Overview of Developments in Land Administration and Physical Planning Practice in Nigeria

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Abstract

Land administration and physical planning are fundamental instruments for achieving orderly and sustainable urban development. In Nigeria, rapid urbanisation, population growth, infrastructural expansion, and increasing pressure on land resources have significantly influenced the evolution of land administration systems and physical planning practices. This paper provides an overview of the historical developments in land administration and physical planning practice in Nigeria, highlighting major reforms, institutional frameworks, policy initiatives, and emerging challenges. The paper identifies persistent challenges, including weak institutional coordination, inadequate implementation of planning regulations, corruption, land conflicts, limited technological integration, and insufficient professional capacity. The study concludes by emphasising the need for integrated land governance, participatory planning, and policy reforms to improve efficiency, transparency, and sustainability in land administration and physical planning practices in Nigeria.

Keyword: Land Administration, Physical Planning, Physical Development

Introduction

Land is a key factor in the economic growth and development of any state. It is the foundation for basic human needs: food, clothing, and shelter. Besides, it is a source of revenue and an indisputable source of employment, prosperity, and wealth. It is generally indestructible, inexhaustible, yet inelastic (Schmitt, 2022; Özdilek, 2025). It constitutes the foundation of societies, cities, and all economic, social, cultural, physical and political activities. Land has historical, cultural, social, and spiritual significance to communities and individual holders, particularly in Africa, India, Asia, and Latin America. Conventional religions across these continents insist that tampering with monuments marking land boundaries is an abomination (Ukaejiofo, 2010; Deopa & Rinaldo, 2023). Therefore, as a source of wealth and a platform for all human activities, land management is highly sensitive and requires careful handling to avoid social and political conflicts.

Land remains the principal matter in the governance of any nation. Many of today's challenges in the world, ranging from insecurity, climate change, deforestation, rapid urbanisation, increased demand for natural resources, food, water and energy insecurity, natural disasters, and violent conflict, are land-based. Palmer (2014) concurred that many of these challenges have a clear land dimension. Deininger and Enemark similarly observed that '*the key challenges of the new millennium have been clearly articulated. They relate to climate change, food shortage, energy scarcity, urban growth, environmental degradation, and natural disasters. These issues all relate to the governance and management of land'* (Deininger & Enemark, 2010, p. 1). It is therefore evident that the place of land in modern-day governance cannot be overemphasised. It touches the very fundamental fabric of society.

In response to these challenges, countries across the globe have established systems for distributing and managing land rights to ensure that land parcels are identified, demarcated, and documented, and that inherent rights are secured. For instance, Nigeria's land governance systems were created to ease access to land for all in the wake of growing pressure for economic development. These systems of governance have been reviewed over the years. To evaluate these contemporary issues in physical planning more systematically, this paper synthesises and summarises the land administration process and physical planning across different periods in Nigeria. The ensuing literature review explains the concept of land governance and provides an overview of land policy issues in Nigeria. The relationship and relevance of land governance issues to town planning practice in Nigeria are also discussed. At the same time, the paper further presents the implications of these for urban and regional planning education in the country. The paper thereafter offers a conclusion and

recommendations for prioritising land policy improvements in Nigeria.

Literature Review

The Concept of Land Governance

Land governance focuses on decisions about land access, use, and the resolution of competing interests. It is also concerned with the procedures through which the resolutions are implemented. Land governance is aimed at controlling the nature, pace, extent and direction of access to, control over, and use of land resources. Land governance is also concerned with physical development plans, development control mechanisms, land acquisition, compensation, rehabilitation, renewal and upgrading, among other matters. According to a Food and Agriculture Organization (FAO) report (2014), 'Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed'. It is about the policies, processes and institutions by which land, property and natural resources are managed. This includes decisions about land access, land rights, land use, and land development. Land governance is primarily concerned with determining and implementing sustainable land policies (Deininger & Enemark, 2010).

Land Governance in Nigeria

Land governance in Nigeria can be classified into the following periods: pre-colonial era (before 1854), colonial era (1854–1960) and post-colonial era (1960 to date).

