



Land Use Regulations in Nigeria: Transferring Lessons from Developed Economies

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ABSTRACT

This paper examines land use regulations in Nigeria, highlighting the critical challenges faced and the potential lessons that can be transferred from developed economies. Land use regulations means all ordinances, resolutions and codes adopted by a given geographical entity (federal, state or local governments) on the use of land. The study adopt a survey research design using secondary data from existing literature. The study begins by examining relevant theories of land use and regulations and explaining international best practices from the United States, United Kingdom and Australia where land use practices are similar to obtainable laws in Nigeria. Furthermore, it delved into land use regulations in Nigeria and the key elements of successful land regulation programs in developed economies. This includes analyzing the legal and regulatory framework, as well as the institutional and administrative structure. It then looks at the different types of land tenure systems, such as the public and private land regimes with citation of deficiency in the laws. The study then assesses the implications of transferring international best practices to the Nigerian system. This includes the potential benefits of applying the regulations, as well as the challenges that would arise from such an exercise. Lastly, the study proposes possible strategies for implementing better land regulations in Nigeria, which includes strengthen urban planning frameworks, enhance land tenure security and leverage technology, integrate environmental policies and encourage public participation. By analyzing the theoretical and practical frameworks of land use in developed nations, stakeholders can improve land use in Nigeria especially in billboard valuation for local taxation, since it is a real property (FGN, 2004; George & Ajuruku, 2022), however, absented as one.

Keywords: Land Use, Regulation, International best Practices, USA, UK, Australia, Nigeria

Introduction

The rapid urbanization in Nigeria has resulted in unplanned development, leading to significant environmental, economic, and social challenges. Land use regulations serve as crucial tools for managing these challenges, guiding development while ensuring sustainability. Cities in all countries of the world engage in the regulation of land-use (Jedwab *et al.*, 2022). There is evidence that many cities introduce building restrictions to meet up with set developmental goals. While such regulations may have major consequences for urban poverty, there is little data on how they compare across countries, especially for the developing world. The land use in Nigeria is regulated by statutes (Fekumo, 2002). This include, the Land Tenure Law of Northern and the various State Land Laws of Southern Nigeria; the Petroleum Act, 1969; the Mineral Act, 1916; the Nigerian Urban and Regional Planning Act, Cap. N138, 2004; the Land Use Act, Cap. L.5, 2004, which consolidates all these statutes into a single legislation, and the Constitution of the Federal Republic of Nigeria, 1999, as amended. The Land Use Act 1978, enacted to ease the control and administration of the land, is the fulcrum for land policy in Nigeria (Lexicology, 2021). The Act primarily regulates the use of land, which includes allocation, use, registration of title, grant of consent etc., with a strong attempt to encroach on the ownership rights of all Nigerians preserved

in the Constitution, 1999, Sections 43 and 44 within the States and Federal Capital Territory of Nigeria (Kuma, 2017).

The provisions in Section 1 of the Land Use Act which vests all state lands in the Governor seems to divest indigenous settlers of their right of inheritance to nationalize ownership of land. However, the radical title of a trustee vested on the State Governor is a mere authority of control and management of the land comprised in the State where it is situated, since the subsisting ownership rights of indigenous settlers that pre-dates the Act is preserved in Sections 34 and 36. By the provisions of **Section 1** which was further expatiated in **Section 2** of the Act, states that the State Governor, which applies to the Minister of the Federal Capital Territory and the Local Government Council are the administrators of land, and are empowered by the provisions of the Act to allocate land by granting statutory right of occupancy and customary right of occupancy respectively to individuals and corporations.

Given the above, in the case of *Abioye v Yakubu*, while considering the effect of section 48 of the Act dealing with existing laws, Nnaemeka-Agu, J.S.C. stated thus:

“It appears to me that this was, inter alia, intended to preserve existing interests in land, subject to the provisions of the Act. As the Act made no contrary provisions, there is nothing to prevent such interests from having their full force and effect. Also, even the definition of “customary right of occupancy” under Section 50 [now Section 51] clearly recognizes the existence or continuance of customary rights over land. There “customary right of occupancy” means “the right of a person or community lawfully using or occupying land in accordance with customary law.” Indeed, the whole power of revocation of a customary right of occupancy, which includes a deemed grant, under Section 28 of the Land Use Act carries the clear implication that such rights survived the promulgation of Section 1 of the Act. For if such customary rights were abolished by the Act there would be nothing left to be revoked.”

Furthermore, the Land Use Act outlines the means and manners of the use and administration of land in Nigeria. **Section 3** of the Act vests the authority to control and regulate the use of land, which includes the power to designate land as urban or rural in its area of jurisdiction in the state. Also, **Section 5(1)** of the Act also empowers the State Governor to grant a statutory right of occupancy to any person for all purposes in respect of the land. By the provisions in **Section 9** of the Act, a Certificate of Occupancy is issued by the State Governor, as evidence of a right of occupancy. This right of occupancy granted entitles the holder to use and occupy the land to the exclusion of others for a definite period, usually not exceeding 99 years except that created by the operation of customary law. This view is supported by judicial pronouncements especially the decision of Obaseki, J.S.C., in *Abioye v Yakubu* when he said: *“A person with customary right of occupancy is entitled to use the land in accordance with customary law; a right of occupancy pre-dates the Land Use Act and is intimately linked with the custom of the people of the area. It is a creation of customary law and the fact that it can now be granted by the local government has not taken it out of the realm of customary law. The total quantum of interest contained in the right of occupancy has to be determined by the customary law of the area. Its creation does not extinguish the rights of other persons in the land.”*

The above decision has established that while the purpose of the Land Use Act is to control and regulate the use of land in Nigeria, it created five types of right of occupancy or interest namely: (i) formal statutory right of occupancy granted under Section 5; (ii) formal customary rights of occupancy granted under Section 6; (iii) deemed statutory rights of occupancy granted under Section 34; (iv) deemed customary right of occupancy granted under Section 36; and customary ownership arising from (iii) and (iv). This implies that incidence of ownership of land may occur under the Act, through any of these situations (i) customary ownership (ii) customary rights of occupancy and (iii) statutory rights of occupancy, but subject to control and regulation of its use.

Hence, the essence of this study is to analyze measures taken by developed nations to tackle similar land use issues with statutory policies.

