Land Administration and Sustainability in Nigeria: A Rethink?

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Abstract
Land constitutes a very important medium. This is simply because all of humanity dwells on it and depend on it for survival. But one factor responsible for the misuse of land is misconception. This misconception flows from the value attached to land. Helena Howe argues that there are two dominant perspectives with regards to land or the value attached to land. These are anthropocentric and ecocentric approaches. The anthropocentric approach is interest-centred. It centres on who benefits from the land. On the other hand, an ecocentric approach is centred on relationship with land that entails close ties with land embodying even spiritual implications. She also argues that laws, regulations and environmental decisions that flow from it are centred on the benefit that can be derived from land without reference to its intrinsic value. Land is seen as a commodity not as part of the wider earth community. To ensure good management practices of land use requires a rethink of the relationship with land so that laws, regulations and environmental decisions that flow from it will reflect this relationship. This Paper will draw on traditional African conception of land as embodying an ecocentric framework. It will discuss the legal principle of harmony with nature with practical examples. In traditional African jurisprudence, land was regarded as a deity. It was not commoditised, it was their identity. This changed with modernisation. Laws that do not reflect this connection evidently disconnects with the people and has been a cause of crises in Nigeria's oil region.

Keywords: Anthropocentric, ecocentric, misconception

Introduction

"Land is always there: under our noses, beneath our feet, and perhaps even in our souls" (McFarlane, Hopkins & Neild, 2015, p.3). It is regarded as something of a national obsession in the United Kingdom (McFarlane, Hopkins & Neild, 2015). There are so many interests in land, the State, individuals and organisations. But what about the interest of the land itself? The question is 'Quo Bono?' (latin expression which means 'in whose interest?'). Land is more than mere resource. When meaning is added to it, it takes on very different dimension. It is symbolic. The relationship between land and people is said to be the template for society and social relations (Graham, 2008). A major handicap with most of the Laws churned out in Nigeria stems in part from the failure to take into account culture, including customary practices and lived experiences otherwise known as the 'living Law'. This creates a disconnect between the Law and the people. This disconnection creates a situation of 'sterile dualism' which reflects tension between State Law and non-State Law such as Customary Law. Onibon, Dabire and Ferroukhi (as cited in Benjamin C, 2008). Sterile dualism is the coexistence of impracticable State Law and unauthorised local practices. Onibon, Dabire and Ferroukhi (as cited in Benjamin C, 2008). As Charles Benjamin puts it; '[t]he State promulgates Laws that are not compatible with local livelihood patterns and practices, while simultaneously rendering many of those practices illegal'. (Benjamin C, 2008). Customary Law is a contentious subject. This is in part due to the position of earlier scholars who did not regard Customary Law as Law but mere custom. So, their investigation of Customary Law was limited to dispute resolution which they studied as a feature of society (Woodman G, 1998). They did not investigate the 'living Law'. However, 'living Law' continues to regulate community life though unrecognised by the State. The (Land Use Act 1978, 2004) is one of such legislations that clearly disconnects with the people.

Development of the (Land Use Act 1978, 2004)

The (Land Use Act 1978, 2004) is the principal legislation for land administration in Nigeria. Prior to the Act, there were different systems of landholding in Nigeria (Mabogunje A, 2007). Lagos had a freehold system established by the colonial authorites after its annexation in 1861 (Mabogunje A, 2007). The North operated Maliki Law which automatically conferred on the colonial authorities rights to and control of their lands (Mabogunje A, 2007). A Committee was set up in 1908 to determine the nature of the land tenure system in Northern Nigeria (Nwocha M, 2016). The Land Proclamation Act of 1910 was passed as a result and it was replaced by the Lands and Native Rights Ordinance of 1916 (Nwocha M, 2016). The North also had a Land Tenure Law in 1962 (Nwocha M, 2016). What in effect the Land Use Act did was to bring into operation the Land Law operating in Northern Nigeria to the rest of the country (Mabogunje A, 2007). Meanwhile the land tenure system in the Southern part of the country was totally different from the North (Mabogunje A, 2007). Land belonged to the community, village or family. The Act clearly alienated the people from their lands. This very act has been described as an abrogation of their rights to their lands (Mabogunje A, 2007). This is even more so because oil operations are carried out on community lands without consent and consultation as the Act does not provide for consent. In terms of payment of compensation, consideration is given to economic crops but not to crops with cultural significance (Wilson A, 2005). There is no payment of compensation for the acquisition of land

