

Land Use Abuse in South East, Nigeria

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Abstract

In this part of the country, South East of Nigeria, use of land has been abused to a very high percentage. Many communities are in crises today because of the abuse of use of land. Land was created before man, and man dies off while land remains. Brother kills brother because of land. Is this not an abuse? One kindred rages war against their next blood kindred because of land, and may eventually kill all (wipe off) such God created children. The objective of this article is to identify some of the abuses of land use, and possibly proffer solutions to the problems identified. The contents of the article include the effects of abuse of land use, causes of the abuse and suggested ways of avoiding the abuse. The article suggests that there should be no multiple sales of land, and that government should not base compensation on the crops and economic trees, but should pay compensation based on the value of land at the time and the location of the land, considering the population of the community that their land has been taken over. Conflicts between land grabbers, herdsmen and farmers should be completely discouraged by government of the federation and each existing states by enacting laws that can prohibit unnecessary clashes over control of land use.

Keywords: Abuse of land use, transfer of land, Quackery, ownership, Boundaries.

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1. Introduction

1.1 Meaning of Land

Land is part of the Earth Surface where people carry different activities such as building of houses, farming, mining of mineral resources, observations or measurements for scientific studies, but is not covered by oceans or other bodies of water. Land is one of the major components of life on Earth, along with water, oxygen, nitrogen, sunlight, etc. Lack of any of these components would make it unnecessary and in fact impossible for life to exist.

In physical Geography, we learnt that three quarters of the Earth is made up of water, with one-quarter as the dry land. Water, especially freshwater, is indispensable to the use of land and therefore to terrestrial life. In other words, land is the physical material of Earth's crust that supports all life. It includes soils, vegetation, surface water, ground water, mineral resources, oil and gas, sand and gravel. The concept of land as physical material was reflected in the medieval English practice of representing change of land ownership by a lump of soil handed by the seller to the buyer, but now legal document such as Deed of Assignment or Irrevocable Power of Attorney has replaced lump of soil.

Land in the physical sense also includes the produce of the soil, such as plants and crops. Both natural and cultivated plants physically define the landscape and the nature of land. Vegetation native to or grown on land is part of the land, perceptually, functionally and often legally.

Another concept of land is that it is an object of capital value capable of being owned and used by its owner to maximize economic return. Land in this sense is a "*bundle of rights and obligations*" that are defined and protected by the legal system of the country in which the land is located. In some countries, land is purely an investment to be bought and sold like government bonds. Millions of Naira are spent on land or structures on land with the investors not visiting the site.

Land may also be of non-economic value, a sense of place defined by collective or individual experience and valued. For example, all ceremonial grounds of rural people such as village squares and burial grounds.

1.2 Ownership of Land

In the Southern part of the country, private, kindred, hamlets, villages, communities, local governments, states, corporate bodies and Federal government, own Land.

From the 20th Century, when Britain made a colony and protectorate of Nigeria, there were two types of land tenure systems as practiced by the Northern Nigeria and Southern Nigeria. In the Northern part, the administration placed all lands under the control and subject to the disposition of the Governor, (Meek, 1957). This was in agreement with the Maliki Law operated by the Fulani over much of Hausa land in the 19th Century because of the defeat suffered by the Hausas in the hands of the colonial masters. For the validity of any title, the approval of the Governor was sought. An ordinance of 1910 (Govt. of Nig., 1953) gave the Governor the authority to hold and administer the land for the use and common benefit of the native people. Any native or community holds land title

does not pay any rent in respect of such rights. Non-natives who hold right on any land with Certificate of Occupancy for definite and indefinite terms pay rent as charged. The ordinance approved a maximum of 480 hectares for agricultural grants and 5,000 hectares for grazing purposes (Uchendu, 1979).

