

The Land Use Act and the Challenges of Housing in Nigeria

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Abstract

Shelter is one of the basic needs of human beings. It is for this reason that individuals and the governments always strive to ensure its availability. The Land Use Act, which was enacted in 1978, has, as one of its objectives, to ensure that land was easily made available to both the government and individuals for housing. However, after over four decades of its implementation, the Act has become a chimera to housing. Rather than being a catalyst to urban development in Nigeria, the Land Use Act has become a stumbling block to the attainment of the dream of availability of houses for all Nigerians. The main thrust of this paper is to demonstrate that the provisions of shelter, especially in the urban areas, is still beyond the reach of an average Nigerian. Relying on the doctrinal research method, this paper examines government housing policies from the colonial period to date and concludes that the policies and the Land Use Act have not met the housing needs of Nigerians. The paper therefore calls for a re-examination of the implementation of the provisions of the Act to remove the bottlenecks that stand in the way of acquisition of land for the purpose of the construction of houses by average individuals and government, especially in the urban areas.

Key Words: Development, Housings, Land Use Act, Nigeria, Policies,

Introduction

The provision of shelter is one of the cardinal objectives of government globally. Citizens need access to cheap, affordable shelter and, government, through policies and deliberate efforts, tries to ensure this is done. Apart from serving as indicators of an individual's status and standing in society, (Ibimilua and Ibitoye, 2015) adequate shelters also offer protection against the elements (rain, sun, etc) and help to keep away insects and wild animals (Ibimilua and Ibitoye, 2015). However, housing is one of the challenges confronting developing countries like Nigeria. Most urban centers in Nigeria are faced with housing deficits such that the available houses are inadequate to meet the needs of the people. The result is that many people are forced to live in sub-standard or make-shift shelters in the urban areas.

Successive governments from the colonial period have put in place policies and laws aimed at providing access to cheap, affordable and befitting houses, but housing situation in Nigeria remain a chimera. One of the challenges to affordable housing in Nigeria has been the 1978 Land Use Act, which was supposed to aid the provision of land for housing. It is against this background that the challenges of housing in Nigeria will be examined in relations to the Land Use Act. This will however be done by starting with the colonial housing policy, which laid the foundation for the post-colonial policy on housing before the discussing other issues.

Housing Policies in Colonial Nigeria

Colonial rule in Nigeria came along with diverse changes in the social, political and economic lives of the people. One of such changes was in the area of housing. This marked the era of 'white man's quarters' or what later became known as the Government Residential Areas (GRA) in Nigeria. The emphasis then was on the provision of houses for the expatriate officials of the colonial government and not on massive construction of houses for Nigerians. Although the British colonial government later established the 'African Quarters' to accommodate the local officials of the government, there was no attempt to tackle the housing problem on a national scale (Omange and Udegbe, 2000). The failure of the British colonialists to embark on a wide-scale construction of houses in Nigeria therefore laid the foundation for what has now become an intractable problem.

The deliberate effort to construct houses for the expatriate staff alone was hinged on the desire to ensure that they were as comfortable as they would have been in their countries of origin. The GRAs had well-designed houses 'with all the possible comfort, services and amenities, including water, closed sewers, electricity, and abundance of open space and recreational areas. The idea of housing reservation was thus initiated and implemented in Lagos and in regional and provincial capitals throughout the country' (Olutuah and Bobadoye, 2009). However, with passage of time, select indigenous senior staff of some Government offices like the Railways and the colonial Policewere provided accommodation in the GRAs (Olutuah and Bobadoye, 2009).

The number of such staff was negligible when compared with the expatriates accommodated there. The accommodation in the GRAs for some handpicked indigenous senior government officials did not significantly reduce the housing problem facing Nigerians then. In any case, the accommodations in the GRAs were not meant to solve housing problem, but to make the indigenous senior government officials to have modicum of comfort and probably to be under the close watch of the colonialists.