for public purposes where such land is not developed. Although the Act provides for the payment of adequate compensation, it does not define in actual terms what adequate compensation means. In any case, since these lands are State lands, these oil companies do not have to pay compensation but in actual practice, they do. However, before the Act, communities dealt directly with these companies with monies paid directly to them (Wilson A, 2005). These payments were in the form of decennial leases but this was no longer the case after the Act (Wilson A, 2005). Oil no doubt is the mainstay of the Nigerian economy but this state of affairs has prompted agitations and calls for control of resources in community lands. Resolving this impasse requires a rethink of the relationship with land. Helena Howe argues that "connection with nature-and specifically, with land-underpins any transformation of property law from an anthropocentric, individualist concept to a more ecocentric and relational one" (Howe H, 2017). What does land mean to these communities? In traditional African jurisprudence, land was regarded as a deity. It was not sold, it was communally owned. It was their identity, their heritage. Due to this prevailing belief and practice at the time, the Colonial Office set up a Lands Committee to investigate the land tenure system in all its West African colonies in 1912 (Mabogunje A, 2007). Land sale started as colonialism progressed (Mabogunje A, 2007).

Harmony with nature

This head examines in the pre-colonial era, relationships of some communities with land. A survey of some Ijaw communities in the Niger Delta region will reveal close ties with land, harmony with nature. Harmony with nature is a legal principle of Customary Law (Brendan T, 2014). It is embedded in Customary Law principles (Brendan T, 2014). Brendan Tobin argues that the normative quality of Customary Law rests in the principles it enshrines and not in any specific rules (Brendan T, 2014).

Ijaw is the most important tribe in the lower Delta, and indeed, after the Ibo, in the whole of Southern Nigeria (Alagoa E, 1995). Among the Igbomoturu-West Bumo, a community in Bayelsa State which is part of the Niger Delta region, the earth was considered as an object of worship, a deity and was sacred to them (Ibegi C, 2003). The importance of the earth to them lies in the belief that all food and vegetation are derived from it and it is believed to be God's footstool (Ibegi C, 2003). The earth was invoked for judgement against a claim (Ibegi C, 2003). As a deity, there were sessions involving libation, prayers and sacrifices and the earth was consulted as an oracle at a place called "Amakiri" to find solutions to problems affecting the community (Ibegi C, 2003). God is known as "Woyein" which means "our Mother" (Ibegi C, 2003). As mother of all, God is believed to be the head and owner of all things in the universe (Ibegi C, 2003). The Igbomoturu people also believed in totems and this included animals such as crocodile, python, eagle and fishes. Trees also constituted totems (Ibegi C, 2003). Totems belonged to individual families and are believed to have sacred, special and cordial relationship with human beings especially families that have them (Ibegi C, 2003). A totem was regarded as a spiritual member of the human family, a covenant relationship where the human family neither ate nor harmed the totem and the totem likewise protected the human family (Ibegi C, 2003). As such, the death of a totem was an occasion for mourning. Some families went as far as giving totems token burial rites (Ibegi C, 2003). Totems were also regarded as guardian spirits and they were invoked for protection (Ibegi C, 2003). Totems were

not shared by different family groups unless where such family groups had historical or spiritual links (Ibegi C, 2003). Such totems if they were animals or fish could be eaten by those who did not have them as their totems. The crocodile was said to be a totem for the kalangakiri (a community in Bumo West) people who neither ate nor killed crocodiles (Ibegi C, 2003). People from other sections of the community hunted them for meals and this was applicable to animals such as the cat, eagle and other animals (Ibegi C, 2003). A Chief, John Kalaingo speaks of the origin of totem as dating back to inter-tribal wars:

