

Towards a Better Land Governance in Imo State

¹Chikezie Okoronkwo FNIVS, ²Agwu Kenneth, ³Oghena Jonathan & ⁴Okereke Bose

^{1,2&3}Department of Estate Management, Federal Polytechnic Nekede.

⁴Estate Management Research Group

Article DOI: 10.48028/iiprds/ijrfest.v4.i1.02

Abstract

Imo State was created in 1976 among other States of the Federation of Nigeria. Today 2021 almost forty (40) years after, the state of development of its land and land infrastructures can at best be categorized as deplorable and polarized with unregulated, uncoordinated and un-unified development thus giving room to leap-frogging and unprogressive development of land resources. This paper examined some of the key issues bordering on land governance. It reviewed actions and inactions of government hindering access to land for housing, farming and public assets in the State. Effort was made to examine the laws and statutes of the Federation as well as the edicts of the State on land. Data were collected from varied sources including government gazettes and white papers as well as citizens of the State. The paper concluded among others that the spate of land acquisition and exploitation in Imo State is gargantuan that government must check same or run the risk of losing control of development of land resources in the State.

Keywords: *Development; Land; Acquisition; Exploitation; Infrastructures*

Corresponding Author: **Chikezie Okoronkwo FNIVS**

Background to the Study

Land is something that everybody has a stake in and holds unto dearly. This creates a plethora of issues to the extent that matters concerning land have engulfed individuals, communities and nations like wild fire. The importance of land is awesomely captured by Oladejo and Okoronkwo (2018) in the poem “Land, I salute you”

Land, I salute you; Land, from whence I was formed; Land, the source of my livelihood; Land, my food, my drink, my clothing and my shelter; Land, When I am sick I look up to you; Land, while I am alive I depend on you; Land, my wealth, my status and my pride; Land, when I am about to die I lean upon you; Land, when I am dead you receive me gratefully; Land, I salute you.

Many question loom all around land and its resources; the conservation and exploitation as well as the use and misuse. Why for instance is it that some plots of land duly allocated, properly planned and officially designated as commercial, industrial or residential are not realizable? Why is it that some of them are in ditches, trenches, gullies and hills? Why is it that some plots so planned even if realisable could only be realised at very exorbitant costs? Why is it that people have had to have their houses demolished only to make way for roads, notwithstanding the fact that those houses were officially approved by the approving authority as authorized by law? Why would anybody think that he is the most qualified to have access to land against others? Why are laws on land bent of favouring the rich against the so called poor? These are so many questions but very few answers.

The issue of land use planning is something that no one could say did not evolve properly. However, Planners and some politicians who have turned to be planners are messing up the system to the extent that to plan is now a hobby and a business instead of a profession. No one is in doubt that planning is a multi-faceted endeavour. It is not just one profession but involves the Architect, the Builder, the Estate Surveyor and Valuer, the Quantity Surveyor, the Land Surveyor and the Urban/Regional Planner as well as the public who is the end user for whom the plans are made. These aspects of planning are distinct and different from one another. No one can claim monopoly of either the fabrics of planning or the components and concepts. Planning is an aggregative assignment. It concerns people who start with beginning to know the things they require and set out to achieve those things. Planning has a goal and objectives. The goal of planning is such that if not well articulated could mess up a city.

A city represents a set of human beings and their institutions, interacting in a densely settled finite space, producing and distributing economic resources, services and other values (Okoronkwo, 2016). This explains why the city is equally referred to as a distributional mechanism. The city is a mosaic of racial, ethnic, occupational, religious and ideological groups. Knox (1989) explains that their differences generate both interdependence and conflict. It has been noted that neighbourhoods, communities and indeed urban areas are subsets of the city. While an urban area comprises several communities, a community consists of many neighbourhoods (Okoronkwo, Egolum 2015)

Cities are planned and the city is a living organism. It is born or created. It grows, could grow old and die, grow sick and be cured, or die of the sickness. A city is not something that has no

life. The city centre otherwise referred as the central business district (CBD) is the heart. The roads and streets in a city are the arteries and circulatory system while the shops and offices are the heartbeats. If a city is not well taken care of from the planning perspective in the first place, it will not mature. It will be like a still born or born with deformities. A city could be be-devilled. It is the duty of the professionals in the built environment to come together and see to the functionality of the city. A city is only beautiful if it is functional. Artificial embellishments that appear in the forms of tall and nice looking buildings do not speak well of a city. Only when goods and services could easily be transported from one part of the city to the other and the quality of life of the inhabitants are improved could a city be adjudged to be functional.

