



**KEYNOTE ADDRESS ON:
LAND MANAGEMENT AND ENFORCEMENT OF RELATED LAWS IN LAGOS STATE:
CHALLENGES, PROCEDURAL BOTTLENECKS AND WAY OUT**

DELIVERED AT THE
LAGOS STATE MINISTRY OF JUSTICE STRATEGIC MANAGEMENT MEETING WITH
THE MDAs' STAKEHOLDERS

24TH OCTOBER 2024

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RADISSON BLU HOTEL, ISAAC JOHN, GRA, IKEJA, LAGOS-NIGERIA

By:

Hon. Justice Atinuke Fadeke Oluyemi
*LL.B (HONS), B.L; LL.M;
CEDR (MEDIATOR) UK,
Fellow, ICMC;
Member, CIArb, UK*

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Protocols

I received this Invitation to deliver this Keynote address on Friday, 18th October, 2024, that was barely a week ago. I was initially alarmed at the short time within which I have to put together my thoughts on this very crucial subject of land management and administration in Lagos State realizing the enormity of what we are going to discuss here today. Notwithstanding, I believe I have dealt with the topic given to me under some broad headings: Introduction which gives us the overview, Legal definition land; Historical context of land management in Lagos State; Legal framework affecting land transactions in Lagos State; Interplay between key players/stakeholders in land management; Lagos State Government Policy Intervention and lastly the way forward. So, I want to profusely appreciate and thank the erudite Honourable Attorney General & Commissioner for Justice, Mr. Mohammed Lawal Pedro, SAN, for finding me worthy to address this august gathering at a crucial time like this.

Introduction:

Land management in Lagos State, Nigeria, is a critical facet of urban planning and development, given the state's status as the economic epicenter of the country. The efficient administration and regulation of land use are pivotal in addressing the challenges posed by rapid urbanization, population growth, and the need for sustainable development. This paper delves into the historical context, current framework, key challenges, and recent developments in land management and related laws in Lagos State, providing a comprehensive overview of the subject.

Land management in Lagos has evolved significantly over time. Traditionally, land was governed by customary laws, which dictated communal ownership and the administration of land by family heads or

community leaders. This system was based on the communal use and inheritance of land, with little emphasis on individual ownership.

However, the arrival of colonial rule brought substantial changes, introducing statutory laws that gradually replaced customary practices. In the celebrated case of **Amodu Tijani vs Secretary of Southern Nigeria**¹ the evidence given and accepted by the Court was that the traditional belief is that “*land is conceived as belonging to a vast family of which many are dead, few are living and countless members yet unborn*”. This was encapsulated in the opinion of the Privy Council thus:

” The next fact which it is important to bear in mind in order to understand native law is that the notion of individual ownership is quite foreign to native ideas. Land belongs to the community, the village or the family, never to the individual. All the members of the community, village or family have an equal right to the land but in every case the chief or headman of the village or community or head of the family has charge of the land and in loose mode of speech is sometimes called the ‘owner’. He is to some extent in the position of a trustee and as such holds the land for the use of the community or family. He has control of it and any member who wants a piece of it to cultivate or build upon goes to him for it. But the land so given remains the property of the community or family”

Legal definition of land

‘**Land**’ like any other term is incapable of one acceptable definition. This inability to define land in one acceptable manner was captured by Dr. Banire when he noted: “*the multifaceted nature of land raises a challenge in providing a definition of land which is acceptable and also captures its varied aspects.*”²

Some School of thought are of the view that land as a legal concept comprises of the space above, the surface and below it. **Black’s Law Dictionary** defines land as:

“An immovable and indestructible three-dimensional area consisting of a portion of the earth’s surface, the space above and below the surface, and everything growing on or permanently affixed to it.”

The above definition of land aligns with the common law definition approved by I.O. Smith, thus:

¹ {1921} AC 399 @ 404

² M.A. Banire, *Land Management in Nigeria: Towards a New Legal Framework* (Ecowatch Publication, Lagos, 2006) p.30.

“Generally speaking, at common law, land covers the earth’s surface (i.e. the top soil), the subsoil, things attached to the land e.g. structures, crops, etc and other incorporeal hereditaments enjoyed on land.”³



Section 18 (1) of the Interpretation Act defines land as follows:

“Land’ includes any building and any other thing attached to the earth or permanently fastened to anything so attached but does not include materials”.

The revered learned silk, author and one-time Federal Commissioner for Works and Housing in Nigeria, Alhaji Femi Okunnu, CON, SAN has described this definition as ‘largely evasive’ as it does not define what land is, rather states the component parts by way of exclusion. Similarly, is the definition provided in Lagos State Registered Land Law⁴ which, I concur is controversial and very limiting, considering the fact that Lagos is surrounded by water and swamp. S. 167 defines ‘land’ thus:

“Land’ means land affected by this law and includes all things growing on the land, and buildings and other things permanently affixed thereto, and where land is covered with water, the land itself but does not include water, or any mine, minerals, mineral oil or mineral gas.”

