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Legal Framework on Land Administration in Nigeria

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Abstract

Land Administration in Nigeria dates back to pre-colonialism Nigeria. Before the advent of colonialism, customary land laws applies in different parts of the country especially southern Nigeria while Islamic law applies in most parts of Northern Nigeria. After the advent of colonialism, several ordinances and proclamations were passed by the colonial administration on land administration. This paper aims to identify key laws and stakeholders in land administration with intent to suggest improvement on land administration in Nigeria. Several laws govern land administration in post independence Nigeria. The Land Use Act 1978 is one of the extent laws on land administration in Nigeria. The court, the Bar and the Executive are key stakeholders in land administration in Nigeria. Use of modern technology, training of staff and staff welfare are some important suggestions for better land administration in Nigeria. Doctrinal methodology was adopted in this paper due to its nature and objectives.

Keywords: Nigerian Land Laws, Islamic Land Law, Customary Land Law, Land Administration

Introduction

Land is one of the most important assets of human kind. Every aspect of human development is directly or indirectly linked to land. Farming is the most important source of food, natural resources and space for dwelling. Before the coming of colonial administration, land in the Northern part of the country was mostly governed by Islamic law and customary law. While the southern part of the country largely applies customary law in land administration. After the commencement of colonialism, the colonial administration needed land for economic and administrative reasons hence several Ordinances and Proclamations were passed which ceded native land to the colonial administration. After independence, the Land Tenure Law 1962 applied in northern Nigeria while customary law applied in southern Nigeria.

The government faced a lot of challenges in getting land even for developmental purposes. This and other factors forced the government to contemplate on a uniform law on land management for the whole country and to give more powers to the government.

Laws alone cannot give the desired results; stakeholders must play their roles in the effective management of land matters in Nigeria. This paper intends to examine the concept of land, the position of land law before the Land use Act 1978 and laws on land administration in Nigeria. Most importantly, the paper examines the roles of the Government, Courts and the Bar in the effective management of land issues in Nigeria. Undoubtedly, several stakeholders and laws can be relevant in discussing administration of land in Nigeria, however, this paper restricts itself to four major laws and three stakeholders as they form the basis of land administration in Nigeria.

This is however not intended to downplay the importance of the other laws and stakeholders but for the convenience of the objective of the paper.

Concept of Land

Land is defined as anything that is on the surface of the earth and it includes rocks, water and trees.¹ According to the Interpretation Act “Land includes any building or any other thing attached to the earth or permanently fastened to anything so attached but does not include minerals”² An English principle that is always indispensable when it comes to the definition of land is the principle that says ‘Quicquid Plantatur solo solo cedit’ Meaning whatever is attached to the land belongs to the land. This principle is well established and accepted under the concept of land holding in Nigeria. The Supreme Court applying this maxim held that a building erected on a mortgaged land during the life span of the mortgage becomes property of the land owner.³ However, the application of the maxim on customary land holding has been debated upon for a long time. In the *Santeng vs Darkwa*⁴ the court held that the maxim does not apply to Nigerian customary land law. The custom proved that when a house is built on a site of the remains of a family house, it becomes a family property. The application of this maxim to concept of Islamic law on land is not without exception. Under Islamic law there is a general principle that you cannot reap what you did not work on.⁵

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¹ Adewale Taiwo *The Nigerian Land Law*, (Ababa Press 2011) 1

² Section 18 of the Interpretation Act, CAP 123, LFN 2004

³ *Adepate v Babatunde* (2002) 4 NWLR Pt 756 pg 175

⁴ (1940) WACA 52

⁵ The Qur’an states “Do not devour each other’s wealth by false and illegal means” See Qur’an 2:188

Ownership is equally an indispensable item under land administration. According to Advanced Learner's Dictionary, ownership is the act of owning something.⁶ Prof. Nwabueze said ownership means the fullest amplitude of right of enjoyment, management and disposal over property. Ownership connotes number of claims, liberty, immunities in relation to the things or property a person owns.⁷ It will therefore be safe to say that ownership means the right of exclusive use of property.

