LAND NATIONALIZATION AS A REFORM MEASURE -- ITS IMPACT ON HOUSING AND DEVELOPMENT IN THE CROSS RIVER STATE OF NIGERIA

Onofiok Joshua Ekpo

UP 898

Masters Research (Plan B)

M.S.U.

Spring 1979

TABLE OF CONTENTS

PREFACE

The intent and purpose of this paper was to identify the impacts of land nationalization as it would affect growth and development in the Cross River State of Nigeria. It made it both necessary and desirable for a systematic analysis of the Land Tenure Systems both past and present. I have discussed the different systems during the anals of our political evolution; from a colonized people to independence.

Considerable emphasis had been placed on growth and development in the face of a land nationalization policy. This policy stems from my interpretation of The Land Use Decree 1978 which as a Land Reform measure has not set the stage appropriate for the change.

I have also called attention to different countries of the world which at one time or another instituted land reforms in their efforts to create a social equality, economic development and growth. These countries have operated with differing circumstances and systems which for the most part may have been justifiable. Although these circumstances differed in their origins and depths, I have noticed that certain elements of land reform were not brought in to bear upon the Nigerian situation and that what had been planned in good faith may not fulfill the promise that was long anticipated.

I have also set out to explain how a policy of outright nationalization cannot foster growth in the private sector on which we have depended for housing, etc. This study can therefore form the nucleus of a series of studies to truly determine what needed to be done before land nationalization. Meanwhile the few suggestions contained in this study are the result of meaningful discussion with other Nigerians, research for which I am directly responsible.

Introduction

Land reform is a social change which affects the lives of farm people in underdeveloped countries. It is also an economic change affecting farming in mainly agricultural countries. The scope of land reform is wide because countries differ in their land systems, methods of farming, pressures of population, general economic levels, and rates of growth. It is because of these differences that it becomes difficult to bring their differences together and find the common elements that will satisfy conditions in countries as diverse as Nigeria, Egypt, India, Italy and Brazil.

Land Nationalization is one kind of reform and re-distribution of land resources. Some think it is necessary for growth and development but this is highly controversial. Reforms we know can be manifestations of political aims, national independence, social equality, and liberty. Effects on agricultural production and employment are also major aspects.

In the discussion which follows, it was found necessary to look at the tenural systems in Nigeria on a historical perspective, land tenure systems of the North, the South, East and the West and to follow up with trends which led to the promulgation of the Land Use Edict of 1978.

With this general overview, attention was focussed on the impacts of land nationalization on growth and development with direct emphasis on housing.

The problem of housing shortage and the attendant evils of crime, overcrowdiness, unsanitary conditions and much more are not new to the Nigerian public. With the creation of new states following the 1967-1970 civil war, this problem became too monstrous to handle. The new

capitals were ill-prepared to absorb the swelling population that surged to them from the rural communities. Because of the diversity of our people and the varying degrees of economic as well as social awareness, it was prudent to focus attention on the impacts of reform on the Cross River State.

A look at the foundations for change has been attempted here and efforts have not been spared to offer suggestions where such can aid in the choice among various alternatives that may in the future be considered. It should be borne in mind that general reform had its roots in feudalism and that the most notable thing in history is that once property rights were vested in society as individuals there was the beginning of the industrial revolution, growth and development.

Land Tenure: Nigeria

Nigeria has a vast land area with a wide diversity of tribes. With such a diversity there is bound to be cultural patterns which feature indigenous systems of land tenure. The local laws and customs with respect to land vary from place to place in certain particular details and in some or almost all cases these laws are not written. In nearly all tribes until quite recently land belonged to the community, the village or the family. The individual had no claim except to as much family land as he could possibly farm and this parcel reverted to the family soon after the tract is left fallow. All members of the community, village or family have an equal right to the land but in every case the chief or the head man of the village or family has charge of the custody of land. Any member of the community would normally go to the headman to lodge his request. The headman cannot dispose of the land all by himself. He consults the elders who must give consent before a grant is made.

Although this gives a somewhat large agglomeration of people, the family is the smallest social unit and comprises of a man, his wife or wives, their children, their grown up sons and their wives plus children, brothers and close cousins together with their wives and children. The chief interest of the community or village in land is purely social and political--to maintain group solidarity.

The chief or headman of the community or village or head of the family exercises a right of control over land as a trustee on behalf of the particular group he represents and from him permission has to be obtained before grants of land are made whether to members or to strangers. Essentially grants to individual group members or strangers leave the ultimate title in the family. No member of the community or family to whom land has been allocated by the headman can make any important disposition of his allotment without the consent of such a head or elders of the community.

However, where pressures of population, economics of sorts do permit individuals to own lands in their own right, as for example, they do in Lagos, Abeokuta, Ibadan, Onitsha and Calabar, this has been due to the importation of the English idea of land law wholly foreign to indigenous tenural system.

The explanation of the phenomenon of individual ownership is only true in a broad sense. It might well have developed sooner than recorded because due to the pressures of population the process of social change was already forcing a crude economic sense and subsistence economy was already proving unequal to the new dmeands of an increasingly complex society. (Elias: Nigerian Land Law and Custom, 1950, pp. 92-95)

We do need to take care in applying the word "ownership" to the complex scheme of relations between the Nigerian and the soil. Under the customary law of tenure, there is no conception of land holding comparable to the English idea of a fee simple absolute in possession. Dr. Elias further asserts that "the average occupier has something analogous to a possessory title which he, however enjoys in perpetuity and which gives him powers of user and disposition scarcely distinguishable from those of an absolute free holder except that he cannot alienate his holdings so as to divest himself and his family of the right to ultimate title."

The genral picture throughout the length and breadth of the country had been that of community ownership. Where changes have occurred, the difference between customary law and community rights has been almost negligible.

At this point it becomes very important that specific changes that have secured be mentioned. The case that dominates most studies is the Land Tenure Law of 1962.

Land Tenure Law 1962--Northern Nigeria. After the attainment of independence on the first of October 1960 it was considered necessary to regulate the land law in Northern Nigeria and so in 1962, the Northern Nigeria legislature passed the Land Tenure Law. The purpose was to replace the land and Native Rights Ordinance by a new law but nevertheless to pressure the existing basic principles of that law while introducing some modifications and improvements.

By virtue of the Land Tenure Law of 1962 as it has come to be known all the lands in the northern states are declared to be native lands. The control and disposition rests with the Minister of Lands for the

state who administers the land for the good and benefit of the natives. Under the law, the government recognizes the right of the individual under customary law and merely acts as administrator for the lands. Their basic duty is to maintain a general oversight of all dealings in lands for the overall objective of preserving the land ensuring maximum utilization for the common benefit of the population.

The greatest interest recognized and permitted by the Land Tenure Law is a right of occupancy that is a title to the use and occupation of land which is divided into two categories, statutory and customary. Under this categorization, a statutory right of occupancy is a right granted to a native or non-native under provisions of Section 6 of the law. It is in effect similar to a leasehold interest under English law being generally a grant for a specific number of years. A customary right of occupancy is the title which a native or non-native community occupying lands in accordance with the rules of native law and custom has and which therefore is not limited in time. (Charles MacDowell: Introduction to the Problems of Land Ownership in Northern Nigerha, 1966, pp. 46-50).

Although there may be some exceptions to some provision of the law yet the idea is that land belongs to the people thus emphasizing the general communal concept. But by constituting a custodian in the person of the Minister, the Land Tenure law at once sets the Statutory Rights as superior to Customary Rights. It is these aspects in Sections 30 and 34 (3) which give the impression that the people of Northern Nigeria through their representatives, have adopted the principles of land nationalization.

It is therefore the intent of this paper to advance the assumption that this is not the best development incentive to be applied to the Cross River State of Nigeria.

Land Tenure in the Yoruba Provinces (West)

The effort here is to introduce an element in the tenural system which ran through the country before the advent of the British administrators. Even after the colonizers have settled in some major cities there was some respect for tradition and customs of the people regarding land.

It does not seem expedient to delve into the history of the Yorubas. They along with the Hausas of the North, the Ibos of the East, form the major tribal groups of Nigeria. Nowadays it may not be possible to find any land which is absolutely unadministered. All land has come under the administrative control of some chief or headman, mainly because it has been found necessary for the progress of modern government to have clearly marked boundaries, and in consequence the government in Nigeria has determined what are to be the separate administrative areas, and included all the land under one chief or another.

