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The Effect of Land Use Act on Property Development In Calabar, Cross River State, Nigeria.

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Abstract

This study focused on the objective of Land Use Act of on property development in Calabar, Cross River State, Nigeria. For a thorough investigation, three objectives and one hypothesis was formulated to direct the study. The literature review was based on sub-variables of the study. The designed adopted for the study was survey research design. This design was most suitable for the study because it helps the researcher to examine the situation under investigation as it exists presently in the area of study. The population of the study consisted all the 28 wards located in Calabar, Cross River State, Nigeria. The sample used for this study was (264) respondents selected from 8032 registered Landlords from six out of 28 wards in Calabar. A questionnaire tagged: Objective of Land Use Act of on Property Development Questionnaire (OLAPDQ) was the most suitable instrument used for data collection. The instrument was divided into two sections. Section A, focused on the demographic data of the respondents. Section B was designed with 10 items to elicit information on the major variables (objective of land use act and property development) of the study. Results from data analysis and testing of the hypothesis of the study reveals that, the objective of Land Use Act have significant positive influence on property development in Calabar, Cross River State. Based on the results, it was

	recommended among others that the government through its agency should take charge of land allocation and management to attract land investment and that the state government should partner with individuals and corporate bodies to promote the development of housing scheme and leasing them at affordable cost.

Introduction

Land, being the most universal, most valuable, probably the most controversial assets, the one and the only foundation of all human activities, requires a planned system of holding, control and regulations so as to avoid misuse and abuse of rights. In the words of Taslim O. Elias, (2010) "The indigenous system does not admit that land can ever be without an owner" indeed, if land (Real property), were to be a "res nullius" (something belonging to none), it will be valueless in the economic sense, there will be no question of compulsory acquisition, purchase, revocation and subsequent compensation. It may not be out of place to suggest that without valid control and regulation, ownership of land may depend purely on the physical strength of an individual or how violent the person can be.

Since the promulgation of the Land Use Act of 1978 however, the land use Act has been under intense fire as virtually almost every part of it has been criticized. The Act hardly went down well with many Nigerians because of the factors of interest in communal land ownership comprising several dead ancestors, relatively few living members and countless unborn generations. Many of their forefathers and mothers lost their lives in the process of acquiring the lands and were buried there. Unless their bodies and bones are exhumed, it remains a taboo to leave those lands. One therefore observes the existence of several motives and circumstances attracted to land ownership. In traditional Nigeria, many of which are non – economic and therefore cannot assuaged monetarily since the owners do not sale, alienate or part with land as freely or easily as other commodities.

Development has a very wide meaning, among Architects, Engineers and surveyors. It generally means the process of carrying out construction work which are associated with a change in use of land or of land with its buildings or with a change in the intensity of the use of land or with the re-establishment of an existing use, such work would include the alternation of roads and drains, construction of hospitality and tourism related buildings, building of residential areas and the building of river wall or even the layout of a plain field. In the same vain, development has been defined by statue; the best know being the town planning laws in Europe, America and Africa. The most celebrated of them all, the British town and country planning Act 1947 has defined development in section 12(2) of the constitution as the carrying out of building, engineering mining and other operations in, on, over or under land or the making of any material change in the use of any buildings or other land (Jibril, 2020).

There are many kinds of developers; however they can all be broadly classified under two main groups that is, private and public developers. Public defers to those developers who are part of the government. Example Federal Government, states and local government agencies. Nigeria ports Plc, power Holding company of Nigeria and others. Amongst the private developers are private individuals, tourism and hospitality industries, insurance companies, Banks joint stock companies'. In this country, even though the property development industry is still largely under developed or rather uncoordinated, there are some companies like HFP or individuals like Alhaji Rasaki A. Okoya in Lagos that have been involved in large scale property development mainly in and around Lagos (Bamidele, 2021).