The area of controversy is the distinction between land and the water above it where land is covered by water.⁵ Well discourse on this agitation goes beyond the scope of this work.

It suffices to state that ‘land’ for our discussion and by all statutory definitions afore stated refer to land in terms of things growing on the land or permanently attached to it and excludes minerals. These definitions and by way of above interpretation appear to be based on the latin maxim: **quic quid plantatur solo solo cedit**, that is: *whatever is or becomes affixed to the land becomes part of the land’.*

Concept of Land Administration:

³ Smith I.O. *Practical Approach to Law of Real Property in Nigeria* (Ecowatch Publications, Lagos, 1995) @ p.5

⁴ *Contemporary State Land Matters in Nigeria: The case of Lagos State by Femi Okunnu, CON, SAN @ p. 3*

⁵ *Ibid, at page 3*

Land administration simpliciter is concerned with the administration of land as a natural resource to ensure its sustainable use and development and as such concerned with the social, legal, economic and technical framework within which land managers and administrators must operate.⁶ A good practice of land administration benefits not only the present generation, but also posterity. It operates as the instrument to ensure equitable access to land by stakeholders within the policy framework. Furthermore, it determines how government can offer security of tenure, regulate land markets, implement land reform, protect environment and levy land taxes to enhance the utility and value of land. A good land administration system will not only guarantee ownership and security of tenure; support land and property taxation; provide security for credit; develop and monitor land markets; reduce land disputes but also facilitate land reform; improve urban planning and infrastructure development and support environmental management.⁷ So as a State, how far have we fared in realizing these goals? Thus, a pristine examination of the various laws on land administration operating in the State with particular emphasis on the Land Use Act⁸ and how the MDAs have fared become imperative.

Pre-Land Use Act: Legislative Intervention in Land Tenure in Lagos

British incursion into Nigeria land began in 1861 when Docemo, King of Lagos ceded Lagos to British under *the Treaty of Cession, 1861*. By that treaty the Port and Island of Lagos, the area now known as Ikoyi, East of Lagos (now known as Victoria Island and Lekki) were ceded to the British.⁹ The Crown grants in Lagos are premised on the treaty of 1861 by which the Crown purportedly became the absolute owner

⁶ D. Steudler, et al: "Evaluation of Land Administration Systems" *Journal for Land Use Policy*.(2004)

⁷ See generally: G. Feder, & D. Feeny: "Land Tenure and Property Rights: Theory and Implications for Development Policy." (1991) *The World Bank Economic Review*, 5(1), 135-153. Retrieved from <http://www.jstor.org/stable/3989973> 23/04/2017; Williamson, I. et al. *Land Administration for Sustainable Development*. (2010) ESRI Press. Redlands California 512pp

⁸ Cap L5, Laws of Federation of Nigeria (LFN) 2004

⁹ *Revocation of Rights of Occupancy: Legal Framework in Nigeria* by Atinuke Fadeke Oluyemi @ pgs 5-9 (Lagos State Ministry of Justice Law Review Series

of lands in Lagos.¹⁰ Other Crown grants followed: *the Crown Grants (Lagos) Act 1947; the Arota (Crown Grants) Act 1947; the Epetedo Lands Act 1947, and Glover Settlement Act 1947*. With all this, came the requirement of registration of instrument affecting land – **Land Instrument Registration Law, 1910** and thereafter the **Land Registration of Titles Law Cap 181**.

The need for Government to acquire land for developmental purposes necessitated the promulgation of laws to compulsorily acquire interest in land. In Lagos, earlier instances of the exercise of the power to compulsorily acquire were not general in scope but were confined to particular objectives.

The first of these was **The Town Improvement Ordinance, 1863** whose operation was limited to Lagos with the objective of *'laying out the town of Lagos in broad street, roads and highways'* and by which the Governor of Lagos was empowered to pull down buildings or erections, and to pay compensation for them as well as the ground upon which they stood. This enactment was followed by the **Swamp Improvement Ordinance, 1963**.

The Public Lands Acquisition Ordinance¹¹ which conferred a general power of compulsory acquisition in the Governor-General of Lagos came into being in 1876; re-enacted in 1903; and upon the amalgamation of Lagos and the Protectorate of Southern Nigeria in 1906, it was extended to the whole of Southern Nigeria in that year. It remained in force until 1917 when it was replaced by the **Public Land Acquisition Act (PLA)** consequent upon the amalgamation of the Southern and Northern Protectorates.