Natives of a group whose area contains some as yet unappropriated land still have the right to go and take some of it, and make it their family property. This, of course, has to be reported to the head chief so that he can witness the acquisition. Non-natives whose characters have been proven to be good can also ask the chief for a portion and the chief, in consultation with other members of the chief's council, will apportion the land to the stranger. His obligation to the family, group or community is to obey local rules and become a loyal member of the community. In Yoruba land the chieftancy title is very respected

and this entities the holder to land belonging to his people. (H. L. Ward Price: Land Tenure in the Yoruba Provinces, 1939, pp. 9-11)

The institution of family property is one of the corner stones of customary land law. The rules of all the various systems of customary law are largely uniform as to the incidents of this form of tenure although the composition of the group making up the family differs from place to place.

Yorubaland is divided into numerous units of various sizes; some are still under the administration of the local heads or some minor chiefs who acnieved the rank of Oba and still others under the Bales, i.e. heads of towns. Under the ancient system almost each village was a separate land owning unit.

Land used to be owned either by the gruop, the head chief who merely used land to keep up his status and the products from land for the entertainment of visitors or by families communally. Town land could be granted to family members who were capable of farming or needed house - room.

The system stipulated that once family land was alloted to individuals it cannot be reclaimed unless misused. Thus the Yorubas had been used to individual ownership of land despite the fact that most of the land was regarded as communal property. Even with this individual ownership, one had to show need for wanting a separate parcel from the family holdings. A house site was considered an outright allocation and, of course, virgin land could be given to another for absolute possession. In either case, the land reverted back to family pool if upon the death of the original allotee, surviving children take possession. Another important point to make here is the amount of land one could take from

unappropriated land. There was respect for others' needs and no selfish actions were condoned. Land was also owned by religious cults or societies and the leaders of such cults or societies automatically became the caretakers.

As time went on there was a necessity to enter into mutual agreements regarding boundaries (Ward-Price, p. 47). In the less metropolitan areas land was still being regarded as a gift from nature and a source of livelihood. Sales of land was not a legitimate custom and even then there was no rule against it.

Suddenly there was a general practice of taking a token fee for the use of land which has evolved into outright sale and the institution of private ownership of land. The point I have tried to put accross is simply that land in the Yoruba provinces has originally been communally owned and that the family was, and of course is still, the final unit in community sense where customary law has the leverage. With the realization in recent years of the economic value of land, the growth in population numbers and the establishment of growth poles and commercial centers, these factors coupled with scarcity and non-renewability of land resources have made private investment in land more lucrative than ever before.

The Ibo/Ibibio Land Tenure

The Ibos as a tribe dominates what used to be Eastern Nigeria until 1967 when that region was partitioned to form the initial South Eastern now Cross River State, East Central State presently re-grouped into Ino and Anambra States, and the River State.

Although culturally the different groups differ in many ways, the system of tenure in land seemed to have been primarily the same. So that in describing the land tenure system of the Ibos I will be rightly

describing the same system for both the Ijaws, Ogonis, and Kalabaris of the River State; the Efiks, Ibibios, Anangs, Umons or Ogojas of the Cross River State as well as the Ngwas, Onitshas, Owerri and Abakaliki communities of the East Central State.

The Ibo system of land tenure is based on three cardinal principles: "that the land ultimately belongs to the community and cannot be alienated from it without consent; that within the community the individual shall have security of tenure for the land he requires for his compound, his gardens, and his farms; and that no member of the community shall be without land." (Jones, G. I.: "Ibo Land Tenure", AFRICA, Vol. XIX, No. 4, October 1949, pp. 309-323)

Most of what Ward-Price said of the Yorubas is generally applicable to the majority of tribes in former Eastern Nigeria and particularly to the Ibos. They are strong, independent-minded men.

Here in Iboland, land tenure system is a very important part of the traditional societies. There is a number of groups and subgroups within the Ibo society and certainly the communal aspect of land tenure does not envisage a tribal delineation. The Ibo village exhibits most of the common characteristics in a greater or lesser degree of deviation from an average or typical situation. The basic social and political groupings in Ibo society is the village and individuals belong to families or kinship groupings. Land was basically divided into two main categories. It should be mentioned though that the subgroups that actually occupied and used the land owned use right to it. The two categories mentioned are houseland and farmland. This is responsible for the concentric zone most often found in most settlements. The inner zone is houseland where people live and grow trees and shade crops.

Farmland makes up the outer zone where people farm but do not live. Here they grow such staple food crops as casava, yams, etc. Village land may be partitioned among members of the extended family. At each level of society, land abandoned through migration or death reverts back to the next higher land holding unit. On household, the individual householder is the owner and has the right to plant whatever crops he wishes. While the larger community regulated the farmland the individual rights were thus protected from seizure by other groups.

With the passage of time, the pressures of population, communally owned lands began to shrink and society emerged into the consolidating stage when sale of farmland was forbidden and included even transfers within the land holding community. Finally there was the disintegrating stage where practically all land has become houseland and any transfers of right of use was prohibited. (Jones, G. I.: Africa, pp. 309-323)

In any case the family farmland becomes the joint property of the sons upon the death of the family head and depending upon the number of surviving male children this property can be partitioned among groups of descendants of each of the original family head's wives where there are male descendants living, be they children, grandchildren or great grandchildren. It is apt to mention that polygymy is an accepted practice not only among the Ibos but with other Nigerian tribes although relgion seems to have limited this practice in certain cases.

As population increased with differential growth rates among the extended families within a village and as vacant land is progressively used up, the inheritance system insures an ever increasing degree of fragmentation among the holdings accompanied by a corresponding reduction in the size of the land holding unit. (William P. Huth: Land Tenure Center, University of Wisconsin, Madison, August 1969, pp. 50-60).

Thus began the system of pledging land. A fee was agreed upon and paid in the lump sum and the pledgee received the use of the land until the pledgor redeemed the land by paying back the same amount. Use of the land by the pledgee was thought of as annual interest which is paid by the pledgor for the use of the pledge money.

Mutual rights and obligations regarding redemption of the land are heritable in perpetuity by the descendants of both parties. There are other stipulations spelled out in the pledge but to be valid pledging of land must be carried out in front of witnesses to safeguard the rights of both parties. As most pledgors may not redeem the land it is generally assumed that a pledge far above the going rate amounts in fact to a sale in Iboland. (Meek, C. K. "Ibo Law" In E. Adamson Hoebel, Jessee D. Jennings and Elmer R. Smith (eds.) Readings in Anthropology. New York, McGraw-Hill Co., Inc. 1955, pp. 234-248.)

Mr. M. M. Green writing about the various tenure on which land came to be held concluded that with only one exception land can only be owned by right of inheritance. The exception is that land held on pledge from one generation to another and unclaimed until all evidence of its original provenance is lost, comes to be looked on as the property of the heir or heirs of the man who originally obtained it on pledge. Apart from this, the ownership of land is based on ancestral rights. He was infact giving an account of tenure system in Umueke Agbaja (M. M. Green: Land Tenure in Ibo Village, p. 6).

Generally speaking, land in this village was not communally owned by any group either as large unit, the village or village group. It normally being divided up into small kinship numbers, members of an extended family. There is in some places the merging of a system of

land holdings with the changes taking place currently in political and socio-economic awareness. The general trend is more inclined towards an extension of individual rights.

Although the totality of land tenure systems in this region would not apply in all sections of former Eastern Nigeria yet it can be said very sweepingly that land right by inheritance is common among the people. In the Cross River State a similar situation applies where houseland is owned in perpetuity and farmland is generally allocated to members of the family, group or village by the family head. Also in the farm land, the palm trees which form the main cash crop of a permanent nature can be harvested by any member of the family on family land or villager in the village holdings. In case the need arises in the family or village to raise money for a common cause like fighting a court case it becomes illegal for any person to enter upon the community land to cut palm fruits. A certain time is set aside in the fruiting period and at the end of this period all males are required to pay a certain amount of money to participate in the harvest, otherwise each cutter is expected to give an amount in palm oil varying from 1 tin (4 gallons) to 3 tins. The palm kernels belong to the wife or wives of participating husbands.

Land Laws in Modern Nigeria

That strict native law and custom forbade the sale of land there can be no doubt. Land was to be maintained intact for future generations. It was considered to belong to the past, the present and the future. Aiding this sentiment were the somewhat practical reasons that land sale was unknown because there was no scarcity of land and consequently no exchange value. Until comparatively recent times there was no monetary medium of exchange under which land could command a price.

