



LAND ADMINISTRATION IN NIGERIA: CHALLENGES AND PROSPECT FOR SUSTAINABLE DEVELOPMENT IN RIVERS STATE

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ABSTRACT

Land remains the single most important asset for national development, and its administration in Nigeria is anchored on the Land Use Act 1978, which vests all land in each state in the Governor to be held in trust for the benefit of all Nigerians. This paper examines the challenges and prospects for sustainable development of land administration in Nigeria, with particular reference to Rivers State. It interrogates the statutory and judicial framework governing the alienation of interests in land, including the long-controversial requirement of Governor's consent under section 22 of the Act, the question of whose duty it is to obtain such consent, when it must be obtained, and the consequences of failure to do so. The paper argues that while the consent requirement was designed to centralise land control and guard against speculation, its bureaucratic administration in Rivers State has, in practice, undermined tenure security, discouraged investment, and slowed the pace of sustainable urban and economic development in Port Harcourt and its environs. The paper further examines the peculiar challenges of customary tenure, weak land titling infrastructure, unplanned urbanisation, and oil-related environmental degradation confronting land administration in the State. It finds considerable promise, however, in recent judicial developments, particularly the Supreme Court's decision in Yakubu Ibrahim & Ors v Simon Obaje, and in prospects for digitisation, legislative reform, and institutional coordination. The paper concludes with recommendations directed at reconciling regulatory oversight with the facilitation of sustainable development in Rivers State.

KEYWORDS: *Land Administration, Sustainable Development, Governor's Consent, Land Use Act, Rivers State.*

1. INTRODUCTION

Land is an immovable and indestructible asset, and its administration is a critical catalyst for economic growth, wealth creation, and infrastructural development in any modern economy¹. A major innovation introduced by the Land Use Act² into Nigerian property law practice is the requirement for the Governor's consent³ in land transactions, a requirement intended to ensure that land, a crucial asset for national development, is used efficiently and responsibly⁴. Section 1 of the Act vests all land within a state in the Governor of that state, to be held in trust for the benefit of

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¹ I O Smith, *Practical Approach to Law of Real Property in Nigeria* (2nd edn, Ecowatch Publications 2013) 310.

² Land Use Act 1978.

³ *ibid*, s 22.

⁴ C I G Agwor, 'Transfer of Interest in Land and Governor's Consent under the Land Use Act: Some Emerging Issues' [2022] 18(1) *Journal of Private and Property Law* 100.



all Nigerians, and since the Act's implementation, individuals can no longer claim absolute land ownership or exercise unrestricted rights over land, as ultimate ownership now rests with each state's Governor⁵.

This nationalisation policy, and in particular the mandatory requirement for obtaining the Governor's consent before any land interest can be transferred, is crucial for the administration and enforcement of the Act, as it allows government to maintain control over land access essential for developmental projects. Yet the inclination of individuals and institutions to undertake development activities or investment on land depends significantly on the security of interest they perceive to exist over such land, particularly as it relates to the use of land as collateral for credit facilities. In the landmark case of *Yakubu Ibrahim & Ors v Simon Obaje*⁶, the Supreme Court clarified that the requirement for the Governor's consent does not apply to land not governed by statutory rights of occupancy where the transfer is between private individuals and there is no overriding public interest or dispute involved, a decision of considerable significance for the prospects of land-based investment across Nigeria, including Rivers State.

Rivers State, as the commercial and administrative hub of Nigeria's oil and gas industry, presents a particularly instructive case study of the tension between regulatory control and sustainable development. Rapid urban expansion in Port Harcourt, extensive oil and gas operations across riverine and upland communities, competing customary and statutory claims to land, and an acute housing and infrastructure deficit combine to place considerable strain on the State's land administration architecture. This paper examines the legal and institutional framework for land administration in Nigeria, with emphasis on the tripartite exigencies identified in relation to the Governor's consent requirement, namely whose duty it is to obtain consent, the time for obtaining consent, and the consequence of failure to obtain consent⁷, before turning to the specific challenges and prospects for sustainable development that these arrangements present in Rivers State.