Current Land Management Framework: Land Administration in Lagos State under the Land Use Act

¹⁰ *The effect of the cession on ownership rights or title of families and chiefs over such lands that were ceded however came up for consideration in the case of **Oduntan Onisiwo vs The Attorney general ((1912) 2 NLR 79** and it was clearly stated that "the cession had no effect whatsoever on the 'ownership rights of private landowners including the families of Idejos".*

¹¹ *No 8 of 1876*

The pivotal moment in the evolution of land management in Nigeria came with the enactment of the **Land Use Act in 1978 {The Act}**. This Act sought to unify land administration across the country and addressed the complexities of land ownership and usage. Under the Land Use Act, all land in each state is vested in the governor, who holds it in trust for the people and administered same for the use and common benefits of Nigerians.¹² The Act introduced the concept of statutory rights of occupancy, replacing traditional land tenure systems and providing a legal framework for land administration.¹³

As the foundational legal instrument for land administration in Nigeria, the Act remains central to land management in Lagos State. It vests all land in the governor, who is responsible for granting rights of occupancy to individuals and organizations. The Act provides a legal basis for land ownership, usage, and transfer, facilitating structured development and investment. **By section 2 (1) (a) of the Act**, exclusive control and management of all land in urban areas is given to the Governor (of each State) and in respect of which the Governor is empowered to grant statutory right of occupancy and other interests appurtenant thereto.¹⁴ There is also the complimentary power of issuing a Certificate of Occupancy as evidence of such grant.¹⁵ It must be stressed that it is only after designation of some parts of the land within the territory of the State as urban areas that the Governor can lawfully grant a SROO in respect

¹² Section 1 of the Act

¹³ **Atinuke Fadeke Oluyemi** in her book: *Revocation of Rights of Occupancy: Legal Framework in Nigeria @ pg 8 observed thus: ..Suffice to say that the Act was substantially modeled after the Land Tenure Law of Northern Nigeria. It is also significant to note the attempt by the then Military Government to emboss for all times the influence of the Act on all land transactions by embedding the Act in Section 274 (5) of the 1979 Constitution (retained in the 1999 Constitution via section 315 (5) thereby given it (the Act) the flavour of constitutional provision."* On judicial interpretation of entrenching the provision in the Constitution, see: **Chief Nkwocha vs Governor, Anambra State & Ors (1984) 6 SC 362**

¹⁴ **Section 5 of the Act.**

¹⁵ Section 9 (1) of the Act

of land within the area so designated as urban.¹⁶ The power to grant rights of occupancy over land in non-urban areas is vested in the local Government where the land is situated.¹⁷

The Land Use Act having vested all lands in the state in the governor¹⁸ provides for 3 pronged but uncoordinated regulatory institutions. Whilst section 46(1) of the Act empowers the National Council of States to make regulations for the purpose of carrying the Act into effect in some broad respect; subsection (2) of the same section invests the Governor with the powers, subject to subsection (1) to make regulations on other matters. Meanwhile, section 2 of the Act envisages the division of land in the State for administrative purposes between the State Governor and the local government, assisted by advisory administrative committees set up by the authority. The Governor is to be assisted by the Land Use and Allocation Committee and the local government by the Land Allocation Advisory Committee.

To obviate the existence of any lacunae in land administration, the Land Use Act provides in section 4 that, until other provisions¹⁹ are made in that behalf and, subject to the provisions of this Act, land under the control and management of the Governor shall be administered in accordance with the provision of the State Land Law or the Land Tenure Law as the case may be. It provides further that the provisions of the Land Tenure Law or the State Land Law, as the case may be, shall have effect with such modifications as would bring those laws into conformity with this Act or its general intendment. The Act excludes all lands vested in the federal government and its agencies under section 49 from the application of the

¹⁶ *By the Designation of Urban Areas Order, Vol 9 of Lagos State 1994, all land in Lagos State has been designated as urban but to the exception of areas zoned for agriculture, conservation, water catchment and marsh land, forest reserves and any other area as may from time to time be so further excepted.*

¹⁷ *Section 6 (1) of the Act*

¹⁸ Section 1 Land Use Act Cap L5, Laws of Federation of Nigeria (LFN) 2004. This however excludes all lands belonging to the federal government and its agencies under Section 49 of the Act

¹⁹ *There is no indication that any regulations have been made for the implementation of Section 4 of the Land Use Act. See A.N. Ukaejiofo "Perspectives in Land Administration Reforms in Nigeria" (2008) Journal of the Environment, Vol. 2(1): 43-50*

fore-going provisions. The Act vests the ownership and management of all such land in the President or any of his appointee entrusted with such powers.²⁰

From the set out, it is obvious from these provisions of the Act that there is a dichotomy in the land administrative set up under the Act. It is devoid of any uniformity, consistency and certainty, and as such each state is empowered to set up its own administrative structure on land administration.

Let's remember that the titles over land prior to the Act are now subsumed in the SROO or CROO.²¹ With the introduction of right of occupancy under the Act, all forms of ownership rights under customary and common law became extinguished as such former ownership rights were converted to right of occupancy.²²

Perhaps the areas of the Act that has generated so much rancor evidenced by judicial intervention is in the power of the Governor to revoke right of occupancy and pay compensation. Regrettably, my experience has shown that there is little if at all collaboration among stakeholders in land management in the State so as to mitigate financial burden on the state in the event of proof of lack of compliance with the provisions of the Act.

