LAND REFORMS AND THE FUTURE OF LAND USE ACT IN NIGERIA

by

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Introduction

Human society the world over is heavily dependent on land and its resources. It is not an overstatement to say that without land there would be no human existence. This is because it is from land that man gets items very essential for his survival such as food, fuel, clothing, shelter, medication and others.¹

In the words of Omotola:

Every person requires land for his support, preservation and self actualization within the general ideals of the society. Land is the foundation of shelter, food and employment. Man lives on land during his life and upon his demise, his remains are kept in it permanently. Even where the remains are cremated, the ashes eventually settle on land. It is therefore crucial to the existence of the individual and the society. It is inseparable from the concept of the society. Man has been aptly described as a land animal.²

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From the foregoing, it is obvious that the life of man and that of the society revolve around land and its resources. Thus, it is apposite that man’s fulfillment of his potentials in life depends largely on his relationship with land. Global recognition of the relevance of land to the life of man can be gleaned from the proceedings at the United Nations Conference on Human Settlement (Habitat II) 1996 where many countries committed themselves to:

promoting optimal use of productive land in urban and rural areas and protecting fragile ecosystems and environmentally vulnerable areas from the negative impacts of human settlements, inter alia, through developing and supporting the implementation of improved land management practices that deal comprehensively with potentially competing land requirements for agriculture, industry, transport, urban development, green space, protected areas and other vital needs.  

It is this importance of land to man and the society that influenced the state intrusion into property legislation in order to ensure adequate and efficient land management technique for the benefits of the greatest number of the members of the society. This point is further underscored in the words of a learned author to wit:

Sanitation Edict 1985 in Omotola J (ed.) Environmental Law in Nigeria Including Compensation (Faculty of Law University of Lagos Akoka) page 1.
4. Banire. M.A.: Land Management in Nigeria: Towards a New Legal Framework Ecowatch Publication Limited 2006 p 4. It has long been recognized by Economists and other behavioral scientist that land is an important factor of production that has an almost inelastic supply curve.
virtually every form of investment or development by government and private entities is dependent upon land in one way or another. It is now generally accepted that poor land administration can impede economic development and social welfare.

Therefore no nation can fold its arms and allow its land use management to fall in disarray as “no nation handles the issue of land management within its borders with levity”. It is this nexus between land and economic prosperity of an individual and a nation that probably informed the Constitutional provision respecting the inviolability of private property rights in various jurisdictions around the world. In Nigeria, the provision of section 43 of the Constitution provides that no right or interest in movable or immovable property shall be compulsorily acquired anywhere in Nigeria without the payment of adequate compensation.

Thus while the Constitution recognizes the importance of land to personal economic growth by preserving individual property rights; it also recognizes the eminent domain status of the state to take private property upon the payment of adequate compensation to the victim. It is therefore imperative that the state should endeavour to strike an equitable balance between private property rights and state rights to compulsorily acquire private lands for public good. This balancing posture is to ensure that land, the scarce and limited resources of the nation is put to an optimal judicious use.

The Land Use Act, 1978 was enacted to address this importance of land to mankind and therefore provide viable

management options to land administration in Nigeria. This salient fact is borne out of the preamble to the law, which provides that:

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 also in the public interest that the rights of all Nigerians to use and enjoy land in Nigeria and the natural fruits thereof in sufficient quantity to enable to provide for the sustenance of themselves and their families to be assured protected and preserved.

With the benefit of the foregoing paragraphs, this chapter sets out to examine the provisions of the Land Use Act with particular reference to the nature of the tenurial system created and the type and quantum of rights derivable thereunder. The paper will particularly focus on the nature, incidents, and implication of a deemed grant vis a vis an express grant with a view to highlighting the dichotomy and divergence in the nature and duration of rights created and the implication for the present and future implementation of the Land Use Act. This is particularly imperative given the disposition of the current government desire to reform the Land Use Act after more than 30 years of operation.

To effectively and efficiently address the issues raised, the paper is divided into the following parts. Part one, deals with introduction, which espouses the importance of land to mankind and the need for state intervention in the regulation and management of land for effective and optimum use. Part two

7. Emphasis supplied to stress the importance of devolution of the land to successive generations in an orderly and stress free sequence. Thus one of the aims of the Land Use Act is to ensure smooth transition and devolution of interest in land from one generation to the other. This objective is only achievable where the terms nature and incidents of rights granted under the Act is certain or ascertainable with precision.