Among the Ibos of Eastern Nigeria, the sale of land was in general contrary to customary law though land might have been transfered from one group to another as a gift, or as compensation for wrongful acts.

The position is very different today and sales and other forms of alienation for value are commonplace. This change has been attributed largely to the arrival of Europeans and the importation of their ideas and notions. Another factor could have been the rise of the money economy, the growth of cash crops and the pressue of an increased population. The effect of this attitude was first felt in Lagos and spread gradually to territories in close proximity to it until the entire country became subservient to the idea. This can be seen as a national consequence to the rise of trade and commerce and the development of a money economy. In any case the earlier reasons for selling land was to raise money to pay family depbts. Yet in all this there were certain restrictions on the landowner. There were prohibitions against alienating land to strangers unless anyone who wanted to settle was acceptable to the village. Again this prohibition gradually broke down in many areas because it came to be recognized that the larger the number of non-natives that can be attracted to buy and settle in an area, the greater the trade and prosperity that will come to the area. As early as 1952 there was to be complete freedom within the then Western Nigeria and no Yoruba was to be regarded as a stranger in any Yoruba speaking community (James: 1973, p. 180).

Under the Local Government Laws Native authorities ceased to exist and these Local Government Councils had extensive powers of control both direct and indirect over the use of land. In parts of what used to be Eastern Nigeria where "Alienation of Land Bye-laws" still operate to

regulate land transactions notice of any proposed transaction must be given in public before the council, which may approve or withhold approval for good cause.

There have been the Native Laws Acquisition Act to succeed the Acquisition of Land by Aliens Law but the provisions of this act sets out procedures to be followed before an alien can enter into land contracts in Nigeria.

There has been a series of changes in the land tenure laws of Nigeria with emphasis on the unification of the many law systems. There also have been efforts of the courts to adapt customary laws to a changing society--one path than has been tedious and many times unproductive pay of litigation. Customary law sees land as a means to serve the needs of a subsistence economy and a people whose attitude to land is that it is a means of fostering family and tribal solidarity. The received system of laws on the other hand depicts the feudal origin and the fact that it developed to express goals of a philosophy of individualism and competition. With the growing conflict, the tendency has been for more and more land to be transferred out of the customary into the received system and for customary law to take on the trappings of the latter. Land attitudes in the face of the resultant changes have accordingly undergone tremendous metamorphosis. The possible and probable solution to the land tenure problem in Nigeria will undoubtedly start with a "systematic adjudication," "demarcation" and "registration." (Ibid, p. 275).

The Land Use Edict 1978

The right of government to acquire land is inherent in a democratic society provided such acquisition is used for the good of the people. It is therefore in pursuit of such fundamentals of government that the

following tools are utilized.

Eminent domain

Police power

Power of Expenditure (spending power)

Property ownership

Taxation

However, this paper is concerned with land nationalization and its effect on housing development. The Land Use Decree 1978 has various provisions that employ the above tools, but it goes a little further in section 34 subsections 5 to 9 where it states

> (5) Where on the commencement of this Decree the land is undeveloped, then--
> (a) one plot or portion of the land not exceeding half hectare in area shall subject to subsection (6) below, continue to be held by the person in whom the land was so vested as if the holder of the land was the person of a statutory right of occupancy granted by the Military Governor in respect of the plot or portion as aforesaid under this Decree; and
>
> (b) all the rights formerly vested in the holder in respect of the excess of the land shall on the commencement of this Decree by extinguished and the excess of the land shall be taken over by the Military Governor and administered as provided in this Decree.
>
> (6) Paragraph (a) of subsection (5) above shall not apply in the case of any person who was on the commencement of this Decree also the holder of any undeveloped land elsewhere in any urban area in the State and in respect of such a person all his holdings of undeveloped land in any urban area in the State shall be considered together and out of the undeveloped land so considered together--
>
> (a) one plot or portion not exceeding ½ hectare in area shall continue to be held by such a person as if a right of occupancy had been granted to him by the Military Governor in respect of that plot or portion; and
>
> (b) the remainder of the land (so considered together) in excess of ½ hectare shall be taken over by the Military Governor and administered in accordance with this Decree and the rights formerly vested in the holder in respect of such land shall be extinguished.

(7) No land to which subsection (5) (a) or (6) above applies held by any person shall be further subdivided or laid out in plots and no such land shall be transferred to any person except with the prior consent in writing of the Military Governor.

(8) Any instrument purporting to transfer any undeveloped land in contravention of subsection (7) above shall be void and of no effect whatsoever in law and any part to any such instrument shall be guilty of an offence and liable on conviction to imprisonment for one year or a fine of ₦ 5,000.

(9) In relation to land to which subsection (5) (a) or (6) (a) applies there shall be issued by the Military Governor on application therefor in the prescribed form a certificate of occupancy if the Military Governor is satisfied that the land was immediately before the commencement of this Decree vested in that person.

Essentially the section of the decree which directly purports to nationalization of land refers specifically to urban land. In a sense and planning context, the definition of urban excludes farming as an integrated activity within the confines of an urban area, so that growth in this sector automatically means institutional embracing social, cultural, economic, legal, political, artifacts and scientific components.

It is essential that we recognize the implications of the provisions of section 34. It sets a precedent--a nationalization policy that stiffles the traditional institution of land ownership by private individuals south of the country and imposes upon this society the Land Tenure Law of Northern Nigeria--a society that for years has thrived and grown upon private ownership of land to meet its development needs.

It is also pertinent to assume at this point that despite the fact that state lands do exist in most of the major towns of the Cross River State, that pockets of family land also exist in these towns within the city or town core which might have passed to individual members of some family unit. Let us assume also that some of these plots have not been developed in the sense that standard housing units have not been erected there upon. This phenomenon exists all over the city of Calabar, capital

of the Cross River State.

It should be recognized too that housing development has been exclusively undertaken by theprivate sector; this notion is confirmed in the Third National Development Plan 1975-1980 which states

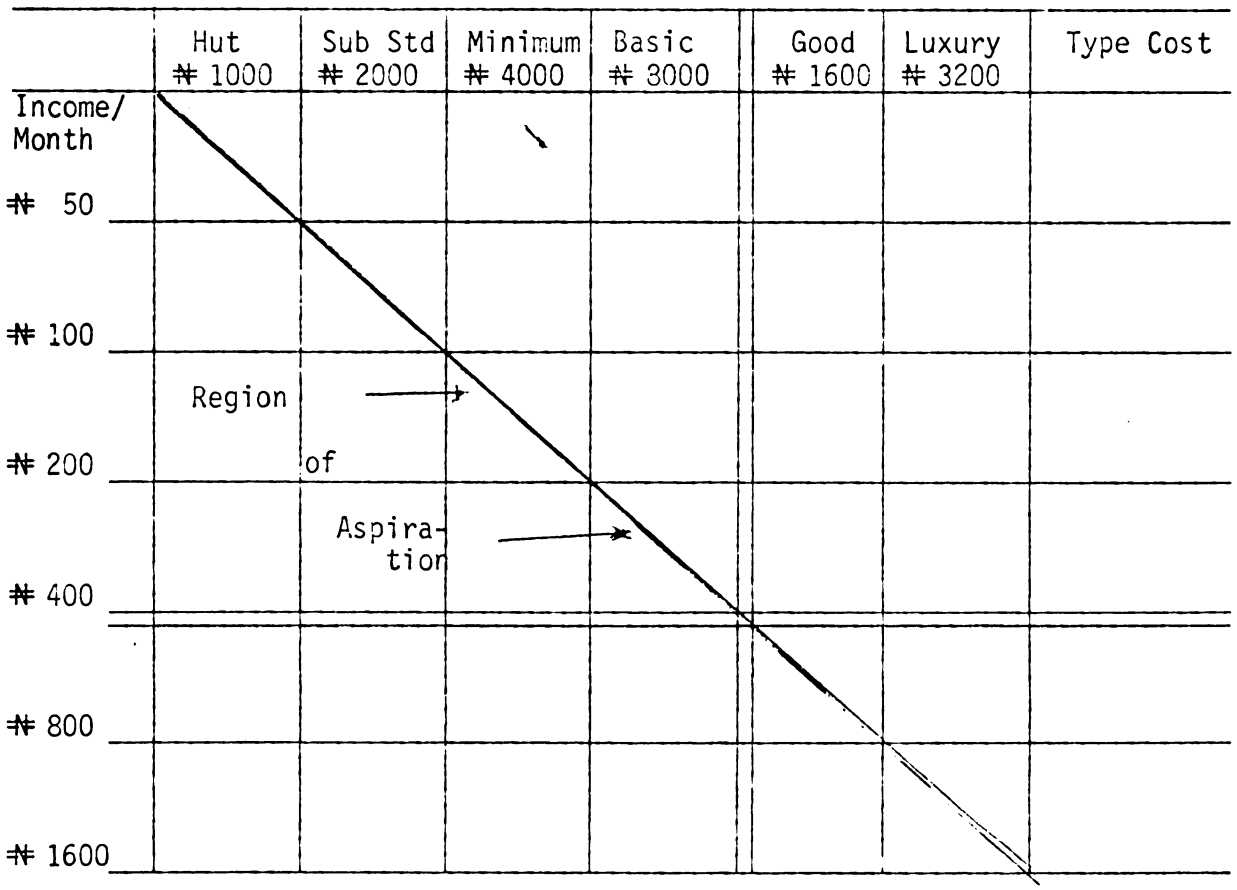
> The Government has traditionally tended to leave the field (housing) almost wholly to private effort, restricting itself to the provision of a limited number of residential quarters for its workers. . . . Until very recently the government did not explicitly accept any social responsibility for producing houses for the masses and therefore did not deem it necessary to participate actively in mass housing programs. (Third National Development Plan 1975-80, Vol. 1, p. 308).