In Southern Nigeria, the land tenure system was practiced such that land was owned by lineages or extended families. Individuals have only rights of use on such family land. The only land controlled by the Governor was that acquired for public purposes as crown land. The lineages and other local landholders had obligation to seek the consent of Government when rights are being conveyed for alienation. This type of land tenure system created multiples of problems for land management in the country. It led to tremendous land speculation and a sharp rise in the prices of land for urban and infrastructural development. It encourages the multiple sales of the same land to different buyers by landowners. Some of the documents given to buyers were fake because three or more persons from the same lineage might have sold the same land to three or more buyers. These buyers clash at the construction stage, and sometimes moved to court for litigation. Sometimes, solution may be to show plots to other contenders to a particular plot to new locations that might not be genuine as well. This is the practice presently in some communities in Enugu State, even with the existence of the Land Use Act of 1978. Poor farmers sold their farmlands leaving nowhere for their farming activities.

It is because of the open system value of land which required cash compensation for land compulsorily acquired by Government for public purposes, the cost of land acquisition has risen tremendously because of the intervention of Land Speculators. The Government acquired land for public purposes in some locations in Enugu State have been encroached by developers in many locations and the communities that gave such land to Government are ready to drag Government to court. For example, Surveyors do not carry out private survey in Ndagoyo, Enugu South Local Government Area, Akwuke in Nkanu West and part of Coal Camp/Ngwo in Enugu North Local Government Area, but the original landowners have sold such Government layout to developers.

The Land Use Act came into effect since March 1978, with the objective to make land available to all citizens both poor and rich but this constitutional provision is not strictly obeyed by the people required to keep land in their custody for other people to benefit. The Land Use Act borrowed the Northern Part of Nigeria Land Tenure System to serve the whole country as a means of ensuring easy access to land for Government and for individuals.

According to Mabogunje (2007), some of the main provisions of the Act are indicated here:

- All land situated in the territory of each state in the country is vested in the Governor of the State. In this case, compensation is paid for only the economic crops and developed structures and not for the land acquired.
- The control and management of land, including land allocation in town land come under the Governor of each state, while all country land fall under the control of the Chairmen of the local governments.
- All land in urban areas is to be administered by the Land Use and Allocation Committee, which have the responsibility of advising the Governor on the management of town land; while Land Allocation Advisory Committee is provided to advise local government Chairman on the use of country land.
- All the developed land before the Act was allowed to remain in the hand of the person in whom it was vested.
- The Governor is empowered to grant the Statutory Certificate of Occupancy to any person within the area of his jurisdiction for a definite term for all purposes, while the Local Government Chairman has the authority to grant Customary Rights of Occupancy to any person within the rural area of his jurisdiction for a definite term for all purposes.
- The consent of the Governor must be secured through the Director of Land for the transfer of any right on land through either mortgage or assignment. The consent of the local government or that of the Governor in appropriate cases must also be obtained for the transfer of Customary Right of Occupancy.
- The maximum area of undeveloped land that any person could hold in anyone urban area in a state is 5,000 square metres; in the rural areas, this must not exceed 500 hectares for farming activities except with the permission of the Governor.

1.3 Current Land Use and Challenges in the Region.

Field investigation reveals that an increasing portion of rural lands in the region (Southeast) is used for commercial, residential, agricultural, industrial and infrastructural purposes. In Nigeria in 2018, a total land mass used for agriculture was estimated to 78%. Of this percentage, 37% of this agricultural land is arable land (crops, pasture, mowing, etc) Doris Dokua Sasu (2022).

Land distribution is an important measure to advance land rights and land use policies. Such distribution includes change of land ownership, from one entity to the other, which could be: Freehold, inheritance, communal,

lease hold, gift hold, tenants at Government will tenure system and tenant tenure system. In Urban planning, land use planning seeks to order and regulate land use in an efficient and ethical way so as to prevent land conflicts. Government use land use planning to manage the development within its jurisdiction.