Those who fought in these wars used these creatures to prepare charms, which they used in strengthening themselves against their enemies, …the crocodile and the eagle were animals for war. Some, however, were used for the treatment of certain diseases like smallpox …The medicine men who prepared these concoctions and war charms for them instructed them neither to kill nor eat these animals used for this purpose throughout the rest of their life (Ibegi C, 2003, p.186).

Gbarain Kingdom is another community in Bayelsa State. Gbarain is referred to as a Kingdom because it consists of many communities. It has been noted that in pre-colonial era, Gbarain's Government, religion, justice and political administration were bound together and inseparable (Tuaweri J, 2008). They also believed in ancestors as the Laws and customs were believed to be handed down by ancestors who served as watch-dogs from the 'great beyond' (Tuaweri J, 2008). The ancestors were referred to as 'Kiriyai' and played a key role in the Government of Gbarain Kingdom (Tuaweri J, 2008). As part of its system of administration, the Council of Elders were regarded as the mouth piece of the ancestors (Tuaweri J, 2008). The Council of Elders made decisions but the Executive functions were carried out by different age grades ranging from twenty-one to forty years of age (Tuaweri J, 2008). The different age grades took instructions from the Council of Elders. Although the Council of Elders was not a formal Law-making body, they promulgated Laws when the need arose and this was given divine sanction by a sacrifice to the gods of the earth and the ancestors (Tuaweri J, 2008). The earth was also invoked for judgement against a claim (Tuaweri J, 2008). There was also a Town Assembly known as "Ama Ugula" presided by a President known as "Amaksowei" (Town elder) (Tuaweri J, 2008). The President worked with an Executive to resolve disputes (Tuaweri J, 2008). The Town Assembly served as the judicial arm of Government where disputes were tried and judgement given or settled. Violation of norms was regarded not as an offence against the community but against the gods and ancestors (Tuaweri J, 2008).

Among the Nembe ethnic group in Bayelsa State, the earth was also considered as an object of worship. Ebiegberi Alagoa notes that the world-view of some Niger Delta communities is basically historical and that their systems of belief contain within them entities conceived in historical terms as the "ground" on which the identity of the community is established and that "[t]his earth is, a common object of worship or veneration among African peoples" (Alagoa E, 2006, p.21). He also notes that in the Niger Delta, the earth-spirit resides specifically in the "settled earth" – "Amakiri" (ama=city, kiri=earth) (Alagoa E, 2006). It is the spirit of the earth on which the city is founded that is venerated, not earth in general. "City-earth", he notes is a historical entity bound up with the foundation and fortunes of the community in a "continuing relationship" (Alagoa E, 2006).

This principle of harmony with nature is also found in other parts of the country. Among the Yoruba, a tribe in western Nigeria, some sustainable environmental practices involved the prohibition of felling of trees in some restricted areas. Amokaye Oludayo notes that traditional people lived in harmony with nature, ensuring a balance between themselves and the environment (Oludayo A, 2004). He notes that, to the traditional people, environment and particularly land is the essence of human self-definition, economic and cultural survival (Oludayo A, 2004). And that land as a specie of the environment is, therefore, not to be abused or degraded, but a material element to be cherished, preserved and responsibly enjoyed by the present and future generations (Oludayo A, 2004). A Nigerian Chief in the early twentieth century is noted to have once stated, *"*I believe that land belongs to a vast family of which many are dead, few are living and countless members are still unborn" (Colson E, 1971). Elizabeth Colson (1971) notes that this is perhaps the most famous and certainly most quoted statement in the literature on African land tenure. She notes further that this statement has been quoted, commented upon and treated as though it were a legal maxim underlying all systems of land holding in every part of Africa (Colson E, 1971).