The functional city has been variously referred to as a symphony; the point of maximum concentration for the power and culture of a community; the form and symbol of an integrated social relationship; the seat of the temple, market, the hall of justice and the academy of learning. It is a community of substantial size and population density that shelters a variety of non agricultural specialists, including literate elite.

Physical Development of Imo State

Physical development simply means the conversion of the earth's surface for the building, establishment, construction and or erection of structures and other artifacts for man's beneficial use and occupation. It is ordinarily expected to be planned in advance and in a systematic fashion for the attainment of the common objectives of a people. The plan for physical development is usually expressed in a comprehensive plan which is also commonly referred to as Master Plan. As Kent, observed in his book *The Urban General Plan*

The Master plan is the official statement of a municipal legislative body which sets forth its major policies concerning desirable future physical development.

The plan establishes long range general policies for the physical development of a community in a coordinated, unified manner; and could be continually referred to in deciding upon the development issues that come up often. All Master plans today revolve around the physical development of the city. In older cities, it may be conservation and renewal; in established suburbs and layouts it is protection and in the urban fringe areas it may be growth management and control. In addition to its focus on physical development, master plans are long range and general in nature. Often, a period of twenty (15) to twenty five (20) years may be projected. It is a fact that in Imo State, only Owerri was opportune to mhave a master plan. Other cities especially Okigwe, Orlu and Oguta had development plans which documents are rarely recourse to.

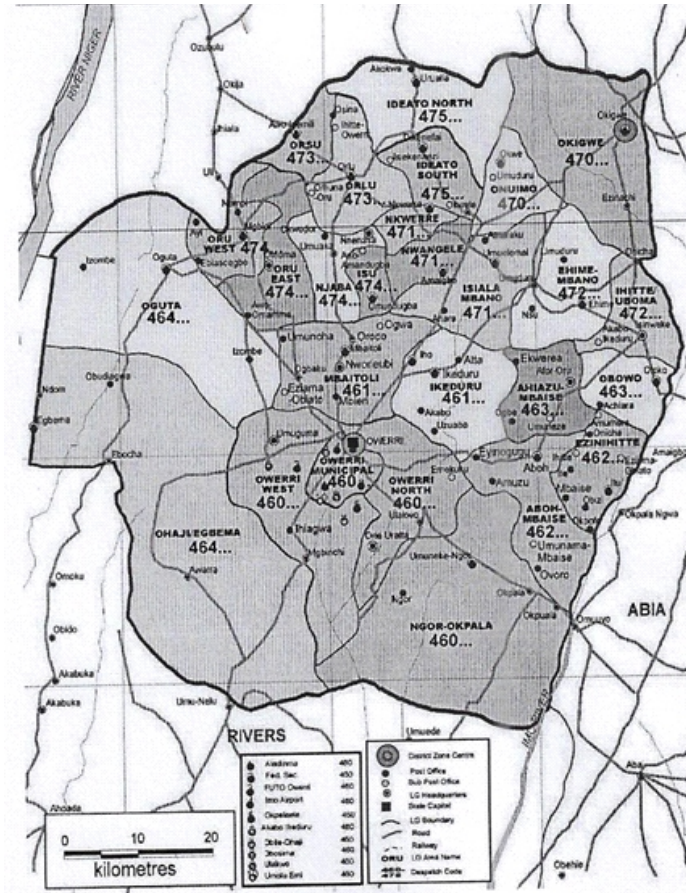


Fig. 1: Map of Imo State

Source: <http://artcle.sapub.org/image/10.5923.j.fph.20120201.10-001.gif> (2012)

Owerri the capital of Imo State is pristinely situated on longitude 5.29N and latitude 7.29E Owerri falls within the tropical monsoon climatic zone and as a result, is richly blessed with the water resources of rainfall. This is experienced within the four seasons. The long wet season starts about mid February/early march and lasts till July with heavy rains and high humidity. The short dry season lasts for about a month within July- August and is usually referred to as the August Break. The short wet season follows the August Break and lasts till early November; while the long dry season continues and completes the cycle. This is the Harmattan season when mornings are cold and misty, afternoons are full of haze, grasses die off and lawns look patchy.

