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PAPER PRESENTATION ON
LAND AND HUMAN RIGHTS, GENDER AND INDIGENOUS PEOPLE OF
KADUNA STATE, NIGERIA

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Abstract

Land and human rights in the context of developing countries is linked with right to access to land, use, control and transfer. Several countries have taken steps to formally make legislation that ease access to land without bias which include right to occupy, enjoy, sell, purchase, grant/loan, inherit/bequeath, develop/improve, rent or sublet; and benefit from improved land values or rental income (FAO, UN, 2002). Legally, land rights usually fall within the categories of land laws, land tenure agreements, or planning regulations; but they are rarely associated with human rights law. Internationally, no treaty or declaration specifically refers to a human right to land. In fact, there is speaking that there is no international law on human right to land.

However, land rights are a key human rights issue. Land rights constitute the basis for access to food, housing and development, and without access to land, people find themselves in a situation of great economic insecurity. Generally, in Nigeria particularly Kaduna State access to land, use and control especially by the women and the indigenous people are challenging issues. Thus, the promulgation of Land Use Act,1978 was an attempt to by the Federal Government of Nigeria to address the issues of access to land. This paper wishes to examine Kaduna State is one of the States in Nigeria to make official regulations to address these problems of land and human rights, gender equity for the benefits of its citizens, Known as Kaduna State Land Use regulations, 2017.

KEY WORDS: land Rights, Kaduna, Nigeria, Land use Act. 1978, Statutory right, Customary Rights, Indigenous people, Constitution of Nigeria, Gender equity, GIS.

1.0 Background

Since time immemorial, land has been the important resource for the existence of man. It is the basic necessity in life which all activities linked to it. Thus, Land is a key factor in determining man's socio-economic and political status.

Therefore, access to land is an important issue to women and indigenous people and the Controlling Authority as the problem on how to distribute/ allocate land has continue to be the root of conflicts in many societies. Human right aspect of land affect range of issues including poverty reduction and development, access and control over land, peace building, urban and rural planning. Emerging global issues such as food insecurity, climate change and rapid urbanization have also focused attention on how land is being used, controlled and manage by states and the private sectors. According to Swedish International

Development (SIDA) report on Women and Land right, March 2015 stated that: ‘There is a direct relationship between women’s right to land, economic empowerment, food, security and poverty reduction’

The history of administering land in Nigeria is traced to the pre-colonial era when tenure of land rest on communities deferring from one region to the other. It is common that community leaders held in trust for their people to make use of its on request either for cultivation of crops, grazing/or building.

In Northern Nigeria, where Kaduna is situated, the situation was also the same when the Emirate held land in trust for its indigenous people. But with the arrival of the early missionaries through coastal and trans-Saharan trade; the spread of Islam and the abolition of slave trade brought about new ideas in the traditional system of land holding. This has witnessed the introduction of land policies in the country including the Land proclamation of 1990, Land and Native ordinance 1916, Land Acquisition Ordinances of 1917, Public Land Acquisition Act, 1956, Land Tenure law of 1962 and finally land use act of 1978 emerged.

The Land Use Act came into effect in Nigeria on 29th March 1978 as a result of the recommendation of a panel set up in 1977 to harmonize the different regional land tenure systems operating in Nigeria. The vision is to control land use for Regional and Development.

Despite these efforts, access to land and registration processes are still facing challenges. According to some views; change is required in the area of Governors consent to land and property transactions because the process seems to favour only the elites in many of the States in Nigeria.

In some of the study carried out, has shown that land in urban areas lack legal titles for securing loan to invest for medium and small-scale enterprises by the urban poor forcing them into abject poverty.

Against the background, this paper seeks to review current reforms that aim to meet the criteria of human right, gender and the indigenous people need.

2.0 Aim

The aim of this paper is to examine the Kaduna State Land reform that improve land rights and the special attention to indigenous people (especially vulnerable group) to land. Also investigate its policies toward promoting gender equality to land right and program benefits.