²⁰Section 51(2) Land Use Act: The powers of Governor under this Act shall, in respect of land comprised in the Federal Capital Territory, Abuja, or any land held or vested in the Federal Government in any State, be exercisable by the President or any Minister designated by him in that behalf and references in this Act to Governor shall be construed accordingly.

²¹ Section 4 of the Act states: Until other provisions are made in that behalf Land under this Act shall be administered:

- (a) In the case of any State where the Land Tenure Law of former Northern Nigeria applies, in accordance with the provisions of that law; and
- (b) In every other case, in accordance with the provisions of the State Land Law applicable in respect of State land in the State.

and the provisions of the Land tenure Law or the State Land Law, as the case may be shall have effect with such modifications as would bring those laws into conformity with this Act or its general intendment."

²² For indebt discussion on the nature of right of occupancy created by the act, see: Revocation of Rights of Occupancy: Legal Framework in Nigeria by: By Atinuke Fadeke Oluyemi @ pgs 21-31

The Act empowers the Governor to revoke the grant of right of occupancy in deserving cases as stipulated by the Act.²³ The power of revocation is exercisable irrespective of whether the land is in the urban area directly under the Governor or non-urban lands under the control of the local governments. It is also of no moment that that the right of occupancy is actual or deemed granted. The Governor is mandated under section 28(4) of the Act to revoke a right of occupancy in the event of the issue of a notice by or on behalf of the President, declaring such land to be required by Government for public purposes. By virtue of section 28(5) (a) of the Act, the Governor may revoke a statutory right of occupancy if there is a breach of the provisions which by virtue of section 10 of the Act,²⁴ the certificate is deemed to contain.

In the latter case of breach of provisions contained in section 10 of the Act which is transposed in the Certificate, there is no obligation on the governor to compensate the affected holder. But in the case of revocation of right of occupancy for overriding public purpose²⁵, there is the attendant consequence of paying compensation, and in the event of the revocation found to be irregular by the court, then comes the attendant consequence of invalidating the revocation and award of damages against the State.

Guidelines or procedure to be followed in order to validate a revocation, include:

- (i) *The revocation is signified under the hand of a public officer duly authorized in that behalf by the Governor*
- (ii) *Notice of revocation given to the holder as the holder's title only becomes extinguished on the receipt by him of the notice or on such later date as may be stated in the notice²⁶*

²³ Section 28 of the Act

²⁴ Section 10 provides as follows-

"Every certificate of occupancy shall be deemed to contain provisions to the following effect:-

- (a) *that the holder binds himself to pay to the Governor the amount found to be payable in respect of any unexhausted improvements existing on the land at the date of his entering into occupation;*
- (b) *that the holder binds himself to pay to the Governor the rent fixed by the Governor and any rent which may be agreed or fixed on revision in accordance with the provisions of section 16 of this Act."*

²⁵ Section 51 (1) of the Act defines 'public purpose'. For further studies, see:

²⁶ Section 28 (6) & (7) of the Act

- (iii) *The Notice of revocation must state expressly the purpose that necessitates the revocation , that is either for public purpose or for breach of conditions of grant²⁷*
- (iv) *Where the revocation is for public purpose, the holder and occupier shall be entitled to compensation for the value at the date of revocation of their unexhausted improvements or under the Mineral Act or the Petroleum Act or any relevant legislation as the case may be.²⁸*

Practical Experience

As a former State Counsel in the Lagos State Ministry of Justice and now as a Judge, experience has shown that government agencies (officials) have not been conscientious in complying with the laid down procedure that preceded revocation. Examples of such non-compliance include:

- ✚ *Failure to comply with the rule of ‘Public Purpose’ as ground for revocation*
- ✚ *Failure to serve the notice of revocation on the owner or holder of the right of occupancy*
- ✚ *Wrong or invalid service where notice of revocation is served at all*
- ✚ *Failure or outright neglect of the duty to pay compensation where deserving or delay in payment thereof.*

In my experience, the highlighted defects have been responsible for government’s loss in about 85% of cases instituted against it on challenge of revocation of right of occupancy. There is also the issue of delay by the agencies in providing the MOJ necessary facts and defense as a result of which cases which perhaps have slim chance of success were lost totally.

Some Judicial Interventions:

Osho & anor v. Foreign Finance Corporation & anor (1991) LPELR-2801(SC)

"To revoke a statutory right of occupancy for public purposes, the letter and spirit of the laws must be adhered to. Since revocation of a grant deprives the holder of his proprietary right, the terms must be strictly complied with and strictly construction of the provisions made." Per OBASEKI , J.S.C Pp. 48 paras.