Statement of the Problem

As various regulatory systems multiply and interact, it becomes less and less clear just what approvals are necessary before a given property can be put into a particular use, or what standards will be applied in making that decision, and with what level of discretion. The uncertainty this creates can become paralyzing, especially when no one person or agency bears sole responsibility to ensure that the overall regulatory environment remains sufficiently navigable and predictable. As such, our overarching concern here is that it has become exceedingly difficult for people to make rational decisions about business opportunities in the face of so much regulatory uncertainty. For this study, the focus shall be on the implication of the Land Use Act on customary owners, state grants (statutory or customary) as to the use of land and lessons derivable from developed nations for sustainable development.

Aim and Objectives of the Study

This study is designed to analyse the land use regulation with a view of transferring lessons from developed countries to improve the Nigeria system. The specific objectives are to:

- i. examine measures adopted by developed nations in regulating land use.
- ii. establish the effect of the Land Use Act on existing laws.

Literature Review

Theoretical Framework

Three governing theories were discussed which supports international best practices on land use regulations:

Public Choice Theory

Public Choice Theory was developed by **James M. Buchanan** and **Gordon Tullock** in their seminal work, *The Calculus of Consent* (1962). Public Choice Theory assumes that individuals, including public officials and politicians, act in their self-interest rather than solely in the interest of the public good. It views government decision-making processes, including land use regulations, as driven by the self-interested behavior of political actors rather than altruism. In the context of land use regulation, this theory suggests that public officials may enact zoning laws or land acquisition policies that benefit powerful interest groups, such as real estate developers, instead of the broader public (Buchanan & Tullock, 1962). The implication of Public Choice Theory in land use regulation is that the centralization of power could lead to inefficient land use decisions due to corruption or political lobbying. In countries like Nigeria, where land management is centralized under the Land Use Act, Cap. L.5, 2004, this theory suggests that reforms should decentralize decision-making to reduce political capture and ensure that land use policies reflect the needs of the broader population rather than a privileged few (Wuraola, 2018). In contrast, the decentralized land governance systems in the USA, UK, and Australia might limit the adverse effects of self-interest in government land-use policies by spreading decision-making power more evenly.

Property Rights Theory

Hernando de Soto is a prominent proponent of Property Rights Theory, particularly through his book *The Mystery of Capital* (2000). The theory posits that clearly defined and enforceable property rights are fundamental to economic development. According to this theory, when landowners have secure property rights, they are more likely to invest in their land, leading to higher productivity and economic growth. De Soto (2000) argues that many developing countries, including Nigeria, suffer from “dead capital,” where land is owned but not formally titled or recognized by the government, making it difficult for landowners to leverage their land as collateral for loans or other investments. For land use regulations,

Property Rights Theory implies that countries must focus on land registration systems that provide secure titles to landowners. The clear establishment of property rights can lead to more efficient land markets and better land use planning. Australia's **Torrens Title System** and the well-established land registry systems in the UK serve as examples of how secure property rights contribute to land market efficiency. Nigeria's current land governance system, which is centralized and lacks a robust land titling process, might benefit from the application of Property Rights Theory, particularly by improving land registration and ensuring that landowners have legally recognized claims to their property (Olasunkanmi *et al.*, 2021).

Sustainable Development Theory

Sustainable Development Theory was popularized by the **Brundtland Commission** in its 1987 report, *Our Common Future*. It assumes that land use policies must balance the needs of the present generation with the ability of future generations to meet their own needs. This theory emphasizes the integration of environmental, social, and economic factors in land use decisions. It advocates for land use regulations that do not only promote economic growth but also protect the environment and ensure equitable access to resources (Brundtland, 1987). The implication of this theory in land use regulation is the need for planning policies that prioritize long-term environmental sustainability. Countries like the UK have embedded sustainability into their planning frameworks through regulations such as the **Town and Country Planning Act 1990** and **Section 106 agreements**, which require developers to contribute to public goods such as green spaces or affordable housing as a condition of planning approval (ISS, 2018). Similarly, Australia's **Environmental Planning and Assessment Act 1979** incorporates environmental sustainability in land use decisions. In contrast, Nigeria's land use regulations, governed by the defective **Land Use Act of 1978**, could integrate more robust environmental protections, ensuring that land development is sustainable and inclusive for future generations (Kuma, 2017).

The Public Choice, Property Rights, and Sustainable Development theories shape land use regulations, balancing self-interest, ownership, and sustainability and thus form the theoretical framework for the study.

Conceptual Review

This comparative analysis focuses on land use regulations in the USA, the United Kingdom, and Australia due to their established legal frameworks, economic development, and governance structures. These countries offer diverse land management practices, which provide valuable lessons for Nigeria's evolving land use policies. The goal is to highlight key legal frameworks and regulatory approaches in these countries and compare them with Nigeria's system, where land governance is governed primarily by the Land Use Act of 1978 (Kuma, 2017). Understanding these international models can help inform reforms aimed at improving Nigeria's land governance system, particularly in addressing issues such as land titling, registration, and equitable access to land resources.

Land Use Regulations in the USA

In the United States, land use regulation is governed largely by state and local governments under the framework of federal laws that provide guidelines for land use and environmental protection. The Fifth Amendment of the U.S. Constitution plays a crucial role, particularly through the "Takings Clause," which allows the government to acquire private property for public use, provided that just compensation is given (James, 2016). This principle is central to the regulatory system governing land use, ensuring that private property rights are respected while balancing public interests. Local zoning laws, developed at the municipal level, are the primary tool for regulating land use in the United States. Zoning laws dictate how land can be used, whether for residential, commercial, industrial, or agricultural purposes, and these regulations vary across states and cities. Additionally, the National Environmental Policy Act (NEPA) requires government agencies to assess the environmental impact of major land use decisions,

further reinforcing the importance of sustainable development in land governance (OECD, 2017). In terms of ownership, property law in the United States emphasizes the principle of alienability, where land can be freely transferred between private owners, except in cases where restrictions are imposed by law for public purposes (Busby, 2009). Recent legislative developments also address concerns over foreign land ownership, particularly in western states, where state legislatures have passed laws restricting foreign entities from owning agricultural land (Shaw, 2023).

Effects on Existing Rights in the USA

Native land owners have the legal right to their property, but land use laws in the United States refer to the rules that prohibit specific uses of land in designated zones. There weren't many laws governing land use in early colonial America. However, public land regulation became crucial for local communities hoping to maintain control over industry, trade, and housing inside their borders as the "frontier" vanished and society transitioned from rural to urban areas. According to OECD (2017) despite its lack of direct powers regarding land-use planning on non-federal lands, the federal government exercises considerable influence over land use. First, it has enacted environmental legislation that influences land-use decision making. Second, it owns large parts of the land especially in western states. Third, it owns and may decommission military lands for private development in important urban areas. Fourth, it has signed treaties that influence or govern land use on Native American tribal land. Fifth, it constructs and funds federal roads. Sixth, it provides fiscal incentives to state and local governments for specific projects. Seventh, it provides tax incentives to individuals, for example to encourage single-family homeownership through tax deductions on mortgage interests. Eighth, it provides limited housing support for low income households. Ninth, it pursues agricultural policies using fiscal and regulatory tools that influence land use especially in rural areas. Tenth, US constitutional principles such as due process, equal protection, and takings limitations in imposing restrictions on land-use planning (OECD, 2017).