Laws on Land Administration in Nigeria

There are several laws that are relevant when discussing issues of land administration in Nigeria.⁸ This paper discusses the following:

The Constitution FRN 1999 (as amended)

The constitution of the FRN 1999 is the grundnorm and all laws in Nigeria derive their validity from the Constitution.⁹ The constitution is supreme and binding on all authorities and persons in Nigeria.¹⁰ Any law that is in conflict with the constitution is void to the extent of its

⁶*Oxford Advanced Learner's Dictionary* (New 8th Edition, Oxford University Press) 1052

⁷ Siti Mariam Malinumbay S. Salsal, 'The Concept of Land Ownership: Islamic Perspective' (1998), *Jid.* (2. No. 2) 285

⁸ They include the Constitution FRN 1999 (as amended), Land Use Act 1978, Islamic/customary law, received English law, Minerals Act, Interpretation Act, Urban Development Laws of Various states, Land Administration Laws in various states for example the law establishing Borno Geographic Management Information Service (BOGIS).

⁹ Obilade, *The Nigerian Legal System* (Spectrum Books Limited, 2001) 64

¹⁰ Section 1(1)

inconsistency.¹¹ According to Akande, all laws take their hierarchy from the constitution and all laws that contradict its provision shall be void.¹²

All the laws on land Administration in Nigeria are therefore subject to the constitution, where ever a law contradicts the constitution, it shall to the extent of its inconsistency be void. The courts have demonstrated the supremacy of the constitution in respect of section 47(2) of the Land Use Act which states that no court has the power to entertain any matter as to the adequacy or otherwise of compensation as being contrary to section 4(8) of the 1999 Constitution that prohibit the National Assembly or the State House of Assembly from enacting any law, which ousts or purports to oust the jurisdiction of the Court or judicial Tribunal established by law.¹³

A major provision of the constitution that deals directly with land matters is section 43 which states the right of every Nigerian to own immovable property in any part of Nigeria.¹⁴ This provision was probably inserted into the constitution to address the problem of the principle of indigeneity which requires people to identify themselves with an area or community before they will be able to have any benefit from the area.¹⁵ Though the Land Use Act gave the Governors the power to allot land, yet non-indigenes find it difficult to get land in some states.

The constitution has further provided that no interest in immovable property shall be taken possession of compulsorily except in a manner prescribed by law.¹⁶ By this provision, the

¹¹ Section 1

¹² Jadesola O. Akande, *Introduction to the Constitution of the Federal Republic of Nigeria, 1999* (MIJ Professional Publishers,2000) 16.

¹³ *Kanada v Governor of Kaduna State & Anor.* [1986] 4 NWLR (pt 38) 361, *Letnboye v Ogunsiji* [1990] 6 NWLR (pt 155) 210, see also OLAYINKA, O., 'Judicial Review of Ouster Clause Provisions in the 1999 Constitution: Lessons for Nigeria', *NAUJILJ* (9) (1) (2018)140

¹⁴ Section 43

¹⁵ (n. 12) 106

¹⁶ Section 44(1) 1999 Constitution as amended

constitution has not ruled out the legality of compulsory acquisition/revocation of land by the government, however, it requires that due process must be followed in doing that.

The constitution has further vested the entire property in and control of all minerals, mineral oils, and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the exclusive economic zone of Nigeria in the Government of the federation.

Furthermore, section 315(5(d) of the Constitution, expressly mentioned the Land Use Act as recognized by the Constitution.

This constitutional provisions on land touch directly on land matter, a cursory look at Parts II and IV of the constitution on Fundamental objectives and Directive Principle of state Policy and fundamental Human Rights provisions respectively can be linked to issues of right of land owners for example freedom of movement, freedom of Assembly etc.