2. CONCEPTUAL CLARIFICATION

2.1 Land

Land is an immovable and indestructible three-dimensional area consisting of a portion of the earth's surface, the space above and below the surface, and everything growing on or permanently affixed to it⁸. In *Salami v Gbodoolu*⁹, the Supreme Court, per Adio JSC, held that the word 'land', in its ordinary meaning, denotes any ground, soil, or the solid part of the earth's surface, as

⁵ D O N Agwor, 'Overriding Public Purpose and Compensation for Compulsory Acquisition of Land under the Land Use Act: A Legal Evaluation' [2022] 18(1) *Journal of Private and Property Law*, 100.

⁶ (2017) LPELR-43749 (SC).

⁷ C I G Agwor and N Amadi-Harry, 'Consent of the Governor in Land Transactions: Whose Duty and When' [2024] *Journal of Commercial and Contemporary Law*.

⁸ U Frank-Igwe and C I G Agwor, 'A Re-examination of the Jurisprudence and Sale of Family Land in Nigeria' [2023] 19(1) *Journal of Private and Property Law*, RSU 54.

⁹ (1997) 4 NWLR (Pt 88) 273.



distinguished from the sea. Land also includes any building and any other thing attached to the earth or permanently fastened to anything so attached, but does not include mineral resources¹⁰.

2.2 Land Administration

Land administration refers to the processes by which rights, restrictions, and responsibilities relating to land are determined, recorded, and enforced, encompassing land tenure, land valuation, land use planning, and land development¹¹. Effective land administration requires accurate cadastral records, accessible registration systems, transparent allocation processes, and functional dispute-resolution mechanisms, without which insecure tenure, conflicting claims, and disorderly development inevitably follow.

2.3 Sustainable Development

Sustainable development rests on three mutually reinforcing pillars, namely economic development, social inclusion, and environmental protection¹². Applied to land, sustainable development requires that land use decisions balance the imperative of economic growth against the social imperative of equitable access and the environmental imperative of protecting ecological systems for future generations, objectives reflected in Sustainable Development Goal 11 on sustainable cities and Goal 15 on life on land.¹³

2.4 Alienation

Alienation simply means the conveyance or transfer of property to another; it is the act by which title to property is voluntarily conveyed from one person to another, whether by sale, lease, licence, lien, mortgage, or gift¹⁴.

2.5 Governor's Consent

A Governor is the chief executive officer of a state in the Federal Republic of Nigeria, vested with executive powers extending to the execution and maintenance of the Constitution and all laws made by the House of Assembly of the State¹⁵. Consent, on the other hand, means a voluntary yielding to what another proposes or desires, or agreement, approval, or permission regarding some act, especially given voluntarily by a competent person¹⁶. Governor's consent is therefore consent obtained from the Governor of a state on a land transaction, without which such transaction is deemed unlawful and invalid¹⁷. It is required in every state of Nigeria, including Rivers State,

¹⁰Interpretation Act 1964, Cap 123, Laws of the Federation of Nigeria 2004, s 78.

¹¹Enemark's classification of land administration functions, widely adopted in comparative land governance scholarship.

¹²World Commission on Environment and Development, *Our Common Future* (Oxford University Press 1987) (the Brundtland Report).

¹³United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development* (2015).

¹⁴C A Felix and C I G Agwor, 'Transfer of Interest in Land and Governor's Consent under the Land Use Act: Some Emerging Issues' [2022] 18(1) *Journal of Private and Property Law* 102-103.

¹⁵Constitution of the Federal Republic of Nigeria 1999 (as amended), s 5(2)(a) & (b).

¹⁶B A Garner, *Black's Law Dictionary* (8th edn, Thomson Business 2004) 323.