8. Land reform is on the priority list of the current regime as it forms one of the 7 Point Agenda of the Yar’dua Federal Government Policy.
discusses the legal status and nature of the Land Use Act as a piece of legislation, its departure from pre-Land Use Act legal regime and any justification thereto. Part three is devoted to a discourse on the nature and types of rights created under the Act … i.e. right of occupancy, deemed and express grants. On the other hand, part four deals with the implication of grant of these rights to proper and egalitarian administration of the land policy. Part five is on the way forward.

The Land Use Act and the Nationalization Ideology
The need for the promulgation of the Land Use Act was borne out of the necessity to “harmonize the land tenure system in the country, the problem of land speculation and the difficulty of government (and individual) in obtaining land for development purposes.”

This need gave birth to the provision of section 1 of the Land Use Act which provides that:

Subject to the provisions of the Act, all land comprised in the territory of each state in the Federation are vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of Nigerians in accordance with the provision of this Act.

This particular provision of the Act has been variously interpreted by the courts, commentators and academic writers. While to some, the provision signals the death knell of private

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property rights because the provision nationalizes all lands in the country by vesting the ownership of same in the state via the Governor, others believe the contrary, and asserting that the provision does not expropriate or extinguish individual land rights.

The nationalization school of thought is aptly represented by the view of Eso JSC in the celebrated case of \textit{Nkwocha v. Governor of Anambra State}\textsuperscript{11} where his Lordship said:

\begin{quote}
(T)he tenor of that Act as a single piece of legislation is the nationalization of all lands in the country by the vesting of its ownership in the state leaving the private individuals with an interest in land which is a mere right of occupancy.
\end{quote}

Obaseki JSC expressed the same sentiment when he said, “It is an understatement to say that this Decree or Act abrogated the right of ownership of land hitherto enjoyed by all Nigerians”.\textsuperscript{12} In the academic circle this opinion finds expression in the works of Umezulike\textsuperscript{13} where he posited among other things that section 1 of the Act hints at only one radical possibility, namely the expropriation or nationalization of land.

On the other side of the divide are the views of Prof. J.A. Omotola,\textsuperscript{14} James,\textsuperscript{15} Fekumo\textsuperscript{16} and Smith\textsuperscript{17} among others to the effect that the section cannot be said to have nationalized all lands in the country. Their position is based on the argument that the

\textsuperscript{11} [1984] 6 SC 362 at 404.
\textsuperscript{12} Paper delivered at the Law Teachers’ Conference 1988.
section should not be read in isolation, but subject to other provisions of the Act. And when jointly read as such, it becomes clear that the rights of the citizen in land, although regulated, are in no way destroyed. The right to enjoy remains, the right to dispose is only impaired except the transaction relates to land coming under section 36 of the Act which bars completely transactions in land.\(^{18}\) The anti-nationalization school of thought argued further that the governor is not the beneficial owner of the land by virtue of section 1 of the Act, but only a trustee, for the section created a trust\(^{19}\) in favour of all Nigerians.

It is, however, the position of this paper that the Act is nothing but a nationalization instrument which took away the right of ownership and management of land from the citizens and vested it in the state. In fact, the tenor and essence of the Act as reflected from the readings of its provisions is that it has succeeded at turning landlords into tenants over the lands and impoverishing citizens as it sought to remove the economic and wealth creation attributes of land. This conclusion is founded on the fact that under the Act individual rights and interests in land is curtailed and limited only to right of occupancy and the fact that a bare and undeveloped land under the Act bears no economic value as no compensation is paid for its acquisition by the state.

With this provision, the governor becomes a trustee of all the land in the state and holds the allodial title to it. Thus, it is argued that no person can claim unlimited interest on land since the commencement of the Act, because whatever interest that is claimed on land, is still subject to the superior title of the governor.


The nature of the trustee power of the governor has been a subject of hot debate among commentators. While some commentators believed that the governor is only a nominal owner of the land vested in him by the provision of section 1 of the Act, others are of the view that the governor is more than a nominal owner of the land and that he is indeed a real owner of the land, particularly, when viewed against the background of the powers vested in him in the control and management of land within the state. These powers are so enormous that it even overshadowed and made nonsense of the power of management of non urban land vested in the local government by virtue of section 6 of the Act.