Amokaye Oludayo also notes that traditional people maintained sustainable environmental practices for forestry and wildlife management which promoted biodiversity of plants and animals (Oludayo A, 2004). They classified and zoned their landmass into thick and lower forests and groves (Oludayo A, 2004). The lower forests were used for farming, housing and social needs (Oludayo A, 2004). The thick forests were not cultivated or utilised for any economic purposes (Oludayo A, 2004). They were used as medicinal plants and herbs (Oludayo A, 2004). So, since the thick forests were uncultivated, deforestation was alien to them (Oludayo A, 2004).

An interesting practice by the Yorubas, is their concept of forest reservations. There were various categories of forest reservations. Some forests were reserved for game hunting (Oludayo A, 2004). Some others were subdivided into special categories such as elephant forests and buffalo forests (Oludayo A, 2004). Hunters looking for a wild animal would go to the specialised forests to hunt for them (Oludayo A, 2004). Biological diversity was preserved where plants and animal species and inanimate objects were considered sacred (Oludayo A, 2004). They remain untouched and if tampered with, constitutes a taboo (forbidden) with penal consequences (Oludayo A, 2004). The biological diversity in such areas is said to remain safe, and to a large extent has thrived (Oludayo A, 2004). In some cases, where cultivation takes place, people preserve in-situ useful species of plants either as individual plants or in clusters of whole groves (Oludayo A, 2004). Trees that are considered to have spiritual values are regarded as sacred which serve as habitats for the spirits and gods and must never be cut except directed by the gods such as the iroko tree (Oludayo A, 2004). Such trees were never cut nor cleared in the lowlands, except on very rare occasions or when such trees were needed for housing and social purposes such as construction of local bridges, palaces, shrines and social centres (Oludayo A, 2004). This practice preserved thick forests which ultimately provided useful defence against adversaries in time of war in ancient period (Oludayo A, 2004). The conservation of biodiversity in-situ is further achieved through preservation of different kinds of protected areas such as parks, natural reserves, wildlife sanctuaries and biosphere reserves (Oludayo A, 2004).

The practice in Ijebu communities (also in western Nigeria) with sedimentary soils, their Customary Laws encouraged them to engage in tree planting exercises and this helped to stem erosion. Adewale (as cited in Usman A, 2017). The Osun-Osogbo Sacred Grove, now a World Heritage Site is a product of these sustainable practices (Mechtild Rossler, 2006). It is interesting to note that Cameroon has adopted zoning arrangement in its forest management. It operates a decentralised regime in forestry management and wildlife protection based on customary practices. Some lands are under Government control and others under the control of communities with profit or benefit sharing arrangements and in accordance with the National Environmental Management Plan (Galega P, 2018). The 1994 Forest Law makes this arrangement possible (Galega P, 2018). The forest is zoned into Permanent Forest Estate (PFE) and Non-Permanent Forest Estate (NPFE) (Galega P, 2018). The Permanent Forest Estate establishes permanent forest domain under State ownership and Local Council ownership (Galega P, 2018). These are for forestry purposes, the creation of protected areas and research (Galega P, 2018). The Non-Permanent Forest Estate consists of forests for uses other than forestry and for private forest estates by individuals, corporate entities, forest estates allocated for community forest management and residual Local Council forest estates (Galega P, 2018). Community Forestry is an innovation in Cameroon with local communities able to participate in forest management using their traditional knowledge and practices which are sustainable (Galega P, 2018). The Forest Law also makes it mandatory to produce management plans for each Forest Management Unit (FMU) granted to logging companies (Galega P, 2018). This is to ensure that their activities are in line with the Forest Management Plan (Galega P, 2018). The Forest Law as noted earlier, provides for a profit or benefit sharing arrangement. These are annual forest royalties paid by logging companies. The annual forest royalty scheme provides for 50% to the State, 40% to the Local Council and 10% to the local community from total forest revenue (Galega P, 2018). There are also provisions for determining the basis and methods of collecting royalty and taxes on forestry activities, establishing Management Committees responsible for managing forest royalties, and modalities for monitoring the use of the revenue (Galega P, 2018).