Pre-colonial Period Land Governance

Under traditional land law, land was owned by individuals, families, or the community. The right to inherit land was a major form of social security. It was vested in chiefs, emirs and family heads that held the land in trust for members of the community or family until the Treaty of Cession of Lagos to Queen Victoria in 1861. In other words, land use administration was vested in traditional rulers or community heads. The Obis, Obas, and Emirs in the eastern, western, and northern parts of the country, respectively, had the legal status of trustee beneficiaries of the land. They had the power to allocate, re-allocate and supervise land use.

In the North, land under customary law was an inalienable property belonging to the whole community and administered by the Emir. Additionally, Islamic law was being applied in the Northern Protectorate. Under this law, land was administered in three categories: occupied land, unoccupied land, and common land (acquired through warfare, cession, or treaty and used for grazing, markets, or as praying grounds). Islamic law allowed women to inherit land, a practice that differed from what was observed in the southern part of the country. Land inheritance in the Southern protectorate (including the now South-East, South-West and South-South Zones) was through patrilineage. Except through their sons, women were not allowed to inherit land. Formal documentary records of land titles were largely absent. At best, traditional monuments and other prominent natural landmarks set the boundaries.

The colonial period land governance (1854–1960)

With the advent of colonial administration, traditional land governance systems declined sharply. Land fragmentation and individualisation started. Legal documentation also became imperative. Land registration was introduced in Nigeria in 1863 to provide a register of basic land rights. That law underwent a series of amendments, culminating in the Title Registration Act of 1935. Until 1935, land tenure was governed by the "Land and Native Rights Proclamation" law introduced in the Colony of Lagos and the Southern Protectorate in 1900 and in the Northern Protectorate in 1901. The two laws, however, were not exactly similar in content because of political exigencies.

The English Land Tenure System was gradually introduced into the Nigerian legal system under English Common Law, and the Crown Lands Act (later renamed the State Lands Act) eventually formalised land administration in Nigeria, particularly for lands in the Lagos Colony. The law was adopted as the Crown Lands Law of Western Nigeria for the administration of lands within the then Western and Mid-Western Regions. Likewise, the State Lands Law of Eastern Nigeria was also adapted from the Crown Lands Act for the administration of state lands in the then Eastern Region. The provisions of the various laws (for the Western and Eastern Regions) were substantially similar. However, they differed significantly from the law governing land management in the Northern Region, where land continued to be held by the Emirs in trust for the citizens.

The Land and Native Rights Proclamation, introduced in 1910, declared all native lands and rights in land in the Northern Region to be under government control. The nationalisation was consolidated by the Land and Native Rights Proclamation of 1914. The major difference between the laws in the South and the North was that freehold tenure was permitted in the South, whereas only leasehold tenure was permitted in the North. The

unfortunate implication of the situation was that three different laws governed land administration in Nigeria, while a single law (the Title Registration Act of 1935) governed land registration. Furthermore, the laws, especially those concerning the North, significantly weakened the existing traditional land rights system without taking into account the people's culture and traditions.

The post-colonial period (1960–to date)

The nationalisation that was consolidated by the Land and Native Rights Proclamation of 1914 was repealed and re-enacted as the Land and Native Rights Ordinance of 1961. The Land Tenure Law of 1962 later replaced this. Nonetheless, the law still reaffirmed the provisions of the Native Rights Proclamation Law of 1910. Thus, while the State Land Law of the Southern Regions applied only to State lands, the Land Tenure Law of 1962 applied to all lands in the Northern Region, which was referred to as "native land".