However, most of the large scale commercial developments are still undertaken by Banks, Insurance companies, tourism and hospitality industry and so on. These developments are big and large for their use and sub-letting only if there are surplus lettable spaces. The Federal and state governments also embark on property development through the National Housing Programme, industries/companies and State Housing Corporations respectively. These are mainly in the areas of residential accommodation and business firms including tourism and hospitality outfits. The effect of land use on property development is a serious challenge that has taken the front burner among individuals and groups. This becomes a worrisome issue to people because the Land Use Act gives absolute power and authority of land ownership to the government. Some of the challenges facing property developers in Nigeria include accessibility, acquisition and security of title. The process of acquiring land in Nigeria is challenging that it makes people worried and disturbed to the extent that it becomes difficult for land developers invest their hard earned money in property development (Akpambang, 2022).

In Cross River State for instance, the federal government, state and individuals have been involved in different kinds of property development programmes or the other in various parts of the state. For instance, the federal government has recently embarked on the development of federal housing estate for the federal workers in Odukpani Local Government Area of Cross River State. A large expanse of land has been used. With the completion of phase 1, the properties have been allocated to individuals. The phase 11 has soon commenced and would be completed within stipulated time. On the other hand, the State government has also been involved in the development of property (houses) and other facilities constructed on land to serve different purposes. In Akpabuyo Local Government Area of the state, a large portion of land has been used for the development of housing estate for the state workers. Individuals have also acquired landed properties to meet up their housing needs in different locations in the state. The expansion of development has significant positive and negative effects on the land, people and the economy of the state.
It is still rare to find property developers in Calabar compared Abuja, Lagos and other big cities in Nigeria putting up gigantic office blocks or shopping centers and on completion, setting them off for profit. This is because of the difficulties of raising substantial capital from the money or capital

market, lack of local manpower with the necessary expertise to undertake such developments or persons with large hearts to take such bold decision interwoven incalculable risk. Above all, the problem of land accessibility, acquisition and security of title on property development are some of the challenges facing prospective land developers in Calabar, Cross River State. The thrust of this study however, is to examine the effect of Land Use Act on property development in Calabar, Cross River State, Nigeria.

Literature review

The Land Use Act aims principally at the effective and sustainable management and control of land in Nigeria particularly in a manner that gives government sufficient powers over the acquisition, transfer or otherwise assignment of land and land resources. The Nigerian Land Use Act 1978 is the principal legislation that regulates contemporary land tenure in Nigeria. Upon its enactment, the law brought about radical, if not revolutionary, changes in the erstwhile land tenure systems in the country. The law was aimed, among other things, at reducing unequal access to land and land resources, a situation that had caused a great deal of hardship to the citizenry. Massive and unfettered access to land and land resources by the citizens could stimulate the needed economic growth in an economy that depends heavily on agriculture and mineral resources (Ibrahim, 2023). The Land Use Act was equally targeted at reducing the high cost of land required for industrial estates and mechanized agriculture. For these reasons, the law appeared to nationalize land when it placed it in the hands of the government as a custodian, to hold in trust and administer for the use and common benefit of all Nigerians. However, after more than three decades of the operation of the law, it is apparent that most of the problems it sought to cure have resurfaced and certain provisions of the law have themselves worked hardship on the citizens and tended to impede economic development, which the Act initially sought to stimulate.

A study by Babalola and Hull (2019) examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria. The *Land Use Act* of 1978 (LUA) has failed to achieve some of its objectives. The rural poor and the vulnerable are those most affected. The failure is ascribed to problems inherent in the Act and poor implementation. This paper discusses the effect of the LUA on the customary ownership of land and its effect on the tenure security of the rural poor. Using a conceptual framework for guiding cadastral systems development, the critical areas of the LUA as pertains to tenure security are analyzed for the degree of their success, sustainability, and significance. The framework looks at the underlying theory, the drivers of change, the change process, and the land administration system. A mixed methodology approach was adopted for the study, using a single case study. Three groups of respondents contributed to the study: land professionals, civil servants and students. The study found that securing title to land is difficult, compensation provisions need to be reviewed, formal land registration is not in the interest of the poor, land is not available at an affordable rate, land speculators are still active in Nigerian land markets, the composition of the two committees is inadequate, and the refusal to grant certificates to people below the age of 21 is age biased. It