Equally notable in Cameroon is the arrangement on wildlife protection. A classification arrangement is in place with species grouped as ‘A, B and C’ (Galega P, 2018). Rare species threatened with extinction are grouped in class A (Galega P, 2018). These are granted total protection and prohibited from being hunted except for authorised capture for research or protection (Galega P, 2018). Class A species consists of species in Annex 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (Galega P, 2018)). Class B consists of species in Annex II of CITES (Galega P, 2018). Class B species are partially protected and require hunting authorisations and licences (Galega P, 2018). Class C consists of species in Annex III of CITES (Galega P, 2018). Species under this category are protected through regulated capture and hunting (Galega P, 2018). Some species require authorisation for killing and sports hunting (Galega P, 2018). Hunting permits have also been introduced by the Law (Galega P, 2018). These permits are categorised into three; those for traditional or subsistence hunting, sporting and commercial hunting. Community Hunting Ground (CHG) have been allocated by the State under the Non-Permanent Forest Estate to local communities (Galega P, 2018). Quota from hunting fees is paid to community hunting areas through Local Management Committees (Galega P, 2018).

Although Cameroon has made remarkable progress with these innovations, rights to use resources does not confer ownership of land and the resources on these communities (Galega P, 2018). The Forest Law recognises customary rights of local communities "to exploit all forest, wildlife and fish products, with the exception of protected species, for their personal use', however, these rights may be "temporarily or permanently suspended when the need arises for reasons of public interest" (Galega P, 2018, p.440). Section 7 of the Forest Law provides that; "the State, local councils, village communities and private individuals may exercise on their forest and aqualcultual establishmnets all the rights that result from ownership". These rights are subject to restrictions laid down in the regulations governing land tenure, State lands and the Forestry Law (Galega P, 2018).

Mali is another example of a decentrallised regime. It has been described as a "successful example of West African decentralization... though it shares many challenges with other developing countries-including reconciling customary and "modern" legal orders" (Benjamin C, 2008, p. 2257). Community institutions are still vibrant in Mali (Benjamin C, 2008). It has recognised customary practices in forest management but there appears to be difficulties in implementation arising from legal pluralism (Benjamin C, 2008). The Local Government is responsible for forestry management but there are some powers which are required to be transferred to the communes but it is yet to do so (Benjamin C, 2008) Where the local communities have self-organised by placing restrictions and fines, these are overturned by the Courts as the 'living Law' is not recognised as Law (Benjamin C, 2008). Charles Benjamin in a field study of three communities in Mali; Badiari, Douma and Senore, found the most successful attempt at decentralisation was with a non-governmental organisation (Benjamin C, 2008). The villages constituted an informal association to discuss preparation of a Convention (Benjamin C, 2008). The NGO was able to bring in all the stakeholders, State technical agents (forestry and agricultural extension officers), representatives of ten local communities, elected officials of the commune and reached a written Agreement based on their Customary Law (Benjamin C, 2008). The Agreement took into consideration reciprocal rights of communities especially those without forest who engaged in a process of exchange of other resources such as fisheries or flood pasture (Benjamin C, 2008). But forest management is based on formal management plans with the Forest Service overseeing their preparation. As a result of this Agreement ten important forests have been closed to all cutting and leaf harvesting for an initial five-year period (Benjamin C, 2008). The Agreement maintains customary practices such as the right of the water shaman (who coordinates water management system) to control opening and closing dates of collective fisheries, places key breeding grounds off limits to all fishing and bans some fishing techniques (Benjamin C, 2008). Flood pastures on the other hand are zoned for local herding, fee-based grazing, and commercial cutting (Benjamin C, 2008). More so, the Pastoral Charter gives authority over flood pastures to the communes (Benjamin C, 2008). The village association however, recognises the role of village Chiefs in controlling access and managing revenues on behalf of their communities (Benjamin C, 2008). In Ghana, land is managed by Chiefs (Abdulai R, 2011). These powers are open to abuse so adequate checks must necessarily be put in place to avoid rent capture by traditional authorities (Schoneveld G, 2017).