The Federal Military Government of Nigeria enacted a Land Use Act (Decree No. 6) in March 1978, which purports to take over the ownership and control of land in the country, thereby providing a uniform legal basis for a comprehensive national land tenure system. The Act establishes procedures for the transition from customary to state-sanctioned land tenure by replacing traditional owners or local chieftains with state authorities in drafting the working rules governing the use, occupancy, and transfer of land. Article one of the Act states that "*all lands comprised in the territory of each state in the federation are hereby vested in the military governor of the state*". The Act has been designed to address several problems encountered by various land-based operatives since colonial times. It addressed four important issues arising from the former tenure systems. These are the problems: lack of uniformity in the laws governing land use and ownership; uncontrolled speculation in urban land; unequal access to land rights; and fragmentation of rural land arising from the allocation of traditional inheritance principles. It approaches these issues through three strategies: the investment of proprietary rights in land in the state; the granting of user rights to individuals; and the use of an administrative system rather than the market in the allocation of land rights (Olayiwola & Adeleye, 2006; Land Portal, 2021). Thus, the affirmed purposes of the Land Reform Act are to make investment in agriculture attractive by removing uncertainty over land control and curbing speculation in urban land. The others are creating opportunities to occupy land generally available to all Nigerians across the country, thereby facilitating the mobility of resources, especially human resources, and reallocating rural land to large-scale farmers to facilitate large-scale farming (Fabiyi & Idowu, 1993). The Act emphasises the public purposes of protecting the rights of all Nigerians to the land of Nigeria. The preamble to the Act states "whereas it is in the public interest that the right of all Nigerians to the land of Nigeria be asserted and preserved by law; and whereas it is also in the public interest that the rights of all Nigerians to use and enjoy land in Nigeria and the natural fruits thereof in sufficient quantity to enable them to provide for the sustenance of themselves and their families should be assured, protected and preserved". The responsibility of implementing the act has passed to individual states and their constituent units of the local government. The act provides for the establishment in each state of a "land use allocation committee" to advise the governor and to have jurisdiction in disputes over any compensation that may arise. Similarly, provision is made for a "land allocation advisory committee" to advise each unit of local government regarding the issuing of customary certificate of occupancy to applicants for rural lands.

A new land governance reform in Nigeria was introduced by the Land Use Act, Cap. L.5, of 2004. This was an amended version of the 1978 Land Use Decree. It changed the land tenure system by unifying the various land laws in force across the country. Various factors motivated the government to enact the Land Use Act. The First is the desire to introduce a uniform land tenure system in the country. The Act sought to unify and harmonise the land tenure system for the entire country. Secondly, there is a desire to improve access to land for all Nigerians, regardless of where they live. Furthermore, there is a rising demand for land by the Federal and State Governments for public purposes. Additionally, there is a need to curb the rising cost of government compensation for land acquisition. In line with its gender equality principles, the Act also aims to eliminate gender inequity by making land available to all Nigerians – male and female. The implementation in these respects, however, does not seem to have been effective, as the provisions have not been well understood by the implementing agencies (Ukaejiofo, 2010; Land Portal, 2020).

Another ground-breaking land governance reform in Nigeria is the establishment of the National Technical Development Forum on Land Administration (NTDF). This was an effort by the Federal Government to ensure a mutual exchange of ideas between the two levels of government (Federal and State) to understand better and interpret land laws, thereby improving land administration processes and procedures nationwide. The Forum was inaugurated in April 2006 as a follow-up to the National Council

on Housing and Urban Development's earlier resolution in November 2005. The membership consists of Land Officers (Estate Surveyors and Valuers), Cadastral Surveyors and Registrars of Deeds. Besides, the heads of the Lands Department, the Surveyors-General, and the Chief Registrars of Deeds in the States are involved.

The ultimate aim is to standardise and harmonise land administration and land registration processes across all the states of the federation, following a careful appraisal of the existing system. In particular, the Forum's terms of reference include agreeing on ideals for the uniform operation of land administration across the country. They also include agreeing on software standards to enable future interoperability and establishing a consistent data-recording format and data-capture methods. The Forum is also expected to simplify the preparation of maps using modern technology and establish common conventions for representing cartographic features. In addition, it seeks to improve the land administration and registration process.