The climate of Owerri is typically that of the humid tropical environment being influenced by nearness to the sea (Atlantic Ocean), prevailing winds, latitude, and apparent movement of the sun across the tropics and relative stability of the Intercontinental Convergence Zone (ITCZ) over the area. Owerri receives constant and abundant insolation with very regular temperatures of between 20°C and 33°C. The area is influenced by the North East Trade winds and the South West Trade winds with mean wind speed of 75km/day. The interplay between these climatic forces brings about the characteristic climate with features summarized in the following table:

Table 1: Mean Climatic parameters of Owerri

Month	Rainfall (mm)	Sunshine (hrs)	Rh @ 10 hrs (%)	Rh @ 16 hrs(%)	Mean Daily Min. Temp (°C)	Mean Daily Max. Temp (°C)	Mean Daily Temp (°C)
January	21.55	154.7	84	60	20.8	31.4	26.1
February	21.17	149.4	83	60	21.4	32.3	26.9
March	117.11	128.5	83	69	22.2	31.7	26.9
April	166.34	137	83	72	22.3	31.4	26.9
May	253.99	139.3	82	75	22.5	31.4	26.7
June	332.93	93.4	86	80	22.2	29.0	25.5
July	364.06	50.7	86	82	21.7	27.9	24.9
August	406.90	77.7	87	81	21.8	27.9	24.9
September	374.78	63.2	87	84	21.9	28.5	25.2
October	276.16	97.2	95	79	21.9	29.5	25.7
November	59.99	104.6	85	75	21.7	30.5	26.1
December	15.98	155	89	72	26.1	31.1	25.8
Month	Rainfall (mm)	Sunshine (hrs)	Rh @ 10 hrs (%)	Rh @ 16 hrs(%)	Mean Daily Min. Temp (°C)	Mean Daily Max. Temp (°C)	Mean Daily Temp (°C)
Mean	200.9	112.6	85	74	22.2	30.2	26.0
Max	406.9	115.0	89	84	26.1	32.3	26.9
Min	16.0	50.7	82	60	20.8	27.9	24.9
STD	151.34	36.52	2.09	7.98	1.31	1.58	0.77

Source: Isuikwuato/Okigwe Region (1989)

Lying within the rain forest vegetation, Owerri is served by various rivers principal among which are Otamiri, Nworie and Okatankwo. The topography of Owerri is generally undulating with a flat terrain that slopes into the rivers.

Politically, Owerri came into being as an administrative seat of governance in 1919 through a nationwide classification exercise by the colonial masters. It was classified as a Third Class Township along with Aba, Umuahia and Okigwe among others. This position was retained until 1963 when it became the divisional headquarters of the newly created Owerri Division in Eastern Nigeria Region. It was not until 1976 with the creation of Imo State that Owerri became a State capital as well as a Local government area by virtue of the Local Government Edict of 1976.

What we know today as Owerri City is a creation by His Excellency, The Military Governor of Imo State of Nigeria through the “Imo State Capital (Special Provisions) Edict No. 1 of 1976” as variously amended. Owerri city is not the same as but within Owerri Capital Territory. The Owerri Capital Territory comprises the areas described in Schedules A, B, C to the Imo State Capital (Special Provisions) and Imo State Capital (Special Provisions) (Amendment) Edict No. 3 of 1976 and Schedules D and E to the Imo State Capital (Special Provisions) (Amendment) (No. 2) Edict No. 6 of 1976 and such other areas that the Governor may have from time to time added.

The Igbo people believe in “Ibu Anyi Danda” which literally translated means that “where there is the will, no burden is unbearable”. True to this fact, they have survived against all odds,

amidst every unwholesome and unimaginable circumstance and even against the run of time. The perseverance of the Igbo people is second to none in Nigeria even in Africa. They are the salamander that thrives even in fire.

The creation of Imo State in 1976 created the opportunity for a crux of the Igbo people that naturally inhabit the centre of Igbo land to come together and face their common destiny. They held unto it and decided that for whatever it is worth, their focus will never be deterred; not even by the emergence of some disoriented leaders who naturally were selfish and short sighted in their pursuit of personal gains.