Some indigenous officials who were unable to benefit from the Government's housing scheme started putting up make-shift structures, which soon developed into uncontrolled slums in the urban centres. The colonial Government responded to this challenge in 1928 by establishing the Lagos Executive Development Board (LEDB). The Board was mandated *inter alia* to carry out slum clearance, land reclamation, and the development of residential and industrial estates (Ademiluyi, 2010). This was informed primarily, by the 'bubonic plague, which ravaged the city of Lagos in the early 1920s' (Olutuah and Aiyetan, 2006). The unhygienic and unplanned nature of the slums was seen as contributory factors in the spread of the plague and this informed the decision by the government to clean up the slums. In line with the mandate of the Board, the government embarked on ridding Lagos of slums and succeeded in demolishing 'fifty acres of derelict property in Idimagbo of Lagos' (Olutuah and Aiyetan, 2006). The government apparently woke up to its responsibility by embarking on what has been described as 'the first direct attempt by Government in solving problems of housing in the Lagos' (Olutuah and Aiyetan, 2006). The government, through the Board embarked on 'the development of the

Workers Housing Estate at Surulere, Akinsemoyin and Eric Moore Housing Estate Surulere, Workers House Estate (Phase II) Surulere and the Freehold Housing Estate Phase II Surulere' (ibid). This was noteworthy because it was the first attempt by government at providing housing to Nigerians on a large scale.

In 1955, there were renewed calls for slum clearance, which led to the commencement of the central Lagos slum clearance scheme (Olutuah and Bobadoye, 2009). This in turn led to the opening up of Apapa and later Victoria Island as high and low density areas of Lagos (Olutuah and Bobadoye, 2009). In support of housing scheme in Nigeria, the Nigerian Building Society (NBS) was set up in 1956 with the responsibility of providing housing loans to both civil servants and the Nigerian public (Ademiluyi, 2010). This was however not successful due to the paucity of funds available to the NBS and the poor response from members of the public. This was followed by the establishment of the Surulere housing scheme in 1956, to provide temporary residential housing for persons displaced by the clearance of the slums in central Lagos. Similarly, in 1956, the African Staff Housing Fund was established to provide workers loans to build their own houses (Olutuah and Bobadoye, 2009).

The establishment of regional governments in Nigeria also impacted on housing development in colonial Nigeria. In 1958, the Western Regional Government established Housing Corporation, with the responsibility of constructing houses for sales to interested members of the public. The Corporation was also expected to provide loans for those members of the public who preferred to build their own houses on their land. This attempt by the Government of the Western Region was the first of its kind in Nigeria, and was soon replicated by other Regions (Olutuah and Bobadoye, 2009). This marked the last attempt by Government towards the provision of houses for Nigerians before independence in 1960.

Post-Colonial Nigeria and Housing Policy

At the dawn of independence in 1960, Nigeria was still faced with the problem of inadequate houses to meet the needs of Nigerians. Attempts made by the Government during colonial period amounted to little more than a drop in the ocean. The Government had concentrated more on the provision of houses for its expatriate staff rather than embarking on massive provision of houses for Nigerians. The houses constructed for Nigerians were few and dedicated to some of those who worked for the colonial government. The Nigerian Government that took over at independence was not different from the colonial administrators in that the government was more interested in satisfying the housing needs of its elitist members than those of the general public. The GRAs of the colonial era were retained for the newly emerging club of Nigerian elites, who regarded the GRAs as a status symbol (Olutuah and Bobadoye, 2009). The available houses in the GRAs were thus not enough to go round the new administrative and political elites that emerged after independence in 1960. The Government was soon compelled to develop new GRAs to accommodate more elite. This trend was replicated in the various National Development Plans by the Government for Nigeria's industrial growth.

The First National Development Plan (1962-1968) focused on the provisions of houses for the elite than the urban poor (Ademiluyi, 2010). The steady movement of people from the rural to the urban centres in search of the modern life led to increased urbanisation, especially in Lagos. This in turn placed pressure on the available facilities in the urban centres, most especially residential accommodation. The growing need for residential accommodation was not matched by available land to build new houses. One reason advanced for the non-availability of land was that "land has become of great marketable value and no longer the "ordinary land" known to African tradition as a gift of nature to mankind" (Yakubu, 1980).

The government failed to take cognizance of the population explosion and the growing urbanization as the number of houses proposed to be built was inadequate. The government was therefore unable to meet its targets for housing under the First Plan. For example, the government proposed in the First National Development Plan to build 61,000 units of houses, but ended up building only 500 units for Senior Civil Servants (Olutuah and Bobadoye, 2009). The Nigerian Civil War, which was fought during this period was used as excuse for the shortfall (Ibem *et al*, 2011). Subsequent National Development Plans did not show much appreciable improvement in Government's housing policies for the urban poor. During the Second National Development Plan (1971-1974), the National Council of Housing was established in 1972 to advise the government on housing matters. Similarly, the Federal Housing Authority (FHA) was established in 1973 to co-ordinate public housing provisions (Ibem *et al*, 2011). Although the government improved on the number of houses during this period, targets were still not met. For example, the government proposed to build 59,000 'low-cost' housing units across the Federation, but only 7,080 were built (Ibem *et al*, 2011).

