobi into effect.

The purposive sampling techniques were used in this study. The participants were selected having clear and definite purpose of obtaining relevant information that will guide in answering the questionnaire provided for this work. The technique used also allowed to choose an elementary unit in such a way that each unit in the population has an equal chance of being selected. A total of one hundred and fifty (150) questionnaire were administered, 120 were collected back while thirty (30) were not returned.

Tables were used to explain the response by respondents to all questions asked which were analyzed in percentages while the responses from the questionnaires distributed were presented in table and pie chart.

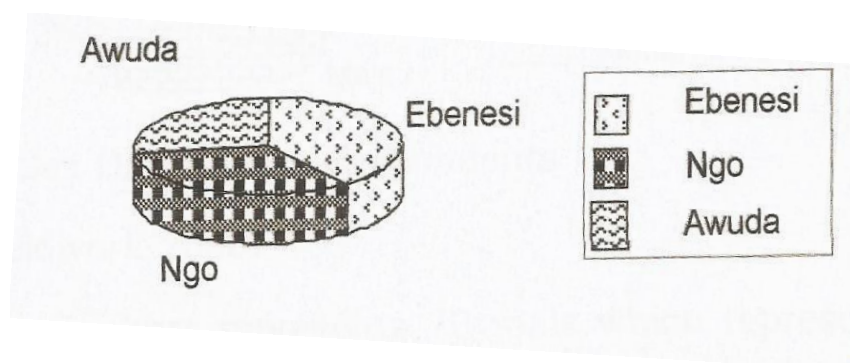
The interviews conducted among the residents both indigenous and non-indigenous resident of Nnobi were discussed and the opinion reached formed part of the conclusion and recommendations on this study.

**Administration of Questionnaire**

ZONES	NO. OF ADMINISTERED	NO. OF NOT RETURNED	NO. OF RETURNED	PERCENTAGE OF RETURNED
Ebenesi	60	15	45	37.5
Ngo	50	10	40	33.33
Awuda	40	5	35	29.17
Total	150	30	120	100

Source: Field survey 2013.

The above table shows that 45 questionnaire were returned in Ebenesi representing 37.5% while 40 and 35 representing 33.33% and 29.17% in Ngo and Awuda respectively.



**Fig.1:** Questionnaire Returned

The above pie chart shows that 45 questionnaire returned in Ebenesi was represented by 135° while 40 returned in Ngo represent 120° and 35 returned in Awuda represent 105°.

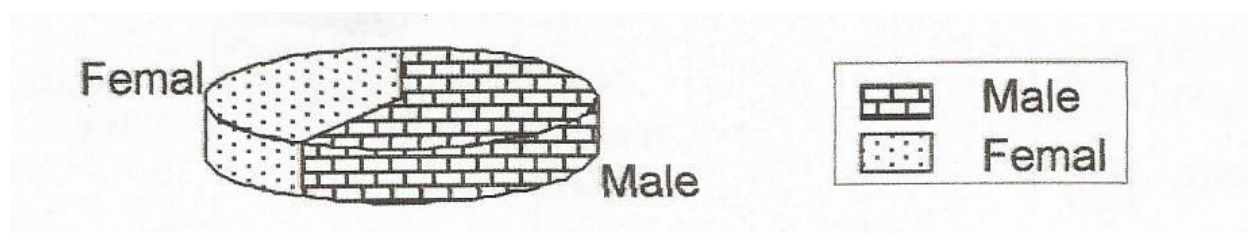
**QUESTIONNAIRE ANALYSIS**

**Table 2:** Sex Distribution Respondents

SEX	FREQUENCY	PERCENTAGE
Male	70	58.33
Female	50	41.67
Total	120	100

Source: Field Survey, 2013.

The above table shows that the no of male are 70 representing 58.33% and female so representing 41.67%.