However, the Government efforts to prevent land use conflicts fail in most communities' communal land because of greed and inordinate ambition and/or special interest on land by the land grabbers and herders. According to Oladapo S. O (2022), the Country's food security is in danger due to the herdsmen and farmers' conflicts; for example, there were disputes and killings in Nimbo, Uzo-Uwani Local government area of Enugu State, Agatu in Benue State, Akure in Ondo state, Bukuru in Plateau State, Gassaka and Bali in Taraba State and Oke-Ogun in Oyo State to mention but a few. He further said that farmers and herdsmen violent conflicts on land use have created humanitarian toll across many communities in Nigeria, as well as undermining food security across states of the Country.

Land use conflicts are disputes that can create violence at any point in time. They occur as individuals or groups tend to use an area for different purposes such as commerce, housing, agriculture, industry, transportation without following due process. Conflicts vary from one geographical zone (region) to another in Nigeria. Majority of the agricultural land users in the South-eastern part of Nigeria have left their farms to the Fulani herders who attack and kill them in their farms without any provocation. For example, in Uzo-Uwani local government area of Enugu State, majority of the farmers had abandoned their farm settlements to save their lives and this undermines the quantity and quality of production of food crops in Nigeria.

Other current land use challenges are infrastructure congestion, urban density, urban sprawl, accessibility to services, urban regeneration, pollution and displacement of population due to interest of Government on land without commensurate compensation to the land losers. This displacement in population creates population pressure which is one of the most common factor affecting land use.

Population pressure refers to the impact of human population on the available land resources. As the population grows, the demand for land also increases for various purposes such as agriculture, industry, housing and infrastructural development. This often leads to the conversion of natural ecosystem into anthropogenic landscapes, causing habitat destruction, biodiversity loss and other environmental issues. Population pressure also influences land use through changes in land tenure systems, land use policies and market forces.

Again, the region has the problem of inaccessibility to land and housing because of the current urbanization growth. There are encroachments on land services such as right of way, setbacks, waterlines, sewage lines and sometimes building under electricity lines.

2. Causes of Abuse of Land Use/Land Ownership

The causes of abuse on the ownership of land can be grouped into four categories:

- **Illegal transfer of title**

In many states of the Southern part of Nigeria, land speculators fraudulently sell properties belonging to their kindred, lineages or even community to make money for themselves. These properties are secretly sold so that other members of the family are not aware of the sales/transfers of title. The buyer or victim of this fraudulent act only understands that he/she has been duped by the time he wants to develop the property. These properties are quickly demarcated for the buyer by Quacks who impersonate as Surveyors without asking for the owners of the adjoining boundaries. This act has caused the lives of some innocent Nigerians because of the disputes and harassment that follows when the real titleholders become aware of the transaction.

- **Multiple Sales of a particular piece of Land**

In most Nigerian society, about the 20th Century, the impression was that land was not sold. To sell land to a stranger is to render the security of the community concerned a hostage to fortune. The colonial masters met this type of tenure system where land is not alienated to anybody.

The urban migrations that colonialism brought into Nigeria could not go without land being alienated to strangers and migrants. Transactions in land gradually set in with the development coming in, in all parts of the country.

In section one of this article, specifications on the Ownership of Land were presented as Private Ownership, lineages, community, local government, State and Federal, but because of greed, some people fraudulently sell properties belonging to a group without the group consent to waiting buyers. Sometimes a group in a community may layout land, which is even against the Land Use Act 1978 and sell to people. The already sold plots by first group (Committee A) may also be sold to other buyers by a second group (Committee B) of the same community. These people who do not have any other business except sale of communal land mostly engage contractors who sub-divide the land into plots for them. "Contractor A" may finish his contract, help the community to sell the land, but after sometime, more especially when the community changes officers, another contractor is hired to sub-divide the same land area that individual buyers of plots contained in the area are with survey plans

which their cloth have been deposited to the Office of the Surveyor-General, Ministry of Lands, Survey and Urban development. This Contractor “B” will now reduce the sizes of already sold plots without the consent of the earlier buyers. This is illegal, fraud and abuse of ownership and/or transfer of title on land. I know of a case at Ncheagu, Umuchigbo Nike Enugu State where Contractor “A” and “B” are at the High Court Enugu for litigation because of this type of fraud.