Land Use Regulations in the United Kingdom

Land use regulation in the UK is primarily guided by the Town and Country Planning Act 1990, which establishes a comprehensive framework for land development and conservation. The planning system is centralized, with the national government setting planning policies, while local authorities handle development control and planning applications. The Planning and Compulsory Purchase Act, 2004 strengthens local authorities' powers to acquire land for public purposes, such as infrastructure development, provided that fair compensation is given to landowners (Lexicology, 2021). A unique aspect of land ownership in the UK is the feudal system, where all land is technically owned by the Crown, and private individuals hold land through estates. This system affects land use regulations, as individuals' rights to develop or use land are often subject to governmental restrictions and the public interest. Additionally, the Compulsory Purchase Act 1965 allows the government to acquire private land for public projects, with the legal requirement of compensation, a practice similar to Nigeria's land acquisition policies (Olanrele *et al.*, 2017). The UK's emphasis on sustainable development is also evident in its planning policies. For instance, Section 106 of the Town and Country Planning Act enables local planning authorities to enter into agreements with developers to ensure that land development contributes to the public good, such as through affordable housing, infrastructure improvements, and environmental conservation (ISS, 2018).

Effects on Existing Rights in the United Kingdom

The United Kingdom's land use regulation system, guided by the Town and Country Planning Act 1990 and subsequent legislation, effectively balances development and conservation, adhering to international

best practices. The Planning and Compulsory Purchase Act 2004 empowers local authorities to acquire land for public purposes with a legal commitment to fair compensation. While this supports infrastructure development, disputes over compensation valuation occasionally arise, affecting public perception. The UK's feudal land ownership system, where all land is owned by the Crown, restricts absolute private ownership. Landholders face limitations on development and use, which ensures alignment with public interest but can infringe on individual property rights. Additionally, the Compulsory Purchase Act 1965 allows the government to acquire private land for public projects, echoing similar practices in other nations like Nigeria. However, delays in compensation payments occasionally disadvantage affected landowners. Sustainability is a cornerstone of the UK's planning system. Through Section 106 agreements of the Town and Country Planning Act, developers are required to contribute to the public good, such as funding affordable housing or environmental conservation. This mechanism ensures that development projects align with societal needs but can increase costs for developers, potentially impacting housing affordability.

Overall, the UK's land use regulation system adheres to international best practices, emphasizing sustainability and public benefit. However, challenges such as delays in compensation and restrictions on landholder autonomy suggest room for improvement in addressing equity and efficiency concerns.

Land Use Regulations in Australia

Australia's land use regulation system is decentralized, with states and territories having significant control over land planning and development. The Environmental Planning and Assessment Act 1979 (New South Wales) and similar laws in other states regulate land use through a framework that balances economic development with environmental protection (Government of Australia, 2023). Like the USA and UK, Australia permits compulsory acquisition of land for public purposes under the Land Acquisition Act 1989, which ensures that affected landowners receive just compensation. Australia's land tenure system consists of a mix of freehold, leasehold, and customary land rights, with Indigenous land rights playing a significant role. The Native Title Act 1993 recognizes the land rights of Indigenous Australians and provides a legal framework for resolving land claims and disputes, particularly when public or private development intersects with Indigenous lands (World Bank, 2016). This act underscores the importance of balancing land use for development while respecting traditional land ownership, a concept that could inform Nigeria's handling of customary land tenure systems. Additionally, land registration systems in Australia are highly developed, with state-based land registries ensuring transparent and efficient land ownership transfers. The Torrens Title System, which operates across Australia, provides certainty of title by registering land ownership and simplifying land transactions, reducing disputes over land ownership (Jedwab, Brueckner, & Barr, 2022).

Effects on Existing Rights in Australia

Australia's land use regulation system demonstrates a strong commitment to balancing development, environmental protection, and social justice. Under the Land Acquisition Act 1989, the government can compulsorily acquire land for public purposes, ensuring compensation for landowners. While this aligns with international best practices, challenges such as undervaluation and delayed payments often affect landowners negatively. The Native Title Act 1993 is a notable framework recognizing Indigenous land rights, offering a mechanism for resolving disputes and ensuring equitable negotiation. However, conflicts arise when public or private developments intersect with Indigenous lands, sometimes limiting native title rights. Despite these issues, Indigenous Land Use Agreements (ILUAs) provide an international model for reconciling development with cultural preservation. Environmental regulations, like the Environmental Planning and Assessment Act 1979, restrict land use to protect ecosystems, but these measures occasionally infringe on landowners' rights, sparking disputes. Similarly, rezoning

decisions can enhance or diminish property values, creating disparities among stakeholders. The Torrens Title System, ensuring certainty of ownership and transparent land transactions, is a globally recognized best practice. While it generally strengthens existing rights, it may clash with historical claims, particularly Indigenous ones, requiring careful mediation.

Overall, Australia's system is good but not flawless. It aligns with international standards in promoting transparency and fair compensation but struggles with equity in Indigenous and environmental contexts. Improvements in stakeholder engagement and equitable enforcement could enhance its fairness and effectiveness for all citizens.

Land Use Regulations in Nigeria

The Land Use Act, 1978

Before the arrival of the colonial masters, there were customary laws, which governed the administration of land in Nigeria (Wuraola, 2018). These customary laws varied from one locality to another because of the differences in customs. Consequently, there were state land laws which defined state lands, to be, as cited in Section 2 of the state Lands Law Eastern Nigeria: "All public lands ... which were on the 30th day of September 1960, subject to the control of Her Majesty and held for a public purpose and all lands thereafter acquired by or on behalf of the Government ... and held for any such purpose." And with the promulgation of the Land Use Act, the Rivers State Land Law Cap 125 Laws of Rivers State, 1999, at Section 35, further defines state lands to be "all land vested in the Governor by Section 1 of the Land Use Act, 1978." As such there exist multiplicity of land laws (Olasunkanmi *et al.* 2021). These laws include, customary laws, the land tenure law, the state land laws and the Land Use Act. These laws operate concurrently, however, the Land Use Act was created to unify the laws into one governing law. However, there were new problems such as land racketeering and speculations, exorbitant compensations were demanded by landowners whenever the government acquired land for development. This has given rise to the current poor acquisition of land by government or individuals in Nigeria (Fortune-Ebie, 2007).