¹⁷LUA 1978, s 22.



whenever the holder of a right of occupancy decides to alienate the land to another person; every subsequent transaction on the land cannot be perfected until the Governor's consent is obtained.

3. LEGAL AND INSTITUTIONAL FRAMEWORK FOR LAND ADMINISTRATION IN RIVERS STATE

3.1 The Constitutional and Statutory Basis

The Constitution of the Federal Republic of Nigeria 1999 guarantees every citizen the right to acquire and own immovable property anywhere in Nigeria¹⁸, while protecting individuals against compulsory acquisition of property except in accordance with the law and upon payment of compensation¹⁹. The Land Use Act 1978 remains, however, the principal legislation governing land administration in Nigeria, having been enacted to unify the land tenure system across the country, address land speculation, and ease land acquisition for business and development.

3.2 Whose Duty is it to Obtain the Governor's Consent?

Given that the Governor holds all land in trust for the benefit of the people, section 22 of the Land Use Act provides that it shall not be lawful for the holder of a statutory right of occupancy to alienate his right of occupancy, or any part of it, by assignment, mortgage, transfer of possession, sublease, or otherwise, without the consent of the Governor²⁰. The burden of securing the Governor's consent is thus placed squarely on the holder of the statutory right of occupancy seeking to alienate the interest. This position was reechoed by Belgore JSC, who observed that it is the holder of a right of occupancy who is to seek the Governor's consent to alienate, transfer, or mortgage the land²¹. Because a party in default should not be permitted to profit from its own wrong, the courts have consistently held that a defendant who bore the responsibility of obtaining consent, and who has already received the benefit of the transaction, cannot later be heard to contend that the transaction is void for want of that very consent, a principle affirmed in the Supreme Court's decision in *Ugochukwu v Cooperative & Commerce Bank (Nig) Ltd*²², where Belgore JSC held that it would be unconscionable for a right holder who had received valuable consideration to turn around and impugn the very consent he had obtained. In practice, however, it is often the party on whose account the consent is required, typically the lender or purchaser, who ends up pursuing the consent, since the transferring party is frequently more concerned with the financial aspects of the transaction than with its legal formalities²³.

¹⁸ CFRN 1999 (as amended), s 43.

¹⁹ *ibid*, s 44.

²⁰ LUA 1978, s 22(1).

²¹ *Savannah Bank (Nig) Ltd v Ajilo* (1989) 1 NWLR (Pt 97) 305.

²² (1996) 6 NWLR (Pt 456) 524.

²³ E Chianu, *Law of Sale of Land* (Oliz Publishers, 2009) 210.



3.3 Time for Obtaining Consent

A recurring question in Nigerian property law practice is whether the Governor's consent must be obtained before the parties execute the transaction documents, or whether it may be obtained afterward. The combined effect of sections 22 and 23 of the Land Use Act suggests that alienation is only deemed to have occurred once consent is given, such that the transaction remains incomplete until then. The Supreme Court, in *CCCTCS v Ekpo*²⁴, confirmed that the obtaining of consent is a mandatory precondition for the validity of any alienation, holding that although there is no fixed time limit within which consent must be obtained, the transaction remains invalid, though not necessarily inchoate, until consent is secured. The Supreme Court reinforced this position in *Awojugbagbe Light Industries Ltd v Chinukwe*²⁵, holding that while the Act does not prohibit preliminary negotiations or written agreements expressly made subject to the Governor's consent, such agreements must still be forwarded for approval; the phrase 'first had and obtained' makes clear that the validity of any deed transferring land title depends on securing consent before the transfer takes legal effect.