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The Supreme Court further held:

²⁷ See: Obikoya & Sons Ltd vs Governor of Lagos State (1987) 1 NWLR (Pt. 50) 385

²⁸ Section 29 (1) & (2) of the Act

"I have in *Ereku & Ors. v. The Military Governor of Midwestern State of Nigeria & Ors. (1974)* 10 S.C. 59 at the trial stage years ago emphasised the need to spell out the public purpose in the notice of acquisition. I would now today give the same advice in cases of revocation. The words of Section 28 of the Land Use Act are clear and unambiguous as to what constitutes lawful revocation. Subsection 1 of Section 28 reads:

"It shall be lawful for the Military Governor to revoke a right of occupancy for overriding public interest."

Overriding public interest has been defined in subsection (2)(b) in the case of statutory right of occupancy to include "public purposes" within the state and in subsection (3)(a) in the case of a customary right of occupancy to include public purpose within the State." Per OBASEKI, J.S.C pp 47, paras. C)

In BELLO & ORS v. THE DIOCESAN SYNOD OF LAGOS & ORS (1973) LPELR-768(SC)

*"...The question to be decided is whether the extension to St. John's Church, Aroloya, is a public purpose or whether in the words of the statute such an extension is an undertaking for "improving or preserving the amenities of Lagos." It is not contended nor could it have been contended that the facilities of St. John's Church, Aroloya, are available for other than the parishioners of that church and that the premises of the church are the private property of the parochial Committee that was indeed so claimed in the proceedings and upheld by the learned trial Chief Justice. In the case of Chief Commissioner, Eastern Provinces v. S.N. Ononye & Ors. (1944) 17 N.L.R., Waddington, J. observed with respect to an acquisition expressed to be for public purposes at pp. 143 - 144 of the report thus: By no stretch of imagination can I see how the grant of a lease to a commercial company could be brought within the range of this definition of "public purposes" and no argument was attempted to show that this purpose is within the definition. All due publicity was given to the notice of acquisition required by the Ordinance, but the notice merely states "for public purposes" and I find it difficult to understand why the particular public purpose is not stated. When the matter comes into Court it has to be admitted that there is no public purpose involved at all, and the impression is liable to be conveyed, no doubt quite erroneously, that there was something ulterior in the failure to make the purpose public. These statutory powers are powers of a very exceptional character, whereby an individual can be deprived of his property compulsorily; and proportionally exceptional care ought to be exercised to avoid their abuse." See also per Buckley, J. in *Denmon & Co. Ltd. v. The Westminster Corporation (1906)* 1 Ch. 464 at 473. the powers of the 5th defendant to acquire land are set out in Section 43 of the Act and in the circumstances of this case the provisions of Section 16 are most relevant. It had not been argued before as the 5th defendants were acting within those provisions and any such suggestion would be negative by the admission that, although the area as far back as 1953 and 1955 had been declared a town planning area, there has been made for a scheme for some 20 years and whatever representations might have been made for a scheme to the appropriate authorities at that time*

*by virtue of Section 17 (1), have ever since remained in the embryonic state. There was never any purpose envisaged which enures for the general public. The 5th defendant requested the 4th defendants to deposit money with them and then, armed with that money, they proceeded to use their statutory powers of acquisition against the plaintiff and over his property in order to divest him of his property and by some carefully planned design transfer title, which they had purported to acquire thereto, to the 4th defendants in consideration of their monetary deposit. Learned counsel for the 5th defendants had submitted in court before us that everything was properly done and that the only mistake made by the L.E.D.B. was to have accepted money from the 4th defendants before proceeding to make the acquisition. We do not accept this argument that all was properly done. The receipt of the deposit money by the 5th defendants is conclusive evidence of their aim and purpose in the whole exercise. This acquisition was ever made for any public purpose whatsoever or indeed any purpose contained in the Lagos Town Planning Act and no section of that Act could be properly invoked before the court. In *Galloway v. The Major and Commonalty of London (1866) L.R.I.H.L. 34*, the principle was extensively discussed by the House of Lords. At p. 43 of the report, Lord Cranwell, L.C. stated the principles thus: "The case of the appellant, Mr Galloway, rested on a principle well recognized, and founded on the soundest principles of justice. The principle is this, that when persons embarking in great undertakings, for the accomplishment of which those engaged in them have received authority from the legislature to take compulsorily the lands of other, making to the latter proper compensation, the persons so authorised cannot be allowed to exercise the powers conferred on them for any collateral object, that is for any purposes except those for which the legislature has invested them with extraordinary powers. The necessity for strictly enforcing this principle became apparent, when it became an ordinary occurrence that associations should be formed of large numbers of persons possessing enormous pecuniary resources, and to whom are given powers of interfering for certain purposes with the rights of private property. In such a state of things it was very important that means should be devised, whereby the Courts, consistently with the ordinary principles on which they act, should be able to keep such associations or companies strictly within their powers, and should prevent them, when the legislature has given them power to interfere with private property for one purpose, from using that power for another. Lord Cottenham, in numerous instances, interfered in such cases; and the principle has been cordially approved of, and acted on, in all the Courts of law and equity and has been frequently recognised and confirmed in this House. It has become a well-settled head of equity, that any company authorized by the legislature to take compulsorily the land of another for a definite object, will, if attempting to take it for any other object, be restrained by the injunction of the Court of Chancery from so doing." In*

the present case, the pattern of action is similar and the impression created is that a statutory body had used its powers of compulsory acquisition to fulfill its purpose to satisfy a private institution. The L.E.D.B.