further revealed that the power granted to the governor is enormous and unnecessary. The findings showed that the LUA is both effective in some areas and dysfunctional in others. This is because of the age of the Act and the lack of a pro-poor policy focus. Based on these findings recommendations were made, including that a new policy be enacted that includes proper policies and customary laws. The LUA is found to be useful in urban areas, but not in solving land-related problems in rural areas. This study provides an understanding of the legal holding of land in Nigeria and guides developers and government in the allocation, planning and development of land to meet agricultural and economic and industrial purposes.

A study by Otubu (2015) examined the Land Use Act and land ownership debate in Nigeria: Resolving the Impasse. This work sets out to examine the concept of ownership with respect to land within the confines of the provisions of the Land Use Act and in the light of the diverse positions taken by scholars and commentators on the provisions of the Act. It discusses the positions of the two schools of thought on the subject, rationalizes them and posits that the underlying intent of the Act was to Nationalize all lands in the country by vesting the beneficial interest in the land in the state, leaving the citizens with determinable possessory rights and beneficial interest in the developments and improvements on the land. Resolving the impasse, the work advocates for review of the Act to be in tandem with its underlying philosophy and principles as espoused in the preamble to the Act.

Okpala and Udobi (2022) examined the comparative analysis of Land Use Act using traditional method Nimo, Anambra State, Nigeria. Land is a vital aspect of man's existence. Every nation of the world relies on land; all human activities are carried out on land which is the basic factor of production. The need to acquire land by man has tremendously increased over the years. Prior to the promulgation of land use Act, Land is completely owned by individuals, families and communities with the head who hold the land in trust for the use of the entire people. But the commencement of land use Act of 1978 altered the existing land tenure and vested all lands in the government. Having observed all these in recent years, it is clearly understood that these goals have not in any way come to reality rather the Act has been used to achieve personal goals and objectives by various past administrators and governments of various levels. This study examines comparative analysis of Land Use Act using traditional methods in Nimo, Anambra State, Nigeria. The study also examines traditional methods of land acquisition and classification of land ownership. Structured questionnaires were used to elicit information from indigenous residents of Nimo. Some of the indigenous residents of Nimo were interviewed in the community. The study found out that land is acquired in Nimo community mainly through inheritance and purchase and also most of the lands in Nimo community are owned by individuals. The paper recommended that the land Use Act should be amended to bring it in line with the reality of the custom of the populace, in order to have a clear and not confusing land tenure system. The government should revisit the method of land holding in the country and to take drastic measures to address the inequities.

Statement of the Problem

One of the problems facing humanity in the world is the acquisition of land and development. In the developed nations of the world, government either takes responsibility of developing property for its citizens or provides the financial backing to enable people develop their properties. This makes development easy and achievable. In developing society, the acquisition of land and development of such parcel of land is individualistic. In Nigeria for instance, the promulgation of the Land Use Act in 1978 gave absolute right to the government to take charge of land ownership.

Despite the enactment of this law, individual still claim ownership of land go to the extent of leasing of selling lands to others. It is obvious that landed properties wrongly acquired and developed may have such buildings demolished due to the fact that it was wrongly acquired. In Cross River State, there are landed properties lying fallow due to government injunction. These factors have scared individuals and corporate organizations from property acquisition and development in the state.

The government on its part has done everything possible to lessen the process of accessing and acquiring land for property development. Information on the availability of landed property for sales has always been made public for interested members of the public and prospective property developers to take advantage. This effort is directed to ease the tension associated with land ownership while encouraging property development. Unfortunately, nothing tangible has been achieved in this regards. Looking closely, there are some problems associated with property development such as non-availability of land for development, revolution of right on land and various land policies.