However, the Third National Development Plan (1975-1980) proved to be a watershed in housing policies for the urban poor when the Government acknowledged for the first time, that the provision of housing was one of its social responsibilities. The government therefore pledged to ensure the provision of housing for "all income groups, especially low income groups" and to "ensure that the average urban workers do not pay more than 20% of monthly income as rent" (Ademiluyi, 2010). This was to be achieved through the 'direct construction of housing units at the Federal and State levels, increased construction of quarters for public officials and expanded credit facilities to enhance private housing construction' (Ademiluyi, 2010). Towards this end, government created the Federal Ministry of Housing, Urban Development and Environment and converted the Nigerian Building Society to Federal Mortgage Bank of Nigeria (FMBN) (Ibem *et al*, 2011). The Land Use Act, which was promulgated in 1978 was also an important development with regards to meeting the housing needs of Nigerians. Like what happened with previous development plans, the target construction of 202,000 low-cost housing units nationwide proved unrealistic as government was only able to build 28,000 houses (Olutuah and Bobadoye, 2009).

The government increased its participation in the provisions of houses for Nigerians under the Fourth National Development Plan (1981-1985). Between 1979 and 1983, the government planned to construct about 160,000 housing units nationwide, with targeted annual construction of 2,000 housing units in each of the

then 19 States and Abuja. For the first time in the history of governance in Nigeria, the government took the housing needs of the masses into consideration as 80% of the planned 160,000 was to be reserved for low-income earners (Ademiluyi, 2010). This laudable programme however suffered abysmal failure as only 20% of the targeted number of housing units was met by 1983 due mainly to unplanned consequences and corruption on the part of state officials and contractors (Ademiluyi, 2010). This trend was replicated between 1984 and 1999 as successive governments succeeded in building 5,500 houses out of the planned 121,000 housing units (Ibem, *et al*, 2011).

The failure by successive governments to provide housing for millions of Nigerians has led to a housing deficit with the Housing Policy of 1991 estimating that 700,000 housing units must be built annually to mitigate the deficit (Ademiluyi, 2010). In 2006, the Minister of Housing and Urban Development was quoted as saying that 10 million houses were needed before all Nigerians can be adequately sheltered. The late Nigerian President Yar'adua stated in 2007 that the nation's housing deficit was between 8 and 10 million housing units (Ademiluyi, 2010). By 2008, the housing deficit in Nigeria increased to 15 million housing units (Onwuemenyi, 2008). The various housing intervention programmes of the government failed to the extent that 'an estimated 75% of Nigeria's urban population live in slums' (Ibem, *et al*, 2011).

The Land Use Act

The Land Use Act was promulgated on 29th March, 1978, in response to the challenges of access to land, which confronted not only the government, but also the ordinary citizens in Nigeria. According to the late Justice Nnamani, (under whose watch as the Attorney-General and Minister of Justice, the Land Use Act was enacted), the Act became necessary because of the various uncoordinated laws in the southern part of the country, which made land acquisition very expensive and beyond the reach of the ordinary people who desperately needed land for housing and other personal projects. He further stated that, 'government started thinking of a land policy that would make land more readily available at reasonable rates for individuals, corporate bodies and government; a policy that would break the stronghold of the land speculators...' (Nnamani, 1991).

The Act was had many social, economic and political objectives. The objectives, provisions and other aspects of the decree are treated in this paper only in so far as they relate to the facilitation of housing provision in the country. There are four main objectives derivable from the decree and these are:

- (1) to effect structural change in the system of land tenure;
- (2) to achieve fast economic and social transformation;
- (3) to negate economic inequality caused by the appropriation of rising land values by land speculators; and
- (4) to make land available easily and cheaply, to both the government and private individual developers.