Right to land is in recent times identified as part of the second generation rights known as the Economic and Cultural rights.¹⁷ Under the Nigerian constitution, they are not justiciable, it was inserted into the constitution to drive home the need to stress their importance.¹⁸

The Land Use Act 1978

Land Use Act No. 6 of 1978 was promulgated into law with effect from 29th March, 1978 as the nation's land policy document. Since then, it has remained so in the country till date. To all intents and purposes, the Act regulates the ownership, alienation, acquisition, administration and management of land within the Federal Republic of Nigeria.¹⁹ Section 1 of the Land Use Act vests all land comprised in the territory of each state in the Federation of Nigeria in the Governor

¹⁷ Katrina M., 'Wyman, Second Generation Property Rights Issues', *59 Nat. Resources J.* (215) (2019) 216

¹⁸ See part II of the 1999 Constitution

¹⁹ Namnso Bassey Udoekanem1; David Odegwu Adoga and Victor Onyema Onwumere, 'Land Ownership in Nigeria: Historical Development, Current Issues and Future Expectations', *Journal of Environment and Earth Science* (4) (21) (2014) 186

of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. Section 5(1) of the Act empowers the Governor of a state to grant statutory right of occupancy to any person for all purposes in respect of land, whether or not in an urban area and issue a certificate of occupancy in evidence of such right of occupancy in accordance with the provisions of Section 9(1) of the Act. Also, Section 5(2) of the Act provides that “Upon the grant of a statutory right of occupancy under the provisions of sub – section (1) of this section, all existing rights to the use and occupation of the land which is the subject of the statutory right of occupancy shall be extinguished.” These provisions show the extent to which the land Use Act 1978 has redefined the framework on land administration in Nigeria.

Received English Law

The received English law comprising of Common Law of England, Doctrines of Equity and Statute of General Application form a source of Nigerian Law. English principles such as *quid plantator solo solo Cedit* applies in Nigerian Courts. Similarly, equitable principles of Equity helps the vigilant and not the indolent applies to land issues in Nigeria.²⁰

Islamic Law

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Available at https://www.researchgate.net/publication/314237799_Aspect_of_Equity_in_Latin_Legal_Maxims_and_the_Nigerian_Experience visited 22/3/2022

Islamic law applies as one of the sources of land tenure system in Nigeria. The Qur'an and Hadith are the primary sources of Islamic Law, while Ijma and qiyas serve as secondary sources. Finally, Masalah al-Mursala, urf, adat all form part of the subsidiary sources.²¹

Right to Private Ownership of Land under Islamic law

Islam does not prohibit private ownership of land. In fact, several authorities approve of such a natural phenomenon. Islam along with the security of life guarantees security of ownership of property to every human being. Such right is applicable only to property, which has been legally acquired. The above statement was emphasized on the occasion of the speech addressed to the Muslims by the Holy Prophet (PBUH) in his farewell pilgrimage when he said: "Your lives and properties are forbidden to one another till you meet your Lord on the Day of Resurrection."²² This includes the right of enjoyment and compensation, investment in business, transfer and occupation of property.

Therefore, it can be deduced that private ownership is regarded as social phenomenon as well as social necessity to which Islam has ordained its protection. The right of private ownership is not prohibited in Islam. Indeed, it is very much encouraged in Islam to own property. There is no provision in the Shari'ah law that prohibits an individual from owning a property. Individuals have defined rights and liabilities. A person has the right to benefit from the land provided he uses it properly. Islam does not condone pauperization and mendicancy. Being an ideal and rational religion, it acknowledges the sanctity of private ownership. Allah s.w.t. has affirms:

"To men is allotted what they earn and to women what they earn."²³

"Give to orphans their money and do not exchange the good for the evil."²⁴

²¹ Abdurrahman I. Doi, *Sharia the Islamic Law* (Tamaza, 1984) 40.

²² Muhammad Bukhari *Sahih Bukhari* (Dar Al-Arabiyyah nd)

²³ Qur.an, Surah An-Nisaa (4): 32

In Another verse Allah says:

"Your riches and your children may be but a trial."²⁵

These verses mentioned clearly that man could take benefit from all the resources created and provided by Allah S.W.T. for their sustenance and likewise he can own what can be owned privately to the exclusion of others.