Effects of the Land Use Act on Existing Rights

The areas to be analysed in this study includes, effect of Section 1 on Communal Land Holding, customary tenancy, effect of Section 5(2) which grants the Governor the right to granting statutory right of occupancy evidenced with a certificate, and effect on technical confiscation of undeveloped land.

- A. **Effect of Section 1 on the Communal Land Holding:** Section 1 refers vests all urban lands in the Governor and non-urban lands in the Local Government Councils. However, Hon. Justice Karibi-Whyte in *Ogunola v Eiyekole* (1990) 4 N.W.L.R. (pt. 146) 632 at 653 decided that "I should perhaps add that the Land Use Act does not appear to have extinguished or taken away the customary right over land held by a person, family or community. This is because the coming into force of the Land Use Act, 1978 is by that Act deemed to be the holder of its right of occupancy, statutory or customary, depending on the status of the land, that is to say whether it is situate in an urban area or other." Also, in *Abioye v Yakubu*, the Learned Jurist held that "The only change in the law which is justifiably described as radical is the radical title no longer vests in the family, community or the individual at customary law. It now vests in the Governor. But within the plenitude of the holding, the community, individual or family can still make valid alienation subject to the consent or restriction imposed under the Land Use Act-See *Salami v Oke* (1987) 4 N.W.L.R. (Pt63) 1. There is nothing in the Land Use Act, section 36(2) notwithstanding, preventing a holder of customary right of occupancy from granting customary tenancy with its accompanying incidents provided there is a strict compliance with the provisions of the Land Use Act".

(See Section 34 which provides that all existing leases prior to the Act remain, and also preserved under Section 48 which provides that all existing laws prior to the law remain valid).

- B. Effect on Customary Tenancy:** Given the case of *Abioye v Yakubu*, (1991) LLJR-SC, the Land Use Act has not abolished customary tenancy; and that a traditional land owner who now holds a deemed right of occupancy can effectively grant a customary tenancy, provided the consent provisions of the Land Use Act are complied with. According J.S.C Bello, in the *Abioye's* case, he asserts that: *“Upon the construction of Section 36 and 50 (now 51) read with the other provision of the Act, I hold that the sections were not tantamount to divesting the customary owners of their customary right vis-à-vis their customary tenants...”*
- C. Extinction of Existing Rights of Occupancy in Section 5(2):** While Section 5(1) gives the Governor the right to grant a right of occupancy, Section (2) states that: *“Upon grant of a “statutory right of occupancy under the provisions of subsection (1) of this section, all existing rights to use and occupation of the land ... shall be extinguished.”* For clarity Chukwuma-Eneh, J.C.A. rightly advised in *Lang v. Mohammed* (2000) F.W.L.R. (pt. 28) 2152, at pp. 2169-2170, in these terms: *“These admonitions are timely enough. One could foresee social mis-givings which overzealous implementation of the provisions of Section 5 (2) of the Land Use Act could wreak on the ordinary Nigerian native farmers with regard to land in non-urban area and they have begun to rear their heads through the cases coming before the courts nowadays. Going by the level of awareness of ordinary Nigerian natives, it won't be surprising if most people are very much unaware of the enormous statutory powers vested in the Governor of the State over disposition of State land under section 5(2) of the Land Use Act and its implications which in most cases if exercised injudiciously may be tantamount to arbitrary statutory revocation of previous rights, be they customary or statutory, over the land without due notice to previous holders. There is therefore good reason to read section 5(2) subject to section 28 of the Act so as to checkmate any mischief of unguided expropriation of any right of occupancy without first putting their previous holders on due notice under section 28 and bring about payment of adequate compensation, where applicable.”*
- D. Extinction of Rights in Undeveloped Land – Section 34 (5)(6):** This section provides for the extinction of the rights in undeveloped land. This section is better understood when read together with Sections 48 of the Act which provides for the preservation of exiting interest and laws respectively to the extent that the land is occupied. Notwithstanding the above provisions in Section 34(5)(6), it has been held that they do not extend to deemed customary rights of occupancy under Section 36. As Obaseki, J.S.C. noted in *Abioye v. Yakubu*: *“ In urban areas, all the rights of owners previous to the commencement of the Act in land in excess of a half hectare were expressly extinguished by subsection 5(b) and the excess land taken over by the Military Governor. See Section 34(5)(b) and 6(b). There are not such provisions in respect of land in non-urban areas; so the rights of owners other than the radical title remain unimpaired and in the full enjoyment of their owners.”* However, the provisions Section 6 puts this same authority in the Local Government Council. Though there has been no reported case of extinction of the excess of undeveloped land by any Governor; the provision is there. Thus, the main question is: Are the provisions constitutional? The answer will await a consideration of Sections 43 and 44 (1) of the 1999 Constitution below.

Effect of the Land Use Act on Alienation

According to **Sections 21 and 22** of the Land Use Act, a holder of a statutory or customary right of occupation cannot transfer possession, assign, sublease, or mortgage without the governor's permission. This law, to the extent that it does, demonstrates that the holder of a customary ownership interest stemming from deemed statutory and customary rights may alienate his property, and the new owner may do the same, prior to acquisition or revocation of a right of occupancy, statutory or customary. For

land held under a statutory or customary right of occupation grant, this will not be the case, though. When it comes to property law, alienation is the deliberate act of a property owner to give up their interest, whereas alienability, or the state of being alienable, (Busby, 2009). A restraint on alienation, in the law of real property, is a clause used in the conveyance of real property that seeks to prohibit the recipient from selling or otherwise transferring their interest in the property. Under the U.K. common law such restraints are void as against the public policy of allowing landowners to freely dispose of their property. Perhaps the ultimate restraint on alienation was the fee tail, a form of ownership, which required that property be passed down in the same family from generation to generation, which has also been widely abolished. However, certain reasonable restraints will be given effect in most jurisdictions. These traditionally include; (i) A prohibition against partition of property for a limited time. (ii) The right of first refusal – for example, if Sokari sells property to Ubile, he may require that if Ubile later decides to sell the property, she must first give Sokari the opportunity to buy it back. (iii) The establishment of public parks and gardens, as was the case for The Royal Parks of London in the UK. These public spaces were created under such terms by the Crown Estate; which meant that these parks were held in perpetuity for the public to use (Busby, 2009).