3.4 Consequence of Failure to Obtain Consent

Sections 22 and 26 of the Land Use Act together make plain the consequence of alienating a right of occupancy without the requisite consent: any transaction or instrument purporting to confer an interest in land otherwise than in accordance with the Act is null and void²⁶. This requirement was decisively applied in *Savannah Bank of Nigeria Ltd v Ajilo*²⁷, where the Supreme Court held that a mortgage executed without the Governor's prior consent was void, *Karibi-Whyte JSC* holding that every holder of a right of occupancy, whether statutory or otherwise, requires the prior consent of the Governor before transferring, mortgaging, or otherwise disposing of an interest in land. This strict interpretation was subsequently upheld in *Olalomi Industries Ltd v NIDB Ltd*²⁸ and *P.I.P. Ltd v Trade Bank*²⁹, becoming, under the doctrine of *stare decisis*, an unyielding legal standard applicable to assignments, sub-leases, mortgages, and other alienations across Nigeria.

This position was, however, significantly qualified by the Supreme Court in *Yakubu Ibrahim & Ors v Simon Obaje*³⁰, where *Ogunbiyi JSC* held that it was not the intendment of the legislature that the consent requirement should limit or deny parties their rights to use and enjoy land in a non-contentious transaction between private individuals, and that the consent provision must not be given a literal interpretation divorced from the preamble of the Act, which is directed at protecting the rights of all Nigerians to land in the public interest, rather than obstructing private, non-contentious dealings. This decision has introduced a regime that may, in time, remove much of the

²⁴ (2008) 6 NWLR (Pt 1083) 362.

²⁵ (1995) 5 NWLR (Pt 390) 409.

²⁶ LUA 1978, s 22, 26.

²⁷ *Savannah Bank v Ajilo* (n 22).

²⁸ (2002) 5 NWLR (Pt 761) 532.

²⁹ [2009] 13 NWLR (Pt 1159).

³⁰ *Yakubu v Simon Obaje* (n 6).



cost and bureaucratic delay historically associated with obtaining consent, while preserving the requirement for transactions involving overriding public interest or genuine dispute.

3.5 Institutional Framework for Land Administration in Rivers State

The implementation of these statutory provisions in Rivers State depends on an institutional architecture comprising the Office of the Governor and the Ministry of Lands and Survey, which processes applications for consent and registers land instruments; the Ministry of Physical Planning and Urban Development, responsible for zoning and development control; the Rivers State Geographic Information System, intended to provide cadastral and mapping infrastructure; Local Government land committees, responsible for approving the alienation of customary rights of occupancy under section 21 of the Act; and the Judiciary, which serves as the ultimate forum for resolving disputes over consent, compensation, and competing claims to land.

4. CHALLENGES TO LAND ADMINISTRATION AND SUSTAINABLE DEVELOPMENT IN RIVERS STATE

4.1 The Bureaucratic Bottleneck of Governor's Consent

Notwithstanding the clarification in *Yakubu v Simon Obaje*, the consent process in Rivers State, as in most states, remains slow, bureaucratic, and vulnerable to delay, particularly for transactions involving statutory rights of occupancy, commercial mortgages, or land required for public projects, where the exception recognised in that case does not apply. The process of obtaining consent is frequently criticised for its bureaucratic inefficiencies, and transactions concluded without it are liable to be declared void³¹, exposing landholders, lenders, and developers in Rivers State to considerable legal and commercial risk.

4.2 Inadequate Compensation for Compulsorily Acquired Land

The Land Use Act empowers the Governor to revoke rights of occupancy for overriding public interest, subject to compensation restricted, in most cases, to the value of unexhausted improvements rather than the market value of the land itself³². In Rivers State, where land values in and around Port Harcourt have risen sharply due to urban expansion, this restrictive compensation regime generates considerable grievance among communities affected by government acquisition for infrastructural projects, fuelling resistance to planning schemes and frustrating orderly and sustainable urban development.

4.3 Customary Tenure and Weak Land Titling Infrastructure

A substantial proportion of land in Rivers State, particularly outside the Port Harcourt metropolis, is held under customary tenure administered by ruling houses, families, and communities. Although the Land Use Act converted all interests, including customary ones, into rights of occupancy, it

³¹LUA 1978, s 22.