The much orchestrated Staff Housing Loans Schemes, housing corporation, credit unions, etc. are plagued with problems and bottlenecks and make it increasingly difficult for the private sector to meet the increasing housing demand occassioned by rural-urban migration.

Therefore, restricting the amount of land available for private purchase, lease or inheritance further reduces the incentive for private participation. Nationalization therefore does not offer the best alternative solution to the acute problem that confronts the Cross River State, infact all of the Southern states in their effort to provide standard housing for the masses.

Conceptually the definition of standard housing provides for adequate living space, kitchen, bath, toilet, yard for kids to play, running water, electricity, access to transportation, schools, etc. Some of these might be considered luxuries, but they are necessities to ensure good health, public morals and safety. There is need at this point to illustrate the capacity to build in the Cross River State where a high percentage of its residents are either underemployed or unemployed and where even the employed live at the mercy of a few landlords.

TYPE OF SHELTER AND COST



This chart is adapted from a lecture delivered by Dr. Paul Strassman, Professor, Department of Economics, M.S.U. on February 27, 1979.
Topic: Cost of Housing

Classification

Hut: A very primitive shelter made from scraps of boards, mat, roofing iron sheets, leaves, etc. Internal dimension vary with need but generally lacks all the facilities for a healthy living.

Substandard: Made of mud and wattle and roofed with leaves (mat) no adequate ventilation, room size very small: often using open pit latrine.

Minimum: Same materials as substandard but provides space for food storage and larger room size. Ventilation is still poor.

Basic: Corregated iron roofing, minimimum size (10x12) rooms for living, dry pail toilet system, no electricity, no tap water.

Good: Good location, ventilation with water and light--toilet may be water system, open surroundings and recreation.

Luxury: Ampled room size with all amenities for modern living. Esthetically gradios and imposing.

I shall assume also that the median cost of a basic home lies around 8000 naira (not based on any statistics) although not very far from being the truth when one considers what is regarded as basic, i.e. without the luxutry of running water or electricity and consisting of 2 bedrooms, a sitting room, kitchen and toilet (dry pail system).

It means specifially that for a basic house one has to be in the 400 nair per month bracket. This is the starting point for an employeed with a Master's degree. Below this level the possibility of acquiring a decent accommodation is perhaps bleak and nonexistent for the low income (₦ 100 - 200). We may fantasize by asking the question how many people fall within these categories. The answer is, very many people. How will the land nationalization policy cater for the welfare of these people. Once again the answer hangs in the air. Yet, we can assume too that the policy was intended to better the living conditions of these people--to redistribute land so that these people can own their homes. It should be noted that the quote assumed cost does not include cost of land and/or improvements like streets, pavings, light, water, sewer and refuse disposal except in designated areas meant to be showcase projects for high government officials.

Critically enough the government or infact any agency cannot provide housing for the low income of 50 naira per month worker. But somehow he is an important member of the society and has to be protected from the sun and rain, from other natural and manmade elements which are increasingly becoming part of our environment. He might have been lucky to own, by inheritance, a parcel of land in an urban area which he presumably intended to lease or sell to a willing buyer in order to erect a home in his suburban lot, but because this willing buyer has already gotten more than

½ hectare in undeveloped plots and because the law prohibits the transfer of any land in excess of ½ hectare (undeveloped) our low income friend is to spend the rest of his life without land and without a home. I am not so sure of the degree of bitterness this Land nationalization policy can generate, but I am sure that not many people will like to lose their holdings for a compensation that is computed arbitrarily low.

On the other hand assuming that the land is taken over by the government and leased to a willing allottee; he builds with intent to sublet and fixes rents to recover his cost. There is no way he is going to let it to someone who cannot pay him at the end of the month.

The intent of this paper is not to go into the cost of providing housing throughout the Cross River State but to stress the impact of land nationalization policy on the development of the state housing market.

Housing in Calabar is characterized by qualitative and quantitative inadequacies. Housing quality implies something about the environmental surroundings and physical characteristics which promote health, convenience and the well-being of the occupants. Quality then being a subjective term defies universal definition. Each individual has his own idea of quality and the measure becomes even more difficult between climatic and geographic areas as well as between rural and urban places. (Sheaver, 1972:41). It whould be wrong to use without modification the criteria used in evaluating houses in developed countries. As Chapin points out--there are intricate factors in housing analysis. The important thing to bear in mind is that for a structure to be called a house it should be able to support its occupants as shelter, provide room for living, conveniences and storage.

Land Reform

Almost all known cases of land reform have been a revolutionary process stemming mostly from peasant unrest, the change from colonial masterdom to nationalism upon independence or an appeacement exercise with the rise and fall of governments seeking recognition or appreciation from where it hopes to win votes and stay in power. In all these as we shall come to realize, there is no concensus on the degree of success or failure that can be attributable to any one situation. Either because the machinery of government was inept or that the whole process was hurriedly phased without adequate studies conducted to come up with acceptable rationale and mode. It might seem an unending experiment playing one social class against the other without adequately weighing each case on its merits and demerits. To say that the Nigerian land decree lacks teeth will be an oversimplification and shallow overgeneralization. The country emerged from colonial domination barely two decases ago and behind those years of colonialism many systems of land tenure were operating: in the north where statutory and customary laws held together and rich chieftains controlled land and power. In the south there was the communal land with option of private ownership either through outright purchase, lease or inheritance.

We are talking here about traditional values, traditional institutions and traditional concepts. The Cross River State and indeed Eastern Nigeria has never known anything like feudalism. Our social and economic and cultural institutions have been based on free choice, individual competitive society. This is the core of the matter and spells the difference between a class conscious society and one where status is measured by indiviudal achievements. Nationalization is a far off deviation from

our tradition because progress can no longer be measured on free choice and individual effort.

Land Reform Definition

Over half the world's population is dependent upon agriculture for its subsistence. In various Asian and African nations, the subsistence farming absorbs or engages well over 90% of the population and the problems of these people are often that of poverty associated with low productivity of rural fram holdings. Among these people, mass poverty is a recurring problem and life is very much dependent on crude peasant farming, is punctuated with such phenomena as tiny and fragmented holdings, primitive dwellings, poor health and sanitary conditions, backward farming techniques, high rents, etc. One of the most important influences which affect rural living standards is the institutional framework of agriculture. This includes land tenure systems, distribution of ownership of property, the existence or non-existence of agricultural credit marketing facilities, technical advice, education, health services. In countries where land is privately owned, the very large and the very small properties often exist side by side. When this situation exists there is a general ill-feeling amongst the rural groups especially if the large farm owner is an absentee landlord. It is not surprising therefore that agriatian reform receives high priority among measures aimed at promoting economic growth and social justice. However land reform is better treated in the context of nation's cultural heritage and economic conditions.

Land reform has come to be a term of many meanings and it is appropriate to differentiate the concepts. In a broad technical sense any program that leads to change presumably for the better in the manner in which urban or ural land resources are held and used may be described as land reform.