It is against this backdrop that this study was conceived to examine the effect of Land Use Act on property development in Calabar, Cross River State, Nigeria.

Aim and objectives of the study

The aim of this study is to examine the effect of Land Use Act of on property development in Calabar, Cross River State, Nigeria. In order to achieve this aim, the following objectives are stated;

i. To determine the extent to which the objective of Land Use Act and property development

Research questions

The following research questions are posed to direct this study;

i. To what extent does the objective of Land Use Act promoted property development?

Hypotheses

The following hypotheses are formulated to guide this study. The hypothesis is stated in a null form thus;

1. The objective of Land Use Act does not affect property development in Calabar

Study Area

Calabar is capital of Cross River state, southern Nigeria. It lies along the Calabar River, 5 miles (8 km) upstream from that river's entrance into the Cross River estuary. Settled in the early 17th century by the Efik branch of the Ibibio people, the town became a centre for trade between Europeans on the coast and Africans farther inland. Fish, cassava, bananas, palm oil, and palm kernels were traded at Calabar for European manufactured goods, and the town also served as a major slave-trading depot. Duke Town and the other Efik settlements near Calabar—Creek Town, Henshaw Town, and Obutong (Old Town) were forcibly united into the loosely knit state of Old Calabar by the Ekpe secret society, which was controlled by the towns' merchant houses.

By the mid-19th century, after the waning of the slave trade, Old Calabar's economy had become based on the export of palm oil and palm kernels. After the chiefs of Duke Town accepted British protection in 1884, the town, which was called Old Calabar until 1904, served as capital of the Oil Rivers Protectorate (1885–93), the Niger Coast Protectorate (1893–1900), and Southern Nigeria (1900–06) until the British administrative headquarters were moved to Lagos. It remained an important port (shipping ivory, timber, and beeswax, as well as palm produce) until it was eclipsed by Port Harcourt, terminus (1916) of the railroad, 90 miles (145 km) west.

The name Old Calabar (as distinguished from the port and river named New Calabar, 120 miles 193 km west) was originally given by 15th-century Portuguese navigators to the African inhabitants of that part of the Gulf of Guinea coast. This region was the main source of the Calabar bean, a poisonous bean that, when ingested, markedly affects the nervous system.

The completion of roads from Calabar to Arochukwu, Ikom, and Mamfe (in Cameroon) and the Calabar–Itu–Expene highway (which provides easy access to the rest of Nigeria) contributed to Calabar's initial importance as a port. The port still exports some products, including oil, natural gas, palm produce, timber, rubber, cocoa, and piassava fibre. The town has a sawmill; rubber-, food-, and oil-palm-processing plants; and a cement factory. Wood carving is a traditional art of the Efik, and the town's artisans sculpt ebony artifacts for the tourist market in Lagos.

Calabar has long been an educational centre. Its first church school established by Hope Waddell of the Free Church of Scotland in 1846, helped influence the Ekpe secret society to pass a law (1850) prohibiting human sacrifice. The University of Calabar (1975), a college of technology, a teacher-training college, and numerous secondary schools are located in Calabar. Pop. (2016 est.) Urban agglom, 895,000. It is not an over statement to say that Cross River State is the Tourism

hub of Nigeria. The area is blessed with numerous Tourism potential. The name CALABAR which means 'come and live and be at rest' indicate the hospitable and welcoming nature of the people.

Physical geography of the study area

Calabar is the capital of Cross River in Nigeria. Its geographical coordinates are 4° 57' 0" North, 8° 19' 0" East and its original name (with diacritics) is Calabar. Calabar boundary to the south by the big River called Akwa Akpa; in the north by Calabar Municipal. In the west by Odukpani Local Government Area and by the east by Akpabuyo Local Government Area respectively. The capital city of the State, Calabar, has a significant record of rainfall within the year, while the dry season has less significant effect in the state due to the depth of rainfall experienced. Based on the records presented by the Climate Data of the state, the annual rainfall of Cross River state is 3306mm| 130.2 inch. The study area is blessed with variety of natural and man-made resources including land for different purposes like building and farming, rivers with variety of creatures and so forth.