Thus with the governor being vested with the allodial or radical title to all lands in the state, it is argued, all other interest in land become an estate less than freehold. It then means that no person can hold a fee simple, fee tail or even a life estate in land in

20. See Omotola: Does the Land Use Act Expropriate?, Smith op. cit, Banire op. cit, Fekumo op. cit.


22. Under section 3, the governor is empowered to declare at his discretion the land in the state as urban and non urban land. He is given the exclusive management of urban land, thus where he declares all the land in the state as urban land, no land is left in the local government to manage. Furthermore The governor’s power to grant statutory right of occupancy over all lands in the state for all purposes under section 5(1) and the superiority of such right over existing right including Customary Right of Occupancy granted by local government made mince meat of the local government management powers.


24. In fact the Land Use Act, while not expressly abolishing prior existing right and interest in land expressly created a “Right of occupancy” as the highest interest derivable under the Act and made all other existing rights over land subservient to this right of occupancy. See section 48 Land Use Act.

25. Though the Act did not define a right of occupancy and its extent, but it is trite that no Right of Occupancy has been granted beyond 99yrs. And the fact that the Act did not provide for renewal of the right of occupancy on expiration reinforced the conclusion that not only is the right of occupancy defeasible, but it is also of a determinable period, thus likened to a lease. More so, they argued, because it has terms and covenant and certainty of duration. See generally Omotola Essays on Land Use Act 1978. (Unilag Press 1984).
any state in Nigeria. According to this school of thought the best interest accruable under the Act could be likened to lease.\textsuperscript{26} It is no doubt that the Land Use Act has fundamentally and drastically changed the landscape of property law rights and interest in Nigeria. But has it been able to rationally and efficiently address the issues and problems that led to its promulgation positively and adequately? The Act has generated and will continue to generate further discourse in view of its inelegant drafting, inchoate and unclear nature of the right derivable under it, and the extent to which the law affects private property rights of the citizens.

Some of the controversies raised by the Act seemed to have been settled by judicial pronouncement.\textsuperscript{27} There are, however, litigations of other issues or questions craving for just answers. Among these is the opinion that the best interest accruable under the Act is leasehold.

However is this conclusion sacrosanct, particularly, in view of the nature and extent of rights vested in a deemed grantee of right of occupancy?\textsuperscript{28} This and others issues shall be subjected to forensic analysis in the following discourse.

\textsuperscript{26} For example the issue as to nationalization or expropriation of land seemed to have been settled with the Supreme Court case of \textit{Abioye v. Yakubu (supra)} when the Court said that the Act has not come to rob “Peter to pay Paul.” However there is a new thinking that the Act actually expropriated private property rights in favour of the State without due compensation. This view is canvassed in the yet to be published article of this writer titled “\textit{Compulsory Acquisition without Compensation: The Case of the Land Use Act. (Forthcoming)}.

\textsuperscript{27} It has been argued that it is still possible to create freehold estate under Nigeria land law. See Chianu E: Land Use Act and Individual Land Right in Smith I O: \textit{The Land Use Act Twenty-Five Years After} Dept of Private and Property Law Faculty of Law University of Lagos. 2003. This chapter also posits that the trusteeship of the governor if any is a nominal one as, save for section 21 & 22 on consent and section 34 &36 on quantum of holding the governor has limited or no control over the right of a deemed grantee over his land.

\textsuperscript{28} See section 5 & 6 Land Use Act.
Nature and Types of Rights Created under the Act
Management of land in a state is for administrative purposes divided into two under the Act namely, the governor and the local government. The governor in the exercise of his power of management over the land in the state is empowered to grant statutory right of occupancy to any person for all purposes. Upon the grant of the right of occupancy under this section all prior existing right over the land stands extinguished. But this position has been reversed by the case of Mohammed v. Dantsoho.

The local government is also empowered to grant customary right of occupancy with respect to lands in non urban areas. Owners of developed land prior to the promulgation of the Act were converted to a deemed grantee of a statutory/customary right of occupancy issued by the governor/local government. The pertinent question to be answered at this juncture is: what is the nature of right granted under the Act, is it a freehold, leasehold or even a license? This question becomes more poignant when the position of the deemed grantee is considered. Many commentators have expressed diverse view on the nature of right of occupancy as to whether is a leasehold or not.