Development, whether in the urban or rural area, starts with the acquisition or ownership of land. One of the avowed objectives of the Act was to ensure availability of land to all Nigerians who need it for the provision of shelter and sustenance for themselves and their families. Prior to the enactment of the Act in 1978, Nigeria was faced with the challenge of access to land in urban areas, which was becoming precarious. This was not restricted to land required for residential accommodation as it also affected agricultural and industrial use. Moreover, the value of available land had appreciated beyond the reach of most Nigerians. Government equally had problems acquiring land for developmental projects. In some cases, compensations paid to land owners by the government was almost equal to the cost of the building (Yakubu, 1986). Land speculation was rife, while officials of land departments at the local and state levels became rich overnight through corrupt land deals (Yakubu, 1986).

The 1976 report of the Rent Control Panel appointed by the government recommended that all undeveloped lands in Nigeria should be taken over by the government through nationalisation. The Constitution Drafting Committee set up in 1976, equally recommended the nationalisation of all undeveloped lands in Nigeria, claiming that " the abuse, graft and profiteering, which exist in land acquisition at present are a mocking negative of this pre-eminently desirable objective of equality of opportunity. It is revolting to one's sense of justice and equity that one person alone should own about ten or more plots of land...when others have none..." (Yakubu, 1986).

In response to these, the Federal Government in June, 1977 set up the Land Use Panel with the mandate, inter alia,

- (a) to undertake an in-depth study of the various land tenure, land use and land conservation practices in the country and recommend steps to be taken to streamline them;
- (b) to study and analyse the implication of a uniform land policy for the country as well as examine the possibility of a uniform land policy for the entire country, making necessary recommendations and proposing guidelines for implementation;

The Federal Military Government on 29th March, 1978, promulgated the Land Use Decree after the submission of the panel's report to the government. However the promulgation of the Decree was not without oppositions, which cut across different strata of the Nigerian society. The extent of the opposition to the Decree was captured in the words of Yakubu thus,

when it was sent to the Constituent Assembly by the Supreme Military Council for deliberation and final adoption as Nigeria's Law, it was thrown overboard. The Federal Military Government then, did not take the action of the Constituent Assembly kindly, so, when the final draft of the Constitution was sent for its final approval, the military Government used its powers to enforce the

Act and annexed it to the Constitution. The Land Use Act now forms part of the Constitution of the Federation of Nigeria... (Yakubu, 1985).

This action by the departing Military administration was equally aimed at ensuring that the in-coming civilian administration did not succeed in repealing the Act by a simple majority in the National Assembly. The incorporation of the Land Use Act in the Constitution delayed, for at least four years before the bill to repeal the Land Use Act was tabled before the National Assembly. The difficulty and delay encountered in the desire to repeal the Land Use Act annoyed some politicians who had promised the electorate in the run-up to the 1979 general elections that if elected, they would immediately take steps to abrogate the Land Use Act as soon as the National Assembly convened. To this end, a bill seeking to repeal the Act was introduced late in 1982 and was expected to be debated in 1984, but the military coup of December 30th 1983 put paid to this (Aluko, 2012).

The Land Use Act's preamble, states,

whereas it is in the public interest that the rights of all Nigerians to the land of Nigeria be asserted and preserved by law; And whereas it is in the public interest that all 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 Federal Military Government, in promulgating this Act, took very important and deliberate steps to unify the diverse land tenure systems in the country, and put in place a uniform land policy. The Land Use Act was conceived as the cure-all solutions to the problems of land, which the government and people of Nigeria were confronted with prior to its enactment. However, over four decades after, the Act is viewed more as the problem than the solution. Described as 'one of the acrobatics in law-making performed by the military whilst in government,' the Act has compounded the problem of availability of land for the provision of houses (Oluyede, 1989). At a point, Justice Nnamani lamented that "No legislation promulgated in this country has elicited so much controversy, so much criticism, so much divergence in interpretation of its provisions, and so much discourse in academic and business/finance circles as the Land Use Act' (Nnamani, 1991). This statement captures the controversy that has continued to be associated with the Land Use Act, almost four decades after its enactment.

By Section 1 of the Land Use Act, all land comprised in the territory of each State was vested in the Governor of the State, to be held in trust and administered for the use and common benefit of all Nigerians. A distinction was made between land in urban areas and land in other areas in the state. While land in urban areas was brought under the control and management of the Governor of the State, all other land was brought under the control and management of the Local Government (Land Use Act,

Section 2 (1) (b). The Governor of the State was thus empowered to designate the land of the State into urban and other land, with control of the former vested in the Governor, while the appropriate local Government was vested with control and management of the latter. Thus, in a sense, the Governor of the State, and where appropriate, the Chairman of the Local Government, took over the powers over land, which were previously exercised by the local chiefs or family heads under the country's diverse customary land tenure systems.