Within limits of common practice especially in purely agrarian interpretation the usage of the term has been confined to programs designed to bring improvements in agricultural economic institutions. This is the sense in which it was used by the U.N. Department of Economics and Social Affairs in 1951.

Doreen Warriner, a noted authority on this subject, would rather have the meaning put differently. To her land reform means the redistribution of property or rights in the land for the benefit of small farmers and agricultural laborers.

Still others limit their definition to programs which identify with radical measures such as expropriation of land holdings. Perhaps it would be appropriate to go along with Johnson and Kristjavson who recommended the use of three terms in order to eradicate the confusion. (Barlowe, Raleigh. Land Resource Economics, 1972, p. 526). They suggested the terms,

1) Land distribution which would involve programs designed to either break or combine existing land holdings.

2) Land reform which would involve the rearrangement of ownership rights and other institutions associated with land in the interests of the many rather than the few.

3) Agrarian reform which would include overall improvements of rural life and improved relationship of rural people to the land.

Significance of Land Reform

Two goals become prominent in any reform. One of these centers around the improvement of the lot of the average land operator or worker while the second emphasizes the possible contributions of reform measures to national economic development. These are very sound policies when properly defined, especially in the rat race of trying to implement a rapid

transition from a subsistence agrarian economy to a market economy in which varying proportions of the gainfully employed within the population are engaged in agriculture. This is the situation commonly found in the less developed nations of the world. Frequently the rural people in these countries are exploited by the large landowners who are capable of raising capital needed for the kind of development that enables them to live in luxury while the tenant or the landless live in poverty without a future.

Within the complex definitive structure, a combination of these phenomena can be welded into a single approach to further make it more formidable. This is the Nigerian experiment.

A clear definition of land reform does not come easily because of the diverse nature of the countries which institute them. Thus reform may be seen in its historical perspective as a revolutionary reversal of long term processes, or as a manifestation of political aims and social equality. Effects are commonly focussed on agricultural production, increase in incomes and employment. Again these definitions are either circumvented or all embraced in the new Nigerian land edict.

It would appear that one of the implications of the reform in Nigeria is the redistribution of property or rights in land for the benefit of not only the farmers but the landless majority especially workers. Perhaps it may suffice to assume an all embracing definition and treat all else in this common context; that land reform is understood to mean any improvement in the institution of land tenure or agricultural organization.

There is perhaps nothing new in the land use decree of 1978 as far as government powers to acquire land for public use is concerned, the clause that makes it seem unusual and unfamiliar is the expropriation and

redistribution clause. For one thing, it sets a limit as to how much land the local government may allow for grazing or agriculture without stipulating the procedures for a classification.

Section 6, subsection (2) readings in part

> "no single customary right of occupancy shall be granted in respect of an area of land in excess of 500 hectares if granted for agricultural purposes, or 5000 hectares if granted for grazing purposes except with the consent of the military governor."

Although compensation is paid where land has been taken from a previous owner it should be remembered that land values vary according to use capacity, accessibility, fertility and aesthetic amenities among other things. It would seem that a uniform or blanket compensation is hereby offered even if the land in excess of approved amount is marshland or rock cropping or even stark barren or sandy.

The issue of classification of land to determine use has not been carefully dealt with and one may nurture the impression that this was a costly oversight. Secondly, the advocates of reform at this time have not addressed themselves to mechanisms which may be employed to reclaim wet lands and put them to use. Notwithstanding these flaws, there is no evidence of a study to determine how much land may be expropriated and consequently redistributed. The full realm of provisions necessary to arouse public awareness and make them receptive to the change have not been incorporated into the policy. In the concluding chapter, efforts will be made to draw up a catalog of these prerequisites.

Categories of Reform Measures

A broad range of land reform programs have been adopted in different countries. Some of these programs involve single reform while others embrace combinations of reforms. Some provide for mild adjustments while

others are sweeping and strict in their effects.

A variety of mild reforms has been used in the more developed and even in the less developed nations to secure a particular tenure objective.

In the United States, early ordinances of 1785 and 1787 prescribed a policy for surveying all public lands and offering them for sale to settlers at nominal fee (Barlowe: Land Econ., 1972, p. 527).

Denmark emerged into real nationhood around the 1800's by granting liberal long-term low interest loans for tenants' purchase of farms. They also encouraged the formation of farmer cooperatives. In 1870, Great Britain enacted the Landlord and Tenant Act which facilitated the purchase by farm tenants of the lands they operated. Holland and Italy have carried on large scale drainage and settlement schemes which have provided home sites for many operators. Some other mild reform measures include agricultural extension programs, the development of reclamation projects, the establishment of voluntary land consolidation commissions.

Mild. Here are some of the mild reforms that can be adopted

Land Surveys

Registration of Titles

Provision of Land Credit

Improved Landlord/Tenant Relationship

Land Settlement Programs

Land Drainage and Reclamation Programs

Still some nations adopt stringent land use policies in order to weave a particular tenure system. West Germany and Holland use strict regulatory process to determine what uses owners can make of their land. During the World War II years, Great Britain, Switzerland had policies that authorized local boards to evict ineffective land managers and

replaced them with ones capable of contributing more to the national food production. Israel has for many years been encouraging farm settlements and farming cooperatives. These cooperatives hold and work the land in common. The farm settlement approach to agriculture was introduced to Eastern Nigeria by the same people but it lasted for a few short years before the war in 1967. Most have either been abandoned or converted into agriculture extension centers.

In 1952 the United Arab Republic adopted an Agrarian Reform Law that limited rents, if paid in cash to no more than seven times the real estate tax and share rents to 50 percent of the crop. Agricultural rents were limited to a maximum of 37.5 percent of the crop in Nationalist China in 1949. Some laws requiring sizeable reductions in farm rents have been enacted both in Japan and in Pakistant. Some of these measures have been classified as strong reform measures and they include:

Strong.

Rent Control and Reduction

Ceilings on Land Sales and Values

Ceilings on Areas Owned

Floors and Parcellation Sizes

Housing Susidies

Prescriptive Measures to Clear Titles

Controls Affecting Prospective Buyers

Land Consolidation Programs

The most far reaching reforms have called for the expropriation of certain land holdings and their redistribution in smaller sized tracts. A large program of this type was started in Mexico during the interwar years. In Japan, India, Pakistan, Iran, Italy, Algeria, Kenya, Bolivia, Cuba and the United Arab Republic measures of this magnitude have prevailed

since World War II. Compensation has been paid for most expropriated lands in some of these countries but in the Iron Curtain countries, properties of land holders have often been confiscated without compensation. Where this confiscation has been the rule, the land was distributed to landless workers and farmers. Forest and other non-farm holdings have been retained in public ownership and estates with extensive building improvements have sometimes been retained as a unit to be used for educational, research and cooperative purposes. Individual allotments of land have been generally small and recipients are expected to pay nominal charges.

Stringent. These stringent measures include:

(i) Public taking of private land without compensation.

(ii) Expropriation or confiscation of private holdings.

(iii) Land redistribution programs

(iv) Exploitive taxation measures. (Barlowe: Land Economics, 1972, pp. 528-29).

Fittingly enough at this point it is essential that a little comparison be made between countries that have instituted reforms and Nigeria.

The Egyptian Experiment

The Egyptian Agrarian Reform was made into law in 1952 with the expressed provisions to accomplish the following

(i) Limitation on ownership of agricultural land and expropriation of certain land for distribution among small farmers

(ii) Establishment of agricultural cooperative organizations for the farmers who acquired requisitioned land

(iii) Limitations on dividing agricultural land

(iv) Regulation of the landlord/tenant relationship

(v) Provisions in regard to the rights of agricultural laborers.

Before the reform, Egypt's pattern of land holding and use contributed considerably to instability, insecurity and unrest. The problems included unequal distribution of land ownership, small size farm units, fragmented holdings, few owner operated farms, insecure farm tenancy, inadequate credit facilities, a dysfunctional agricultural ladder and a rigid class economic, social and tenure rankings. (Saad M. Garalla, 1962).

I would like to surmise here that the choice of Egypt for this comparison arose from the fact that Egypt like Nigeria thrives on agriculture and that its population is growing at as fast a rate as is experienced in Nigeria. While it does not fall within the confines of this paper to dwell on the ramifications of Egyptian reform notions, a few things stand out

a) that Egyptian reform did not include urban land

b) government instituted land reclamation and improvement programs aimed at increasing the supply of usable land

c) the public was informed of the need and necessity of the reform through normal educational processes.

d) the Moslem rights or Islamic laws of inheritance are still observed

e) where individual holding was too small to support a family cooperatives were strictly advised in order to keep the family unit

f) there was a recognized need for change because not all families owned land

g) leading members of the cooperatives were inducted into the administrative machinery to spell local autonomy and participation

h) the reform reduced the incentive to education as most peasants were able to own land.