Effect of the Land Use Act on Ownership of Land by Foreigners

Foreigners have the right of ownership to land in Nigeria, however, there are restrictions and conditions imposed by the various state regulations to be complied with before such rights can be exercised. The Land Use Act has no express restrictions on the rights of foreigners to own land in Nigeria. However, the foundation for the transfer of rights of ownership of land to foreigners was laid down in **Sections 22 and 46(1)(a)** of the Act. The Land Use Act as the principal legislation has an impact on the ownership and acquisition of land by foreigners in Nigeria by Section 22 of the Act, which prohibits the alienation of a statutory right of occupancy without the consent of the state governor. The Land Use Act empowers states to make regulations and the conditions applicable for the transfer of proprietary rights to a foreigner, to give effect to the provisions of this section.

Foreign ownership of land in Australia is regulated by the Foreign Acquisitions and Takeovers Act 1975 and the Foreign Acquisitions and Takeovers Regulation 2015. Foreign investment is essential to Australia's prosperity, and it helps to build the economy and enhance the wellbeing of Australians by supporting financial growth. However, there are certain restrictions on foreign ownership of land in Australia. Non-resident foreign investors are not allowed to buy an existing home, but they can buy new homes and apartments or off-the-plan properties and vacant land. Foreign people living in Australia for no more than 12 months can buy one existing home, but they must live in it and sell it when their visa expires. If you are a foreign person and have invested in Australian residential land, you or your authorized representative must register the asset, unless an exemption applies. Foreign residents who acquire an interest in Australian real property need to apply for a tax file number, report any income from renting or selling the property, and pay any tax owing. They may also need to apply for foreign investment approval and register their residential land on the Register of Foreign Ownership of Australian Assets. The Register of Foreign Ownership of Australian Assets was introduced to increase visibility of foreign investments in Australia. The Register holds details about foreign ownership of Australian assets, including residential land, commercial land, agricultural land, registrable water interests (as in the USA), business and entity related interests, mining, production, and exploration tenements (Government of Australia, 2023).

Effect of the Land Use Act on the 1999 Constitution

The Constitution of a country is the highest legal being authority on the activities with that nation (Fekumo, 2002). The decision of Aderemi, J.C.A. in *Oludotun Adekinle Kukoyi v. Olufunso Aina* is a confirmation and correct interpretation of the constitutional right of Nigerian citizens to own property provided in the Nigeria Constitution. The view is fortified by Section 43 of the 1999 Constitution. It is

submitted that no provision of the Constitution is subject to the Land Use Act; it being not a part of the Constitution. Thus, the provisions of Section 44(1) of the Constitution, as indeed the 1979 Constitution which guarantee every Nigerian citizen the right to compensation for compulsory acquisition of his property are inviolate. This applies to both granted and deemed rights of occupancy under Sections 5(1), 6(1), 34 and 36 of the Land Use Act. For this reason, the restrictive interpretations of Sections 29(1), 5(2) and 34(5) (6) of the Land Use Act could be caught by the above constitutional provisions and could be declared unconstitutional, null and void, as being inconsistent with Section 43 and 44 (1) of the 1999 Constitution, which requires adequate compensation of personal landed property. Whereas land is a vital element and should be included when applying the cost approach prescribed in Section 29 for the valuation, putting a contradiction such as exclusion of the market value of land in the valuation pursuant to revocation of right of occupancy, which falls short of adequate compensation prescribed in the constitution, 1999 amounts to a nullity.

Effect of the LUA on the Jurisdiction of the Courts

The Land Use Act in Section 30 gives the jurisdiction over quantum of compensation for land issues to Land Use and Allocation Committee. Whereas the Constitution in Section 272 (1) subjects all civil proceedings (land matters inclusive) to the High Court of a State, thus constrains the operations of Section 30 of the Act as conflicting with the Constitution which gives absolute jurisdictional rights to the High Court of the State. Territorial jurisdiction in United States law refers to a court's power over events and persons within the boundaries of a particular physical territory. If a court does not have territorial jurisdiction over the events or persons within it, then the court cannot bind the defendant to an obligation or adjudicate any rights involving them. Territorial jurisdiction is to be well-known from subject-matter jurisdiction, which is the power of a court to render a judgment concerning a certain subject matter, or personal jurisdiction, which is the power of a court to render a judgment concerning particular persons, wherever they may be. Personal jurisdiction, territorial jurisdiction, subject-matter jurisdiction, and proper notice to the defendant are prerequisites for a valid judgment (Priest, 2006). From the foregoing it is evident that the court is the final authority over land related issues in line with international best practices.

Effect of the LUA on Mineral Act and Petroleum Act

Section 3(1) of the Minerals Act, 1946, (Cap. 226 of 1990) provides as follows:

“3. (1) The entire property in and control of all minerals, in under or upon any lands in Nigeria, and of all rivers, streams and watercourses throughout Nigeria is and shall be vested in the State, save in so far as such rights may in any case have been limited by any express grant made before the commencement of this Act.”

And Section 1 (1) of the Petroleum Act, 1969, provides that “the entire ownership and control of all Petroleum in, under or upon any lands to which this Section applies shall be vested in the State.” The lands to which the Section applies are, all land (including land covered by water) wlm h “(a) is in Nigeria, or (b) is under the territorial waters of Nigeria, ot (e) forms part of the continental shelf.”

Ownership of Minerals, Petroleum and Natural Gas

The combined effect of the provisions of the Minerals Act, Petroleum Act and Section 44(3) of the 1999 Constitution, is that minerals, petroleum and natural gas are absolutely vested in the Federal Government and cannot be the subject of ownership by individuals, families or communities, and thus no compensation is payable for the compulsory acquisition of the mineral itself; but the right to compensation for loss of other uses of the land as at date of acquisition.