**Fig 2:** Sex Distribution Respondents. Source: Fieldwork 2013.

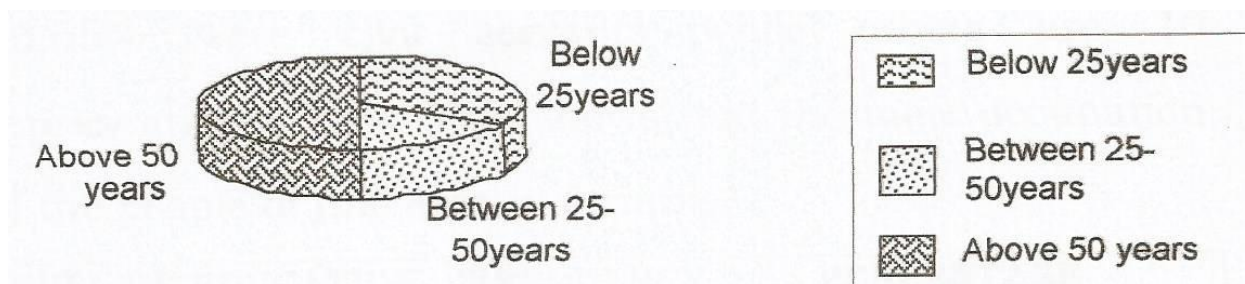
The above pie chart represents 70 male which represent  $210^\circ$  and 50 female which represent  $150^\circ$ .

**Table 3:** Sex Distribution Respondents

AGE RANGE	FREQUENCY	PERCENTAGE
Below 25years	40	33.33
Between 25-50years	20	16.65
Above 50 years	60	50
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field survey 2013.

The above table indicates that 60 respondents which represent 50% are rural areas while 40 and 20 which represent 33.33% and 16.65% represent Age between 25-50 years and Above 50 years respectively.



**Fig. 3:** Sex Distribution

The above figure shows that 60 respondents indicating  $180^\circ$  were above 50 years while 40 and 20 representing  $120^\circ$  and  $60^\circ$  were below 25 and between 25-50 years respectively.

**Table 4:** Occupation Distribution

OCCUPATION	FREQUENCY	PERCENTAGE
Farmer	60	50
Trader	30	25
Civil servants	20	16.65
Others	10	8.33
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field Survey 2013

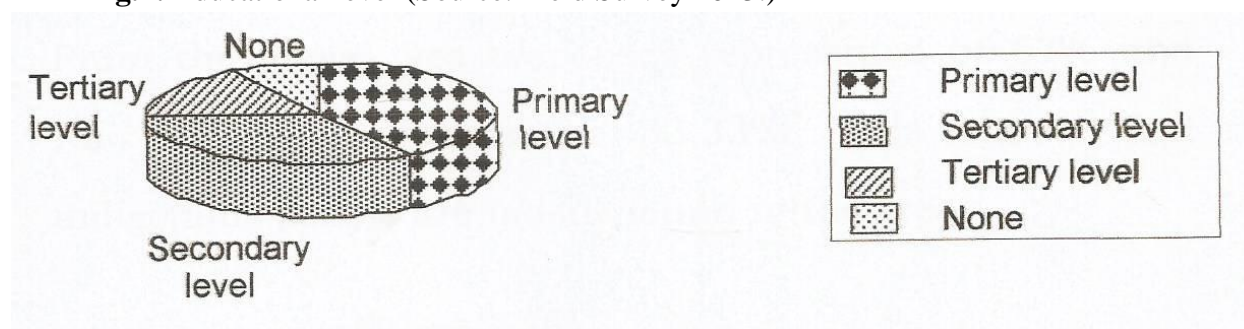
The above table shows that people of the area are mainly farmers which has number of 60 representing 50% while 30 representing 25% were traders, 20 representing 16,65% were civil servants while others are 10 representing 8.33%. This shows that the most occupation of the people of this area in farming.

**Table 5:** Education Level

LEVEL OF EDUCATION	FREQUENCY	PERCENTAGE
Primary level	50	41.67
Secondary level	40	33.33
Tertiary	20	16.67
None	10	8.33
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field Survey 2013.

The above table shows the number of respondent to be 50 representing 41,67° while Secondary level 40 representing 33.33%, Tertiary level are 20 respondents representing 16.67 and None are 8.335.