In any case, redistributed land was not limitless and as soon as the limit was exhausted and population was still growing, some peasants who otherwise could have worked for large estate owners discovered that they

could neither work nor own farms. This unemployment resulted especially in the villages. Consequently the level of life within the villages went back even worse than before the reform.

One may notice that traditional institution of inheritance is still upheld as was the case in the Cross River State before the reform; that government has not instituted with the reform improvements on land in order to stimulate agricultural growth and so cannot claim that nationalization as envisaged will bring any greater yields in agricultural production in areas designated as rural land; that because the Cross River State has all along recognized traditional ownership by inheritance and that every man, woman or child belongs to a family and has right to land, no person has ever been landless. The national land use decree does not classify land in terms of yield capacity, i.e. fertility, accessibility, aesthetic and other endowments. The emphasis on redistribution seems only to affect lands in urban areas where only the rich can afford to live. It is most likely that the same people the law purports to dispossess will end up winning the new allocations since they alone possess the capability to develop within a fixed period of time.

The landlord/tenant relationship which gave rise to malcontent and unrest in Egypt was a rural phenomenon whereas that relationship exists in the urban areas where problems of high rent and overcrowding call for adequate housing supply at a price workers, traders, businessmen and laborers can afford. Thus the regulation of land holdings in the urban scene inhibits the landlord's ability to expand on production of the housing stock causing a shortage that ultimately drives rent prices up.

The Indian Experiment

The country of India was socially stratified by the caste system when a class of people were held by another as subhumans. These subhumans had

no rights and merely worked the farms for the enrichment of the landlords. There was nothing that could be called a peasant movement among the patient cultivating castes, though there was unrest. Here the agrarian policy was an applied religion of Ghandi in raising the level of the untouchables. Another action that prompted the reform was nationalism and was directed towards the abolition of Zamindari, a form of land tenure established under the British rule and identified with it. Essentially land was a main source of revenue because taxes were levied on estates. The aim of the Indian reform was individual peasant ownership or land-to-the-tiller because the middlemen or land owners often increased taxes arbitrarily when assessing the laborers so as to reap high profits. There was a long congressional fight to eliminate the intermediaries between the state and the tiller. The reform however instituted cooperative farming and was set out to accomplish the following:

1) the agrarian economy should provide an opportunity for the development of the farmers personality;

2) There should be no scope for exploitation of one class by another;

3) There should be maximum efficiency of production

4) The scheme of reforms should be within the realms of practicability.

The idea was thought to offer a properly determine scheme of rights in land that would satisfy the agrarian tradition and the agricultural needs of the nation. Reclamation schemes were instituted and joint co-operatives enforced by some degree of compulsion on farmers to join together to form sizeable holdings. State farms were limited to research and the landless were organized to farm on reclaimed and improved wasteland.

Although the aims were high and idealistic, much of what was accomplished fell far short of expectation.

There was not a uniform definition of "economic holding" and the political process that created autonomy in the states often made laws very difficult of implementation.

The fundamental concept of the reform was to end the Zamindari or middlemen and give status to tillers of the land while raising the status of the castes. There is no aggreement on the efficiency of production brought about as a result of the expropriation of the Zamindaries but it is mentioned that wages in the villages had gone down and the number of wage-laborers had increased.

The general trend here does not hold much for comparison with land nationalization in Nigeria because the caste system is foreign and land taxation is executed in urban areas. The only lesson one can draw from the Indian experience is that arbitrary taxation via middlemen was abolished, whereas other vices were in the ascendancy due to regulatory inconsistencies among states.

The Italian Experiment

Instead of movements involving land tenure changes of the conventional land reform types, Italian agricultural history is dominated by land reclamation schemes, referred to as bonifica. The first national law on bonifica was the Baccarini law of 1882, subsequently modified in 1923, 1927, and 1929 and then recast in the fundamental law of 1933. (King, 1973, p. 40). The process consisted of the coordinated execution of all the works required to adapt the land and the water on it to such intensive forms of production as will ensure work and higher social standards to a dense rural population. Form this purely hydraulic measure it evolved into most phases of land improvement. A fundamental distinction was drawn

between public and private bonifica schemes, the former being carried out by the states to include large planned resettlements on the newly transformed territories, and the latter involving small regional associations of private land owners who were grouped together for the purpose of local grant aided land improvement works. By 1936, one third of the country's productive area was classified under the bonifica region. Already in 1911 the element of compulsion had been introduced into the legal texts although the sanctions were not carried out. This however meant expropriation if the required transformation works were not carried out.

Although the bonifica programme was extolled as a boon to the landless peasants, the land reclamation schemes by themselves have offered little land to the rural masses. Reasons for this was because (1) a large amount of the expenditure on bonifica during the Fascist period was concentrated in one area. (2) Investment in the south was considerably less than in the North. (3) The Fascist government used the opportunity to carry out enormous projects of publicity values so that conversion regardless of cost of the famous Pontine Marshes within 70 kilometers of Rome to a model agricultural colony of 3000 small farms cultivated by ex-soldiers only served as advertisement for the regime.

The real Italian land reform came about in 1950 with the passage of three laws:

(i) The Legge Sila (law #230 -- May 12, 1950)

(ii) The Legge Stralcio (law #841 -- October 21, 1950)

(iii) The Legge Siciliana (Regional law #104 -- December 27, 1950).

One of the most important of these laws was the Legge Stralcio with aims to provide

1) The creation of comprensori di reforma, large tracts of land of

latifundia character, each administered by a public agency, the Ente di Riforma, operating under the direct supervision of the Minister of Agriculture.

2) The amount of land to be expropriated in each zone was to be determined by applying a formula which would take into consideration the total area owned and the average per hectare income. Property owners were allowed to retain one third of the expropriatable portion (so called "residual third") on condition that they undertook to develop it in accordance with the prearranged plans of the Ente Riforma. Also excluded from expropriation were model farms well organized and efficient farms run in cooperation with the agricultural workers, and certain livestock farms. Compensation to landowners was based on the taxable value of the expropriated lands as of 1947. (Ibid. p. 47).

3) The expropriated territory was to be transformed (de-stoned, drained, deep ploughed, etc.) and assigned within three years to landless laborers, sharecroppers and other peasant categories. The beneficiaries were to pay back some of the cost of expropriation and transformation in 30 annual installments during which time the land could not be sold or rented out. Assignees were obliged to join cooperatives. The assignees took two forms; the podere, a self sufficient farm ususally with a farm house on the holding and the quota, a small plot designed to round up income derived from other sources.

4) The Ente Riforma was charged with the responsibility of providing for land improvements, construction of buildings (farms and service villages) roads and irrigation works, as well as technical assistance, cooperative and education.

As grandios as these aims were as determined as the government was to go ahead with these improvements, the problems of overpopulation and lack of improvable lands made solutions more problematic. There was to be a choice between economic and socially equitable solutions. Only where the land-to-man ratio was at a balance was it even attempted to satisfy as many peasants as possible.

Land reform per se is a political and highly revolutionary issue and the developments in Italy are no exceptions to the rule. In any case the systematic and coordinated approach points up to the good intentions of the government even if it failed to meet the aspirations of the entire population.

Characteristically the Nigerian reform presents a rather paradoxical situation of haste in waste. (i) The studies as conducted to determine available supply of developable land was never done. (ii) State or federal agencies were never in agreement as to which region should be selected for the experiment.

(iii) The involvement of government in land reclamation, irrigation and other improvements have not been considered economical in the long run to arouse public action.

(iv) There is no agency of the government to oversee the distribution of expropriated lands in keeping with its intention to equitably share the resources.

(v) The introduction of cooperatives is essential in handling sales and services within regions of agricultural production but this has not been emphasized or even introduced on a model scale to educated the peasants on the merits of joint venture.

(vi) Conceptually the Nigerian land reform applies a uniform rate of compensation to expropriated land owners regardless of land quality and location.

(vii) A need appraisal is essential to determine what percentage of the population owns what percent of the land and to what use these lands are constantly put. In the general context of Nigeria and especially Southern States which include the Cross River State, land ownership or ownership of rights on land takes various forms including inheritance, purchase, pledge, etc. and because of the very crude nature of our agri- as one farmer has land in excess of what he can cultivate.

