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Emerging Issues in Land Administration Arising from Communal Clashes: The Nigerian Experience

Singhry, I. M and Mohammad, I. M

Estate Management Programme, School of Environmental Technology, Abubakar Tafawa Balewa University, Bauchi, Nigeria.

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ABSTRACT

This paper described the emerging issues in land administration an attempt by the Bauchi State Government to resettle the displaced people as a result of communal clashes within and outside Bauchi State. The sample of the study was the migrant household at Kafin Mu'azu village where a simple random sampling technique was adopted in administering the questionnaires to the respondents. Descriptive statistics was used to analyze the data obtained. Most information was obtained from allottees, all the beneficiaries of compensation. Informal interviews were also held with government officials and the result shows that both land allocation and compensation exercises were improperly done, in that the authorities involved in the exercises, especially the land allocation exercise were mixed with non-specialists, contrary to the provision of the land use of Act of 1978, the traditional rulers were involved in the allocation of plots/farm lands. It is therefore recommended that future land allocation and compensation should always be put under intensive observation as membership of both exercises has been a matter of self enrichment.

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Introduction

It is not a doubtful fact, that the word "Land" has been used figuratively to mean man. This is because land has direct relation to his place of habitation. That is due to the values attached to land, hence, man's needs, wants, goals and culture depends. Land therefore, became an item for daily uses in any way in the life of average human being. Hence, the socio-economic and political life of people, are being influenced by the various concepts, ideas woven around the land (Barlowe 1978).

Hence, the most primary of the fabrics binding all human communities, throughout the world, from the earliest stone-age hunting and gathering bands, up to today, has been the provision, on a sustainable basis, of the security of life and of the means of life (land) to the members of that community. But, even from that ancient period of human development, one of the difficult political problems that human communities and politics have faced is that of establishing on a feasible and operation able basis, who is a member of the community and who is not for, this defines where the boundaries of the community and the polity begin and end, and who comes within that community and who is outside it and constitutes on actual or, potential threat to the security and safety on its members.

But also one of the most permanent features of human development has been that, these boundaries have to keep changing and generally expanding as human communities continued to assert right of members to some land for use. Consequently, as level of awareness or consciousness about the value of land continues to gain among communities, there was an increasing demand for more land, in an attempt to secure land for certain groups against the interest of other competing groups, clashes between communities for the used of land have embarked on a steepening frequency, especially in the recent years, for example, the Palestinian and Israel land clashes, since

the 1960's date, land clashes between various ethnic groups in eastern Ghana in 1990's etc.

In Nigeria, the communal clashes which since, the 1980's have become more frequent, more widespread and more violently destructive of life and property, are indication of failures to tackle and peacefully resolve the current manifestations of this old-age problem of relationship between public safety, identify, the boundaries of the community, the basis of citizenship rights and socio-economic and political progress. Some of the known incidents of violent communal clashes in the country are:

According to Johnson (1970) in Utile (1985), efficient land administration machinery should embrace the following:

- i. Right of land clearly defined both with respect to depth, breath and height. That is specification of right of third parties, with regard to mineral extraction, building material, physical boundaries of land parcels and right of development on it, perpetuity or for only a short period of time. It also ensures the rights on land have legal and tenurial certainty, legal certainty means that, right are protected against the unlawful acts of others and that results of legal actions are easy to forecast.
- ii. It allocates land right on land to specific owners, whether group or individuals that are easily identifiable. This aid land use monitoring.
- iii. It must enable rights of individuals or groups to be easily verified. When based on title registration, it gives finality and certainty by providing an up to date record of land ownership there by promoting safe and economic systems of land disposal.
- iv. Clear coordination between agencies involved in land acquisition and distribution. Land administration therefore, is the process of planning, organizing, directing, coordinating and controlling all transactions involving land for the benefit of man. The purpose of land administration is to enhance an ordered proprietary structure. This involves the control and regulation of

Tele:

E-mail addresses: mmishaq10@gmail.com

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the structure and patterns of ownership, land development, land use and access of members of a society to land resources by a central authority (Utile/1985).