Another principle illustrated in this system is that of inheritance and succession to be attached to private ownership.

Private ownership or individual ownership of land therefore, is encouraged and allowed in Islam provided, it does not injure, impede or jeopardize the interests of the greater segment of the community. However, even though such form of ownership is predicated in Islam, the State nevertheless reserves the right to take it from him should the need arise or if it is for the benefit of the society (Maslahah). Thus, property in Islam has a social function apart from fulfilling the needs of the owner proprietor²⁶

Responsibility is equally attached to ownership of land under the Sharia. Every land owner must ensure that his actions or enjoyment of the land does not run contrary to the right of Allah, the right of the State, the right of humans and the rights of non'humans.

Right of Allah:

He must use the land for all lawful purposes such as farming, fishing, mosque etc. Generally use the sharia, the original state of things is lawfulness (Al-Aslufii al Alshyaa al-Ibaha). Every action is lawful except what is expressly forbidden by the sharia such as intoxicant, prostitution etc.

²⁴ Qur'an, An-Nisa(4):2).24

²⁵Qur'an, Surah At-Taghabun (64) :11

²⁶ (n. 7) 289

today, it will be lawful to open a computer business center despite the absence of express permission to do so from the original sources of the sharia or to open a law firm.

Right of Humans:

The actions of the owner on his land must not infringe on the right of his neighbours.²⁷ The owner of a land must not partake in actions that can constitute nuisance to his neighbours even if it is recitation of the Qur'an. The English principle of duty of care is well entrenched under Islamic law as well. Where the action of the owner of property causes harm to another, he will be tortuous liable to pay compensation to the owner of the property.

Right of the State:

The state has powers to make rules on the enjoyment of land by land owners. Under the Sharia laws are divided into thus:

- i. Qanun al-Wadiyyah: These are areas Allah alone has right to make laws on them such as prohibited degrees of marriage, legitimacy etc. This is born out of the verse in surah-Al-Talaq which says these are the limits of Allah.²⁸
- ii. Qanun Al-Siyasiyyah: These are areas where Allah allows man to make laws on them eg rules or court, laws on documentation of land etc. BOGIS for example as a lawfully established agency in Borno can declare certain parts of the city of Maiduguri permissible only for residential purpose and not business or farming.

When the government or its agency make rules on land, these rules must be respected and adhered to by every land owner in Borno state. If any landowner neglects his duty, his land would revert or be repossessed by the State Authority. The State Authority reserves the right to

²⁷ Hadith from Muslim indicates neighbours are 40 houses from all directions (Right, left, front and back). Several traditions and verses of the Qur'an have emphasized the right of neighbor.

²⁸ Glorious Surah al-Talaq 65:1

take or repossess land or anybody's land for that matter and alienate it to another who would use it better and bring benefit to the community at large.²⁹

Right of Non-Humans: These includes environment, animals etc. every land owner must use it in such a way as to not to cause deliberate and avoidable harm or damage to the environment. Allah has clearly prohibited fasadfiiard (destruction on earth).³⁰ Clearly every action that cause deforestation, poisoning of water and destruction of farm product is not allowed under the sharia.

Customary Law:

Customary law is also a source of Nigeria land law. Customs vary from one community to the other. A greater part of southern Nigeria and some parts of Northern Nigeria apply customary law in the administration of land.