The few coca and palm estates there are, are owned by quasi-government corporation.

Farm houses on these states were erected to accommodate the workers and their families and barely meet the basic standards. At once it is seen here that steps have not been taken in full to stimulate growth for what gorwth should be. The factors of production are land, labor, capital and entrepreneurship and the least mobile is land. Since man cannot transfer this input he can at least improve it. The format stipulated by a reform such as that emphasizing expropriation and distribution of land is a long way from satisfying the goals of production and growth. We need at this point a system that will cultivate social values based on the need satisfaction capabilities of the majority.

The Taiwan Experiment

The institution of land reform in Taiwan followed an investigation and surveying of individual plots cultivated by more than one farmer. It however included the subdivision of the surveyed sites to be relocated to workers who have been employed on these farms. It did not include the breaking up of family land. Furthermore, what is called plot in Taiwan

land records is frequently a combination of several pieces being cultivated by several families and must be fairly large. The compulsory purchase of farm land by government began with the investigation and compilation of a list of such lands and a public announcement of the said list. Without trying to grapple with the effects or ramifications of this reform my intnetion is succintly to point to the initial work that had to be done in order to come up with a meaninful information regarding the quantity and quality of land available for redistribution. In effect family lands were investigated and accorded a category either for the compulsory purchase or not despite its size. A set of criteria was developed to be able to come up with the various categories. Since the reform was to give land to the tiller and since majority of these tillers were landless peasants working for the lords, a reform like this was in the best interest of the masses. (Tang. 1954). There were also other relief measures instituted and applicable to the old and infirm, widows, orphans, handicapped and other disabled persons who have been joint owners of land compulsorily purchased by government. The system also allowed landlords to sell to workers such portions of land as had been worked by the same before the revolution. The liberal system recognized the need for advanced compilation of land records and the classification of this compilation into categories in order to facilitate reallocation. The agricultural context of the Taiwan reform lends itself to public acceptability because most of the peasants worked in rice fields. The reallocation or sale of plots gave the farmers the incentive to work for greater production because by now they were only accountable to the government who charged a minimum tax.

Federal Government Efforts Toward Ho[illegible]g

Until late in the 1970s housing was not considered a domain for government to wade into. Quite recently the acute shortage of housing in key environments has generated great concern and with the formation of the National Council on Housing all levels of the Nigerian government have been asked to give proper emphasis to the problem and to allocate adequate funds (not less than 10% of annual budget) for the provision of housing.

The Association of Housing Corporations which was formed in 1964 with the participation of Midwest, Western, Northern and Eastern Nigeria governments has only succeeded in stimulating national consciousness. At its annual conference, held in Kano in 1971, the association called on the Federal government to regard housing as an economic as well as a social project.

Despite the mushrooming concern that was being played down, the architects of both the 1962-1968 and 1970-1974 Development plans did not care to define what the National Housing policy should be. This was reflected in the token allocation of $67.2 million in 1962/68 to Town and Country Planning and actually spending $31,36 million for the entire running of services including housing. This amounted to about 47% of the allocation only to illustrate the evasive attitude of the government regarding the provision of this vital linkage of the social environment. However, as the private sector tried unsuccessfully to keep pace with the demand, the Federal government in the 1975-1980 Development plan came up with an allocation that reflected the growing concern of the majority of people in the country. This figure of 5.5% in monetary terms was the recognition of housing deficiency and the urgent need to remedy the situation. The proportion is still far below the recommended level of the N.C.H. and definitely insufficient to initiate a resolution of the mounting shortage

of housing as a problem in the country. (Ebogn, Maurice, 1978).

In the circumstance one is tempted to recognize the establishment of the Federal Housing Authority in 1973 as a milestone in planning. By and large this body is an agent and merely advises the government on its perceived needs. Perhaps what the Federal government had in mind was to actively participate in providing housing for the poor and low income who are most affected by the shortage. One should be able to recognize this as a very illusive dream and the reasons are not too far fetched.

According to the guidelines of the National Housing Program, each state regardless of its population was expected to provide 8000 units during the plan period 1975-80. The Federal Government was to be responsible for 50% of this number as well as provide the infrastructure that goes with housing. At a glance one should ask why the 8,000 units. We are yet to discover the rationale for assuming that 8,000 is an equitable number; again the different categories of housing is not stipulated.

The Shortcomings

The scheme is not only limited in scope of its housing activities but it is grossly mismanaged and to say the least, is very indifferent to the needs of the very people for whom concern should have been foremost.

1) There is indisciminate plot allocation
2) Public servants who take loans to build their homes sublet these homes at inflated rents while continuing to occupy government quarters.
3) Prices of building plots have soared so high that the average wage earner cannot even consider owning a house in his lifetime.
4) The attendant high cost of material and labor pushes the possibility of ownership beyond the realm of realization.

The situation has provided the opportunity for specific class of people to acquire specific areas of building plots in designated planning areas of towns in the country. Thus the elitist nature of the Nigerian distribution makes housing almost entirely dominated by the upper income, governmental bureaucrats and the intellectual university lecturers and professors. This practice is becoming the norm as observed by Odepitan who has correctly warned "if Nigeria is to develop the highest type of civilization, if its industry is to thrive permanently, if its government ministries are to serve their highest purposes, the policy makers and private investors must think of providing a home life for every family rich or poor." He invariably did recgonize the fact that private investors must be encouraged because they and they alone can provide housing for the various classes without personal bias. In time we shall come to see why the nationalization policy has removed the last best hope for the cross section of society to improve the housing situation.

Housing Policy of The Cross River State Government

As a young state created barely a decade ago it has long recognized that the provision of shelter is absolutely essential for the physical survival of man. The state in its limited capacity is making efforts to emphasize the social evils associated with inadequate housing. One approach to the housing shortage in the urban areas of the state has been the Staff Housing Scheme which provides quarters to senior staff and a few civil servants. Although this policy reminds us of the colonial system, it is a policy in which the government acquires a parcel of land, builds housing units and makes them available to civil servants for a fixed proportion of their salary. This subsidy system supplies housing at a fixed cost below the going market rate. The state's Third Development

Plan calls for the construction of 300 staff housing in the capital city of Calabar and 20 in each of the 14 divisional headquarters.

The establishment of the Staff Housing Fund, a financial arm of the Housing Corporation in 1973 has not gone far enough but is seen as a set in the right direction. The limitations imposed by rules promulgated by the Board of Trustees of the corporation have once again helped to stratify the society, discriminating against the poor and the unemployed. According to the rules:

> A person is not eligible to apply for a loan under these rules unless at the time of the application he is a duly confirmed holder of a pensionable appointment in the service of the Government of the State, or in a Statutory Corporation, or in a state-owned company, or in a Voluntary Agency, Medical or Educational Institution by virtue of which he is entitled to receive an annual allowance on completion of service (SES, 1973).

The policy objectives of the Third National Development Plan include the following:

1) the expansion of services of the Housing Corporation in Calabar and other parts of the State;

2) the implementation of the low cost housing scheme;

3) the expansion of staff housing scheme;

4) an introduction of other measures to increase the number of modern houses in the State;

5) the increase in supply of building materials in the State;

6) the obtaining of adequate statistics concerning housing.

The Shortcomings of the State Plan

It can be seen however that the State Plan is plagued by the same limitations of the Federal Government.

1) Indifference to the needs of the poor and needy.

2) Funds allocated to housing is far below the 10% of Annual Budget recommended by the National Council on Housing.

3) The Housing Corporation, the only public supplier of houses with known estimates can only complete an average of about 50 units for the 15 urban centers of the state per year.

4) Housing policy for the capital city of Calabar that receives the bulk of immigrants is yet to be specific on quality and distribution.

Recommendation

In view of the circumstances in the Cross River State and the necessity for planned growth, the following recommendations are hereby suggested.

1) Efforts should be made to map out all the available land and water resources for a more comprehensive planning.

2) The state should designate planning areas and provide the necessary infrastructure--roads, light, water, sanitary conditions for sewage disposal, etc.

3) The planning areas should be located in local council areas with local powers to direct growth and citizen participation.

4) Local materials should be improved and treated to stand the effects of weather. This can be done if research facilities are provided either by the state or the Federal Government.

5) Encourage village integration and cooperative ventures in housing and agriculture.