Bureaucracy of Certificate of Occupancy and Allocation of Land

The powers of the governor were further consolidated in section 5(1) of the Act, which provided that 'It shall be lawful for the Governor in respect of land, whether or not in an urban area 'to grant statutory rights of occupancy to any person for all purposes'. As can be seen from this section, the governor has the powers to grant statutory rights of occupancy in respect of land whether or not in the designated urban area, to any person for any purpose. This grant of statutory right of occupancy by the governor is evidenced by the issuance of a certificate of occupancy provided for, under Section 9 of the Act. This section provides that it shall be lawful for the Governor:

- (a) when granting a statutory right of occupancy to any person; or
 - (b) when any person is in occupation of land under a customary right of occupancy and applies in the prescribed manner; or
 - (c) when any person is entitled to a statutory right of occupancy, to issue a certificate under his hand in evidence of such right of occupancy.
- (2) Such certificate shall be termed a certificate of occupancy and there shall be paid therefore by the person in whose name it is issued, such fee (if any) as may be prescribed.

The issue of the certificate of occupancy is one of the most important processes in the acquisition of land under the Land Use Act. The certificate of occupancy has been described as merely an evidence of a right on the land. Omotola, (1988) stated further that it is not a right granted, but an evidence of the right. Though regarded as a mere evidence of a right in land, its possession is one of the mandatory steps required to be taken by an applicant in the process of acquisition of land under the Land Use Act. The process of application for and grant of the certificate of occupancy also constitutes one of the stumbling blocks to easy access to land needed for housing development in Nigeria.

An applicant who requires land for housing, industrial, educational, commercial or any other purpose has to obtain an application form on the payment of a non-refundable fee as may be prescribed by the relevant law in the state. Upon completion of the form, the applicant attaches relevant documents, including tax clearance certificate, recent passport photographs, birth certificates or a certificate of

declaration of age etc. The application is thereafter submitted to the Land Use and Allocation Committee for final consideration in line with Section 5(1) of the Act. If the application is successful, the applicant would be expected to pay a prescribed fee, in addition to the survey and registration fees before the certificate of occupancy is finally prepared and forwarded to the office of the State Governor for signature. After the execution of the document by the state Governor, the certificate of occupancy is handed to the applicant as evidence of the right over the land described on the certificate. The period from the submission of the application to the execution of the certificate by the Governor could be a minimum of six months.

The fees payable for the processing of certificates of occupancy vary from state to state. In Lagos state for instance, applicants would be expected to pay the under-listed fees and also provide the under-listed documents:

Fee Structure and Requirements for Certificate of Occupancy in Lagos State (Ogunseye, 2005):

- (a) Land information Form N3,000.00 per plot.
- (b) Purchase of Certificate of Occupancy Form N2,500.00.
- (c) Capital Contribution Levy N30,000.00 payable to Lagos State Government.
- (d) Publication Fees N10,000.00 payable to Lagos State Government.
- (e) Development levy N100.00.
- (f) Land purchase receipt with stamp duty.
- (g) Owners Passport Photograph (4).
- (h) Tax Clearance certificate current 3 years.
- (i) Survey Plan (1 copy paper print, 3 copies cloth prints).
- (j) Building plan approval if under construction.
- (k) Tenement rate on completed building.
- (l) Sketch location of the subject site.

In Niger state, applicants are expected to pay N20, 000 for the application form, surveys and beaconing (depending on the size of the property), site analysis and environmental impact assessment (again this depends on the location and size of the property) and processing fee of the Certificate of Occupancy. On the average, the sum of N150, 000 may be required to obtain a Certificate of Occupancy in Niger state (Ojigi, 2012). After the submission of the application forms, and the satisfaction of all other necessary requirements, the processing of the application forms for approval and allocation of land usually suffers undue delays. Though a time limit is often given by the Government for the processing of application forms for the allocation of land, in practice many applications take upwards of months or years in

some cases, to process. This unnecessary bureaucratic delay invariably, makes it impossible or outright difficult for the much needed housing development to take place. This in turn adversely affects the development of housing in Nigeria's urban centers.

