

## **LAND ADMINISTRATION AND PHYSICAL DEVELOPMENT IN ADAMAWA STATE: PROBLEMS AND PROSPECTS**

**AJAYI ABAYOMI PETERS**

Federal University of Technology Yola, Urban and Regional Planning Department Adamawa State, Nigeria

### **ABSTRACT**

The study stems from the premise that Land Administration in Adamawa State is confronted with many problems which directly or indirectly affected the physical development and planning of the state.

The problems identified to be associated with land administration are population pressure, non-payment of compensation, un-reviewed master plans, Land speculation and corruption. These problems have therefore affected planning and development in the state. The study therefore suggested complete re-orientation against land speculation, payment of adequate compensation as at when due, constant review of the master plans as at when due among others as immediate solution and prospects for land administration and planning in the state.

It is hoped that when some of these suggested remedies are incorporated into the physical planning mechanisms of the state, it will go a long way to revolutionised land administration and planning in the Adamawa State, Nigeria.

**KEYWORDS:** Administration, Development, Land, Physical Planning, Policies

### **INTRODUCTION**

Land Administration has been a matter of interest in every nation. In Nigeria there has been various laws, rules and regulations that governs the use of land and its acquisition even before Nigeria got her independence in 1960. These laws have their ways of affecting the physical development, planning and administration in every state of the country including Adamawa State.

Land according to the Nigerian Institute of Town Planners is a fundamental natural resource upon which all wealth and prosperity are built. It plays the role of an accommodative base for human activities such as socio-economic, cultural, residential, institutional, municipal services and facilities. Administration on the other hand is the management of affairs especially public affairs and government policies and her appointed agencies. It can therefore be deduced from the foregoing that land administration implies the use of rules and regulations by government over the control of land acquisition and use to achieve the desired goals of the policies.

Moreover, Land Administration in Adamawa State is not without hitches, like in any other State or region of the country. It is in light of the above that this studies on problems and prospects of land Administration and physical development in Adamawa State is motivated

There exists various land uses in the state including agricultural, institutional, industrial, commercial etc and various economic activities. It is due to these land uses and the need to acquire land for such uses, that land administration has become necessarily and directly affected the physical development of the State.

### **Research Problem**

Land administration and physical development are two important aspects as far as development of the environment is concerned and cannot be overlooked. Preliminary investigations reveals that land administration in Adamawa State has affected the physical development of the state due to mal-administration. Too many agencies in charge of land matters not only creates administrative bottle necks including acquisitioned issues but also spatial developmental problems There seem to be different problems responsible for , and associated with land administration in the state and there is therefore need for further investigations to unveil the problems and proffer possible solutions

### **Research Aim and Objectives**

The research aim is to assess the effects of land administration on physical planning and development with a view to ameliorating associated problems in Adamawa State. The following objectives will assist in achieving this aim

- To review the various land laws used as administrative tools in Adamawa State.
- To identify the problems associated with land administration in Adamawa State
- To examine how land administration has affected physical development in Adamawa State.
- To advance possible solutions to the identified problems.

## **MATERIAL AND METHODS**

This study required data on land administration laws problems of land administration and physical development. Data were collected primarily by oral interviews with land administrators from the Ministry of land Survey and Adamawa state Urban Planning and Development Authority (ASUPDA).

Data were also sourced secondarily from texts, journal and news papers. This information was discussed accordingly and the problems analyzed.

### **Review of Land Administration Laws in Northern Nigeria: Land Tenure System**

Land indeed basic to how physical development activities are organized in any society. Forms and patterns of distribution of structures in general to promote good health, accessibility, convince and harmonious land uses in the environment are a function to a considerable extent of the rights, and methods of dealing with the land. The Land tenures system sets out the rights, obligations and methods of administration with regard to acquisition, distribution and use of specific portions of land.

## **SOURCES OF LAND LAW**

Prior to the advent of British in Nigeria, land was subjected incident of Native Law and custom. At the advent of Europeans however, there was imported English land law and the law of conveyance which existed side by side with the customary tenure at independence. According to Yakubu (1985), there are three main sources from which the Nigerian land law was derived. Native law and custom of land tenure (customary law of land tenure and Islamic law of land tenure); statutory law and the received English law.