**Fig.4:** Educational level (Source: Field Survey 2013.)

The above figure shows to level of education in the area. It indicates that 150° attended up to primary level, 120° secondary level, 60° tertiary and 30° did not attain any level of education.

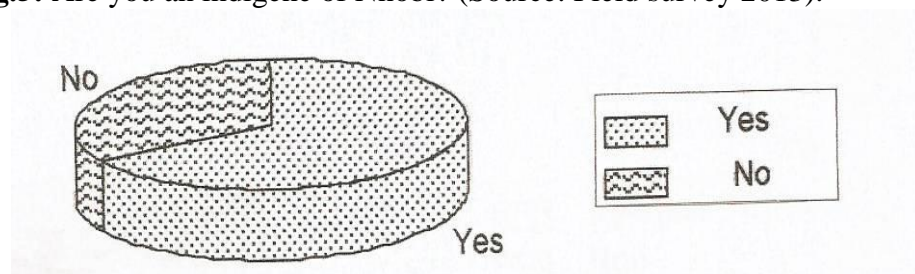


**Table 6: Responses on the question “Are you an indigene of Nnobi?”**

RESPONSES	FREQUENCY	PERCENTAGE
Yes	80	66.67
No	40	33.3
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field Survey 2013.

From the above, yes responses represented 66.67% and No responses represented 33.33%. This shows that indigenous people are mostly found in the area.

**Fig.5: Are you an indigene of Nnobi? (Source: Field survey 2013).**

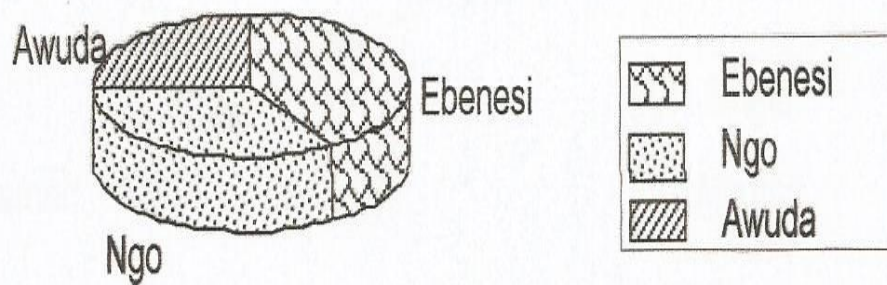
From the above figure 240° respondents yes while 120° responded No. This shows that majority are indigenes of the area.

**Table 7: Responses on Location of residence within Nnobi.**

RESPONSES	FREQUENCY	PERCENTAGE
Ebenesi	50	41.67
Ngo	40	33.33
Awuda	30	25
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field survey 2013.

The above shows that 41.67% were residents of Ebenesi, 33.33% were in Ngo and 25% were resident of Awuda, Nnobi. This shows that all the respondents are not from the same part of the village thus views may vary and the average response is authentic.



**Fig.6: Pie Chart Showing Respondents Locations within Nnobi** (Source: Field survey 2013).

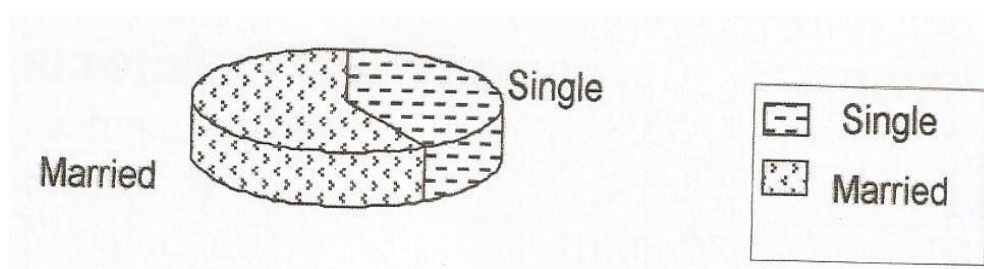
The above figure shows that 150° were residents in Ebenesi, 120° and 90° in Ngo and Awuda respectively. Thus, Ebenesi is the most populated area, followed Ngo while Awuda is the least.