Commodore Ndubuisi Kanu was the first military governor. Being an Igbo, it was not surprising that he laid a very solid foundation for the young State. His administration provided the pedestal upon which others could mount. Though the rapidity with which he surprised many could not be sustained by succeeding military governors, Chief Samuel Onunaka Mbakwe a lawyer technocrat and the first Executive governor of the State poked the fire and rekindled the spirit of rapid development with his democratic principles. Under him, Owerri flourished as a State capital. During his time, many layouts were developed; the Imo Concorde Hotel (a five star ultra modern edifice) was built and successfully managed; many industries were encouraged by the development of the Onitsha Road industrial layout and others; roads were built with street lights installed to the surprise and even chagrin of many. Indeed Chief Samuel Onunaka Mbakwe did so well that even as this work is being pieced together, many have not stopped talking about his achievements.

Methodology

Effort was made to examine the laws and statutes of the Federation as well as the edicts of the State on land. Data were collected from varied sources including government gazettes and white papers as well as citizens of the State of five categories viz – Traders; Farmers; Civil/Public servants; Teachers/Lecturers and professionals of the built environment including Architects, Land Surveyors, Builders, Estate Surveyors and Valuers, Town Planners and Quantity Surveyors.

Presentation of Data and Interpretation of Findings

Table 2: Category of respondents

S/No	Respondents	Distribution of Questionnaires	Retrieved	Percentage Retrieval
1	Traders	50	45	90
2	Farmers	40	37	92.5
3	Civil/Public Servants	70	49	70
4	Teachers/Lecturers	70	61	87.2
5	Professionals	50	43	86
	TOTAL	280	235	83.93

Governments of the state were examined to discover the disparity in their attitude towards land administration in the State. It was discovered that while some did not fully understand the extent of their powers many exceeded their limits. Some were seen not to be fair in their

administration of land in Imo State. Their attitude towards land governance is like that of a socialist/communist regime expropriating and acquiring all land for themselves and their families.

Table 2: Actions of government towards land administration

S/No.	Respondents	Good	Fair	Poor	Bad	Total
1	Traders	10	10	16	9	45
2	Farmers	2	8	10	16	36
3	Civil/Public Servants	10	13	22	4	49
4	Teachers/Lecturers	11	16	28	6	61
5	Professionals	6	11	23	3	43
	TOTAL	39	58	99	38	234
	Percentage	16.67	24.79	42.30	16.24	100

Table 2 reflects the observations of citizens concerning actions of government in enhancing and entrenching the needed principles and actions for sustaining good and effective land governance in the State. 99 respondents representing 42.30% were of the opinion that government actions towards land administration were poor whereas only 39 respondents representing 16.67% adjudged government actions to be good. It was illuminating to observe that as much as 16.64 percent of respondents were emphatic that government actions towards land administration were bad.

Table 3: Rating of governments/governors on land administration

S/No.	Governor/Type	Period	Percentage	Rating
1	Ndubuisi Kanu (Military)	1976-1977	57	4th
2	Adekunle Lawal (Military)	1977-1978	52	5th
3	Sunday Adenihun (Military)	1978-1979	48	9th
4	Samuel Mbakwe (Democracy)	1979-1983	63	1st
5	Ike Nwachukwu (Military)	1984-1985	48	9th
6	Allison Madueke (Military)	1985-1986	47	10th
7	Amadi Ikwechegh (Military)	1986-1990	49	8th
8	Anthony Oguguo (Military)	1990-1992	51	6th
9	Evan Enwerem (Democracy)	1992-1993	59	2nd
10	James Aneke (Military)	1993-1996	36	11 th
11	Tanko Zubairu (Military)	1996-1999	25	13 th
12	Achike Udenwa (Democracy)	1999-2007	50	7 th
13	Ikedi Ohakim (Democracy)	2007-2011	33	12 th
14	Rochas Okorochoa (Democracy)	2011-2019	15	14 th
15	Emeka Ihedioha (Democracy)	2019-2020	58	3 rd
19	Hope Uzodimma (Democracy)	2020-	?	