Under Köppen's climate classification, Calabar features a tropical monsoon climate (Köppen: *Am*) amidst a lengthy wet season spanning ten months and a short dry season covering the remaining two months. The harmattan, which significantly influences weather in West Africa, is noticeably less pronounced in the city. Temperatures are relatively constant throughout the year, with average high temperatures usually ranging from 25 to 28 degrees Celsius. There is also little variance between daytime and nighttime temperature, as temperatures at night are typically only a few degrees lower than the daytime high temperature. Calabar averages just over 3,000 millimetres (120 in) of precipitation annually.

Map of the study area

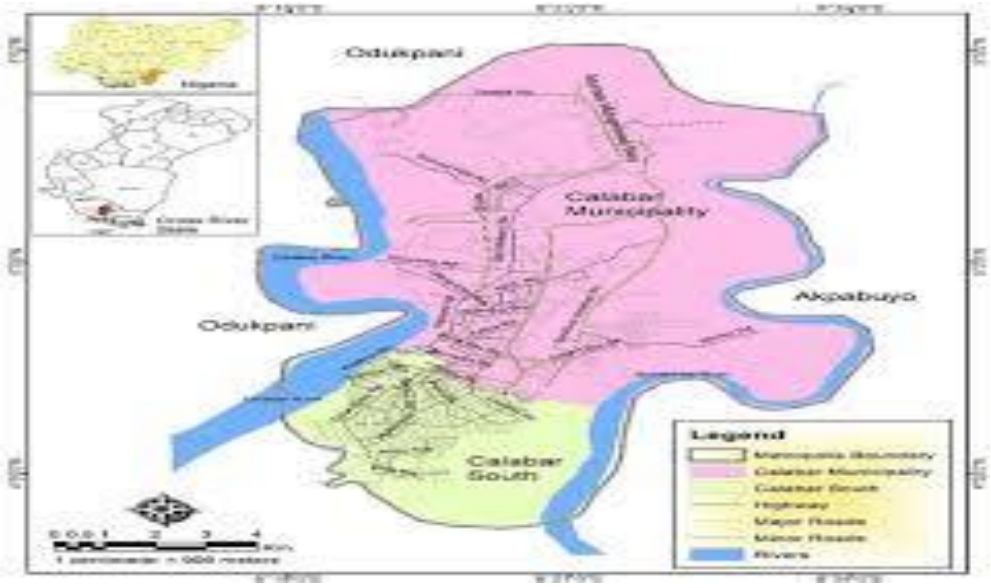


Figure 1: Topography map of Calabar Metropolis showing the study Area

Research Methodology

The research design employed for this study was survey research designed. Idaka and Anagbogu (2012) explained that survey design is an approach specifically designed to systematically collect data, facts or opinion concerning a group of individual or existing phenomenon who have the same characteristic through the use of questionnaire and interview.

The types of data used for this study include data on: the objective of the Land Use Act and property development. Information or data inherent in this work will be obtained through primary source which include the use of interview, focus group discussion and observation, and the secondary source of data was from journals magazines, textbooks, newspapers and other printed information sources. The population of the study comprised all registered landlords Association in Calabar, Cross River State, Nigeria. Data obtained from the Cross River Ministry of Lands and Housing (CRSMLH, 2024) revealed that there are 8,032 registered landlords in Calabar, Cross River State, Nigeria.

The sampling technique adopted for this study would be multi-stage sampling procedure (simple random sampling and proportional simple random sampling technique). The simple random sampling technique will be used to select 20% of the wards in Calabar. To do this, the researcher wrote the names of all the wards in slips of paper and folds each slip into a paper ball, mixed them thoroughly in a container; and then asked pick out 6 out of 28 wards in Calabar folded the pieces of paper into ball-like shape. Again, the researcher used the proportional sample random technique for selecting the respondents' used for the study. Thirty percent (30%) of respondents were selected from each of the selected registered landlord Association. The sample for this study consisted of two hundred and sixty-four (264) respondents drawn from 6 registered landlord associations, Calabar Cross River State. They comprised both male and female landlords who are members of the association. The sample for the study is presented in Table 1.