Customary land law customary land laws mainly involving traditional use of land under the customary law of tenure, land belongs to all the people and held by families, communities and individuals. All the people have equal right of

access to land for the use of the people. Acquisition of land for use under the customary law is normally through a grant by the chief of the community or head of the family. Alienation, or transfer or terms of grant are restricted to “Strangers” (Yakubu, 1985).

Land tenure under Islamic law is somehow different from the customary law. The Muslims regard land as a public property indispensable to individual and social life and a gift of God (Allah) to which everybody has usufructuary right to. The Emir or headmen of ruler, as under the general customary law only exercise sociological and political authority in administration of land for the common benefit of the people.

## **STATUTORY LAND LAW**

Statutory land laws are those laws normally delegated by Federal, state and local governments in the control and land administration. These rules and regulations are given by Federal, state and local government in the administration and approved of land for statutory purposes under the three tiers of government.

### **Development of Statutory Land Law in Northern Nigeria**

The statutory land tenure in the Northern Protectorate began with the establishment of the British Colonial power over that territory in 1900-1903. At this time, the power of the Fulani rulers over the land of northern Nigeria was transferred to the British Crown. It is pertinent to state that their power was such that they controlled and administered the lands on behalf of the community for the use and enjoyment of the community (Yakubu, 1986:3).

The intention of the protectorate government with respect to the lands of northern Nigeria was made very clear by the proclamation No. 8 of 1900, which declared the protectorate of Nigeria, later amended by the proclamation No 13 of 1902. Both proclamations made it quite clear that the natives would continue to acquire land as they were used to under the native law and custom while no non-native should hold any interest in land except on lease by the government

### **LAND AND NATIVE RIGHTS PROCLAMATION, 1910**

The major proclamation of this law was that all native lands and all rights over the same are declared to be under the control and subject to the disposition of the government and shall be held and administered for the use and common benefit of the natives and no title to the occupation and use of such land shall be valid without the consent of the governor.

In effect what the statutory provision did was to reduce the customary right of use and enjoyment and the powers of the chiefs under the native laws and customs inland into writing. Under the native law and custom, whether Muslims or non-Muslims, the chief had the power to control and administration of the occupation, use and enjoyment of the lands of the community. There were no two individual owners or lands but occupancy.

### **THE LAND TENURE LAW, 1962**

The land tenure law 1962 is another law that succeeded the land and Native right ordinance of 1910. Though the law was criticized to many people. It existed for a period of 52 years without repealing it.

After Nigeria independence in 1960, the government of Northern Nigeria in 1962 enacted a new law called the land tenure law, 1962. The new law was reported to have only improved and modified the exiting development of the region. For example, the powers of the government to manage and control the native land under the land and Native rights

ordinance was appointed or vested in the minister (now commissioner) for land and survey under the land tenure law. No fresh evidence was taken and no committee was appointed to study the existing law before the new one was enacted. The northern government of elected representatives from all over the regional constituencies considered the land and Native Rights ordinance of 1910 acceptable to the people of Northern Nigeria of 1962 (Yakubu, 1986:7).

### **THE LAND USE ACT OF 1978**

The land use Act of 1978 is not so different from the content of the land tenure law. While land tenure law lays emphasis on native land administration, the land use Act was revised to include and explain.

- Statutory powers of the military governors or state administrators in the administration of land
- Enforcement procedure for Development Control measures
- Compensation and land disputes
- Conditions and procedures for statutory application of land for various uses.
- Procedure for the approval of building plans and planning permission for alteration for landuse.
- Statutory lands as interpreted by the decree and their limits boundary disputes.
- Boundary disputes.

According to *Yakubu* (1986:9), the land use Act “unified the law relating to land tenure in Nigeria”. He argued that it has to a greater extent done away with the various stat land laws governing land tenure system in the country and made the work of a lawyer and the court easier determining the applicable land law.