In some cases, individuals who had their own share of the plots and are with their survey plans sell one plot of land to more than one person. For example, when a survey of a property is completed, the surveyor gives the client six copies of the blue copy for his keep. These copies were given so that the client will submit four copies to Land Use and Allocation Committee for purpose of registration and two copies for himself. The dubious ones may use these two copies to sell one parcel of land to two different persons. This also creates room for litigation in Court of Law. Again a parcel of land sold to a poor farmer could be resold to a politician who has much money at that moment. The fraud sellers do not consider the first buyer because of his level of poverty. This is against human rights.

- **Use of Quacks to carry out survey services**

The Constitution of the Federal Republic of Nigeria recognizes one as a Surveyor when he had attained a professional training as a Surveyor, and registered by the Surveyors Council of Nigeria (SURCON). This person qualified as a surveyor, is required to be among other qualified Surveyors who can take measurements to demarcate any type of property on the surface of the earth (FRN, 1989). He must have a survey office where his registration certificate will be displayed.

Today, many persons impersonate as surveyors and as a result undertake survey contracts. These impersonators are called quacks because no page of the Constitution recognizes such people as survey technicians or surveyors. They defraud people, and sometimes do wrong surveys for them and give them fake survey plans which may not bear any prefix or suffix of the current numbers given by Government. These groups of impersonators do not know why they are doing what they do. They are the group that some communities engage for pocket survey layouts, which can be repeated severally without obtaining the standard accuracy of the survey carried out. They are the group which do not recognize that area that have been surveyed by a surveyor should not be resurveyed by another surveyor, or be re-subdivided and sold to people. Majority of them are facing litigation in different courts of law because of their ignorance.

In this part of the country people prefer cheap articles most of the time, and that is how they patronize these quacks that can give any charge for the survey of a property and at long run create problems in the society. Surveyors wait in their offices for clients but this quacks move from home to home to ask for survey jobs. It is known that there are quacks in other professions but the number of quacks in surveying is out of proportion. People who do not know anything about surveying charge survey fees and look for quacks or sometimes survey technicians to assist them. They do not know the rules and regulations binding the practice of the profession. The plans produced by these quacks do not agree with the physical boundaries on the surface, thereby causing encroachment to other peoples’ land.

In Enugu State for example, quacks are still deceiving the public with the prefix ENS used during the period of Licensing Board which the usage stopped since 2001. After 2001, Surveyors started using SURCON Numbers as directed by the regulatory body. This implies that every survey beacon in Enugu State should bear SC/ENB2162J or the like but not ENS 1234C as quacks forge from time to time. They use these numbers in Government designated areas or in crown lands to give the impression that they have given their clients survey plans, but such plans are void as far as Government of Nigeria is concerned.

3. Effects of the Abuse of Land Use on the Society

- (i) **Encroachment on People's Land:**

There are cases where a person with very rich background takes over the land of another person of poor background for his private use without his (owner) proper consent. The rich man may bribe any of the poor person’s relation to give him support, and thereafter takes part of the other man’s land. This may work temporarily, but when the poor person’s children became adults and became rich and want to build house, the elders who have knowledge of their land boundaries may show them their boundaries. If these younger rich men (the children of the poor person) request to take over their land, crises may erupt, resulting to land-in-dispute. There may be rare cases where the poor man’s children may decide to leave the land for the rich man who took their land by force or fraudulently.

- (ii) **Relationship between Uncle and his late Brother’s Wife and Children:**

In some communities in Southern Nigeria, land was not privately owned, but was rather “hold” by the elder in the family by virtue of inheritance, marriage or conquest. Ownership in this context implies freedom to use land as the occupier wishes, subject to some minimum traditional/customary

constraints to limit some harmful externalities. People who farm on family land pays tribute to the elder by rendering a part of the harvest to him as a support to his household. In recent times, some people have abused this method of Land Use because when an elder dies leaving wife and children behind, the younger brother who takes over the holding of the right in land may decide to deprive his brother's wife and children the right to farm or build houses on the land (Didigwu, 2010). In this case, he is reserving the land to his own children. This is unfair because the entire land belongs to the lineage and not the present elder alone.