Though there seem to be a consensus that the Act took away the allodial title from prior owners and vests same in the Governor of the state for the benefit of all Nigerians. Thus turning prior owners of land to tenants; with limited, ascertainable, determinable and defeasible rights in the land. This conclusion is premised arguably on the provisions of section 1 of the Act. It is however

29. Section 2(a) & 5(1) Land Use Act 1978.
31. Section 34 and 36.
33. Section 6.
opined here that while the conclusion may be inescapable when the
right of an express grantee is considered same conclusion may not
be reached with respect to the right of a deemed grantee, as
subsequent discourse will reveal.35

Granted, a deemed grantee may not alienate his grant without
the consent of the governor and his right to compensation is
circumscribed by the Act,36 his interest in the property is infinite in
time and superior even to that of express grantee even where the
express grantee obtained his grant under section 5(2) of the Act;
unless such grant complied with the provision of section 28 on
revocation of right of occupancy.37

In this respect, the position of the governor as the person in
whom the land is vested can be likened to the position of the crown
in England, where ownership of land is vested in the crown with
the subjects owing only an interest in the land, which interest is
defeasible.38 Thus, like a fee simple holder in England a deemed
grantee who had freehold land prior to the Act, though subject to
the limitations expressed in section 34 and 36 as to quantum of

35. See Emeka Chianu op.cit: In fact save for the consent provision and
compensation, the Land Use Act does not fundamentally affect the title of
deemed grantee. The bulk of the powers of the governor is evident in the
certificate of occupancy which a deemed grantee is not obliged to take, for unlike
express grantee he takes it at his own discretion.

36. Section 29 compensation is payable only for unexhausted improvement on the
land and not on bare land.

37. See the cases Dentsoho v. Mohammed [2003] 6 NWLR Pt. 817 457; Ibrahim v.
Mohammed [2003] 6 NWLR (Pt. 817) 615. See also I.O. Smith in 23 JPPL 2003
p. 179. See also Ilegbune C: Land Ownership Structure under the Land Use Act

38. The largest interest in land in England is fee simple absolute, which is described
as a grant to “A and his heirs.” Heirs here limited to any descendants of the
grantee irrespective of sex. It is thus an interest, which may enure in perpetuity
but defeasible once there is no heir to inherit the estate upon which the land on
the infinite nature of the right of a deemed grantee reverts to the grantor i.e. the
crown. Other notable interests in land are fee tail, life estate and leasehold
interest. See generally Megery and Wade: Law of Real property Macmillan Press
2002. See also Chianu E: Land Use Act and Individual Land Rights in the Land
Use Act in Smith. I(ed) The Land Use Act Twenty-five Years after 2003 (Faculty
of Law UNILAG).
interest he may have, 39 continue to hold an indeterminable interest in the property subject only to the State right of compulsory takeover of his property for overriding public purposes and limited right of alienation. 40 Such deemed grantee will only lose this fundamental allodial right where he applies for the issuance of certificate of occupancy from the Governor, thus making his interest determinable, as he will not be granted any tenure beyond 99 years. 41

That a deemed grantee under the Act who had a freehold land prior to the promulgation of the Act can be likened to a fee simple holder in some respect, is further reinforced by the provision of the Act, particularly section 36(2) which permitted the occupier or holder of such land not in urban area been used for agricultural purposes prior to the Act, to continue to use the same, whether subject to customary right or otherwise howsoever 42 for agricultural purpose as if a customary right of occupancy had been granted to the occupier by the appropriate local government authority.

The preceding conclusion becomes inescapable for the following reason. Firstly the application of the section is not

39. A deemed grantee cannot own land in excess of half hectare in urban areas and a deemed grantee of a customary right cannot subdivide or lay out his land in plots to transfer to other persons under the Act. It is however important to note that this is not the situation in practice: it is not on record that deemed grantees of urban land lost their excess land to the State subsequent to the promulgation of the Act nor are deemed grantee of customary right in fact precluded from sale and subdivision of land.

40. Such powers of the State or Community predate the Land Use Act as evident in customary family land ownership system and the various Compulsory Acquisition Laws in Nigeria. It is noted that unlike a fee simple holder a deemed grantee cannot alienate his holding without the prior consent of the Governor as provided in section 21 and 22 of the Act. However there is no known case of consent refusal by the Governor, meaning that the consent provision is more of administrative and taxing huddles in the way of potential Assignors. It does not detract from any right vested in the deemed grantee prior to the Act.