Another function of the Forum is to provide a platform for sharing best practices among states, a cost-effective way to improve land administration across Nigeria. It also works towards creating a uniform environment for property ownership and land rights throughout the country. Furthermore, the Forum is expected to generate process descriptions to help states prepare technical manuals for capacity building and effective staff training. It also seeks to instil a sense of national common purpose and provide a network for mutual support and open exchange of ideas. Finally, the Forum aims to prevent unnecessary duplication of effort, reduce potential waste of public funds, and promote cordial relations between state and federal governments.

Advancing land governance in Nigeria involves introducing modern technology into the land records management system. The Federal Land Information System (FELIS) project, initiated in 2004 and commissioned in March 2006, adopted the use of a Geographic Information System (GIS) in its land records computerisation programme. Some state governments have also embarked on similar projects. Part of this effort is to standardise modern processes and procedures to encourage data exchange and interoperability. Currently, Nigeria has about 38 land registries at both the Federal and State levels, with varying standards. The ultimate plan is to establish a National Land Depository. The National Land Depository is intended to be the hub for all land records data and a clearinghouse for land records information exchange in Nigeria (Ukaejiofo, 2009; FMHUD, 2025).

In addition to existing land governance initiatives, the Federal Government recently established a Presidential Technical Committee on Land Reform (PTCLR) to implement its Land Reform programme. The mandate includes collaborating with states to provide technical assistance for undertaking a nationwide land cadastral inventory; determining individual "possessory" rights using best practices to identify and register land titles; encouraging states and local governments to establish an arbitration mechanism for resolving land ownership conflicts; establishing and maintaining a national depository for land title holdings and records in all States of the Federation and the Federal Capital Territory; and establishing a mechanism for land valuation in both urban and rural areas across the Federation. The Committee is working to undertake a comprehensive inventory of individual landholdings and document it. This is an ambitious but necessary exercise, and the Government is committed to it. The idea is to map and document every inch of Nigeria's 923,768 sq km of land. This would entail a high level of collaboration with state and local government authorities to provide a large-scale cadastral map of Nigeria. Individual states would also be encouraged to reorganise their land registries to interface with the proposed National Land Depository. The ultimate aim is to introduce an effective, transparent and integrated approach to sustainable land governance in Nigeria. The Committee is expected to coordinate more effectively the individual efforts of local governments, states, and the federal level, and to harmonise the outcomes.

Relationship and Relevance of Land Governance to Physical Planning Practice

Land governance in Nigeria has physical planning implications, such as land use, urban areas, resettlement of persons affected by the revocation of rights of occupancy, developed and undeveloped land, and the erection of any building, wall, fence, or other structures upon any land, among others.

The main intent of land governance in Nigeria is to protect the public interest by facilitating access to land in sufficient quantities for Nigerians' use, for whatever purpose. As humans use land, environmental alterations and abuses are inevitable (Akanni, 2013; Usman, 2024). To safeguard the physical environment from the effects of human overutilisation of land, various land-use developments need to be managed (Anierobi & Efobi, 2013). The means through which this is done is physical planning. This generally relates to the use of land, or the spatial expression of the desired form of social and economic development to be implemented on the ground (Okoro, 2014). Physical

planning also protects public interests, namely the safety, comfort, and functionality of the settlement's inhabitants. In essence, the relationship among the processes by which land is made available for use, development activities, and land use management/control is likened to a system (Obialo, 1999). Ibrahim (1998) further categorised these systems into activity systems, development systems and environmental systems and made clarification as follows:

Activity Systems

Activity systems concern how people, through institutions such as households, firms, and governments, organise their affairs to meet human needs, and how these institutions interact with one another in time and space. Activity systems determine the demand for various urban spaces, such as housing, recreation, commercial, and urban facilities and infrastructure.

The Land Development System

The land development system focuses on processes that convert space and adapt it for use by activity systems. The principal agents in the development system include predevelopment landowners, developers, consumers, financial intermediaries and public agencies. They relate to the supply side of the urban development process.

The Environmental Systems

This is the third class of systems that influence urban development, in that it provides the niche for human existence, the habitat, and the resources to sustain man. These include plant and animal systems and the fundamental processes involving water, air, and matter. Environmental systems function both to constrain and to enhance the functioning of the other two system classes.