Corruption among government officials charged with the responsibility of processing and approving applications for land allocation has also been cited as a contributory factor to the dearth of adequate housing in Nigeria (Iwedi and Onyekachi, 2014). The undue delay in the processing of application forms could also be due to political factors. An instance of this is what happened in the Second Republic (1979 – 1983) when land became a potent weapon to fight political opponents (Omotola, 1988). The Governor's power of control over the management of land has sometimes been used for political patronage. Some Governors are more likely to allocate land to political cronies who may not have any developmental agenda, than to those who genuinely want to bring about development, especially the provision of houses in the urban areas. Applications for issuance of certificates of occupancy are sometimes unduly delayed on the desks of the governors.

Another bureaucratic obstacle on the path of applicants for allocation of land in urban areas is the issue of multiple certificates on the same piece of land. The battle between pre-existing rights over land and subsequent grant over the same land pursuant to the provisions of the Act continues to rage in and out of the nation's courts (*Ogunleye v. Oni* (1990) 4 S.C. 130). In some cases, holders of Certificates of Occupancy issued by State governments over so-called government acquired land cannot take physical possession of such land, because the original land owners would not allow them. To gain physical possession of such land, they are sometimes forced to re-purchase the land from the original landowners.

The politics of land allocation sometimes extends beyond the individual level to inter-governmental relationship. This is sometimes the case when the political party at the centre is different from the party in a particular state. An example of this is the deadlock over properties sold by the Federal Government to individual buyers in Lagos State. The Government of Lagos insisted on fresh payments and registration of title by the buyers. Another example occurred in the Second Republic (1979-1983) when the National Party of Nigeria-led Federal government built some low cost houses in Oyo state (under the control of the rival Unity Party of Nigeria (UPN)). The UPN government ordered the demolition of the houses on the ground that the land on which they were built was not legally allocated to the Federal Government. By this actions, houses that would have benefited Nigerians and reduced housing deficit were sacrificed on the altar of political rivalry. This situation arose because the Federal government does not have control over the land in the states. The Federal government has to rely on the state governors for access to land, which they intend to use for developmental projects and this can be denied by the state governors.

The provision of the Act requiring the Governor's consent as a condition for valid alienation of land is another cumbersome process, which has affected availability of land needed for housing development. The consent of the Governor is a prerequisite for a valid transfer of rights over land. Sections 21 and 22 of the Act prohibit the transfer of possession, mortgage, assignment, sub-lease of land without the approval

of the Governor. The failure to obtain the Governor's consent renders the transaction null and void as decided by the court in the case of *Savannah Bank v Ajilo*. The process for the application for the Governor's consent, just like applications for Certificates of occupancy, is cumbersome and time consuming. The issue of consent and the accompanying delay often causes frictions between the sellers and buyers of property. The period between the application and grant of the consent for the transaction to proceed can range between 6 months and 3 years. Under this scenario, no serious investor will be ready to wait that long when there is no guarantee that the consent would be granted. A person interested in buying land from a land owner for housing may prefer to invest the money in some other venture than waiting endlessly for the governor's consent and tying down money in the process.

Another obstacle against urban housing delivery in Nigeria is the wielding of the powers to revoke the rights of occupancy by state Governors. The provisions of section 28 of the Act empowers the Governor to revoke a right of occupancy for reasons of overriding public interest. The governor is required to serve notice of his intention to revoke the rights on the holder of such rights and also pay compensations for the compulsory acquisition. This power has been abused by governors over the years. Although the courts have stated in several cases that the revocation must be for public purposes, some governors have revoked rights to land belonging to an individual and vested the same rights in another individual. Examples of such cases include the case of *Osho v. Foreign Finance Corporation* ((1991) 4 NWLR (Part 184) 157) where the court held that 'the Governor has no right to revoke the statutory right of an occupier and grant the same to a private person for any other purpose than those specified by section 28(2) of the Act.'

A similar decision was arrived at by the court in the case of *The Administrator/Executors of the Estate of General Sani Abacha (Deceased) v. Eke-Spiff*(2009) 7 NWLR (Part 1139) 97 (SC)). In this case the supreme court held that the action of the governor in '...re-allocating the same plot of land to Major General Sani Abacha after revoking the right of occupancy of the plaintiff, the 1st and 2nd defendants cannot be said to have satisfied the provisions of Section 28 (1) and (2) of the Land Use Act...' If those interested in provision of houses are not sure of the security of their rights of occupancy, they will not be willing to invest in houses. These developments have adversely affected urban housing development as they have discouraged those who would have invested in housing development. Such people have diverted the resources, which would have gone into urban housing development to other more profitable and less stressful ventures. This in turn has adversely affected housing delivery in Nigeria.