Ownership of Water and Water Rights

The more recent decision of the Supreme Court in the case of *Elf Nigeria Limited v Opere Sillo* (1944) 6 N.W.L.R. (pt. 350), 258, has clarified the effect of Section 3(1) the Mineral Act on customary ownership, with particular reference to water rights. The state of the law is therefore very much as decided in *Braide vs. Adoki* (1930) 10 N.L.R 25. "The most important findings of fact to which the state of the law is relevant and has to be applied is the finding that the respondents had, on their river bank land fishermen tenants who settled on their fishing camps/settlements set up by their ancestor Sillo Jaluwa with their express permission, with the sole purpose of fishing in Esiesi River. The first question of law that now has to be determined is whether the rent "extracted" by the respondents from these fishermen tenants are "illegally" "extracted." There can be no doubt, having regard to the decision in *Braide v. Adoki* (supra), as to the rights of owners of land adjoining, abutting or encompassing tidal waterways, that the respondents are within their rights to collect rent from fishermen in this case, so long as their occupation of their land cannot be described as "temporary." In the instant case, such a description has not been canvassed and cannot in fact arise. Where the fishermen/tenants lived are fishing settlements which were set up very many years earlier by respondents' ancestor. It therefore follows that the respondents' collection of rent from its tenants/fishermen, far from being an "illegal extraction" is a legal collection. The right to free fishing in the Esiesi River cannot on the state of the law take away this right. The findings of the learned trial Judge complained both as to the existence of this right in the respondents and the consequences which flow from an interference with such rights by the appellant, are therefore in my view well considered and correct.' This opinion was wholly approved by the Supreme Court. After setting out Section 3(1) of the Minerals Act in his lead judgment, *Adio, J.S.C.* (1994) 6 N.W.L.R (pt. 350).

Acquisition and registration of land in Nigeria

In acquiring land in Nigeria, both the seller and buyer may have recourse to the following steps or procedures:

- i. The first step with making enquiries on the land to be purchased to reveal any encumbrances or physical defects on the land. This due diligence can be carried out by the purchaser's solicitor who must examine the title of the land to be purchased.
- ii. The next procedure is for the vendor to deduce his title to the subject land to be sold. This is achieved by presenting the appropriate title documents that show the history of all transactions that have been had on the land and documents relating to the land, to the purchaser or the purchaser's solicitor.
- iii. A formal contract of sale of land is executed between the purchaser and the vendor to show commitment to the sale of land. Upon preparation of a contract of sale, the following event is to take place;
- iv. Payment of a deposit of the purchase price of the land to the vendor or his solicitor;
- v. Signing of the contract of sale by parties to the transaction and their respective witnesses;
- vi. Issuance of the purchase receipt by the vendor to the purchaser;
- vii. Handing over all documents affecting the land by the vendor to the purchaser.
- viii. The next step required is for the purchaser's solicitor to investigate the root of the title of the land. Investigation can be carried out at the land registry, court registry, probate registry, Corporate Affairs Commission, and also carrying out a physical inspection of the land.
- ix. After due diligence has been conducted and the contract of sale of land has been exchanged between parties, the next step to the acquisition of land is to prepare a deed of assignment stating the terms of the transaction. At this stage, the balance of the purchase price of the land is paid and the deed of assignment is executed between the assignor (vendor) and assignee (purchaser).
- x. The final step in the land acquisition process is for the perfection of the title acquired. There are three major procedures required for the perfection of the title, which can be summarized as follows:
 - a) Obtaining Governor's consent,

- b) Stamping of the property transfer instrument; and
- c) Registration of the document.

Challenges of Implementation of the Nigerian Land Use Regulation System

Indigenous land owners have the right to their land and can alienate same without the need for a statutory right of occupancy rather the original owner can determine if the current owner can alienate same or not as practiced in the United States of America, (OECD, 2017). Two important elements of a land administration system are (1) the registry, which records the rights to land, and (2) the cadastre, which provides information on the location, boundaries, use, and values of land parcels with each aspect managed by a particular agency as against the practice of a single agency performing these functions. However, in many countries a dual or multi-agency model is used, reflecting historical and political realities. A comparison of the World Bank Group experience across projects using different institutional structures indicates that there is no single best model for carrying out these functions and the structure alone will not ensure that potential efficiency gains are realized. The most effective institutional model for these functions is the one that best matches the prevailing political and institutional context of the country in which it is administered. There are a number of ways in which effective arrangements for coordination and data integration across institutions can be brought about, irrespective of the particular institutional model (World Bank, 2016). Making land tenure more secure is a process, not a single event. It is also a very context-specific concept, with no absolute standards by which security of tenure can be defined. Interventions tended to have better results when they were sufficiently tailored to match a number of local conditions. This included having a comprehensive understanding of the underlying sources of tenure insecurity in a given context, and ensuring that projects are adequately tailored to address them. Incrementally strengthening the legal and policy framework was integral to the process, as was factoring in local capacity to implement the proposed measure and sustain project activities, and taking measures to enhance this capacity. Long-term support and political commitment is another significant factor, which had bearing on many of the other issues. Reforms are often needed in non-land sectors. At the same time, due to their complexity, land projects are best handled as stand-alone operations rather than as part of multi-sectoral operations. Project expectations need to be set taking into account the necessary reforms and inputs across all sectors, and a realistic assessment of what can be achieved through a single land operation (Priest, 2006).

Thus, the following itemized flaws:

Table 1: Challenges of the Nigerian Land Use Regulation System

CHALLENGES ON COMPENSATION										
Continent	Country	Categories Heads (Items) of Claims								
		Land	Improvement / Building	Severance	Injurious Affection	Disturbance	Solatium (Disruption, Nuisance, Inconvenience)	Special Value	Crop	
Europe	UK	√	√	√	√	√			√	
North America	Australia	√	√	√	√	√			√	
Pacific	Nigeria	√	√	√	√	√	√		√	
Africa	USA		√						√	
OTHER LAND USE CHALLENGES										
Continent	Country	Multiplicity of Land Laws	Land Racketeering and Speculations	Alienation Restrictions	Extinction of Existing Rights, except those under customary law	Dispossession of Undeveloped Land	Arbitrary Implementation Risks	Lack of Awareness	Challenges for Foreign Land Ownership	Potential Legislation Conflicts
		Europe	UK							

North America	USA									
Pacific	Australia									
Africa	Nigeria	√	√	√	√	√	√	√	√	√

Source: Adapted from Olanrele *et al.* (2017)

Key Notes on Categories:

- Multiplicity of Land Laws:** The concurrent operation of customary laws, state land laws, and the Land Use Act has led to legal conflicts and complexities in land administration (Olasunkanmi *et al.*, 2021).
- Land Racketeering and Speculations:** The enactment of the Land Use Act introduced issues like land racketeering and speculative activities, which hinder equitable access and management of land (Fortune-Ebie, 2007). Other countries regulate speculative activities effectively.
- Inadequate Compensation Payments:** Compensation is inadequate given that rights of occupancy on land holding is revoke. Compensation frameworks are standardized in **UK, USA, and Australia**, given the land is acquired under compulsory purchase.
- Alienation Restrictions:** Sections 21 and 22 of the Land Use Act impose stringent restrictions on transferring, assigning, or subleasing land without gubernatorial consent, complicating land transactions. Not applicable in the UK, USA, or Australia, which allow flexible land transfers.
- Extinction of Existing Rights:** Section 5(2) extinguishes existing rights upon granting statutory rights of occupancy, often leading to disputes and grievances from previous landholders, except customary rights. Not applicable in the UK, USA, or Australia, which allow flexible land transfers.
- Dispossession of Undeveloped Land:** Sections 34(5) and 34(6) allow the government to extinguish rights over undeveloped lands, particularly in urban areas, creating uncertainty and fear of dispossession. Undeveloped land is often protected or compensated in UK, USA, and Australia.
- Arbitrary Implementation Risks:** The broad powers granted to governors under Section 5(2) and inadequate notice provisions can result in arbitrary or unjust revocation of land rights. Governance structures in UK, USA, and Australia emphasize accountability.
- Lack of Awareness:** Limited awareness among rural and native populations regarding the statutory powers of governors over land has led to misunderstandings and unintentional violations. Public education mitigates this in UK, USA, and Australia.
- Challenges for Foreign Land Ownership:** While foreigners have the right to own land, the lack of express provisions in the Act, combined with state-imposed restrictions, creates uncertainties for foreign investors. Foreign ownership laws are clear in the UK, USA, and Australia.
- Potential Legislations Conflicts:** Sections of the Land Use Act, such as 29(1), 5(2), and 34(5)(6), may be at odds with constitutional provisions like Sections 43 and 44(1), which guarantee rights to property and compensation, potentially rendering parts of the Act unconstitutional. Legal frameworks in UK, USA, and Australia align with constitutional mandates.

Methodology

This study adopts a retrospective research design utilizing secondary data sources obtained from extant studies. A literary analysis approach is employed to generate findings. The focus is on analyzing existing literature related to the Nigerian Land Use Act (LUA) and comparing its provisions and challenges with

those in developed nations – USA, UK and Australia, particularly in relation to compensation, land laws, and customary ownership.

Findings

The findings of the study is structured to show the challenges in the Nigerian Land Use Regulations while showing the lessons which can be used to foster better practice in line with international best practices:

- i. **Effect of LUA on existing Rights and Laws:** The study has shown that the Land Use Act have not affected customary ownership of land. That Act created the right of occupancy or a lease, Sections 5, 6, 34 and 36. The study further shows that interest and transactions created prior to the commencement of the Act is preserved under Section 48. Extinction of rights in undeveloped land shows that the Government can possess ancestral undeveloped lands to the extent that it is consent with Section 34(5) (6) which proofs the LUA is inconsistent with the provisions of the Constitution Section 44. Section 44 of the Constitution provides for all Nigerians to have the right to their landed property, cannot be collected forcefully except with prompt method of valuation. This issues becomes pertinent as Section 29 (4)(a) of the Land Use Act which provides a method of valuation but does not take into account the value of ‘land’ in valuation for compensation unless it is covered with a Certificate of Occupancy upon which rent has been paid in the year of revocation. Furthermore, the study showed that procurement of the Governor’s consent is a prerequisite for alienability of lands. This means all lands without such consent cannot be alienated, except in case where the owner does present the deemed right of occupancy held for a formal grant of a statutory or customary right of occupancy. However, without a certificate evidencing the grant, start-up businesses and investors who have large portion of lands cannot be able to assess loans from the bank who rely on it as the main evidence of proof of title (See Section 5, 6, and 34, 36 preserved under Section 48). Also, the study determined that given the extant laws, Mineral Act and Petroleum Act and Water and Water Rights shows that all mineral, petroleum and water resources belongs to the government. However, it is further determined in the case where the customary rights is granted a landowner over the water resources in non-navigable waterways. (see the case of Briade discussed above).
- ii. **Lesson to Learn from Developed Nations**
 - (a) **On customary ownership of Land:** The Act preserves the customary rights of indigenous settlers as practices in developed nations. The Act allows for people to benefits from family and communal shared allotted landed property through inheritance. This is further emphasised by the preservation of **Customary Tenancy** where customary tenants can continue with traditional mode of transaction to the extent that it does not contravene the Act. This is in line with International best practices as enshrined in ILO Convention 169, which provides in Article 14 that ‘the rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised’.
 - (b) **Existing Rights of Occupancy:** From the study it was visible to determine that all customary ownership and deem rights of occupancy was maintained by the Act to the extent that the land owner’s interest continues to subsist as preserved until it is exchanged with a formal grant of a right of occupancy statutory or customary. However, this right becomes extinguished upon revocation by the Governor, which contravenes the dictates of the Nigerian Constitution, 1999, if adequate compensation is not paid. In the U.S rights of occupancy held by citizens cannot be extinguished, since citizens hold the right to proper valuation for compensation when purchased by government for public good (Priest, 2006). Nigerian land regulations goes contrary, for instance

Section 29(1) of the LUA, deliberately excludes compensation for injurious affection which was existing in the Land Tenure Law, 1962 except for compensation under the Oil Pipeline Act, 1956.