Despite the intricate relationship between land governance and physical planning, there are observable shortcomings in the land-use regulation enacted to guide the process in Nigeria. The Act does not recognise the role of physical planners in the control and management of land. In the first instance, the Act specifies estate surveyors, land officers, and legal officers as members of the Land Use Allocation and Advisory Committee, without mentioning a physical planner, who is the custodian of the physical environment. Excluding town planners from land-use management weakens the professional basis for orderly physical development (Oyesiku, 1998). While the Act alienates physical planning from control and management, it does not accord planning the priority it deserves as an important activity that would ensure the orderly development of various land activities. This is because no due reference was made to the existing planning laws and indeed any future planning law. Moreover, the Act does not adequately define what constitutes an “urban” area. This leaves classification largely to the governor’s discretion and may create room for inconsistent implementation.

Nevertheless, land governance is significant to Urban and Regional Planning in many ways. First, it is a form of development control, as it limits the amount of land an individual can own and keep in both urban and non-urban areas. Furthermore, government land acquisition would facilitate urban expansion. This makes ethnicity less of a factor in land ownership in urban areas, as indigenous groups often control land. To encourage the non-indigenous population to have access to land, and to curtail land speculation by limiting the amount of land owned by individuals, the legal status of the Nigerian land user becomes that of statutory occupancy, not of ownership. In contrast, the economic interests and benefits of 'statutory rights of occupancy are severely limited by law since proprietary interests in land are lost as claims are restricted to unexhausted improvements made on the land. Thus, land governance enables the Government to control the uses to which land can be put across the country and facilitates planning and zoning programmes for specific uses.

Land governance empowers the governor to revoke rights of occupancy for reasons of overriding public interest. Prior to the introduction of certain land governance strategies, particularly the Land Use Act, landowners demanded exorbitant compensation whenever the government acquired land for project execution. Thus, the acquisition of land by the government or individuals was becoming almost impossible in Nigeria. The land governance system sought to break up large landholdings, thereby facilitating the transfer of land for housing development and encouraging the rehabilitation of older indigenous areas in prime commercial locations in city centres.

Through state ownership and control of land and the trusteeship arrangement, land speculation, which largely accounted for the astronomical rise in land values, especially in urban areas, was eliminated. Speculators now found alternative outlets for their capital and entrepreneurial ability, and this has contributed to the stabilisation of land value. Such stabilisation has, in turn, contributed to the stabilisation of government project costs, especially in the country's urban areas. Since all the undeveloped land in every state has been vested in the Governor, the physical planner can plan vacant land and zone any part thereof for any use, including public open space.

The land governance system enables the town planner to plan so that different land uses are arranged in the most pleasant and beneficial relationship for the good of the people in the area. This is because the end product of urban and regional planning is the optimal use of land in any area for the good of the people in the affected area within a given time frame. Land governance imposes obligations on the right holder to utilise their land, while also setting out the consequences of breaching these obligations. The strongest argument for introducing rights of occupancy was that it facilitated planned development as part of land tenure. Under common law, the freehold system gives the owner broad discretion to use or leave land unused. By contrast, the right of occupancy links security of tenure to land utilisation.

Land governance was intended to improve access for the average Nigerian. There have also been reductions in the incidence of land disputes. Land governance has regulated the manner and type of developments on the schemes to ensure that land is used and developed in accordance with the best planning principles. Of course, the foregoing is among the overall objectives the land governance policy intends to achieve.

Implications for Urban and Regional Planning Education

As shown above, land Governance is significant to Urban and Regional Planning in many ways. For effective professional training, land governance issues ought to be included in the general Urban and Regional Planning educational curricula. The curriculum consists of all the learning experiences that the learner undergoes under the guidance of a school, directed towards acquiring certain skills or competencies (Wassagu, 2002; Adewale, 2021). Hence, a town planner's education and practical experience must include not only planning law and administrative procedures but also elements of land law and the governance system in Nigeria.