Generally land belongs to either the community or family under customary law. There is much debate to the whether individual ownership of land is known under customary law³¹

Members of the community or family have certain rights in the community or family land such as the right to use, enjoy from the proceed of the sale of family land, the right to inheritance, the right to be consulted in dealing with the family property etc.³²

The family head is considered the leader of the family. He represents the family in meetings and makes decisions for the family. He votes on behalf of the family in community or village meetings. The family head is expected to consult the principal members of the family in taking major decisions on the family property such as sale. Where the head of the family sales family

²⁹ (n. 7) 287

³⁰ Glorious Qur'an surah al-Maidah

³¹ (n. 1)

³² Ibid

land as family land without the consent of the principal members of the family, the sale is voidable at the instance of the principle members of the family. However, if the head of the family sales family land as his personal land, then the sale is void. On the other hand, sale of family land without the consent of the head of the family whether as family land or personal property by any other member of the family is void.³³

Originally, individual ownership of land is not recognized under customary land holding.³⁴ With growth in population, urbanization, migration, the consent of individual ownership of land is now recognized under native law and custom.³⁵ Today, individuals can own, sale and make gift of their land to others.³⁶ Customary law on land has greatly shaped the position of land administration in Nigeria despite the passage of the Land Use Act 1978.

Land Before the Land Use Act

Before the coming of the colonial administration, native law and custom applied in most parts of southern Nigeria and some parts of Northern Nigeria. While in the north, Islamic law mostly applied in the Northern states. After the arrival of the colonial administration ordinance were passed to allow the colonial administration powers over land. It is said that two reasons played the major role for the crave for control over land by the colonial administration. Firstly, for economic reasons and secondly for administrative/colonial control. Principal among these legislations were the Treaty of cession (1861), Land Proclamation Ordinance (1900), Land and Native Rights Act (1916), Niger Lands Transfer Act (1916), Public lands Acquisition Act

³³ Ekpendu v Erika (1959) 4 F.S.C. 29

³⁴ Don N. Ike, 'System of Land Rights in Nigerian Agriculture, *The American Journal of Economics and Sociology* (43) (4) (1984) 469

³⁵ Ibid

³⁶ The court has stated in Lewis v Bankole [1909] I NLR 81 that one of the most striking features of west African Native Custom is its flexibility. The change in the custom from recognition of only family property to recognition of individual ownership only affirms the feature of African native custom.

(1917), Native lands Acquisition Act (1917), State Lands Act (1918) and Town and Country planning Act (1947). The Treaty of Cession of 1861 became the principal of all the treaties signed by the colonialists with traditional chiefs in Nigeria. The legal effect of the cession of 1861 was that the root title of the land comprised in the Treaty was passed to the British crown.³⁷

In 1900, the Land Proclamation Ordinance was enacted by Lord Lugard .The legislation disregarded the principles of native law and custom and provided that title to land can only be acquired through the High Commissioner. The Land Proclamation Ordinance was enacted to kill the institution of family and communal land ownership by facilitating the acquisition of title to land through the High Commissioner. The Land and Native Rights Act was enacted in 1916 to vest in the colonial Governor all rights over all native lands in Northern Nigeria. Sections 3 and 4 of the Act provided as follows:-

“Sec. 3 All native lands and right over the same are hereby declared to be under the control and subject to the disposition of the Governor, and shall be held and administered for the use and common benefit of the natives of Northern Nigeria and no title to the occupation and use of any such lands shall be valid without the consent of the Governor.

Sec. 4 The Governor, in exercise of the powers conferred upon him by his Proclamation with respect to any land ,shall have regard to the native laws and customs existing in the district’ in which such land is situated”.

Later sections of the Act further provided, *inter-alia*, for the Governor’s power:-

(a) To grant rights of occupancy to “natives” as well as to “non- natives”, (b) To demand and revise rent for such grants; (c) To render null and void any attempted alienation by an occupier

³⁷(n. 19)

of his right of occupancy without the Governor's consent. (d) To revoke the grants to occupiers for "good cause".³⁸

Post-Independence:

After Nigeria's independence from Britain in 1960, the laws on land was not common throughout the country as customary land holdings continued to apply in southern Nigeria while the Land Tenure Law 1962 applied to Northern Nigeria. Later the Land Use Act of 1978 unified all the applicable laws for both the North and southern Part of Nigeria.