41. Section 5(1) and section 8 of Land Use Act.

42. Section 36(3) see also section 36(4) in respect of developed land in non-urban area.
limited to land subject to customary law alone for it provides, *or otherwise howsoever*. Thus, the holder of other rights prior to the Act *i.e.* fee simple holder, are also entitled to the benefits conferred by the provision. Secondly the Act did not define the extent and duration of the customary right of occupancy deemed granted under the section, it is thus argued that it is indeterminate. Thirdly, the local government is only to register the holder, at the holder’s absolute discretion, as person to whom a customary right of occupancy has been issued in respect of the land in question. Thus the extent of the interest vested in the deemed grantee is indeterminate likened to a freehold interest of pre Land Use Act era.

**Implication to Equitable Land Administration**

Omotola\(^44\) once commented that the land Use Act provide for dual administrative system, one for expressly granted right of occupancy under section 5 & 6 and another in respect of deemed granted right of occupancy under section 34 and 36 of the Act. This opinion has been criticised\(^45\) and was overruled by the Supreme Court in the case of *Savannah Bank Ltd v. Ajilo*.\(^46\)

However in view of the preceding analysis of the provision of the Act with respect to the position of a deemed grantee, Omotola’s argument cited above becomes plausible. The implication of this position *vis à vis* the just administration of the Land Use Act is enormous.

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44. Banire: *Land Management in Nigeria* above at note 4 p. 74.

45. *Supra*.

46. Even with respect to the Express grant there is no uniformity in the duration of the grant and no law compels the Governor to grant a uniform tenure. In practice the Governor usually grants a tenure of not beyond 99 years, but there are instances where a tenure of a lesser duration has been granted.
With the present position of the law, it is not clear the duration and extent of a right of occupancy obtainable under the Act particularly with reference to a deemed grant.\textsuperscript{47} Though the Governor is not compelled to grant the maximum duration of interest obtainable under the Act, he has not been known to grant a right in excess of 99 year with respect to express grant under the Act.\textsuperscript{48} The position of a deemed grantee is in this case not clear as there is no stipulation as to the extent of the duration of his interest. Thus while some people i.e. express grantee, have a determinable interest in land, others i.e. deemed grantees, have an indeterminable interest in land under the same Act which seeks to unify the land tenure system in the country!

It implies that there will come a time when the security and or proprietary value of the certificate of occupancy expressly granted will diminish when compared to that of a deemed grant particularly where the deemed grantee possesses a registered conveyance prior to the Land Use Act. This will be so because at a point in time the express grant (certificate of occupancy) will expire, while the registered conveyance of the deemed grantee will remain sacrosanct as same is still recognized by the Act.

This conclusion is further reinforced by the fact that the Land Use Act does not make provision for the renewal of an expired certificate of occupancy, thus giving the Governor absolute discretion as to whether the express grantee will continue to hold the land after the expiration of the time stated in the certificate or

\textsuperscript{47} Sections 5 and 8 Land Use Act. The combined effect of these provisions is that the Governor in the exercise of his management powers under the Act can only grant a right of occupancy of a definite term and the practice is to grant a definite term not in excess of 99 years.

\textsuperscript{48} See Sogunle B.A.: The Enactment of The Land Use Act On March 29\textsuperscript{th}, 1978: Nationalisation Or Expropriation? in Smith I.O. (ed): The Land Use Act: Twenty-Five Years After 2003 published by Department of Private and Property Law UNILAG p 49 where the learned author opined, citing Savigny (1814), that Land Use Act “as a piece of legislation which has not been rooted in the national consciousness of the Nigerian people and which as a result would die a natural death.
not. The implication of this position is that the Land Use Act will fail administratively at a point in time\(^\text{49}\) particularly with respect to the administration of the land in possession of an Express grantee. This scenario will further increase the stock of land in Government possession and discretion at the expense of individual land ownership.\(^\text{50}\) On the other hand a deemed grantee renews nothing and thus continues to retain the land till eternity subject however to the State powers of compulsory acquisition.

Another observable implication of the dual tenurial system under the Land Use Act is that while an express grant, evidenced by certificate of occupancy is revocable for failure of the grantee to abide by the terms of the certificate of occupancy i.e. developing the land within the stated period,\(^\text{51}\) and for public purposes,\(^\text{52}\) a deemed grant can only be revoked for overriding public purposes under the Act\(^\text{53}\) as there was no certificate of occupancy issued to a deemed grantee except he applies for one by which he converts his holding into an express grant with all its implication and ramifications.