Conclusion

This paper has attempted an overview of land governance in Nigeria. While it is not exhaustive, it has highlighted both the improvements and the challenges, especially in physical planning. Realistically, the land governance process has made it easy for the government to acquire sufficient land for public use and to facilitate citizens' access to land. However, in some cases, land is sometimes acquired for political consideration, thereby depriving the poor and the less privileged in society. Similarly, the frequent displacement of residents from prime areas without alternative accommodation or land remains a major concern in Nigeria. The country's land use and management system has not accorded planning the priority it deserves as an important activity that would ensure the orderly development of various land uses. There is, therefore, a mismatch in the process, which in most cases results in haphazard development in cities. Notwithstanding the limitations, shortcomings and oversights as observed in the regulation guiding land use management, frantic efforts have been made to institutionalise the process. To make it work, the handlers need to be more humane. At the same time, the legal and administrative framework should be reviewed to incorporate town planners to facilitate effective collaboration and ensure an orderly environment.

References

Akanni, A. A. (2013). Town planning laws and location of mosques in Nigeria: Imperatives for integration, *International Journal of Humanities and Social Science, 3*(1), 41–68.

Adewale, T. (2021). Curriculum theory and implementation in Nigerian schools. National Journal of Educational Research, *12*(1), 67–89.

Deininger, K., & Enemark, S. (2010). Land Governance and the Millennium Development Goals in *Innovations in land rights recognition, administration, and governance: Proceedings from the annual conference on land policy and administration* (World Bank), April 2010, p.1.

Deopa, N., & Rinaldo, D. (2023). Sacred ecology and sacred landmarks in African traditional religions. Sustainable Land Use Review, 15(2), 112–130.

Usman, A. (2024, May 14). Effective land administration: A panacea to tackling Nigeria's communal crises. Daily Trust.

Fabiyi, Y.L. & E. O. Idowu (1993). Land and Tree Tenure in Nigeria" in World Bank, *Population, Agriculture and Environment, World Bank Study,* 54: 99.

FAO (2014). "Good Governance in Land Tenure and Administration".*FAO Land Tenure Series no 9*. Rome. 2007. Available at: ftp://ftp.fao.org/docrep/fao/010/a1179e/a1179e00.pdf

Ibrahim Ngah (1998). Urban Planning: A Conceptual Framework. Available at http://www.academia.edu/387598/Urban_Planning_a_Conceptual_Framework

Land Portal. (2021). Nigeria land governance context: State control, user rights, and administration-based allocation. Land Portal Narratives Series.

Nigerian Federal Ministry of Housing & Urban Development. (2025, March 20). Land reforms, registration & titling programme to digitise land data. FMHUD Press Release

Obialo, D. C. (1999). *Town and country planning in Nigeria*. *Assumpta Printing and Publishing*. Owerri, Imo State, Nigeria.

Okoro, H.I. (2014). Physical Development Planning Sub-Components as Veritable Instruments for Ordering Integrated Growth and Sustainable Development, *Journal of Integrative Humanism, ISSN: 2026-6286*

Olayiwola M & Adeleye O (2006).Land Reform: Experience from Nigeria, Promoting Land Administration and Good Governance 5th FIG Regional Conference Accra, Ghana, March 8-11, 2006

Palmer, D (2014). Towards Improved Land Governance. Land Tenure Working Paper 11. A joint paper By Food and Agriculture Organization and the United Nations Human Settlements Programme, September 2009, available at: ftp://ftp.fao.org/docrep../ fao/012/ ak999e/ak999e00.pdf accessed 20/12/2017.

Schmitt, L. J. (2022). Land as a finite yet durable resource: Economic and governance perspectives. Land Governance Journal, 8(1), 23–45.

Ukujiofo A (2010).Identifying appropriate tools for land governance in Nigeria. Development of Land Tenure Systems – Developing Countries. FIG Congress 2010 Facing the Challenges – Building the Capacity Sydney, Australia, 11-16 April.