Table 3 revealed that the top positions 1st, 2nd and 3rd were all achieved by democratic governments of Samuel Mbakwe (1979-1983), Evan Enwerem (1992-1993) and Emeka Ihedioha (2019-2020). This does not mean that democratic governments are better than

Military governments but that most democratic governors are prone to listen to the people more than military governments. It is also true that situations may arise where a democratic government may jettison all protocols by throwing caution to the wind. This was observed during the democratic government of 2011-2019 when there was no functional civil service; no Land Use and Allocation Committee; certificates of occupancy were prepared and distributed at the government house; powers to sign Certificate of Occupancy were not delegated to the Commissioner for Lands but to trusted friends, party members and so on. The best of the military governments on matters concerning land administration was the regime of Ndubuisi Kanu (1976-1977). Many people were of the opinion that this was possibly because the state was newly created and there were cautions to steer the wheel of leadership aright. Whatever the arguments might be, it was during this dispensation that civil service was the rule of the game and those who formed the nucleus of the service were technocrats and bureaucrats.

Issues, Discussions and Recommendations

1) State Land: By the provisions of Section 1 of the Land Use Act Cap L5 Laws of the Federation of Nigeria 2004

All land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act.

Thus the Governor has enormous powers under this section to hold such land in trust and to administer it for the use and common benefit of all Nigerians including acts that seem to be inimical to even the Federal government. The powers of the governor include control and management of all land in the urban areas; designation of urban areas; granting of statutory rights of occupancy; granting of easements; demanding and revision of rents; power to enter and inspect land; power to grant licenses; power to give consent; power to revoke rights of occupancy and power to delegate. Owing however to the fact that the Governor may be very busy with other governance matters, it has been expedient to delegate his powers to his deputy Governor or Commissioner for lands who ought to be a seasoned land administrator and not merely a politician without land background. The extent to which Governors are willing to delegate this power is a matter of concern for rapid development of the State.

2) Land Use and Allocation Committee: Created by Section 2(2) of the Land Use Act, the land Use and Allocation Committee (LUAC) is the highest advisory body for the operation of the Act. The constitution of the committee is not discretionary giving credence to its importance in the administration of land in the State. Credentials of membership of the committee is established by the Act but some Governors neglect this provision in the appointment of members of the committee only to put in place charlatans and politicians whose interests may not be for good land governance but to enrich themselves. It is advised that land governance being a purely professional matter must be left to professionals on land – Estate Surveyors and Valuers, Town Planners, Architects, Builders, Land Surveyors and Builders. Unfortunately many governors neither cared to establish the very important Land Use and Allocation Committee nor follow the appropriate rules and guidelines in the administration of land.

3) Sustainable Development: The wealth of any nation and state is land. Nations and States who neglect this fact have always realized so late how foolish their actions. All developments without exception stem from land. It is expected that Imo State should concentrate on sustainable land development which among others requires giving more responsiveness in land governance through sustainable land use that is key to housing, livelihood, agriculture, local food security and poverty alleviation. It could be seen that the current trends in land use in the State is one that allows any body to do anything without proper reference and guidance from the State. Thus we have been witnessing private companies and businesses usurping the functions of the State in establishment of layouts and housing estates. The law does not provide for private people getting into State lands and therefore an absurdity that Imo State Housing Corporation (ISHC) will seem to be moribund while private companies – Better Life Properties, Bethel Courts, etc acquire land from villages and administer to the people. The worrisome part of it all is that they collude and connive with Owerri Capital Development Authority (OCDA) and the Ministry of Lands in perfecting their acts. It must be noted that the interest of these private firms is profit maximization. To this end they dupe the gullible without perfect titles. Stories abound of people who have lost fortunes in this land grabbing, profit racketeering game. It is time that government takes full actions and responsibility in protecting the citizens.

- (a) All acquisitions are to be carried out by the State since all land belongs to the State.
- (b) The duty to sub-divide and administer including allocation rests with the Ministry of Lands and the Land Use & Allocation Committee (LUAC).
- (c) Government must open up acquired layouts and estates in accordance with specifications of the Town Planning and Survey division of the Ministry of Lands.
- (d) Citizens/Allottees must be made to pay for the provision of infrastructure – roads, electricity, water, etc – in the layouts on acceptance of allocation and not after. It is only when this is activated that allottees will be willing to move to site for development. A situation where acceptance of allocations are made many years before access is gained to the property breeds land racketeering and speculation which eventually was one of the ills of society that prompted the enactment of the Land Use Act in 1978.