The Land Tenure Law of 1962

The surrender of all lands in the Governor of the state is not strange to Northern Nigeria. This law contains the basic principles as those in the Land and Native Right Act of 1916. It was enacted to replace the Land and Native Rights Act of 1916. The land Tenure Law provided that all lands in each of the states in Northern Nigeria whether occupied or unoccupied are "native lands" and are placed under the control ,and are subject to the disposition of the Minister responsible for land matters, who holds and administers them for the use and common benefits of the "natives", that is to say, persons whose fathers were members of any tribes indigenous to each state in Northern Nigeria. This means that all other persons who are not indigenous to each of such states are "non-natives". Under this law, no title to the occupation and use of any such lands by a non-native is valid without the Minister's consent. The natives of Northern Nigeria were granted right of occupancy to land for a limited number of years. For the purpose of the law, a right of occupancy means a title to the use and occupation of land and includes both customary and statutory right of occupancy. An occupier enjoys exclusive right to his land against all persons other than the Minister. He may, with the Minister's consent, sell, mortgage

³⁸ Sections 3 and 4 Land and Native Rights Act 1916

or transfer any lawful improvement on the land. Also, on the determination of a statutory right of occupancy, all the improvements on the land revert to or vest in the Minister without payment of any compensation to the holder. Alienation of a statutory right of occupancy is prohibited without the Minister's prior consent.³⁹ The Land Tenure law of 1962 was repealed and replaced by the Land Use Decree (now Act) of 1978

Role of Stakeholders

Implementation is a necessary tool towards the proper enjoyment of the fruits of any law. The efficacy of law in achieving the objective of its passage cannot be attained without proper implementation. Despite the criticism against the Land Use Act 1978, it is undoubtedly one of the most efficient legislations on land administration in Nigeria. It is important to mention that the land Use Act was not passed with the objective of abolishing all existing titles or right to possession that exists prior to its promulgation. It rather recognizes traditional title as deemed grantees but it limits their interest to statutory or customary titles by removing radical title.⁴⁰ Stakeholders in land administration must rise to the occasion and play their own part towards the effective administration of land in Nigeria. The following are major key stakeholders and have exceedingly important roles to play when it comes to administration of land.

i. The Executive Arm of Government

The Land Use Act 1978 has granted the Governor of the state all Lands in the state in trust for the good of the people of the state.⁴¹ The Executive plays key role in the following areas.

Allocation

³⁹ Ibid

⁴⁰ *Adole v Gwara* (2008) 11 NWLR (pt. 1099) 562 at 588

⁴¹ Section 1 of the Land Use Act

The Governor has powers to allocate lands to individuals. The role of the government in this respect will therefore allocate land to deserving individuals and issuance of proper documents to support that. In many states, innocent citizens have become victims of fraudulent people that sale land to people through fake documents. The government can take more proactive steps of preventing or minimizing the opportunity of producing fake land document and ease the process of search.⁴² Similarly, people involved in this process should be prosecuted. Further, the states most ensure only trust worthy people are allowed access to records and land documents because sometimes, staff of the Ministries in charge of land are involved in the fraudulent practice.

Revocation

The Land Use Act granted powers to the State Governors or Local Government Chairmen to revoke land granted to individuals for overriding public interest such as construction of hospitals, roads etc. Section 28(1) of the LUA provide thus: "It shall be lawful for the Governor to revoke a right of occupancy for overriding public interest". The law requires certain processes to be followed before revocation which includes notice to the grantee before the revocation, the revocation should be for overriding public interest and after revocation the land must not be reallocated to private individuals.⁴³ The government should as much as possible try to comply with these requirements of the law

Compensation

As part of the requirement for revocation, the LUA 1978 requires that the Government should pay compensation to the grantee. However, Section 47(2) of the LUA states that no court has the jurisdiction on matters challenging the adequacy of compensation. However, the courts have

⁴² BOGIS has improved the process in Borno

⁴³ Taiwo, Op. Cit. pg 213

stated that this is contrary to the constitution.⁴⁴ Section 2(2)(c) states that the Land Use Allocation Committee shall be responsible for determining disputes on the adequacy or otherwise of compensation. The government should endeavor therefore to pay compensation that is adequate to avoid unnecessary litigation and help sanitize land matters in the states

Evidence in Court

The courts may request Certified True Copies of Land documents with respect to disputes before it, the Ministries of governments in possession of these documents will play a vital role in presenting the CTCs before the courts⁴⁵. It is therefore important for the Ministries in charge of land to have a team of lawyers and equally train its staff on how to present evidence before the courts.