**Table 7: Marital Status**

RESPONSES	FREQUENCY	PERCENTAGE (%)
Single	50	41.67
Married	70	58.33
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field Survey 2013.

The above table shows that 40 respondents representing 41.67% were single while 70 respondents representing 58.33% were married in this area. This shows that majority in the area are married.



**Fig.7: Marital Status** (Source: Field Survey 2013).

The above shows that 210° were married while 150° were single in the area.



**Table 8:** Do you have any knowledge of Land Use Act of 1978?

RESPONSES	FREQUENCY	PERCENTAGE (%)
Yes	20	16.67
No	100	83.33
Total	120	100

Source: Field Survey 2013.

The above table shows that 83.33% of the population wasn't knowledgeable of the Act while 16.67% had the knowledge.

**Table 9:** To what extent do you know about Land Use Act?

RESPONSES	FREQUENCY	PERCENTAGE (%)
Extremely aware	5	4.17
Slightly aware	15	12.5
Not at all aware	100	83.33
Total	120	100

Source: Field survey 2013

The above table in Fig 4.2.9 shows that 83.33% wasn't

aware of Land Use Act at all, while 12.5% was slightly aware and 4.17% was extremely aware. This shows that the people need orientation of the idea of the Act before any implementation of its provisions on their land.

**Table 10: Responses on the question: “Do you have any land in Nnobi?”**

RESPONSES	FREQUENCY	PERCENTAGE (%)
Yes	90	75
No	30	25
Total	120	100

Source: Field survey, 2013.

In the above table this shows that 75% of the population have land in Nnobi while 30% have not. This indicates that many occupants of the area have land in which they acquired in one way or the other.

**Table 11: Responses on the question “If yes, how do you acquire it?”**

RESPONSES	FREQUENCY	PERCENTAGE (%)
Purchase	30	25
Inheritance	40	33.33
Gift	30	25
Government		
Acquisition	10	8.33
Others	10	8.33
Total	120	100

Source: Field survey 2013.

From the above table 25% represented acquisition by purchase, 33.33% by inheritance, 25% by gift, 8.33% by government and 8.33% by other means of land acquisition. It indicates that land is mainly acquired in this area by inheritance followed by purchase and gift and rarely by government and other methods.

**Table 12: Responses on the question “What ownership is prevalent in Nnobi?”**

RESPONSES	FREQUENCY	PERCENTAGE
Communal	50	41.67
Family	40	33.33
Individual	20	16.67
Certificate of occupancy	10	8.33
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field survey 2013.

The indication above shows that ownership by community takes 41.67%, family 33.33%, individual by 16.67% while certificate of occupancy is 8.33%. Therefore, ownership in this area is dominated by communities followed by families, individuals and lastly through certificate of occupancy.

**Table 13: Answers to “What is the predominant motive of Land ownership in rural area?”**

RESPONSES	FREQUENCY	PERCENTAGE
Farming	60	50
Investment	30	25
Development	10	8.33
Others	20	16.67
Total	120	100

Source: Field survey 2013.

The above table shows that 50% of the land in rural area is owned farming, 25% for investment, 8.33% for Development, 16.67% for other motives. It implies that land ownership in rural areas is mainly for farming motive, followed by investment and other motives.

**Table 14: What are the problems of land acquisition in Nnobi?**

RESPONSES	FREQUENCY	PERCENTAGE
Customary tenure	50	41.67
High purchase price	40	33.33
Problem of C of O	10	8.33
Others	20	16.67
Total	120	100

Source: Field survey 2013.

In the table above problems of land acquisition is mainly by customary tenure which represented 41.67%, High purchase price represented 33.33%, problems of certificate of occupancy represented 8.33%, and other problems represented by 16.67%. This implies, that landowners in this area do not give out their land out or sell it mostly due to the custom. The people that had responses on high price of land are the non-indigenous of the area that finds it difficult to buy land due to high purchase price.