was not the master of the situation, the L.E.D.B. was the agent, the hand by which the property of the plaintiff was compulsorily taken from him and handed over to the 4th defendant. The 4th defendants were requested to pay a deposit of money and they did pay exactly as deposit the amount found to the value at costing of the property involved no more (and of course no less) and the consequent exercise of acquisition and other secretarial duties were done free of charge for the 4th defendants but at public expense which in view of the evidence, must have been considerable. In the mad rush to get the matter through, a mistake had been made in the addition on exhibit N and the total amount to be paid should have been 8,062 pounds and 8,026 pounds which is shown on that exhibit. There is therefore a shortfall there of some 36 pounds (N72). The present case exemplified the position where a statutory body in abuse of compulsive powers has taken over the property of a subject not for the purpose for which its powers are created and vested in it but for other purposes. We think that the powers vested in the L.E.D.B. and by which the Board was empowered to acquire private property have been abused. We think it is time to apply the dictum of Lord Macnaghten in Mayor, etc of Westminster v. London and North Western Railway Company (1905) A.C. 426 at p. 430 to this effect. "There can be no question as to the law applicable to the case. It is well settled that a public body invested with statutory powers such as those conferred upon the corporation must take care not to exceed or abuse its powers. It must keep within the limits of the authority committed to it. It must act in good faith. And it must act reasonably." (Per COKER ,J.S.C @ Pp. 33-38 paras. D)

(MILITARY GOV OF LAGOS STATE & ORS V. ADEYIGA & ORS (2012) LPELR-7836(SC) – (Lessons learnt)

Key Stakeholders in Land Management and Enforcement in Lagos State

Stakeholder interplay refers to the interaction and collaboration between various parties involved in land management.

Some of the Ministries, Departments & Agencies whose collaboration are key are:

- ❖ **Lagos State Ministry of Justice**
- ❖ **Ministry of Physical Planning and Urban Development:**
Develops and implements urban planning policies
Coordinates with other agencies to ensure compliance with regulations
- ❖ **Ministry of Environment**
- ❖ **Surveyor General's Office**
- ❖ **Land Use & Allocation Committee (LUAC)**

LUAC is a creation of the Act as it empowers the governor to empanel a Land Use & Allocation Committee to assist the governor, though in advisory capacity, in the exercise of the governor's powers under the Act.²⁹

❖ **Lagos State Land Bureau³⁰**

This agency is responsible for the administration of land in Lagos, including the allocation of land, processing of Certificates of Occupancy, and management of state-owned land. The Land Bureau ensures compliance with land use policies and facilitates the registration and documentation of land transactions. Collaborates with other agencies to address land use conflicts.

❖ **Directorate of Land Registry**

The Land Registry Directorate is a very sensitive part of the Bureau that is saddled with the responsibility of keeping an up-to-date record of all land transactions in the State. It is the only Agency of Government that is statutorily empowered to store registered documents relating to land virtue of Lagos State Lands Registration Law 2015. Of importance is the introduction of Administration of the Electronic Document Management System (E.D.M.S)³¹.

- Scanning of Title Documents commenced in February, 2005; so far more than 10.5 million pages of Title Documents have been scanned and achieved³²

❖ **Directorate of Land Services**

Basically, to facilitate the processing of Governor's consent to subsequent transactions; recommend excision of land to villages, etc

❖ **New Towns Development Authority (NTDA)**

❖ **Lagos State Building Control Agency (LASBCA):**

Enforces building codes and standards.

Works with the Ministry of Physical Planning to monitor construction activities.

²⁹ Section 2(2) Land Use Act

³⁰ The Lands Bureau was the second highest revenue earner in the State with gross earnings of #20,773,862,768.47 (Twenty Billion, seven hundred and seventy-three million, eight hundred and sixty-two thousand, seven hundred and sixty eight naira, forty seven kobo in the year 2016 with the revenue performance for the year exceeding the Bureau's budget by 45% due to transaction on the sales of land for industrial development. ³⁰

³¹ The Land Registry Directorate in the Lagos State Lands Bureau has been described, as at present, the most developed Land Registry in Nigeria and indeed in West Africa (Lagos State Lands Bureau, 2014). As a result of the government's vision to revamp and computerise the land management system in the state, a viable, modern and efficient storage and tracking system of land titles was put in place. The Land Registry Directorate coordinates the storage of proper records of all land transactions in Lagos and the registration of instruments affecting land in the state. For a body that has existed since 1863, the volume of paperwork has been enormous. As such, the modernisation and improvement process was carried out through the Electronic Document Management System (EDMS).