Central Online Record

Online information on land and whether there are disputes or encumbrances attached to the land will help save the public from getting involved in lands that are subject to disputes or court cases. It is a truism that legal search helps provide all the necessary information on land, however, it does not provide information as to whether the land is subject to litigation. The courts and Ministries in charge of land can work together on that so that the public also get to know.

Train Staff

Training and retraining of staff on how to handle land matters will be a good thing to do. Challenges of allocation of one land to two individuals, wrong information about land during legal search, in accurate or incorrect size of land are some of the challenges associated with land matters

⁴⁴ Kanada v Governor of Kaduna State & Anor (Op. Cit)

⁴⁵ In Borno state, the Borno Geographic Management Information Service (BOGIS) headed by an Executive Director is in charge of land matters. In the Local Governments, Department of Land is in charge of land matters.

ii. Courts

Judiciary is the third arm of government and has the constitutional power to interpret laws and settle disputes. Land is acknowledged as one of the fields that has become notorious in disputes and litigations in Nigeria. The Judiciary is therefore a crucial stakeholder in terms of land administration in Nigeria. The following are important roles the courts can play:

Online Court Sitting

Adapting to contemporary challenges and realities is one sure way of quick solution to problems and issues of concern. There have been complaints over the years on delay in the dispensation of cases caused by shortage of man power, growing number of cases, technicalities etc. Online court sitting is an excellent way of addressing most of these challenges. The Borno State Judiciary is the first state to start online court sittings in Nigeria. Since then many states have followed suit. Hon. Justice KashimZannah OFR, the Hon. Chief Judge of Borno state who is also the chairman Judicial Information Technology Policy Committee (JITPCON) of the NJC headed the highly commendable reforms in terms of injecting modernity and accepting contemporary solutions to present challenges.

E-Filing of Cases

As part of the modern solutions to present challenges, E-filing of cases will equally advance the course of speedy dispensation of justice and allow lawyers file cases even outside jurisdiction. The Borno state judiciary has commendably started driving this process and when it fully takes up, land cases will be in the forefront of enjoying the fruits as sometimes speed is crucial in land disputes to prevent damage. A good example of the advantage of E-fillings can be seen in how the CAC has addressed challenges of company registration, without denying lawyers the

advantages of been the active key players in the process of the registration. Naturally, some teething challenges may be expected but it will certain come to pass and will allow the public enjoy the fruits of the commendable innovation.

Training of staff and Lawyers

When new things are introduced, training key stakeholders on how it works will be important. The state Judiciaries are therefore encouraged to train its staff and people that come into contact with the courts especially lawyers on the new developments. The Borno State judiciary has in February and March 2022 trained its staff and over 80 lawyers on E-Filling of cases by bringing experts on ITC from within and outside the state. These strides are highly commendable and other states in Nigeria and even beyond should open us for these important milestones.

Speedy Dispensation of Justice

Justice delayed is said to be justice denied, it is therefore important for the judiciary to adopt new approaches of addressing delay in justice delivery. The judiciary cannot do that alone, the executive, legislature and Bar must all work together to see that these challenges are addressed. Use of online platforms, more man power and disregard for technicalities will help address that. Recently, the Supreme Court pronounced judgment against a tenant who based on technicalities concerning Seven Day Notice to Quit remained in the Respondents house for over a decade.⁴⁶ Substantial justice will be the guiding principle. Leveraging on modern technology will assist the judiciary in Nigeria reap the fruits of modernity and occupy its space among sister judiciaries.