- i. According to U.N. (1986) the following steps should be taken in acquiring and allocating land. Assessing the need or demand for additional plots in the relevant sectors (Agriculture: Residential etc.
- ii. Confirming the stabilization of the land for the various land uses
- iii. Good preparation for allocating the plots.
- iv. Preparing layout plans and designs for infrastructure.
- v. Subsequently, it will be of paramount importance to give some examples on issues in land administration that arose in some states of the federation (Nigeria). In fact, in most states of the Federation, the departments charged. With the responsibility of acquiring and allocating land has three professional arms, which generally administer the land. These are: - The lands planning and survey divisions (Utile, 1985).
- vi. In some states, other agencies such as; state urban development board, ministry of works and housing and even health department, are also involved, this duplication of responsibilities had generated a lot of problems in land administration. For instance, in Kano State, Kurawa (1987), observed where many authorities were involved in the acquisition and allocation of land for housing. He added, that the state urban development board, the federal ministry of housing and environment, Kano state housing corporation, state land and survey; local government and WRECA, sub divided lands in to building plots for various building projects. There was no coordination in to variables activities, where one authority was effecting development; the other was carrying out demolition in the same vicinity.
- vii. Duplication of responsibilities also occurred in Bauchi town, where the state government is represented by the land and survey department. The ministry of works, the state development board (Town Planning), the land use allocation Committee, the local government and the traditional rulers were all involved in the land administration.
- viii. It was also discovered that, these authorities applied regulations in manner as statutory rights of occupancy, records of plots allocation were not properly kept and a lot of allotted names could not be allocated in the record office, there was lack of standardization in the documents used, there was also overlapping of titles granted by the state and local government in the areas that fall within the urban area which should be exclusively under the authority of the state government.
- ix. Sende (1990), a panel revealed that, above anomalies, the lack of effective control due to duplication of responsibility involved in land administration gave rise to double allocation of plots.
- x. Similarly, a situation was also reported in Kaduna by a commission of investigation in 1981, the commission noted that; the system of land acquisition and allocation was in many instances promoted some forms of collusion between traditional rulers, the state and local government authorities and a times even the area court judges.
- xi. There was also power tussles over the control of land and at urban periphery and rural areas. For instance, the style of land administration more or less results to rampant competition and the exploitation of the weak by the rich in the society as was noted in Funtua, Kachia, and Kaduna metropolitan areas.
- xii. Issues in land administration also arose in Maiduguri (Borno State), in Maiduguri, if one has money, a ward. Head will sell a

plot of land for either agriculture or residential purposes. Agreement will be drawn on this transaction and forwarded to the village head for his endorsement; this document if taken to the respective local government, the person will be issued with local government certificate. To make it statutory, all he has to do is to produce a site plan (Madu 1989).

The most disturbing issues in the contemporary Nigeria are the administration of land especially as regards to acquisition, allocation and ownership of land as plots or farms to people (Zubair 1998). The administration of land generally connotes the over seeing of relations among users of the land in one hand and relations between them and land authorities on the other.

Land is wanted for what it produces, such as, food, materials for clothing, raw materials for industries, housing and other satisfactions associated with land ownership. Land therefore, is the major means of livelihood for the vast majority of the people of this country (Send 1990). However, despite the increasing demand for land due to increasing population, the supply of land is virtually fixed (Barlowe 1978). Hence, to ensure that this commodity (land) is justly distributed to all members of the society, a clear system of land administration is needed (Utile 1985).

That is the reason why, since time immemorial, customs, codes, legislations, decrees and edicts have been used and or enacted at one time or another for the purpose of effective land administration especially control land acquisition, ownership, utilization, development and transactions in Nigeria, for instance, before the Fulani Jihad in Northern Nigeria, the community leaders administered land to members of the community who had only right of use or usufruct. That is people's access to land and other natural resources depend on their membership to and status within a particular group wielding political control over the land. On the contrary, kinship and ethnic adherence along with status, gender and seniority, determined access and use rights (Berry 1989).

The era of Fulani rule is the first interaction of land administration in Nigeria. For example, during the "Islamisation" of Northern Nigeria, all people within the conquered territory became under the sultan including their lands, land became vested in the sultan (Sarkin Musulmi), He (sultan) delegates his powers on land to the emirs, to district heads and finally to the users of the land. According to Mustapha (1990), the powers of control, acquisition and management of land vested with the highest traditional ruler of the sub region, by this, the sultan, Emirs and Chiefs of the community as the case may be held the entire land within the territory in trust for the people.

The trust holding further descended along the traditional line to the district head, kindred or village head, ward head or compound head, the last group were the land officers of the traditional system of land administration, they (land officers) gave land to allottees for farming, grazing, building houses and even for hunting as the case may be. Access to land was therefore easy and straight forward. During this period, instrumental occupation on land was not known (Utile 1985).