(Land Use Act 1978, 2004): Examination of some of its provisions

The (Land Use Act 1978, 2004) is not regarded as an environmental legislation but it is the legislation governing land use in Nigeria. It is the legal framework for land use and administration in Nigeria. Land administration includes land tenure (securing and transferring rights in land and natural resources), land value, land use and land development (Enemark, Hvingel & Galland, 2014). The Land Use Act was enacted to provide a uniform system of landholding in Nigeria, address land speculation issues, ensure security of tenure and to make land available to Government for developmental purposes. The Act has 8 parts and 52 sections. The Act provides for control of land which is vested in the Governor of a State. The Governor of each State in Nigeria by section 1 of the Act, holds land in trust for the use and benefit of all Nigerians. Nigeria has 36 States and a Federal Capital Territory. The Act in its long title excludes from its purview, lands vested in the Federal Government or its agencies. In section 2, lands in urban areas shall be under the management and control of the Governor of a State. Non-urban lands, that is, land in rural areas are under the management and control of a Local Government. The Act provides for leasehold interests. These are in the form of statutory and customary rights of occupancy provided in sections 5 and 6 of the Act. These are very limited interest as the Act does not give a definite time frame for these interests in land. But in practice, it is 99 years. The Act does not provide an option for renewal. These rights are subject to overriding public interest. They can be revoked for public use. There are concerns however, that the Governor's right of revocation can be subject to abuse. The Act provides for a Land Use Allocation Committee at the State level and at the Local Government level, a Land Advisory Committee. These Committees are however not functional in most States in Nigeria.

A major problem with the land administration system in Nigeria is that most lands are not registered. Apart from the cost involved, the procedure is very cumbersome due to bureaucratic bottle necks. It takes time to obtain Certificates of title. Even for assignment of leases, the requirement of consent from the Governor also takes time. These affects businesses where land is to be used as collateral to obtain loans from Banks. A 2017 World Bank Report on ease of registration amongst selected countries ranks Nigeria as 179 on the table with about 11 (11.3) procedures and about 2 months (68.9) to register title. World Bank (as cited in Oluwatayo I, Timothy O & Ojo A, 2019). Registration of title is important for the planning process. How can there be well informed plans without data? Lack of adequate planning arrangements leads to the spread of informal settlements such as slums which puts pressure on already existing inadequate infrastructure (Oluwatayo I, Timothy O & Ojo A, 2019). To aid the process of registration, suggestions have been made for a Land Administration Domain Model (LADM). The LADM is an international standard that provides a network of information between and across countries (Lemmen C, Oosterom P, & Bennett R, 2015). Some writers are of the view that customary lands should be registered (Oludayo A, 2011). Local institutions can be used in the registration process to reduce the cost of registration (Cotula, Toulmin & Hesse, 2004). Charles Benjamin however argues that "reconciling legal pluralism is not a matter of authorizing communities to continue organizing along traditional lines or of codifying customary land tenure as private property rights" but that that there should be policy framework for implementation (Benjamin C, 2008).