³² **Gbajumo Aderemi Olubunmi (Mrs):** [Directorate of Land Registry – Lands Bureau – Lagos State Government](#)

- ❖ **Lagos State Urban Renewal Agency**
- ❖ **Lagos State Special Task Force on land grabbers**
- ❖ **Safety Commission**

INFORMAL STAKEHOLDERS

- ❖ **Local Governments and Community Leaders:**

Play a critical role in local land use planning and management.
Serve as intermediaries between the state government and the community.

- ❖ **Community Leaders and Traditional Rulers:**

Influence land use decisions within their communities.
Mediate land disputes and ensure community compliance with land management policies.

Private Sector

- **Real Estate Developers:** Invest in land development projects
Must comply with government regulations and environmental standards.

Private Landowners:

- Hold significant control over land use decisions on their properties.
Engage with government agencies for necessary permits and approvals and government agencies to ensure compliance with usage

Non-Governmental Organizations (NGOs)

- **Advocacy and Monitoring:**
Advocate for sustainable land management practices.
Monitor government and private sector compliance with land management regulations.

Community Engagement:

- **Conduct awareness campaigns to educate the public on land rights and responsibilities.**
- **Facilitate community participation in land use planning processes.**

Challenges in Stakeholders Interplay

- ❖ **Communication Barriers:**
- ❖ **Miscommunication and lack of information sharing which hinder collaboration.**
- ❖ **Lack of transparency among stakeholders.**
- ❖ **Conflicting Interests**

- ❖ Corrupt and sharp practices by officials
- ❖ Differing priorities and interests can lead to conflicts, such as between development goals and environmental conservation.
- ❖ Capacity and Resource Limitations:
Limited resources and capacities of local governments and enforcement agencies can impede effective land management

Effects of non-collaboration on the Administration of Justice

- ✚ Lack of co-ordination between MDAs and MOJ
- ✚ Delay by State Counsel in responding to Court processes involving the State Government
- ✚ Deficiency in Practice and Procedure
- ✚ Absenteeism from court by Counsel
- ✚ Lack of adequate preparation of witnesses; etc

Interplay Dynamics:

- ❖ **Collaborative Planning:**
- ❖ **Regular meetings and consultations among stakeholders to discuss land use plans.**
- ❖ **Joint decision-making processes to ensure that diverse interests are considered.**

Conflict Resolution:

- ❖ **Mechanisms for addressing disputes between stakeholders, such as mediation by community leaders or legal proceedings.**
- ❖ **NGOs often play a role in advocating for fair resolutions and ensuring transparency.**

Enforcement Coordination:

- ❖ **Government agencies coordinate enforcement activities, such as inspections and compliance checks.**
- ❖ **Collaboration with local governments and community leaders to monitor land use at the grassroots level.**

- ❖ **Resource Sharing:**

Sharing of data and resources among stakeholders to improve land management outcomes.

State Interventions:

Lagos State has developed a comprehensive framework for land management, incorporating statutory regulations and administrative mechanisms. The framework aims

to ensure orderly development, environmental sustainability, and equitable access to land resources. Key components of this framework include:

(1) Land Regularization and Title Documentation:

To address the issue of informal settlements and unregistered land, Lagos State has implemented programs for land regularization and title documentation. These initiatives aim to formalize land ownership, enhance security of tenure, and encourage investment in real estate. Regularization programs enable residents of informal settlements to obtain legal recognition of their land rights, fostering inclusive development.

(2) Land Regularization and Title Documentation:

Recognizing the prevalence of informal settlements and unregistered land, Lagos State has initiated programs for land regularization and title documentation. These initiatives aim to formalize land ownership, enhance security of tenure, and encourage investment in real estate. Regularization programs enable residents of informal settlements to obtain legal recognition of their land rights, fostering inclusive development.

(3) Lagos State Urban and Regional Planning and Development Law (2010):

This law outlines guidelines for urban planning and development control in Lagos. It mandates the preparation of development plans to guide land use and ensure alignment with the state's strategic goals. It seeks to address the challenges of rapid urbanization and promote sustainable development.

(4) Lagos State Geographic Information System (LAGIS):

To enhance the efficiency and transparency of land administration, Lagos State has implemented LAGIS. This digital platform provides comprehensive land information, including cadastral maps, property records, and land use data. LAGIS facilitates streamlined land transactions and improves accessibility to land information.

Key Challenges

Despite the robust legal and administrative framework, land management in Lagos State faces several challenges:

1. Population Pressure:

Lagos is one of the fastest-growing cities globally, with a population exceeding 20 million. The immense population pressure has led to the proliferation of informal

settlements, resulting in land disputes and inadequate housing. Managing this population influx while ensuring equitable access to land is a significant challenge.