3.0 Land and human right, gender entrenched in Nigeria law

In Nigeria, after independence, the land use Act, 1978 is the current legislation on land, aim at ensuring even/equal access and distribution of land to Nigerians. However, according to chapter 1 of the Federal Constitution of Nigeria which states that “in the country there have existed and shall continue to exist without discrimination by reason of race, origin, color, religion or sex, the following fundamental human rights and procedures namely;

- i) Liberty, Security of the persons and enjoyment of property and the right not to be deprive of thereof except by due process law;
- ii) The rights to equality before the law protection of the law;
- iii) The right to respect for private and family life;
- iv) The right to equal treatment from any public authority;
- v) The right to join political parties and to express political views
- vi) Freedom of movement: freedom of conscience and religious beliefs;
- vii) Freedom of thought and expression;
- viii) Freedom of association and assembly and freedom of the press

In case, if an individual constitutional right is violated or are likely to be so, section 14 provides that the person has the right to apply for a motion to the High Court for redress.

Furthermore, the general aim of the Nigerian Law is to ensure equitable distribution of land. But the adequacy of it operation/implementation procedure largely depend on regulation adopted by the individual state. In general human right could be made effective in protecting vital interest of citizens practically not on paper guarantee.

4.0 Policies and Regulations In-Line with Land, Human Rights, Gender and Indigenous People

In the past Kaduna State like any other state in Nigeria had weak land governance. But now it has promulgated official policies and sometimes collaborates with the Presidential Technical Committee on Land reform (PTCLR) to streamline processes, improve transparent and efficient land administration as follows:

4.1 Institutional Reforms

The political landscape surrounding land reform in Nigeria continue to evolve. These reforms continue to identify and leverage on opportunities that will inspire land right of the people.

In Kaduna State, the institutional reform witnessed the institutional reform that change the former Ministry of Land to Kaduna Geographic Information Service (KADGIS) with new institutional structures as follows:

- KADGIS LAW, 2015
- Promulgation of Kaduna State Land Use Regulations 2017
- Introduction of Policy Unit
- Geographic Information System (GIS) Structure

4.1.1 KADGIS Law

It's a well-defined set of rules and principles regulating the actions of the Service. It empowers KADGIS to stand alone and enforce regulation governing land administration. The laws simplifies procedures and strengthen the institution to ensure every indigene and Nigerian at large have secured land rights. Ultimately, it has consolidated responsibility of KADGIS to introduce, implement and sustain best practice for land and human right, promote gender equality in the state.

4.1.2 Kaduna State Land Use Regulation

By the Authority vested in the Governor of the State by the land Use Act (LFN, 2004) to make regulations with a simplified rules, procedures and schedules that guide the general public. This regulation is called 'Kaduna State Land use regulation 2017' (First Edition).

In part 1 section 1.2. It stated that "The Kaduna Land use Regulation, 2016 ensure transparency and equity in the processing and execution of all land related applications and transaction by the Kaduna Geographic Information Service" (KADGIS). It further stated some basic principles as follows:

- a. The aim is to create a single Digital Data Repository (Land Database) that will provide information to all general public, professional and all Ministries, Department and Agencies (MDAs).
- b. Expedite all land related process and transaction.
- c. Fast-tract service delivery to all applicants.
- d. Provide all the relevant reviewed fees, rates, rents for transparency.
- e. The Regulation is subject to periodic review and revision at the discretion of the Governor.

The above statement is a clear view that Kaduna State Government is determined to make changes based on people's opinion on issues posing a challenge to them and is a clear compliance to the human right basic principles as enshrined in the constitution of Nigeria.

4.1.3 Introduction of Policy Unit

Modern societies are very complex in such a way that land problem/issues are daily evolving and interwoven that cannot be solved independently. Couple with the introduction of modern technologies in the land Management System such Geographic Information System (GIS), Land Administration System (LAS), Digital land Archive, Modern Survey Methods. Examples of the land related problems/issues includes:

- A new housing development schemes;
- Regularization of illegal layouts schemes;
- A new Mortgage Scheme;
- Indigenous and other peoples plea for review of some policies e.g reduction of rates, rent or fees
- Challenges of land acquisition for layouts/housing lead to policy of land to land compensation.

A policy unit is formed to solve problems/challenges on an improved, efficient service delivery to the people and thus protect their human rights.

4.1.4 GIS Framework

Creating a data-base for land rights that support decision making process and access to information by the public require a Geographic Information System. For this reason, a digital Aerial mapping was commissioned that covered the entire state with 10cm resolution in the Metropolitan area and 25cm in other local government of the state.

This effort had given the State insight of the geographical distribution of its indigenous people for planning purposes and implementation of equitable development.