After the colonial conquest of Sokoto Caliphate in 1900, the absolute authority over people and land as previously enjoyed under Fulani rule was now passed to the British (colonial Government). During this period, land administration started to evolve series of legislations. For instance, with the immediate taking over of land in 1900, land proclamation No.8 of 1900 was introduced. However, it was subsequently, amended by No. 11

of 1906. The proclamation declared that; from and after the passing of this proclamation, a person other than a native of the protectorate shall either directly or indirectly, acquire any interest in or right over land within northern Nigeria from a native without the consent of the high commissioner, such consent shall state the nature of the interest or right acquired over land without such consent shall be void. The high commissioner for the time being shall have the sole management, control, right, direction of such lands, easements, may sell or lease or otherwise deal with the same in such manner as he may consider most conducive to the welfare and prosperity of the protectorate.

The Study Area

Kafin Mua'zu is a village fifteen (15) kilometer south-west of Bauchi, Bauchi L.G.A., Bauchi State; it derived its name after the former Bauchi state Governor Alhaji Ahmed Adamu Mua'zu. It is along Bauchi-Dass high way. Sixty (60) percent of the inhabitants are peasant farmers, with an estimated population of 3,432. Before the resettlement, the area was a semi forest with little farm lands. Presently; the resettlement site has a primary school and a dispensary. It shares boundaries with Bayara, Burum and Lugge villages.

Methodology

The study was a survey research aimed at examining the success of land allocation and compensation issues emerging from the resettlement of displaced victims of communal clashes within and outside, Bauchi state. The sample frame of the study was the migrant households in Kafin Mua'zu Village, a duster of resettled people from the neighboring Plateau State.

A random sampling technique adopted where 35 head of households were sampled for questionnaire administration. The questionnaires were self administered with the aid of two field assistants. Due to the literacy level of the inhabitants, the field assistants translated the questionnaire to the respondents in Hausa in order to obtain appropriate responses. Interviews were also conducted with the personnel's of the ministry of lands and survey who were involved in the exercise. Data obtained from the questionnaires were analyzed using descriptive statistics.

Results and Discussion

Personal characteristics of the respondents

The age of the respondents ranged between 25-66years (94.3%) are men, while 5.7% are women. In terms of state of origin, 51.4% are migrants within Bauchi state, 34.2% from plateau, while others (17.1%) came from Jigawa, Kaduna and Taraba States respectively.

The advantage of being an indigene means that they will be beneficiaries of state compensation. 97.1 are married, with wives range from 1-4 and children ranged from 1-19, respectively. The household sizes are large ranged between 3.4 people. Farming ranged higher with 60%, as main occupation of the respondents, while rearing took 25.7%. As regard to annual income, 54.7% of the resettled victims ranged from N50, 000 = N151,000 – 250,000 (29.5%, while only 8% ranged between 257-000-Above N 350.000 =

Based on the above characteristics, it can be said that, the resettled victims are relatively active age group, large household sizes (too many mouths to feed) poor annual income and above all majority are farmers. Hence the need for them to have large lands for both residential and agricultural purpose so as to be able to accommodate and feed the family members adequately.

Access to Land in the Resettlement site

As earlier mentioned, land is needed for the purposes of shelter, food or other satisfactions.

Basically, the major means of livelihood for the resettles depends solely on land allocated as plots for residential and agricultural purposes. Consequently, it can be seen that not all of the displaced people were allocated "residential plots" even though the concept (Resettlement scheme) envisages having easy access to adequate and suitable plots for housing.

Table 2: Access to Land by the displaced people in the Resettlement Site

Option	Frequency	Percentage	Cumm.
Yes	31	88.6	88.6
No	4	11.4	100.0
Total	35	100.0	

Source: Field Survey, 2012

Table 2 above shows that 88.6% (31) of the displaced were allocated plots, while 11.4% (4) were not allocated. This has resulted to creation of a landless class.

Variation in Plot sizes Allocated for Residential Purposes.

Since, planning for residential development are intended to create a physical and social environment, which is conducive to health and decent living (Onokerhoraye, 1982), every allottee will therefore, prefer been allocated large plot even if his household is not large enough to have it. Beside, since some house holds have larger number of persons than others, it is of interest that there are variation in residential plot sizes distributed based on the household sizes as alleged by the land officials.

Nevertheless, there were lot of allegations and counter allegations by the respondents, one of which was that; the real culture of a typical rural Muslim settlement' which requires large space, because of their polygamous marital type was not put in to consideration.