2. Rapid Urbanization:

The rapid pace of urbanization has outpaced infrastructure development and land use planning, causing congestion, environmental degradation, and strain on public services. Ensuring that urban growth is sustainable and well-coordinated is essential to address these issues.

3. Land Speculation and Corruption:

The high demand for land in Lagos has fueled speculative activities and corruption in land transactions. Land speculation drives up prices, making land acquisition unaffordable for many residents. Corruption undermines transparency and fairness in land allocation, exacerbating inequities.

4. Conflicts Between Customary and Statutory Systems:

The coexistence of customary land tenure systems and statutory regulations often leads to legal disputes and complexities in land administration. Customary landowners may resist statutory regulations, creating conflicts that hinder effective land management.

5. Environmental Concerns:

Lagos faces significant environmental challenges, including flooding, erosion, and loss of green spaces. Inadequate land use planning and encroachment on environmentally sensitive areas exacerbate these issues, necessitating the integration of environmental sustainability into land management practices.

Recent Developments

To stem some of these challenges, Lagos State embarked on several initiatives aimed at improving land management and promoting sustainable development:

❖ **Digitization of Land Records:**

The digitization of land records through LAGIS aims to improve transparency, efficiency, and accessibility of land information. This initiative reduces the potential for fraud and streamlines land transactions, enhancing investor confidence.

❖ **Public-Private Partnerships (PPPs):**

Lagos State is fostering collaborations with private sector entities to develop infrastructure and housing projects. PPPs leverage private investment to complement public resources, facilitating the development of essential amenities and affordable housing.

❖ **Sustainable Land Use Practices:**

Efforts are being made to promote sustainable land use practices, including the conservation of green spaces, implementation of smart urban planning principles, and the integration of environmental considerations into land use policies. These measures although aim to mitigate environmental degradation and enhance the quality of life for residents, the influence is yet to be felt.

❖ **Capacity Building and Training:**

Enhancing the capacity of land administration officials and stakeholders is crucial for effective land management. Lagos State has initiated training programs and workshops to equip personnel with the necessary skills and knowledge to navigate the complexities of land administration.

❖ **Community Engagement and Participation:**

Engaging local communities in land management processes is essential for fostering inclusivity and addressing the needs of residents. Lagos State has implemented community engagement initiatives to involve residents in decision-making, ensuring that land use policies reflect the interests of all stakeholders.

❖ **Stamping of Deed now done at Lands Bureau!!!**

Customers can stamp their Documents in the Stamp Duty Office at Lands Bureau!!! Title Search is not a mandatory requirement for registration of land documents.!!! National ID card is a primary means of Identification!!! In realization of its mission statement: To Ensure Optimal Utilisation of Land Resources for sustainable development of the State.³³

❖ **Ministry of Justice Intervention:**

Bill pending at the State Assembly on Administration of Justice Law

Recommendations for Enhancing Stakeholder Interplay, include:

³³ [Lands Bureau – Lagos State Government](#)
KEYNOTE ADDRESS ON LAND MANAGEMENT AND
ADMINISTRATION IN LAGOS STATE

- **Strengthening Communication Channels:**
- **Establishing formal communication platforms for regular stakeholder dialogue.**
- **Use of technology to facilitate information sharing and transparency.**
- **Inclusive Decision-Making:**
 - Ensuring that all relevant stakeholders, including marginalized groups, are involved in the planning process.**
- **Implementing participatory planning approaches.**
- **Capacity Building and Support:**
 - Providing training and resources to local governments and community leaders.**
- **Encouraging private sector investment in community capacity-building initiatives.**
- **Enhanced Legal and Policy Frameworks:**
 - Reviewing and updating land management policies to reflect current realities.**
- **Strengthening enforcement mechanisms to ensure compliance.**
- **General Public awareness campaign**
 - Compliance and Participation:**
 - Adhere to land use regulations and participate in planning processes.**
 - Report violations and engage with local leaders and NGOs for advocacy.**

Conclusion

Effective land management in Lagos State is vital for sustainable urban development, economic growth, and social equity. It also requires robust interplay among diverse stakeholders. Collaboration, communication, and resource sharing are essential for sustainable land use. Continued efforts to enhance stakeholder interplay will lead to more effective land management and enforcement. Commitment from all stakeholders to work together towards common goals is crucial for the future of land management in Lagos State.

While significant progress has been made in establishing a robust legal and administrative framework, continuous efforts are required to address the challenges posed by rapid

urbanization, population growth, and informal land tenure systems. By embracing innovative solutions, fostering collaboration among stakeholders, and promoting sustainable land use practices, Lagos State can achieve a balanced and sustainable approach to land management. This will ensure that its land resources are utilized optimally for the benefit of all residents, contributing to the overall development and prosperity of the state.

Thank you for listening

Hon Justice Atinuke Fadeke Oluyemi
LL.B (Hons), BL; LL.M; CEDR (MEDIATOR) UK,
Fellow, ICMC;
Member, CI Arb, UK