4) Land Bank

Land bank is a system whereby parcels of land are reserved among approved estates and layouts for future public use. It is a thing of worry that all land in the previous jealously guarded land banks of the State has been used up either through expropriation by past Governors or Commissioners of land. The need to have enough land in the land bank cannot be over emphasized. At present, it seems that there is none. The time to deposit more land in the bank is now. The land need not be in the urban areas only but indeed in all local government areas of the State.

5) Certificate of Occupancy

It is unfortunate that many people do not understand the meaning and import of Certificate of Occupancy. This has resulted in the presumption that once a certificate of occupancy is granted over a parcel of land the holder may go to sleep. A certificate of occupancy carries with it rules and regulations that must be adhered to some of which are the minimum period expected of the holder to develop the property and the minimum value of a property to be so developed.

A proper scrutiny of Imo State of Nigeria Statutory Certificate of Occupancy reveals that condition (4) To erect and complete on the said land within 2 years from the commencement of the right of occupancy buildings or other works specified in the detailed plans approved by the Chief Lands Officer or other officer appointed by the Governor in that behalf; and (5) Both buildings and other works shall not be less than (.....specified amount) in value to the satisfaction of the Chief Lands Officer or other officer appointed by the Governor in that behalf.

There is clear evidence that the authority so conferred on the Chief Lands Officer under condition (4) is not real. This is because his office is rarely involved in the approval of building plans which duty has been totally taken over by the General Manager of Owerri Capital Development Authority (OCDA) who though used to emerge from the Ministry of Lands and answerable to the Ministry is now always a politician without any civil service background and protocol.

Not to be forgotten is the time usually stipulated to erect and complete buildings and other works on the said land as specified in the approved plans of the Chief Lands Officer. The reality is that the time usually specified is usually short. It is advocated that a minimum of 5 years is an ideal period to allow persons interested to developing their properties to secure their hold on the land. There is no doubt that many will still fail to develop their properties within the 5 years period but at least it would be seen that government is equitable in her judgment. Reacting to the period within which development is expected to be completed Umezurike (1989) stated

It sad to note that while documents including stipulations some of which relate to the period within which development has to be effected are prepared and delivered to allottees, the layouts so allotted have no infra structural services installed in them. The result is that allottees willing to effect immediate development have to wait several years for government to prepare the estate for development. What use is the stipulation when the party instrumental to such stipulation cannot perform its own pre-requisite functions?

Condition 5 where the value of the building to be developed is stated seems to be lacking in any input from the Estate Surveyor and Valuer whose duty is to advise on value in accordance with Cap L13 LFN 2004. It will be appreciated if this important professional is recognized in this regard. The lack of his input is apparently responsible for people putting up batchers and fences in the name of development worth the grant of a certificate of occupancy. A certificate of occupancy is issued on the premise that a building will be developed and that the building will be fit for occupation hence the name – certificate of occupancy. Where eventually no building is developed within the period, a breach is seen to have occurred and the title over the land may be revoked.

References

- Government of Imo State (1976). *Imo state capital (special provisions) edict* No, 1 of 1976” as variously amended.
- Government of Imo State. (1976). Imo state capital (special provisions) edict No. 3 of 1976”
- Government of Imo State. (1976). *Imo state capital (special provisions) edict* No. 6 of 1976”
- Kent, T. J. (1989). *Urban general plan: Estate gazettes limited*, London.
- Knox, P. (1989). *Urban morphology*, Oxford University Press Ltd. London
- Okoronkwo, D. F. C. (2016). Cities and economic development, *Journal of Real Estate Economics*, 2(3). Centerestec Publishers and Stationers. Owerri
- Okoronkwo, D. F. C. & Egolum, C. C. (2015). *Communities and urban ecosystems NIESV National Conference proceedings*, Nigerian Institution of Estate Surveyors and Valuers. Abuja.
- Oladejo, E. I. & Okoronkwo, D. F. C. (2018). *Rural land use and environment*, Janefred Services. Owerri.