**Table 15: Answers to “Has government recently provided any public or private development in Nnobi?”**

RESPONSES	FREQUENCY	PERCENTAGE
Yes	10	8.33
No	80	66.67
Not quite sure	30	25
Total	120	100

Source: Field Survey 2013.

In the table above, it show that 8.33% respondents on knowledge of government acquisition while 66.67 responded No, while 25% responded that they are not quite sure of any government recent development.

**Table 16:** What are the mostly recent land development in Nnobi by both private and public developers?

RESPONDENTS	FREQUENCY	PERCENTAGE (%)
Agricultural	10	8.33
Residential	30	25
Institutional	10	8.33
Commercial	50	41.67
Others	20	16.67
Total	120	100

Source: Field survey 2013.

In the table above, 41.67% represent the most recent development in the area which is commercial, 25% represent residential, 8.33% represent Agricultural as well as institutional while 16.67% represent other type of development recently made in the area. This indicates that commercial has the highest percentage, followed by residential next is agricultural and institutional development by both private and public developers.

**Table 17: Answers to “How has the Land Use Act affected the people of the area?”**

RESPONDENT	FREQUENCY	PERCENTAGE (%)
Positive	20	16.67
Negative	100	83.33
Total	120	100

Source: Field survey 2013.

The table above shows that the Land Use Act has not affected the people, positive respond percentage is 83.33% while the negative affected percentage is 16.67%. It shows that the people of the area have just been affected slightly by the Act.

**Table 18: Answers to “What contribute to rapid land development in rural areas?”**

RESPONSES	FREQUENCY	PERCENTAGE
Implementation of Land Use Act	5	4.17

Geographic factor	10	8.33
Economic factor	30	25
Social factor	20	16.67
Location factor	40	33.33
Cultural factor	20	16.67
Others	5	4.17
Total	120	100

Source: Field survey 2013.

The table above shows that location covers the highest most rapid development in the rural area and it was represented by 33.33%, while other factors are Land Use Act - 4.17%, Geographic factor - 8.33%, Economic factor 25%, Social factor 16.67%, Location factor 33.33%, Cultural factor 16.67% while represented by other factors were 4.17%.

**Table 19: Answers to “How easy is it to acquire land and procure customary right of occupancy in Nnobi by both private and public developers?”**

RESPONSES	FREQUENCY	PERCENTAGE
Very easy	20	16.67
Not easy	100	83.33
Total	120	100

Source: Field Survey 2013.

The above table shows that 16.67 responded that, it is very easy to acquire land and obtain customary rights of occupancy by developers in the area, while 83.33% represented responses that said it is not easy to obtain such certificate.

**Table 20: Answers to the question “After the purchase or acquisition of land in Nnobi, how easy is it to procure customary right of occupancy?”**

RESPONSES	FREQUENCY	PERCENTAGE
Very easy	10	8.33
Quite easy	30	25
Not easy	80	66.67
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field Survey 2013.

From, table 20: It shows that majority of the respondents numbered 80 representing 66.67% said it is not easy to acquire customary right of occupancy while 30 and 10 representing 25% and 8.33% responded that it is quite easy and very easy respectively.

**Table 21:** What are the best possible measures you think will ensure efficient and effective implementation of the Land Use Act as regards to rural land development in Nigeria and Nnobi in Particular?

RESPONSES	FREQUENCY	PERCENTAGE (%)
Proper orientation of the people on the Land Use Act provisions on rural land	40	33.33
Establishment of Land Advisory Committee in every Local Government as provides by the Act	40	33.33
Inclusion of professional & Estate surveyors in each Local Government for proper implementation of the Act	40	33.33
<b>Total</b>	<b>120</b>	<b>100</b>

Source: Field survey 2013.

The percentage responses is represented by 33.33%. The table above shows that the respondents suggested on equal basis the above measures as a means to ensure effectiveness of the Act in rural areas.

## FINDINGS, CONCLUSION AND RECOMMENDATIONS.

### Summary of Findings

Having examined the responses to the research questions this study discovered the issues that are problematic in the implementation of Land Use Act provisions on rural land, the following findings have been revealed.