The tenor of the (Land Use Act 1978, 2004) is very much like a Decree. This is no surprise because the Act was originally passed as a Decree. Some of its provisions are like a tingle in the ear. Section 47 oust the jurisdiction of Courts to hear matters relating to the vesting of land in the Governor of a State. The section equally ousts the jurisdiction of Courts to hear matters relating to the right of the Governor of a State to grant a statutory right of occupancy and to the right of a Local Government to grant a customary right of occupancy. The Court is equally precluded from determining matters as to the amount or adequacy of compensation paid or payable. However, by section 29(2) where a Statutory right of occupancy is revoked for overriding public interest such as for mining or oil pipelines, the holder and occupier of such lands shall be entitled to compensation under the 'Minerals Act or the Mineral Oils Act or any legislation replacing same'. But Fenine Fekumo argues that the Minerals Act and Mineral Oils Act excludes from their purview the Land Use Act. Feninie Fekumo (as cited in Oludayo A, 2011). By section 34 (2) owners of developed plots of land prior to the commencement of the Act continue to be holders of such plots of land and are considered to be holders of Statutory rights of occupancy. All that is required is an application to the State Governor by such holders for a Statutory right of occupancy. And customary landholding continues by section 36 of the Act. On the other hand where the land is undeveloped, by section 34 (5) (a) the holder shall be entitled to only "one plot or portion of the land not exceeding half hectare". Rights to the excess land shall be extinguished and the excess land shall be taken over by the Governor. Other sections that are of concern with calls for amendment are sections 8, 22, 28 and 29. Section 8 provides for the grant of a Statutory right of occupancy for a 'definite term' and as already noted no time frame is provided but in practice it is 99 years. Suggestions have been made that the grant of a Statutory right of occupancy should be made permanent. For section 22, the requirement of Governor's consent in obtaining Certificates of title should be removed (Nwocha M, 2016). For section 28, the grounds upon which a Governor can exercise his right to revoke a Statutory or Customary right of occupancy for overriding public interest should be limited. Such grounds should not include alienation by a landowner of his interest in land (Nwocha M, 2016). And for section 29, compensation should be commensurate with the market value of the land (Nwocha M, 2016). But the requirement for amendment is stringent. It requires a constitutional amendment of two-third majority of the votes in the National Assembly and two-third majority of the votes of the Houses of Assembly in each State of the Federation. The Act is embedded in the 1999 Constitution. By section 315 of the Constitution, all existing Laws are considered to be already passed by the National Assembly. And this includes the (Land Use Act 1978, 2004) amongst the list of Laws.

Equally of note are proposals for reforms. A Technical Committee was set up in 2009 to propose reforms on land tenure. The Committee recommended the establishment of a Lands Commission. A decade later, this is yet to take effect. The Land Tenure Matters and Natural Boundaries Committee was set up in 2014. The Committee recommended that the (Land Use Act 1978, 2004) be expunged from the Constitution, The Committee also recommended the establishment of a National Land Commission. There is a clear need for amendment of the (Land Use Act, 2004).

In decentralised regimes, the approach is by devolving land and administration powers to customary institutions. Examples are Land Boards or Land Commissions, Local Government institutions such as Village Councils and Customary authorities

(Cotula L, Toulmin C & Hesse C, 2004). Madumere Nelson proposes a structural framework for land administration in Nigeria (Nelson M, 2019). This includes a National Land and Natural Resources Management and Administrative Authority at the Centre with zonal authorities at the State and Local Government level and Customary land authorities at the community level (Nelson M, 2019). Nigeria can learn from Ghana through use of customary institutions such as Chiefs in land management if it is to decentralise since most lands are in rural areas which are still governed by customary tenure instead of the ceremonial roles they currently hold. Chiefs are regarded as custodians of customs and tradition.

Conclusion and Recommendation

This Paper argues for a rethink of the land administration system in Nigeria. It argues that part of the problem with the Laws passed in the country is that these Laws do not take account of culture which includes customary practices, which in turn leads to the disconnect between Law and the people. It analyses the (Land Use Act 1978, 2004) as one of such legislations that reflects this disconnection and is a cause of crises in the Niger Delta region. It advocates for a shift in value based on Customary Law. As can be seen from the examples of some customary practices in some communities in Nigeria, this shift in value is to an ecocentric approach which is holistic and promotes sustainability. It encompasses culture, environment and economic considerations (it is profitable). Just like Ghana and other decentralised regimes, Chiefs can be incorporated in land administration process. Nigeria can learn from Ghana and other decentralised regimes in a move towards an ecocentric approach by building strong and enduring institutions based on customary Law.

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