(iii) Communities sharing common boundaries:

It is no longer news that communities or villages with common boundaries clash; because communities and villages do not use legal marks to mark their boundaries, rather they use trees, hills or valleys as boundaries.

When trees fall down and valleys filled with sand, they do not have any other mark as boundary, rather they result to guess work which sometimes cause crises. Land-in-dispute has caused a lot of problems between villages or communities, that in most cases, people die. The Ezillo and Ezza Ezillo, Ebonyi State of 2010 land-in-dispute caused many lives; including non-indigenes of mentioned towns. At present an Army Barrack has been constructed at the problem area. This is an abuse because people will leave land and die.

(iv) Revocation of land without compensation:

Government takes people's lands without proper compensation. When Government pay for crops and other economic trees, if and only if they pay; who will pay for the displacement of the people involved? Hundreds of hectares of land of such community are taken over by Government for public interest, which is alright, but the problem is that these people should be adequately compensated financially or shown another equivalent portion of land so that they can continue with their means of livelihood. Sometimes Government will take over this land, and allow it fallow for over twenty or more years without allowing the original owners to make use of their land until they are ready. This will be regarded as both abuse of land use and human rights of the people concerned.

It is worthy to note that even when Government wants to pay for crops and economic trees, it is another stress to the original owners because it may take over ten years lobbying before they are paid.

(v) Land Allocation by Government:

One of the cardinal objective of promulgating the Land Use Act was that it would enable all Nigerians (including the urban poor/low income groups) to acquire land anywhere in Nigeria easily. In practice of this objective, Land Use Act has brought intimidation to the low income earners because the allocation of land is based on who develops land within a short period, sometimes a period of five years or less, and by this the urban poor and 90% of the civil servants are pushed to settle at the sub-urban areas. Five years' development period is not the only problem for the low-income earners but the initial money to pay to Government for allocation of land.

In the normal circumstance, land allocations are grouped into high density, medium and low densities. The high-density areas should at least be left for low-income earners, but the high-income earners and politicians take over everything, leaving nothing for the low-income earners. For example, some rich men and politicians may easily obtain Statutory Certificate of Occupancy in many States of Nigeria and FCT, and as well build many houses that they could not occupy, leaving the houses to reptiles and snakes, thereby wasting the space that should have been for another person. This is an abuse of use of land and even the human right.

Section 22(1) of the Land Use Act directs that; 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, sublease or otherwise. In Nigeria, companies, individuals and even communities alienate their rights of occupancy without recourse to the law and this is an abuse. The defaulters of this section are major stakeholders in the society who obtain more allocations than required. They use the excess for business.

(vi) Refusal by Communities to alienate land:

According to the Land Use Act (1978), all land situated in the territory of each state in the country is vested in the Government of the State. All land control and management, including land allocation in urban areas come under the Governor of each state while land located in rural areas becomes the responsibility of the various local government council. It is also the authority of the Governor to grant Statutory Certificate of Occupancy, which would be for a definite term to any person for all purposes and rights of access to land under his control.

At present, some people or communities had formed stumbling blocks against Land Use Act objectives.

Some of them have the opinion that their children and even great grandchildren would have places to

live and develop for their future. Others feel that Government does not pay enough compensation to the original owners of the property. Again some had sold land to individuals and companies and/or organizations and have known the economic value of land. These groups of people do not have any business other than speculation and sales of land. They have given their children the impression that there is no business better than land transactions and sales, and as a result the youths in those areas are ever ready to confront Government or any Government who may intend to take over their land.