### **LAND ADMINISTRATION LAWS IN ADAMAWA STATE**

Land is being administered in Adamawa state by both the customary and statutory land laws. Uyanga, (1993) Identified the land Tenure system existing in Adamawa state to include:

Sun cram (grazing land) which may be a or may not be individually owned.

Kopdowu, which refers to cultivatable land allocated on permanently basis to holders. Maila, which are lands purchased as ‘permanent’ freehold, and forest researches owned by government or traditional authority.

The main modes of land acquisition in the state include inheritance, family, borrowing gift, pledge, lease and purchase.

Moreover, it is important to also note here that both the land tenure law and the land use act are in existence in the rural and urban areas of Adamawa state respectively.

### **RESULT AND DISCUSSION**

#### **Problems of Land Administration in Adamawa State**

In the course of the study, enquire nets were made as regards the problems of land administration in the state and the following problems were identified;

Population pressure in urban centers of Adamawa state; people are constantly migrating from rural areas to the major towns likes Jimeta, Numan, Mubi as well as other towns. This problem is experienced in many other cities in

Northern Nigeria. Yakubu (1986) commented that “due to urbanization, many people are moving from the rural areas into urban areas where modern facilities available. Population pressure in cities and towns has made residential accommodation in particular a problem”. This has posed problems to land administration in urban centers of Adamawa state.

Payments of compensation to owners whose lands are compulsorily acquired are yet another problem in Adamawa state. Prior to the land use act, family, community or individual land owners which had no marketable value whatsoever under the traditional system of land tenures has now attained a high market value Yakubu (1986:9) reported that acquiring land for public purposes by the governments has become very difficult and sometimes even impossible because of the cost of compensation.

Land speculation is another problem of land administration in Adamawa state. Yakubu (1986:10) agrees that land speculation all over the Northern Nigeria became well produced and practiced at a high level of dimension. Plots on the outskirts of urban centers, industrial areas and state capitals which were available for about 200-400 Naira in 1970 increased by 200 percent or more.

It is pertinent to note that this problem has not ceased in Adamawa state despite the fact that the land use act of 1978 which empowers every citizens to own land is in operation in the state.

Corruption-according to Gboyega (1996) “Hardly does a day pass without screaming newspaper headlines revealing a blatant case of corruption involving a huge sum of money” this explains the level of corruption not only in money but also in administration. Yakubu (1996:10) also reported local government and the state government become corrupt. The rich and influential became the only ones that could get grant from the commissioner or local government easily. In fact, this situation is being experienced in the state up to date to the detriment of the less privileged.

## **EFFECTS OF LAND ADMINISTRATION ON PHYSICAL PLANNING IN ADAMAWA STATE**

The problem of land administration in Adamawa state has directly or indirectly affected the physical planning of the state. First of all there is congestion in urban centres of the state which is n need of expansion but this is not possible because land is not easily acquired by the people who need it most-the urban poor. “Land has become of greater marketable value and is no longer the ordinary land” known to African tradition as a gift of nature to mankind. Physical planning has not been given its pride of place by Government Agboola, (2007), this has affected land administration in a negative way.

There are also two major areas of interest in the land use Act of 1978 as a tool for land administration in Adamawa state. First is the ownership of land second the categorization of localities into urban and rural areas for effective development control section 1 of the land use Act provides that all land in each state of the federation is vested in the governor of that state, who shall hold such land in trust and administer the land for the use and common benefits of all Nigerians. It is however nota be that the ownership of land in Adamawa state even in the some urban centers of the state are still privately owned and not controlled by the appropriate body. This has encouraged haphazard development among and within the urban centers.

Furthermore, corruption among land officers and those responsible for the physical development control in the state has resulted in an uncontrolled development. Many physical developers develop without right of occupancy in some urban centers of the state; some develop without their building plans being approved by the Adamawa state urban planning

and Development Authority due to collaboration with some corrupt development control officers.

Moreover, development control is not found to be easy because of problems arising from the unrelieved master plan of some urban areas like Jimeta and Yola. Most of the areas designed for specific uses have been tempered with.