Table 3: Variation in Plot Sizes Allocated for Residential Purpose

Plots sizes (m)	Frequency	Percentage	Cumm.
50 x 50	13	41.9	41.9
50 x 100	10	32.3	74.2
100 x 100	5	16.1	90.3
Above 100	3	9.7	100.0
Total	31	100.0	

Source: Field survey, 2012

Table 3 shows that 41.9% (13) were allocated 50m x 50m, 32.3% (10) got 50m x 100m, while 100m x 100m and above 100m were allocated to 16.1% (5) and 9.7% (3) respectively.

Farmland Allocation to the Respondents

Farming is not only the major form of human activity, but it is the main source of livelihood of the displaced people in the resettlement site. This is quite apparent as shown on the occupational structure of the resettled that large proportion of the displaced is full time farmers; therefore they must require enough farmland to cultivate. The table below shows estimates of farmland allocation in the resettled site.

Table 4: Differences in Farmland Allocation to the Respondents

Farm sizes (Hectares)	Frequency	Percentage	Cumm.
0.5-2.00	12	38.7	38.7
2.5-4.00	9	29.0	67.7
4.5-6.00	6	19.4	87.1
6.5-8.00	4	12.9	100
8.5-10.00	-	-	
Total	31	100.0	

Source: Field Survey, 2012

Table 1: Communal Clashes across Nigeria

State	Conflicts	Year
Kaduna	The Kasuwar Magani conflicts	1980
	The Maitatsine uprisings	1982
	The communal clashes of Kafanchan, Kaduna and Zaria	1986, 1987 & 1988
	The conflict in Zangon Kataf and other parts of the state	1992
	The conflict in the Kaduna Metropolis	2000
	The conflict in Gwantu	2001
Bauchi	The conflict in Tafawa Balewa and other parts of the state	1991, 1995, 2000, 2001, 2011 & 2012
Taraba	The communal clashes at Wukari, Takum and other parts of the state and Benue State	1990-1992, & 199-2013
	The conflicts in Karin Lamido L.G.A	1996-1997
Bayelsa	The conflict in Bassambiri, Ogobolomabiri, Okpoma & Brass,	1990s
	The clashes in Nembe and Kalabari	1996-1997
	The conflicts in Sagama, Soku and Olusiri	1993-1994
Rives	The conflicts in the Andoni and Ogni	1993-2001
	Communal clashes in the Ogoni and Okrika	1994-1996
Delta	The conflicts in Warri and its environs	1997-2000
	Conflicts in Burutu L.G.A	2000-2001
Lagos	The conflicts in Muslim, Ajegunle, Ketu and Agege and other parts of the state	1999-2000
Kano	Maitatsine uprising	1982
	The conflict in Kano city	1999-2000
Ogun	The conflict in Shagamu and other parts of the state	1999-2000
Osun	The conflict in Ife-Modakeke	2000-2001
Ondo	Conflicts in the Okitu papa area	1998-2000
Anambra	The conflict in Agoleri and Omuleri areas	2001
Gombe	The conflict in Gombe State	2000

Table 4: Indicates that the large proportion of the displaced people have smaller farmlands. For instance, 38.7 percent (12) of the respondents were allocated farm sizes of between 0.5-2.00 hectares, while 12.9 percent (4) were allocated 6.5-8.00 hectares of farm.

When the responses of the respondents were sought on the sizes of the allocated farmlands allocation as unsatisfactory, due largely to the fact that, the sizes of the allocated farmlands are not large enough for them to produce sufficient food for themselves, their families and for sale.

The respondents further stressed that, apart from cultivating smaller holdings, the farm lands are becoming un-proportional to their increasing family sizes. Hence, the need for more farmlands was highly stressed.

How the unsuccessful Displaced settled in the resettlement village

It could be recalled in table (1) that, 11.4 percent (4) of the respondents were not allocated land (land less), either for residential; or agricultural. Naturally, it might not be easy for the unsuccessful (Land less) respondents because, having a plot means a lot to them, for they will be proud of having a house of their town. This will hinder them from rentage and other renting embarrassment or inconveniencing those that volunteer to reside with them. The analysis shows that 25 perch (1) settled in friend's houses, 50 percent (2) resides in their relative's houses, while 25 percent (1) rent house they live in.

It is apparently clear that the unsuccessful respondents are faced with settlement problems ranging from living in least standard dwellings, squatting problems, as a result of living with friends and as well as rentage problems. In addition, the unsuccessful displaced victims had to travel for distance to (other rural areas) to acquire farmlands, since farming is their major economic activities.