Furthermore an express grantee is subject to payment of rents, penal rents and other charges over his holding as stated under the Act.\(^\text{54}\) Failure to pay the imposed charge may be a ground for the revocation of his right of occupancy.\(^\text{55}\) A holder of a deemed grant, on the other hand pays nothing by way of rent and charges to the state for his holding and his holding cannot be revoked on that basis. He is only liable to pay tenement rates/property tax where the land is developed, and in this wise an express grantee is not

\(^{49}\) This scenario supports the argument that the Land Use Act nationalized all lands in country as a time may come in the future when private land holdings will be extinguished or at least drastically reduced and all lands will now become State Land Operated under the Right of Occupancy Scheme of the Land Use Act.

\(^{50}\) Section 9(3) Land Use Act.

\(^{51}\) Section 28 Land Use Act

\(^{52}\) Ibid

\(^{53}\) Ibid section 10.

\(^{54}\) Ibid section 28.

\(^{55}\) Section 29 Land Use Act 1978.
exempted. The practical result of the foregoing is that while some people i.e express grantee, pay taxes and charges to the State for their holdings in land, others i.e. deemed grantee, pay no such charges.

On the other hand where a right of occupancy is revoked by the state for over riding public interest of the Federal, State or Local Government or in connection thereto, the holder of an actual or express grant of right of occupancy, where the land is bare land gets by way of compensation a refund of an amount equal to the rent paid on the land for that year. A deemed grantee in the same shoes gets nothing from the state by way of compensation. This is premised on the philosophy of the Act that accords no proprietary or monetary value to bare land in its administration. Each allottee of state land are specifically required to pay for the allotted land based on per-square metre price of the land. This is irrespective of payment of other ancillary cost and land charges like capital development charges, neighbourhood development charges etc.

From the foregoing it is obvious that the Land Use Act has not and cannot guarantee an equitable distribution and administration of land in Nigeria. The Act has thus failed to provide and fulfill the philosophical aspiration of its proponents. While the philosophy behind the promulgation may be said to be laudable and commendable, particularly in view of the activities of land speculators, the drafting and implementation of the Act is fraught with countless hiccups. Unless the current legal regime is

56. See particularly the provisions of section 34 of the Land Use Act which expressly and categorically made forfeited to the state any undeveloped land of a holder in excess of the ½ hectare rule.

57. This position clearly contradicts government policy and practice in allocation of state lands to individuals and corporate bodies.

58. This process may be tantamount to an amendment of the Land Use Act and may thus require the tedious process required for the amendment of the Constitution as provided for in section 9 of the Constitution. This conclusion is reinforced by the fact that such scheme runs contrary to the provision of section 48 of the Act which recognised the existing right and laws prior to the Land Use Act.

reviewed, the inequality and injustice in land administration engendered by the Act will continue unabated with dire consequences for the proper development of land market and land economy in the country.

The Way Forward
With the present precarious situation in land administration in Nigeria, the Government needs to take a stand and take steps to review the current legal regime. In particular the government could administratively introduce a scheme whereby it makes the possession of a certificate of occupancy over land the only recognized legal instrument evidencing title to land in Nigeria. This is with a view to introducing a uniform tenurial system of land ownership throughout the country. This will do away with the current uncertainty as to the duration of the interest of the deemed grantee vis a vis that of an express grant. Such a policy may also compel owners of unregistered land to come forward to take the Certificate of Occupancy. This way every landowner will have certainty of duration of his interest.60

On the other hand the government could liberalize the process and procedure for the procument and issuance of certificate of occupancy so as to encourage deemed grantee to apply for the certificate, thereby making their tenure certain.61 This process will not only bring more people into paying property taxes in form of land charges and ground rents, thus increasing the source of funds into state’s purse, but will also bring sanity and certainty into the property market. The process would also engender the growth of a system of a uniform land tenure for all land holding interest throughout the length and breath of the country. The process will further improve the land instrument registration system in the

Country, as most land will be registered. This, it is arguable will foster a predictable and coherent land market economics and growth in the country.

The opposing view expressed in the communiqué issued at the end of the 3rd National Workshop on Land Use Act\(^{62}\) which tend to recognize and advocate dual tenurial and administrative system for actual/express grant and deemed grant should be jettison as such will engender uncertainty, inequality and abuse in land management and administration in the country with adverse socio-economic and cultural consequences on land market and development in the country.

Above all, given the multitude of criticism and adverse comments on the imports and effects of the Land Use Act on the individual property rights, the land economic and management, commercial activities and social harmony within the country, it is ripe time for a total and comprehensive review and amendment of the Act.\(^{63}\) This position is underscored because of the crucial position of land in the social, cultural, economic and political life of an individual in particular and the nation in general.

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