### **LAND USE ACT AND URBAN AND REGIONAL PLANNING LAW IN ADAMAWA STATE**

The Nigerian urban and Regional planning Law (Decree No 88, 1992) is the long awaited planning law expected to guide orderly physical development in modern Nigeria. The birth of the Decree was preceded by 46 years of outward town and country planning law of 1946. The new law is thus expected to reinvigorate the dull and static planning activities pervading the independent physical planning activities in Nigeria. Most, if not all sections are therefore expected to be contemporary new or at least fit closely well with existing planning issues in the country. Land acquisition, disposal, transfer and so forth are some of the issues expected to be central in the new planning law. Successful implementation of the contemporary planning legislation in Adamawa state in particular and Nigeria as a whole therefore rests on the workability of the land use Act.

### **Suggested Solution to Problems of Land Administration and Physical Planning in Adamawa State**

The problems of land administration and their effects on physical Development in Adamawa state may be mitigated through the following suggestions.

### **REVIEWING OF MASTER PLANS**

The unrevised master plan is one major problem that has affected the physical development of Adamawa state. If the master plans are reviewed and updated, it will be easier for the bodies responsible for physical development of the state to effectively control the development hence ensure an orderly development, healthy and aesthetically environment and functional effective urban and rural settlements in the state.

### **PLANNING OF SATELLITE TOWNS**

The planning of satellite towns outside the major urban centers of the state will reduce the population pressure on the mother towns hence make land administration easier for land administrators as well as ensure a livable environment for those inhabiting the towns. This will also encourage other economic and commercial activities such as markets and setting up of industries in the state.

### **DISCOURAGEMENT OF LAND SPECULATIONS IN THE STATE**

Land speculation in the state should be completely discouraged since the aim of the land use Act 1978 as declared by the government was to ensure private individuals, organizations and "aliens to have equal access to land in any part of the country for the purpose of development subject to the approval of such intention of interest in land by the governor. The issues of few well to do individuals buying or acquiring land and selling at exorbitant rates to others should be discouraged by giving equal rights to every individual who applies for land whether rich or poor.

### **PAYMENT OF COMPENSATION**

The land use Act and the urban and Regional planning Law Decree No 88 of 1992 has made provisions for payment of compensation to those whose lands are compulsorily acquired for public interest. It is however pertinent to note

that this not always been the case in Adamawa state. For example the Kier Dam projects; the people have been resettled without compensation being paid.

## CONCLUSIONS

In conclusion, land administration has not been very effective in Adamawa state due to population pressure, non payment of compensation, corruption in the administration of land, land speculation etc. the resultant effects on physical development of the state is obvious as can be observed in shanty developments especially in the urban centers of the state.

It is therefore recommendable that satellite towns be developed, compensation adequately provided, land speculations discouraged and equal rights to land ownership be encouraged.

## REFERENCES

1. Adebayo, A.A Tukur, A.L (1999): Adamawa state in Maps. Nigeria, paraclete Publishers-Yola.
2. Agboola, T. (2007) Physical Planning in Nigeria Since Independence: A Performance Narrative
3. Journal of the Nigerian Institute Town Planners. VOL.xx, No.1
4. Fakuade, (1999): Ethnicity and Languages, in Adebayo and Tukur Adamawa state in maps; paraclete Publisher, Yola.
5. Nigeria Institute of Town Planners (2003): NITP at 50. Lagos-Nigeria.
6. Oyesiku, K. (1997) Modern Urban and Regional planning Law and Administration in Nigeria.Kraft Books LTD.
7. Uyanga, J. (1993) in Udo and Mamman, (1993): Nigeria the Giant in tropical Africa.
8. Yakubu, M.G (2003) land law in Nigeria England, Macmillan Publishers.
9. Yakubu, M.G (1986) Notes on the land use act, 1978 Nigeria A.B.U, Zaria.
10. The Nigerian Urban and Regional Planning Law Decree 88 of 1992. Government Printing Press Lagos (2003 as emended).