³² *ibid*, s 28-29.



preserved the customary incidents of use as between community members.³³ Empirical research on land titling in Rivers State identifies weak cadastral infrastructure, low staffing and funding levels at the Ministry of Lands and Survey, protracted processing timelines, and low public awareness of registration requirements as key constraints on the achievement of secure, bankable land titles, sustaining a large stock of untitled or informally held land that limits access to credit and increases the incidence of disputes.

4.4 Unplanned Urbanization and Weak Development Control

Port Harcourt and its environs have experienced rapid and largely unplanned urban expansion, driven by population growth, oil-sector-related migration, and weak enforcement of physical planning regulations. Studies of land use change in Port Harcourt document conversion of wetlands and ecologically sensitive land to residential and commercial use, resulting in recurrent flooding, loss of green space, and increased environmental vulnerability³⁴, a pattern attributable in significant part to weak development control capacity and limited use of geographic information systems for monitoring encroachment.

4.5 Oil and Gas Operations and Environmental Degradation

Rivers State's position at the centre of Nigeria's petroleum industry introduces environmental and social consequences of oil and gas exploration not fully addressed by the Land Use Act. Decades of oil spillage and gas flaring in the Niger Delta have degraded farmland, polluted water sources, and displaced communities from productive land. In *Gbemre v Shell Petroleum Development Company of Nigeria Ltd*³⁵, the Federal High Court held that continued gas flaring violated the constitutionally guaranteed rights to life and dignity, which the court found necessarily included the right to a clean and healthy environment. The practical enforcement of that decision has, however, been limited, illustrating a recurring theme in Rivers State's land governance: judicial pronouncements favourable to community and environmental interests frequently outpace the political will and institutional capacity required to give them effect.

4.6 Institutional Fragmentation

Land administration functions in Rivers State are distributed across the Ministry of Lands and Survey, the Ministry of Physical Planning and Urban Development, the Rivers State Geographic Information System, Local Government land committees, and, for oil-producing areas, federal petroleum and environmental regulators. Without adequate coordination, this institutional multiplicity produces overlapping mandates, inconsistent record-keeping, and administrative bottlenecks in processing consents, titles, and compensation claims, and creates opportunities for multiple allocations of the same parcel, a recurrent source of litigation in Rivers State.

³³*Abioye v Yakubu* (1991) 5 NWLR (Pt 190) 130.

³⁴Study on environmental impact of urbanisation on land use compatibility in Port Harcourt, Rivers State (2024).

³⁵Suit No FHC/B/CS/53/05 (Federal High Court, Benin Judicial Division, 14 November 2005).

5. PROSPECTS FOR SUSTAINABLE DEVELOPMENT IN RIVERS STATE

5.1 The Yakubu Decision as a Turning Point

The Supreme Court's decision in *Yakubu v Simon Obaje* represents a significant prospect for easing the cost, delay, and bureaucratic bottlenecks that have historically characterised land administration in Rivers State, at least for private, non-contentious transactions not covered by statutory rights of occupancy. Should Rivers State's land administration authorities and courts embrace this decision in appropriate cases, the resulting reduction in transaction costs and delay is likely to stimulate greater land-based investment and, correspondingly, increased revenue to the State from capital gains tax and stamp duties on a larger volume of land transactions³⁶.

5.2 Digitization and GIS-Based Land Administration

The development of a comprehensive, interoperable Geographic Information System, linking the Ministry of Lands and Survey, physical planning authorities, and Local Government land registries, holds considerable promise for reducing multiple allocations, speeding up title verification, and improving transparency in Rivers State, consistent with recommendations for a standardized, technology-driven consent process to be adopted across Nigeria's states pending legislative reform³⁷.