In Enugu State, Nigeria, some government acquired land, have been sold by the original owners and such land built-up by buyers. Some communities are at high Courts with government, facing litigation on land acquired by government. These groups of communities want the Land Use Act 1978 to be abrogated, so that the status quo remains, that is return to the system of land tenure system of Southern Nigeria.

4. Suggested ways of avoiding Abuse of Land Use

Land cadastral boundaries and title holdings shall be demarcated in such a way that communities, villages, hamlets and individual parcels of land will be recognizable. There shall be an arbitration/adjudication mechanism for land ownership conflicts resolution.

The individual's possessory rights shall be determined using best practices and appropriate technology. A registered Surveyor shall carry out all land demarcations with a registered office known by Corporate Affairs Commission. All field assistants shall wear a customized jacket identifying the Surveyor who sent them to carry out field measurements in a very good secured environment. Deprivation of land rights to children of deceased brother shall be an offence punishable by a competent Court. Government, using standard beacons, shall demarcate hamlets, villages and communities' boundaries.

Land shall be allocated to every citizen on first come, first serve; and not on the basis of who knows who. People fake names to get more parcels of land for themselves, while many people do not even have one parcel of land. Land shall be allocated to the low-income earners. The type of buildings in such areas shall be only bungalows and no amount of persuasion will allow the Town Planning Department (Authority) of that state to change the approved building to any type of building, so that hijackers (politicians) can allow them to build.

Before taking over land from the original owners, Government should consider the population of the people, so that enough land would be left for them for future growth and development. Such land taking over by Government for overriding public interest should be moderately compensated based on the value of land at such location. The compensation shall not just be for crops and economic trees. Land vendors and speculators should have good conscience, and as a result should desist from abating multiple sales of land.

Communities who support their youths to remain at home and indulge in land speculation and sometimes remain in the bush as Ogbanecheagu or farm neighbourhood watch should watch out what will happen to such youths in future. My advice is that youths should leave their homes for greener pastures in the cities.

5. Conclusion/Recommendation

5.1 Conclusion

Land is a very fragile commodity and one of the bases for man, animals, plants and organisms' survival and growth. We build on land, farm, and extract our mineral resources from land.

The examination of all the information in this article shows that the interest in land by both the general public and government is very high. Every citizen makes efforts to have a portion of land in the city, and that is why the land fraudsters defraud many of the intending buyers of land. This article considers appropriate compensation to original landowners very important. It also suggests that there should be no multiple sale of land; and that youths should leave their villages to the city for their better future. There is no much gain staying in the village, roaming in the bush for the purpose of land neighbourhood watch, instead of planning for your future outside the bush.

From the above discussions, more especially on herders and farmers clashes and food security; Nigeria is doomed if for any reason, farmers cannot supply food to feed the Nigerian population.

Nigeria has very large land mass for use for both agriculture and other purposes and would be able to export food to other Countries. Disputes over land use should be an aberration and unnecessary in Nigeria if the land grabbers will keep to the rules. However, for Government to advance land rights and land use policies, it should carry out proper land distribution to its citizens.

5.2 Recommendation

Communities who have proposed to layout all their land and sell to strangers should retrace their steps, because their descendants will be frustrated at their own time. This will bring curse/spell in their graves. Their forefathers saw the land but did not sell them all. Original landowners should not forcefully enter into the land given to Government by their fathers or forefathers because ignorance of the law is of no excuse.

However, original landowners should be moderately compensated. Each state should establish functional

Land Use and Allocation Committee as well as Land Use and Advisory Committee. In addition, the office of the Surveyor General in each state of Nigeria should establish an agency to handle the issues of Land Titling.

Nigeria Government as a matter of urgency should separate the areas of land for food crops completely from Nomadic and pasture zones. The livestock shall be kept specifically in ranches where the owners shall feed them with grasses and other ancillary foodstuffs. There shall be a law for the prohibition of livestock from feeding on farm crops with a Mobile Court in all agricultural and pastoral zones of the Country to prosecute the offenders without waste of any time.

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