- (c) **On Rights over Mineral Resources and Water Ways:** The Nigerian LUA grants all mineral, petroleum and natural gas, to the Government, based on the 1946 Mineral Act. Also, waters and its resources belongs to the Government except for settlers whose lands are by the river bank and so settle for its benefits. However, in the USA private land owners own the land right and its economic benefits. In the case of *United States v. Carolene Products Co. (1938)*, which indicated that economic regulations were to be deemed valid, and would receive only cursory due process review under a highly deferential “rational basis” test. This double standard of judicial review finds no support in the text of the Bill of Rights or in the Supreme Court’s pre- 1937 decisions. As we have seen, the framers regarded economic and other personal rights as inseparably linked. There is no evidence that they expected more searching judicial scrutiny for liberty interests than for property interests, however, Nigeria’s laws goes against the practice (James, 2016).
- (d) **Alienability:** Our study showed that LUA does allow for alienability of land “without a prior consent of the Governor first obtained”. However, with a formal grant of right of occupancy by the Governor all customary and deemed statutory rights is extinguished and a consent is required to alienate such property. The main issue arises where the fair value or market value of land without a Certificate of Occupancy is not considered but the ground rent paid in the year of revocation, which makes the compensation inadequate. But, that is not the case in the United Kingdom where land is held by the crown, but individuals hold the land in fee simple absolute thus allows for fair value or market value compensation.
- (e) **Registration of Land:** The consent required from the Governor in land registration makes it bureaucratic and burdensome in acquiring landed property through the LUA, moreover, the stock of land held under customary law comprising customary ownership and right of occupancy prescribed in Section 34 and 36 of LUA are not determined and title arising from them not also register-able unless and until a certificate issued in evidence of change of its status of deemed grant to formal grant of a right of occupancy. As such an automated system of land registration is encouraged as practiced in developed nations. For example faced with such challenges as corruption, delays and malpractices in land registration, in 1998, the Indonesia’s National Land Agency (known by the abbreviation BPN, for Badan Pertanahan Nasional) enacted new laws, reoriented its mission toward serving the public, and in 2004, the government of President Susilo Bambang Yudhoyono began to introduce the reform. Permitted to use a substantial share of the fees it collected to finance its operations, the BPN began to pursue new policies. It partnered with the World Bank to title unregistered land and rolled out a new land database that digitally stored all new transactions. It equipped vehicles to deliver mobile land registration services in rural areas, and worked with other ministries to design a comprehensive One-Map for the country, which has improved efficiency and sharply increased the pace of property registration (World Bank, 2016).
- (f) **Jurisdiction of the Court:** The study showed a conflict of interest in the final authority civil land cases which has to do with compensation. How this study has been proven trite that all laws in a land are subject to the constitution of the nation. Noteworthy is that, the courts have so proof, by enforcing international best practice in Nigeria in numerous land compensation cases as the legal authority of land disputes. See - *The Shell Petroleum Development Company of Nigeria Limited (Appellant) VS Chief Truelove Oruambo & 10 Ors, and Nkuma v Odili (2006) 6 NWLR (Pt. 977) 587*. Where has been determined that the jurisdiction of the State High Court is not ousted, in a claim for agreed compensation for land acquired for oil and gas exploration. Given the foregoing, the court held that the 1st to 9th Respondent’s action cannot come under Section 251(1)(n) of the 1999 Constitution and Section 7 of the Federal High Court Act, as to oust the jurisdiction of the State High Court.” However, Umah (2018) opines that no court in Nigeria has Right to entertain cases of adequate compensation. Whereas in the United States and United Kingdom injurious affection amongst others are accounted for in all land related compensation for compulsory

acquisition, (See, Table 1). Thus, the Nigerian land law (LUA) denies landowners their right to just compensation.

Summary

The study thus far, shows how land use regulations in Nigeria do not align with international best practices. Land as defined in NURP Act, Cap N138, LFN, 2004, S.91 (FGN, 2004); Land Use Act, Cap L.5, LFN, 2004, Ss. 29(4), 51 (FGN, 2004); RSPPD Law, No.6, 2003, S.105 (RSG, 2003) qualifies billboards possessing the characteristics of tenement as real properties (Acumentis, 2024), hence rateable hereditament (Charlottemi, 2021; George & Akujuru, 2022).

The Nigeria Constitution, 1999, S.7(5), 4th Schedule, Items 1(j),(k)(i) &(ii) vests assessment of properties and control and regulation of outdoor advertisement in the Local Government (FGN,1999). Also, Local Government is to impose tax on billboard vide Taxes and Levies (Approved list for collection) Decree No.21, 1998, LFN, Part III, item 20 (FGN, 1998). Mostly, to have an exemplary discuss, the study focuses on the billboard valuation for local taxation, where, the authority of the Local Government is usurped by the State Government in Nigeria (for example, the RSOSA Law, No.2 of 2015, deemed not only inconsistent with Nigerian Constitution, 1999, (as amended), but also lacking in guideline to determine land value and its assessment for rating, yet ascribing arbitrary fees on billboard is considered short of standards leading to the existing unfair tax in the area), and further conflicting status of the legislations (for example, the RSLG Law, No.5 of 2018, S.86(1) (RSG, 2018:35) prescribes the cost approach to value real properties (tenements) for rating purposes in the absence of market evidence; however, excludes billboard in S.79 (RSG, 2018, 34) making the law inadequate and conflicting to fix standardised local tax for it. Hence, the government of Nigeria should imbibe international best practices on land use regulations in Nigeria.

Conclusion

The experiences of the United States, the United Kingdom, and Australia offer important lessons that Nigeria can apply to improve its land use management system. First, Nigeria can benefit from adopting stronger property rights protections, similar to those in the United States, where land acquisition for public purposes is contingent on just compensation. This would provide greater security for landowners and encourage investment. Additionally, Nigeria could introduce zoning laws that tailor land use to specific community needs, reducing the prevalence of unplanned settlements and promoting more structured urban development. The UK's approach to integrating public interests into land development through mechanisms such as Section 106 agreements could also be applied in Nigeria. By requiring developers to contribute to public infrastructure and social services, Nigeria can ensure that land development benefits the broader population, particularly in areas where access to affordable housing and public services is limited. Moreover, Australia's recognition of indigenous land rights through the Native Title Act offers a model for Nigeria to better incorporate customary land tenure into its formal land management system. By recognizing the land rights of indigenous communities, Nigeria can reduce conflicts over land ownership and promote more inclusive economic development. Additionally, adopting a land registration system similar to Australia's Torrens Title System would simplify land transactions, provide certainty of ownership, and encourage more investment in land and property development. Thus, while Nigeria's Land Use Act of 1978 was designed to reform the land tenure system and make land more accessible for development, it faces significant challenges, including issues related to land ownership rights, bureaucratic delays, and land fragmentation. By learning from the experiences of developed nations, Nigeria can improve its land use management system to promote more sustainable urban and rural development. Strengthening property rights, simplifying land acquisition processes, and providing greater security for landholders will encourage investment in real estate and infrastructure, fostering economic growth and alleviating the pressures associated with rapid urbanization. Furthermore,

by incorporating customary land rights into the formal land management system, Nigeria can ensure that land use decisions are more inclusive and equitable, contributing to long-term sustainable development.

Recommendations

Given the findings, the study thus recommends:

- i. **Strengthen Urban Planning Frameworks:** Adopt comprehensive zoning laws to guide urban expansion, ensuring that land use is appropriate for demographic developments. Land alienability right to property owners.
- ii. **Enhance Land Tenure Security by Leveraging on Technology:** Invest in technological tools such as GIS to improve land use management, data collection, and enforcement of regulations. Automated registry, which reduces, and registration times and corrupt practices. Develop streamlined land registration processes that clearly define ownership and use rights, fostering confidence among investors.
- iii. **Integrate Environmental Policies:** Estate Surveyors and Valuers should adequately inform landowners of their rights, risk and benefits of land ownership. This will better equip them on legal issues, foster inclusive development and improved nation building. Implement mandatory EIAs for all developmental projects to protect natural resources and promote sustainable practices.
- iv. **Encourage Public Participation:** Establish platforms for community involvement in land use planning, promoting inclusive decision-making methods.

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