6) Credit facilities and loan schemes should be liberalized to offer seed money for people willing to develop the rural economy.

7) Open a network of roads and minor thoroughfares in order to reduce the barrier of inaccessability.

8) Public housing as a policy should be reassessed in order that the poor and the needy can benefit without undue hardships.

9) National acquisition should have precedence over state only in matters of security and acute national interest of defense.

Redistribution of land as it is, manifestly stated does not guarantee that recipients of these allotments will be better off than the losers because in no way have the land been classified to effectively analyse its use capacity. Again society also knows that welfare type of giving out land without prompting a development is almost tantamount to further impoverishment. The polich should first aim at developing a system where the new land can be gainfully used in production. It, however, boils down to the provision of basic infrastructure, low interest loans, a list of possible allotees. One thing is certain though, tne very people who are dispossessed will come back to buy the redistributed lots because they have the financial means to develop the lot. It is to curb this that I would recommend a graduated tax system whereby the excess of undeveloped land is taxed enough to discourage speculative ventures. This applies to urban as well as rural land. Some countries use taxation to discourage the use of farm land for the production of certain crops, e.g. Tobacco in Indonesia, grapes in Chile, marijuana in the U.S.A.

A system of public education should precede any land reform.

Conclusion

In the various countries where land reform has taken the shape of nationalization, i.e. expropriation of land from big landholders and redistribution to the poor, the needy and the landless, land was never communally owned as it was in the Cross River State. These have, in all, had their roots in feudal institutions where the powerful lords controlled land and rented these holdings at high rental fees to the peasants. The changes occurred with peasant uprising usually demanding

the right to share in the rights of ownership or use of land.

When the political machinery deems it advantageous to effect the changes several things are often taken into consideration.

Basic among these are the cadastral surveys to know the land mass, the registration of individual holdings and a classification of soil types to determine uses. Thus the drawing up of a growth policy commences with primary studies focusing on direction, level and rate at which gorwth is anticipated. Such a policy must be flexible enough to accommodate any changes that might be encountered during the planning process.

In Italy and Egypt for instance, the government made sure that the basic infrastructure were set in place and that land that was to be redistributed was made productive. A system of dams and irrigation projects were initiated and water logged areas were reclaimed to put these wet lands to use. Where the wet lands permitted no other uses, recreation and public grounds were made available for public use. Land resource becomes scarce with increase in population and the pressures of economic awareness have been immense in ordering growth and development.

It is therefore more pertinent now to point out these short comings of the nationalization policy in Nigeria and to stress thereby that such a policy besides being stringent does not encourage growth in the private sector where the nation for the most part have turned to for the supply of housing stock.

Planning as we come to know it in Nigeria is most effective on the state level. It is here that the power and need to determine location and the provision of urban utilities and transportation manifest very strongly. The much orchestrated idea of reform cannot be taken seriously

in the Cross River State because the only main city of an urban dimension and character is Calabar, the capital city. There is therefore still a steady drift of people from the rural areas to Calabar. The labor force is growing faster than it can be absorbed. Rural development is one answer to the vicious cycle. Efforts should instead by made to create growth opportunities and prosperity in the rural towns so as to reduce the flow of people to the city. Land can be assembled much easier in the rural areas for the service programs and it is rather premature to think that land nationalization can succeed in this part of Nigeria. Dr. Ebong has observed in a recent study that land nationalization is difficult to implement since the policy makers are the owners of most of the urban land. The acquisition of land by the government in the Cross River State has never been a big deal and it has not become that yet. What is required is a comprehensive plan covering the various towns of the state. This plan should embody provisions for local councils to initiate their development plans with the state subsidizing or providing the infrastructure within a time frame.

The state can aid in fostering growth and more development if steps should be taken to utilize local materials for the construction of houses rather than depend as we do on imported items like cement, iron rods, nails, bolts and corrugated iron sheets. Besides the unfamiliar language of reform, the average Nigerian does not lack land. He may not own land in the cities but he is always assured of a piece of land in his native village--the family land.

The question of land use evolves most often around tenure issue in Nigeria. The complete absence of routine planning until recently was a result of the militating forces generated by lack of uniform system of

land assembly or acquisition. Land seemed to be associated with individuals and groups of families rather than with communities in the CRS. It was possible to sell or lease land in most urban centers and in most of the South which used to be Eastern Nigeria, still a disproportionate amount of land belonged to the private owners either as individuals or families. The situation is much different in the Northern States where the recent Land Tenure Law of 1962 has declared all lands to be native lands.

Total nationalization of land will tend to liquidate our family system, disrupt our grand traditions and impose responsibility on those who can less afford and set the government up as land custodian.

BIBLIOGRAPHY

Achunine, Obi Basil. Dynamics and Strategies for Urban Housing and Infrastructure in Developing Countries: A Case Study at Lagos, Nigeria. (A Ph.D. dissertation, Michigan State University, 1977.)

Barlowe, Raleigh. Land Resource Econ. Englewood Cliffs, New Jersey, 1972.

Berry, Sava S. Cocoa, Custom and Socio-Economic Change in Rural Western Nigeria. Clarendon Press, Oxford, 1975.

Chubb, L. T. Ibo Land Tenure. 2nd edition. Ibadan University Press, Nigeria, 1961.

Cole, C. W. Report on Land Tenure, Niger Province. Government Press, Kaduna, 1952.

Ebong, Maurice Okon. Policy Implications of Rural-Urban Migration in Calabar-Nigeria: The Relative Effects on Housing. (A Ph.D. dissertation, Michigan State University, 1978.)

Elias, T. Olawale QC. Nigerian Land Laws and Custom. Routledge and Keggan Paul, Ltd., London, 1962.

_____. Nigerian Land Law. 4th edition. Sweet and Maxwell London, 1971.

Gadalla, Saad M. Land Reform in Relation to Social Development--Egypt. University of Missouri Press, Columbia, 1962.

Green, M. N. Land Tenure in An Ibo Village. Pergy Lund Hymphys and Co., Ltd., London, 1941.

Huth, William P. Traditional Institutions and Land Tenure as Related to Agricultural Development Among the Ibos of Eastern Nigeria. University of Wisconsin, Madison, 1969.

James, R. W. Modern Land Laws of Nigeria. University of Ife Press--Ile Ife, Nigeria, 1973.

Kaufman, Robert R. The Politics of Land Reform in Chile (1950-1970). Harvard University Press, Cambridge, Mass., 1972.

King, Russel. Land Reform: The Italian Experience. Butterworths, London, 1973.

Land Use Decree #6, Gazette Notice #2 . . Federal Republic of Nigeria Gazette. Federal Ministry of Education, Lagos, Nigeria, March 29, 1978.

Lloyd, P. C. Yoruba Land Law. Oxford University Press, London, New York, Ibadan, 1972.

McDowel, C. M. An Introduction to the Problems of Ownership of Land in Northern Nigeria. Institute of Administration, University of Pittsburg, 1966.

Meek, C. K. Land Tenure and Land Administration in Nigeria and the Cameroons. Her Majesty's Stationery Office, London, 1957.

Monlin, Chiang. Land Reform in Free China. JCRR, Ed. Tang: Taiwan, 1954.

Nwabueze, B. O. Nigerian Land Law. Nwamife Publishers, Ltd.-Enugu Oceana Publishing Co., New York, 1972.

Obi, Chinwuba S. N. The Ibo Laws of Property. Butterworths, London, 1963.

Odepitan, Omobolanle. "Plans for Housing Systems for Rich and Poor." Sunday Times Nigeria Ltd. February 1974.

Olawoye, C. O. Title to Land in Nigeria. University of Lagos, Nigeria, 1974.

Pohoryles, S. and Dr. A. Szeskin. "Land Tenure in Africa and Its Effects on Economic Growth." Land Use Research Institute, Jerusalem, Paper #3, April 1973.

Rowling, C. W. Land Tenure in Ijebu Province. Government Press, Western Region--Nigeria, 1956.

_____. "Report on Land Tenure." Kano Province, Government Press, Kaduna, 1949.

Rural Economic Survey of Nigeria. Federal Office of Statistics, Lagos, Nigeria, 1973.

Third National Development Plan. Vols. I and II. Central Planning Office, Lagos, 1975.

Ward-Price, H. L. Land Tenure in the Yoruba Provinces. Government Press, Lagos, 1939.

Warriner, Doreen. Land Reform in Principle and Practice. Clarendon Press, Oxford, 1969.