4.2 Systematic Property Registration Programme (SPRP)

Is a community-based programme design to register every land rights (ownership) especially within low-income earners and women in unplanned and rural areas using simple and transparent approach. Every property owner will be registered through SPRP. It is a process of systematic visit to every household, street, area, district and local governments in order to properly demarcate and register every landed property using the Aerial Ortho-photo of a particular for demarcation and adjudication of rights within “SPRP declared area”.



Women sensitization on equal land rights

4.4 Joint Ownership Registration through SPRP

Through this registration program (SPRP), lands rights are jointly registered for husband and wife which is a major change that characterized gender equity. It secure women right over land in event of the spouse's death against conventional norms that hindered them to enjoy land rights. This action had encouraged women to participate and improve their security of tenure.

4.5 50% fees waiver of the Cost Certificate of Occupancy for women registered through SPRP

This is one of major step taken to ensure gender equality by reducing 50% fees of the cost of Titles (Certificate of Occupancy) to women only through the SPRP. This significant gesture was as a result of pleas by the women in many of the interactive meetings of educating them on land right and investment opportunities. And was graciously approved by the Governor of Kaduna State which demonstrated elimination of gender gaps in economic participation.

Now woman pays N2,500 (\$7) half of C of O fees of N5000.00 (\$ 14). Women beneficiaries claimed that the money saved from this reduction will be channeled back to their small-scale investments.

4.6 Allocation of 20% Land to women in new layouts

This new policy of the state is trying to achieve gender equity as it observed that sometimes cultural practice on inheritance in Nigeria especially upon death of a spouse have negative impact on woman. Also, despite

women's significant role in the provision of food and general well-being of families, gender disparity still continues and men dominate land issues. In view of this, the Governor of the state graciously approved setting aside allocation of 20% of plots in layouts made for allocation to women with a view to give women life prospect and opportunities to own their land and the power to shape their lives and contribute positively to society.

4.7 Land rights for Indigenous and foreign investors

The state is always looking inward through the Kaduna State Investment Promotion Agency (KAPIDA) to harness land resources for growth and development. To this effect, it map out the states fertile land, raw materials and infrastructure. Using the highlighted potential information to create blue-print for indigenous and foreign investors for allocation of land with secured land rights based on Public Private Partnership for establishment of agro-allied industries, Mass Housing and Manufacturing industries for businesses and investment.

4.8 Collaborate with International Agencies to develop policies on land right for Agricultural Investment

The vision of the State on economic and social welfare development makes it to partner with the World Bank on new concept of Agricultural Development known as 'Framework for Responsible and inclusive land-intensive Agricultural Investment' (FRILIA).

The concept came along with policies on land, human rights, gender equity and indigenous people. Similarly, it promotes security of land tenure for both indigenous and the investors. This investment model seeks to ensure communities make a decision on their land for investment in accordance to the Land Use Act, 1978. Some of the new ideas introduced include as follows:

- a) Community land identification is carried out to bring people together to acknowledge their right for negotiation.
- b) Discourage and eliminate taking of land from the indigenous people.
- c) Indigenous negotiate with along the government and investors for mutual cooperation and benefit of the investment project.
- d) In case of relocating indigenous people for the project, adequate compensation is paid.
- e) Indigenous people negotiate with the investor to partner in the crop production for the industries through out-grower schemes and other likes.
- f) Policies and laws ensure that tenure right should be non-discriminatory and gender sensitive.

- g) It discourages issuance of Certificate of Occupancy to the investors that displace indigenous people, but to develop a mutual agreement for the usage; control of the land for their benefits.
- h) Investors are expected to provide efficient infrastructure such as roads, schools, health facilities based on the policy of cooperate social responsibility.
- i) The approach of the intensive agricultural investment ensures human dignity, equity and justice, gender equality, accountability, non-discrimination and above all sustainable of land rights for indigenous peoples and gender equality.

4.9 Politicians Promoting Land and Gender Rights:

At the State level, politicians went back to their grassroots to identify the less privileged/poor peoples within their constituency that cannot afford to pay Certificate of Occupancy fees of (N2500 – Women; or N5000 – individual or N8000 – for multiple ownership), processed under SPRP to graciously pay for them and their C of O is conveyed to the owners.

Beneficiaries from this kind gesture applaud the political class and embrace the good deed as a social welfare to empower themselves.

4.10 CONCLUDING REMARKS

This paper presented some guiding principles for improving land rights through reforms that promote gender equity and human rights. The recognition of land rights improves the general access to land use and control for the benefits of all indigenous people. The result of this create an enabling environment for investment and security of tenure.

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