Compensation to Indigenous Displaced Victims

Although, it is an underlying principle of the land use decree (1978), that land is a God given asset for which no man shall be paid compensation except where land has been

improved through the efforts or investment of any person and where such improvement was legitimately executed. Therefore, since all the 18 indigenous displaced victims lost their improved properties and there is existing act in computation of compensation, which stipulated that the method of assessing the compensation is the amount of replacement cost of building installation or improvement, especially the replaced value. The indigenous displaced victims of Kafin Mua'zu should equally be given that right through appropriate valuation and compensation processes.

Valuation Exercise Carried

So often than not, the compensation problems arise when people lost substantial part or amount of properties and they received very little compensation. This often results from faulty assessment and valuation especially in the implementation procedures that lead to general complaints of inadequate or non-compensation at all. The survey shows that, 88.9 % of the respondents said there was no valuation of their lost properties, while 11.1 % agreed that there was valuation.

Payment of compensation to Displaced Victims

Of course, there was compensation and the compensation was informed of cash. 100 % (18) of the displaced victims testified to that, but it was gathered that, the compensation was only based on little cash payment, which was not enough for the displaced victims to start with. For instance, it was realized that most displaced victims could not afford to build comparable houses in the resettlement site due to inadequacy of compensation which resulted from incorrect valuation of properties and current inflationary trends.

The table above indicates that, of the 18 that were compensated 16.7 % (3) were paid less than N 20,000. N 21,000- N 40,000 given to 38.8 % (7) 22.2 percent (4) were paid to N 41,000 – 60,000, while 11.1 % (1), 5.6 percent (2) and 5.6 % (2) were paid N 61,000 – 80, 000, N 81, 000 – N 100.000 and above N 100,000 respectively.

Table 5: Shows the Structure of Amount paid as compensation to Indigenous Respondents

Amount paid (N)	Frequency	Percentage	Cumm. Percentage
Less than 20,000	3	16.7	16.7
21,000-40,000	7	38.8	55.5
41,000-60,000	4	22.2	77.7
61,000-80,000	2	11.1	88.8
81,000-100,000	1	5.6	94.4
Above 100,000	1	5.6	100.0
Total	18	100.0	

Source: Field Survey, 2012

Conclusion

Access to land and the condition under which it happens, play a greater role in political, economic and social development. Under open access, entry is granted to all, especially those that have been resettled as a result of communal clashes. The allocation of land for both residential and agricultural for the resettled and the subsequent compensation of the indigenous displaced victims show little as a gain arising from the exercises.

In order to address the issues arising from the findings of this study, a number of recommendations were suggested:

1. Reviewing of existing laws on resettlement and regulations governing land allocation and compensation in Nigeria becomes necessary, as they were made in 1978 when conditions affecting population and land use were quite different from what they are today.
2. Ensuring that land is made available for all displaced people. To worsen the situation is the creation of a landless class among the displaced people. Therefore, every, displaced person in the context of resettlement should be allocated a plot on which to build another house. They should also be opportune to have enough farmlands being an agriculturally oriented resettlement area.
3. The compensation rates for properties lost approved by the state government for payment to the indigenous displaced

people, was inadequate, because, it was based on simple replacement cost computation.

Finally, it was also observed that membership of resettlement exercise has been a matter of serious struggle, for it has become an excise of self enrichment, a situation that has put many of the displaced victims under untold hardship. Therefore, it is recommended that, resettlement excises should always be put under intensive observation.

References

- Barlowe, R. (1978) Land resources economics of real Estate, New Jersey
- Kano State Ministry of Land and Physical Planning (1989), A hand book on land administration, Kano government printer
- Mustapha, S. M. (1991) Land tenure issues in and around Tomas River Project, Kano
- Reuben, K. U. (1987) Land use policy and land ownership in Nigeria, Oshodi, Ebieakwa Venture Ltd
- Sende, E. A. (1990) The problems associated with land administrated by local and state governments: the case study of Boko town, unpublished MSc. Thesis, Bayero University, Kano
- Singhry, I. M. (2006) The problems associated with land administration arising from communal clashes: a case study of Mararraba Liman Katagum, Bauchi state, unpublished MSc, thesis Bayero university, Kano
- Usman, B. (2003) Violent ethnic conflict in Nigeria: beyond the myths and mystifications, 2(2), 25-36
- Utile, B. C. (1990) Problems of squatter settlement in land administration in Markudi, unpublished MSc thesis, Bayaro university, Kano
- Zubair, A. (1989) The administration of land, water and grazing rights under sokoto caliphate of northern Nigeria, unpublished Ph. D thesis, Bayero university, Kano