Other Challenges to the Provisions of Housing in Nigeria

The Government Residential Area (GRA) policy was introduced by the colonial government to take care of the housing needs of its expatriate staff and select African staff of essential departments of the government. While the reasoning behind this policy can hardly be faulted, the colonial and successive Nigerian governments concentrated on its development to the detriment of provisions of houses for the low-income earners and the urban poor. While the colonial

government can be excused for this error, successive Nigerian governments should have corrected this by taking the urban poor into consideration in the provision of houses. They failed to do this and concentrated on building more GRAs for the new caste of Nigerian elites. The funds used to develop these GRAs for a few Nigerians, with emphasis on outstanding architectural designs and aesthetics, could have been better utilized in providing houses for more Nigerians. This has contributed, in part, to the intractable housing problem facing Nigeria.

In the light of the financial constraints facing the average Nigerian worker, the building of houses by individuals depend largely on the availability of loans and other credit facilities. In recognition of this fact, successive governments have set up agencies with the mandate to make loans available to Nigerians who wanted to build their own houses. The Nigerian building society set up in 1956, was unable to make its impact felt in this regard. Ironically, stringent loan conditions could only be met by the middle and upper income earners, thereby leaving the low income earners out in the cold. Part of the conditions for accessing the loan was the requirement that the would-be beneficiary must have commenced the construction of the house with his own personal money before approaching the NBS for a loan (usually between 60 and 80%) to complete the building (Olutuah and Babodoye, 2009). Thus those members of the middle and upper classes who were unable to get houses in the GRAs ended up as beneficiaries of the NHS loans to build their own houses. The Federal Mortgage Bank of Nigeria (FMBN), which came after the NBS, did not improve on this performance. In the first five years after its establishment, the FMBN could only disburse loans to only 2.2% of applicants nationwide (Olutuah and Babodoye, 2009).

The cost of building materials is also beyond the reach of the ordinary citizens of the country who desire to build their own houses. The cost of building materials, especially cement, has in recent times hit the rooftops. Unless government makes concerted efforts to bring down the prices of building materials, most Nigerians would be unable to afford the cost of building their own houses. Though the government has been very vocal in its avowed determination to provide housing for all Nigerians, it has not been able to match its rhetoric with the much-needed action. The government has often given the nation conflicting figures of the housing requirement of Nigerians without taking necessary steps to address this problem. In 2011, the Ministry of Housing and Urban Development stated that 16 million housing units must be provided before Nigerians can be said to be adequately sheltered. Giving a financial cost implication of this, Aluko stated that:

the Federal Government would need about N16 trillion (\$160b) then to provide housing for all citizens at a minimum housing unit cost of N200,000 (\$2,000). And with a yearly budget of the country which was about N200 billion (\$2b) in 1999, it would take 80 years to raise N16 trillion. This means that it would be close to the end of the next millennium before the present housing problem could be solved. Now that a minimum housing cost is about N1.5 million (\$9,700), and with 2011 budget at N4.4 trillion (\$28.4b), there is need for about N14 trillion (\$90.3b) for housing alone (Aluko, 2012).

With several competing demands on the nation's finances, the federal government is not likely to channel all its resources towards meeting the housing needs of all Nigerians. The analysis by Aluko above shows that in the unlikely event that government decides to devote its entire budget to the provision of houses, it would take about 80 years for all Nigerians to be sheltered. It has been observed that government's intervention in the housing sector of the economy has been characterized by corruption and unnecessary politicization of the programs (Aluko, 2012). The award of contracts for the construction of government housing schemes is often seen as an avenue to reward political loyalists or to express gratitude to political godfathers. No thought is given to the technical competence of most people to whom such contract is awarded. Funds are quickly made available for the contractors to mobilize to site and commence work. The collection of mobilization fees often marks the end of the contract as the contractors usually abandon the sites thereafter. In cases where the contractors manage to complete the construction of the houses, the final cost per unit is often outrageous and well beyond the reach of the average Nigerian. The government ends up paying more money for fewer units of houses due to corruption and other built-in wastages.

