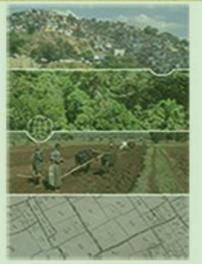


Land Governance in an Interconnected World

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The Broad Powers of State Governors under the Land Use Act, 1978 and Land Governance in Nigeria.

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INTRODUCTION

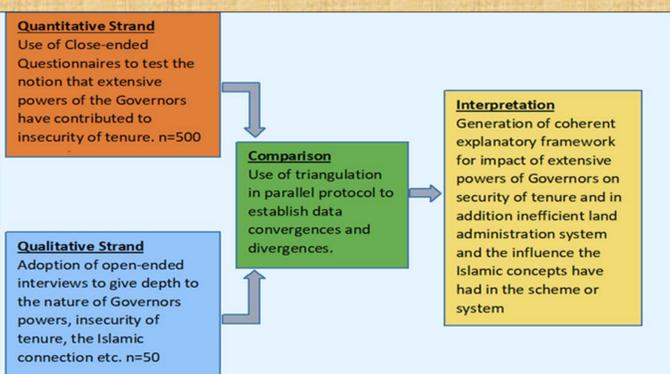
- The Land Use Act, 1978 gave absolute ownership and control powers of all the land in each State to the Governor.
- Absolute powers are naturally liable to abuse.
- Abuse of these powers of has attritive and ruinous effects on sustainable land administration and development (Kelly, 2006).



Land Administration Corruption (Awais, 2014)

MATERIALS | METHODS

- The study aims at finding justification for the broad powers bestowed on the Governors by the Act and the impact they have had on land governance in Nigeria.
- The first part of the query was dealt with literature, secondary sources and closed ended data collection instruments.
- The Convergent Parallel or Triangulation Mixed Method Design was adopted for the latter as it provides for a well-validated and substantiated findings (Creswell and Clark, 2011)



Design Framework for Research

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RESULTS

- There is a mismatch in the underlying legal philosophy of the Act and its jurisdiction.
- The Act is based on Islamic Law where land is held by the State in sacred trust for people (Qur'an, 6:165).
- The Emir or "Governor" in Islam personifies the State and has unfettered powers over all the land in the Emirate (Kalu, 2008).
- The State Governors in Nigeria are placed in the position of these Emirs with all their powers in a secular environment.
- The study also found out that the Act functions better and was less prone to abuse in the Islamic Northern part of Nigeria than in the Christian South.
- Section 38 of the Act preserves the power of Governor to revoke rights of occupancy.
- The Land Use Act cannot be repealed without a constitutional amendment which is almost impossible as provided by the combined effect of sections 315(5) and 9(2) of the 1999 Constitution of The Federal Republic of Nigeria.
- The Study found that the Governors have abused their powers and this has had devastating impact o the environment as the can change the Land Use without consultation. In Enugu State for instance, burial grounds, zoological gardens, polo-field, cricket grounds have been converted to residential use on the State Governor.

CONCLUSIONS

- Land governance is the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented and the way that conflicting interests in land are reconciled.
- With a population of over 160 million people and significant reserves of natural resources, Nigeria has great potentials, but key weaknesses in the land governance system remain an albatross to the realization of its full economic and social potentials.
- The starting point should be the divesting of all land in the Governors as provided by Section 1 of the Act. The expropriation of individual ownership of land does not have a place in the present day democratic and market economic setting.

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