5.3 Legislative and Judicial Reform of the Consent Process

There is a strong case for legislative amendment of sections 21, 22, and 34 of the Land Use Act to make the Governor's decision to grant or withhold consent objective rather than subjective, to exempt transactions not involving outright transfer of interests in land from the consent requirement, and to establish statutory deadlines for processing consent applications³⁸. Continued clarity and consistency from the Supreme Court in future decisions, building on the direction set in *Yakubu v Simon Obaje*, would further reduce the conflicting interpretations that have historically attended sections 21 and 22 of the Act.

5.4 Strengthening Customary Land Registration

A structured programme for the systematic registration of customary landholdings would reduce disputes and bring a larger share of land in Rivers State within the formal, bankable titling system, consistent with the preservation of customary incidents of use recognised in *Abioye v Yakubu*, while improving the security of tenure on which sustainable rural and peri-urban development depends.

5.5 Environmental and Physical Planning Reform

Closer coordination between State land use planning and federal environmental and petroleum regulation, including enforceable remediation obligations for degraded land and mechanisms to

³⁶Agwor and Amadi-Harry (n 7).

³⁷See recommendation for a nationally standardised, GIS-supported consent procedure across Nigerian states, pending legislative amendment of the Land Use Act.

³⁸See proposals for legislative reform of s 21, 22, and 34 of the Land Use Act to introduce objective consent criteria and statutory processing timelines.



give practical effect to judicial decisions such as *Gbemre v Shell*, would help to secure in practice the environmental rights already recognised in principle, while stronger enforcement of development control regulations around wetlands and drainage servitudes would reduce flooding risk and support more sustainable urban growth in Port Harcourt.

6. CONCLUSION

The requirement of Governor's consent cannot, of itself, be regarded as an unjustifiable imposition on Nigerians, as its historical justification may be traced to the requirement of consent of the family head under customary law and of the lessor under a lease, and to the need to monitor and regulate land transactions by the legal owner. Any interpretation of the Land Use Act that seeks to validate a transaction alienating a right of occupancy without the requisite consent would ordinarily have no justification under the Act, save where expressly exempted or where the Supreme Court, as in *Yakubu v Simon Obaje*, has clarified that the requirement does not apply.

For Rivers State, the challenges of bureaucratic consent processing, restrictive compensation, weak land titling infrastructure, unplanned urbanisation, and oil-related environmental degradation remain formidable obstacles to sustainable development. Yet the prospects are not negligible: the *Yakubu* decision, the potential for digitisation and GIS-based administration, and the possibility of legislative and institutional reform together suggest a pathway by which Rivers State can reconcile the legitimate objectives of land administration, namely oversight, equity, and public interest, with the facilitation of the sustainable economic and physical development the State urgently requires.

7. RECOMMENDATIONS

Having examined the legal, institutional, and practical dimensions of land administration in Rivers State, the following recommendations are proposed:

1. Legislative amendment of sections 21, 22, and 34 of the Land Use Act should be pursued to make the Governor's decision to grant or withhold consent objective rather than subjective, to allow for appeal against unfair decisions, to exempt transactions not involving an outright transfer of interest from the consent requirement, and to establish a statutory deadline for the processing of consent applications in Rivers State.
2. Rivers State's land administration authorities should give full effect to the Supreme Court's decision in *Yakubu v Simon Obaje* in respect of private, non-contentious land transactions not covered by a statutory right of occupancy, so as to reduce unnecessary costs and delay.
3. Rivers State should accelerate the development of a comprehensive, interoperable Geographic Information System linking the Ministry of Lands and Survey, physical planning authorities, and Local Government land registries, to reduce multiple allocations, speed up title verification, and improve transparency.



4. A structured programme for the systematic registration of customary landholdings should be pursued to reduce disputes and bring a larger share of land within the formal, bankable titling system.
5. A single coordinating body or inter-agency framework should be established to harmonise the mandates of the various land-related agencies in Rivers State, reducing duplication and closing the administrative gaps that currently undermine both efficiency and public confidence in land administration.