1. Although the land use Act provides that "all lands in rural areas, be under the control and management of the Local Government, within the area of jurisdiction of which the land situated, which implies that there will be no more open market transaction, yet this is still in practice in the area.
2. The Land Use Act which was promulgated barely 30 years ago seems to be unknown to the rural people. Despite provisions in section I, people in the rural areas still have more power than government in matter concerning use and occupation of land as well as other transactions on land.
3. The Land Use Act is legislation enacted to control land administration within the urban and Rural Areas. But the study has shown that this has not been implemented in the



area. The certificate of occupancy is. an instrument provided under section 9 of the Land Use Act, showing the type of interest which an individual has in land. But in the area, the certificate of occupancy is only a title document existing in the paper.

### **Recommendations**

1. Having regards to the findings so far in this research. The following recommendations are given to ensure an efficient and effective implementation of Land Use Act on our rural lands to ensure proper development of our rural areas.
2. Section 2(5) of the Act provides that for each local government of the state, there should be established a body to be known as "Land Allocation Advisory Committee" which shall have responsibility for advising the local Government on any matter connected with the management of land in other hand not in the urban areas. But in the local government of the study, this body has not been properly constituted and operated and therefore this is not only retarding the proper implementation of the provisions of the Act in rural areas but also decline the knowledge of people on what the Act provides on management of land in their area. The Act has been able to give guidelines on land management. But the Act did not make provision for enforcement of its provisions. I am therefore recommending that the Act should be able to provide for enforcement of all the provisions where necessary.
3. Filling the gap created by expropriation of land from the former powers of the chiefs, Obas and heads of communities and families whose cooperation is needed in the enforcement of the Act is hereby recommended. These important persons can be compensated by making them members of the Land Allocation Advisory committee in the local government area of their jurisdictions,
4. By Section 47(2) of the Land Use Act, "No court shall have jurisdiction to inquire into any question concerning or pertains to the amount or adequacy of any compensation paid or to be paid under this Act" To protect the fundamental human rights of individuals, the court should be allowed to entertain just cases on compensation. For instance, if on revocation of an individuals certificate of occupancy compensation paid is viewed inadequate by such individual, families, communities or cooperate bodies, the court should be allowed to hear such cases.
5. In summary, implementation and application of the provisions of the Land Use Act of 1978 should be done strictly, fairly, and promptly especially in the application of section 2(5) of the Act, Also there should be relevant professionals and experts employed for experienced services on various levels of government establishments especially on the area of correction to land management, control and use so as to ensure efficiency in the system.
6. Also there should be a review on some aspects of the Act, especially where it concern appropriate compensation on the persons affected by compulsory acquisition by the Government.

## Conclusion

The aims and objectives of the Land Use Act are good especially in developing nation like ours. But as a developing nation, it requires patience and time coupled with proper planning and due regards to land owned by its citizens.

Over the year's different legislation have been enacted with the aim of making acquisition of land easier especially for the government who provides all necessary amenities to its populace. The study so far carried out has revealed that the Land Use Act has succeeded partly, and if we are to realize its provisions, the dispossessed which include the chiefs, Obas, family heads among others who are in control and management of lands in rural areas should be compensated at least by way making them members of any statute of the Land Allocation Advisory Committee.

It was believed that once government was vested with the ownership and disposition; speculators would find alternative outlets for their capital and entrepreneurial ability.

Meanwhile, it is time for the government to ensure that Land Use Act of 1978 will achieve the following aims and objectives that are under its provisions which include ensuring unlimited participation of relevant professional especially Estate Surveyors and Valuers in the land management, adequate compensation on the displaced persons affected by compulsory acquisition, equip the land officers in the local Government Areas of different jurisdictions to ensure that adequate attention is paid to the issues and problems discovered in the course of this study.

Finally, having identified the major issues and problems of the Land Use Act of 1978, greater achievements will be made if appropriate review of some aspects of the Act which is ambiguous as well as proper re-orientation been introduced to address short comings on rural land, development in Nigeria.

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