⁴⁶ Pillars (Nigeria) Ltd. v. Desbordes (2021) 12 NWLR (Pt.1789) 122. It has become almost established in Nigeria to have situations whereby tenants deploy legal gymnastics to battle their landlords, either against lawful ejection from a building or from collecting the rent due to them from their occupation. The Supreme Court tilted towards substantial justice and not technicalities.

<https://tribuneonlineng.com/legal-reprieve-for-landlords/> visited 21/3/2022

iii. The Bar

The importance and role of the Bar in the administration of land need not over emphasized. There is no gain saying the fact that the Bar is at the centre of most land related matters. Starting from sales, allocation, fees payments, litigation and even enforcement of judgment. As it stands, the popular view is lawyers that are into corporate practice suffer less stress and earn more than those who restrict themselves to just litigation. The following are key roles of the Bar.

Encourage Payment of Fees

The government gets huge revenue through payment of land related fees such as round rent, registration of title fees, legal search fees etc. For proper administration of land matters and development of every state, lawyers should encourage the payment of these fees to the government.⁴⁷ Importantly, the lawyer will not be short changed in terms of his fees due to payment of the statutory fees. In fact, his client will respect him more and honour his charges when he sees receipts paid to the government by the lawyer. BOGIS in Borno has been cooperating with the Bar and even requesting people to engage the services of lawyers in legal search and other important activities. This is commendable for it leads to a win win situation because the records of BOGIS will be more professionally inclined and the lawyers will enjoy fat briefs and learn more in the process.

Attend Trainings

When trainings are organized for lawyers on land related matters, it is important for the lawyers to attend in order to acquire more knowledge. The attendance of the training on E-filing for lawyers organized by the Borno state judiciary was well attended. The enthusiasm exhibited by

⁴⁷ BOGIS for examples generated over a Billion Naira as Revenue to the Borno state Government

the Bar in attending the training is second to none. Technology can still be used in these trainings by allowing online participation.

Continuing Legal Education

The leadership of the Bar should from time to time organize trainings and forum for presentation of papers and discussions on land related matters. The law week 2022 by the NBA Maiduguri/Bui Branches is timely and the choice of the theme and topics are apt. A similar workshop was organized by the Young Lawyers Forum Maiduguri Branch in February 2022 at White Arena where three topics on land were discussed.

Avoid Delays in courts

Lawyers are ministers in the temple of justice. Our professional calling requires us to always stand for justice and assist the courts in arriving at justice decisions. Lawyers should promote the cause of justice and avoid technicalities that will delay or pervert just decisions. When cases last long, the original litigants even die without enjoying the fruits of their success.

Encourage ADR (Alternative Dispute Resolution)

Alternative Dispute Resolution is one sure way of resolving cases quickly with huge benefits such as saving of time, resources and relationships. It is equally a win win situation. Borno state has ADR and Sulhu Corridor inside the High Court of Justice Maiduguri Complex. The Bar should explore that avenue and take the best of it.

Conclusion

Land is one of the most important assets of a country. Several laws govern land administration in Nigeria such as the constitution, land Use Act, Registration of Title Act, Minerals Act and the Interpretation Act. The Land Use Act is the most important law on Land Administration laws in

Nigeria. Customary law and Islamic Law equally apply on land matters. Though the laws on land are rich enough to properly administer land, the laws alone cannot work without stakeholders playing their roles in the administration of land matters. The Government, Judiciary and Bar are critical stakeholders in the drive towards a better land administration in Nigeria. The cordial relationship between the Borno state Government, Judiciary and Bar has significantly assisted in placing issues of land in a good spotlight in Borno. It is therefore suggested that other states should key into the modernity derive of the Borno state judiciary for better results. It is equally suggested that young lawyers be made a matter of priority in trainings especially by the NBA because they the future flag bearer of our noble profession and the bridge between the present and the future.