Table 1: Sample distribution of registered Landlords Association in Calabar, Cross River State

Wards	Population	Sample (30%)
Ward 1	152	46
Ward 4	103	31
Ward 7	151	45
Ward 9	108	32
Ward 12	140	42

Ward 14	227	68
Total	881	264

Source: Field Survey, 2024

The researcher will personally visit all the six (6) selected wards across the state and sought the consent of the chairman/chairperson of registered landlord associations and explained the reasons for carrying out the research in their establishments. Approval will be granted, and the researcher administered her questionnaire with the help of one trained research assistant. The researcher will explain how the questionnaire should be filled to each of the member met during their meeting at the time of the administration of questionnaire. The respondents were informed of the exercise and the essence of giving objective responses to the items. At the end of the exercise, two hundred and sixty-four (264) copies of the questionnaire will be administered and retrieved for data analysis. The raw scores generated from the questionnaire were analyzed using the Simple percentage analysis. The demographic characteristics of the respondents were obtained as well as the data obtained for each of the variable used in the study.

Result and Discussion of findings

Hypothesis tested for this study state that the objective of Land Use Act does not affect property development in Calabar. The independent variable is categorized into two groups that is positive and negative objective of Land Use Act on property development is measured with five items. Independent t-test analysis was adopted to compare their effects. The summary of the result is presented in table 2

Table 2: Independent t-test analysis of the effect of the objective of Land Use Act on property development in Calabar (n-264)

Variables	n	X	SD	t-cal	P. level
Positive objective of Land Use Act on property development	264	36.461	6.804	11.262	.029
Negative objective of Land Use Act on property development	264	24.174	4.287		

*Significant at 0.5 level

Result presented in table 2 reveals that the objective of Land Use Act significantly positive influence on property development in Calabar, Cross River State, Nigeria (t-cal = 11.262; P<.05). Hence, the null hypothesis was rejected while the alternative was retained at the 0.5 level of significant. This implies that the objective of Land Use Act have significant positive influence on property development in Calabar, Cross River State, Nigeria.

Discussion of findings

Result obtained from data analysis and testing of hypothesis one reveals that the objective of Land Use Act significantly influence property development in Cross River State, Nigeria. The result of this study could be based on the knowledge of the respondent on the matter under discussion. The finding of this study is in line with the findings of Babalola and Hull (2019) examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State, Nigeria. The study found that securing title to land is difficult, compensation provisions need to be reviewed, formal land registration is not in the interest of the poor, land is not available at an affordable rate, land speculators are still active in Nigerian land markets, the composition of the two committees is inadequate, and the refusal to grant certificates to people below the age of 21 is age biased. It further revealed that the power granted to the governor is enormous and unnecessary. The findings showed that the LUA is both effective in some areas and dysfunctional in others. This is because of the age of the Act and the lack of a pro-poor policy focus. Based on these findings recommendations were made, including that a new policy be enacted that includes pro-poor policies and customary laws. The LUA is found to be useful in urban areas, but not in solving land-related problems in rural areas. This study provides an understanding of the legal holding of land in Nigeria.

Conclusion

Based on the results of the study, it was concluded that, the government should responsibly take charge of land management and allocation to promote access land for property development. Therefore, access to land will promote urban growth and development in Calabar, Cross River State.

Recommendations

Based on the results inherent in the study, the following recommendations are made;

1. The government through its agency should take charge of land allocation and management to attract land investment.
2. The state government should partner with individuals and corporate bodies to promote the development of housing scheme and leasing them at affordable cost.
3. There is need for the state government to fast track the process to acquisition to attract investors.
4. Taxes and other levies charged on landed properties should be reduced to motivate more people to go into property development business.

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