The location of the low cost housing estates also constitutes a challenge to effective housing delivery in the country. When government deems it fit to provide houses for the masses, more often than not, these houses are sited outside the urban centres, most often at the fringe of the towns, far away from the offices, markets and schools. This makes the houses unattractive to those who would otherwise have wanted to occupy them. It is therefore not uncommon to find these abandoned low cost houses dotting the landscape of our urban centres. The plans for the government low cost houses were often drawn up without taking several salient factors into consideration. Nigeria is made up of people of diverse ethnic, religious, cultural and social stock. What may be suitable in one part of the country may not be suitable in others.

These estates were sometimes designed in blocks or as semi-detached flats. While these may be acceptable in the south, it would not be so in some parts of the north for religious and cultural reasons. Some low cost houses were rejected in some predominantly Muslim parts of the north for not taking the religious and cultural sensibilities of the people into account in these designs. In the rare cases where the low cost houses were completed and suitably located, the price tag attached to the houses were often beyond the reach of the average Nigerian. Since the contracts for the construction of these houses were often awarded to political cronies, the costs of construction were unrealistically high. In a bid to recoup the money spent on construction, government therefore imposed a high price tag on the houses. While the urban poor could not afford to meet this price, the rich who had the means, bought up these houses and let them out to the poor at a highly exorbitant rent.

The Nigerian government, through its officials, has displayed pathetic lack of knowledge on the housing needs of Nigerians. This is more so in the case of the housing needs of the urban poor. The country's policy makers at the federal and state levels seem not to be aware of the magnitude of the housing problems facing low income earners in Nigeria (Fadahunsi, 1985). In 2006, the Minister of Housing and Urban Development was quoted as saying that 10 million houses were needed

before all Nigerians can be adequately sheltered. Ademiluyi (2010) also quoted the then President Yar'adua as stating in 2007 that the Nation's housing deficit was between 8 and 10 million. A 2013 report by the Consolidated Discount Limited (a company established by the Central Bank of Nigeria with the mandate to bridge the nation's mortgage funding gap), estimated the annual growth rate of the nation's housing deficit at 2 million (Nigerian Pilot Newspaper, 2013).

Similarly, the Federal Mortgage Bank of Nigeria was quoted as stating that the sum of 56 trillion Naira was needed to tackle the housing needs of the country, which it put at about 16 million (Nigerian Pilot Newspaper, 2013). Thus Nigeria's housing policies have been drawn up based on insufficient knowledge of the housing needs of Nigerians. This in turn has restricted government's vision of the problem "...to a very narrow and myopic one. The need to undertake incisive research into the scope of the housing needs of the urban poor to unearth their qualitative, quantitative, socio-economic, cultural and psychological dimensions has not been addressed "by successive governments (Olutuah and Bobadoye, 2009). Conflicting figures have been bandied about by government officials as representing the housing needs of the nation's urban poor. This confusion has hindered effective housing delivery.

Conclusion

Nigeria is confronted by a housing crisis, which needs the concerted efforts of the government and the citizens to tackle. Government has to take deliberate steps to ensure that the challenges faced by individuals who desire to build their own houses are addressed. The Land Use Act constitutes one of the greatest challenges. There is a need to amend some of the provisions of the Act in order to make land more accessible to Nigerians. The necessary enabling environment should also be created to encourage people to invest in the construction of houses to accommodate Nigerians and reduce the country's housing deficit. Government must recognize and accept the enormity of the housing crisis facing the country. Nigeria has the human and natural resources needed to attain this vision, if the government is willing to confront the identified problems head on. The government needs to urgently evolve a housing policy geared towards provision of houses for the urban poor, to ease the strangle hold of the elite on the nation's real estate sector.

However, the enormous financial resources required to ensure the provision of houses for all Nigerians leads to the obvious conclusion that government cannot handle this issue alone. The participation of the private sector in the provision of houses in Nigeria is very vital towards attaining the goal of housing all Nigerians. However the participation of the private sector is hampered by the near absence of serviced plots. Government has often failed to provide such infrastructure as power, access roads and water to plots, which private developers want to use for the construction of housing estates for Nigerians. Without these infrastructures, private developers are often reluctant to commence the building of housing estates, which would have partly relieved government of the burden of solely taking care of the housing needs of Nigerians.

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