

**IMPACT OF LAND REFORM ON LAND USE PATTERN IN BENIN CITY; A
COMPARATIVE ANALYSIS OF OBAGIE AND OGHEGHE COMMUNITY**

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APRIL, 2024.

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**A RESEARCH PROJECT SUBMITTED TO THE DEPARTMENT OF ESTATE
MANAGEMENT, FACULTY OF ENVIRONMENTAL SCIENCES, UNIVERSITY OF
BENIN, BENIN CITY IN PARTIAL FULFILMENT OF THE REQUIREMENTS FOR
THE AWARD OF BACHELOR OF SCIENCE (B. Sc) DEGREE IN ESTATE
MANAGEMENT**

**SUPERVISED BY:
MR. PIUS CHIMA**

APRIL, 2024

DECLARATION

I, **ESEZOBOR ONYELUKA ELIJAH**, hereby declare that the project work titled **IMPACT OF LAND REFORM ON LAND USE PATTERN IN BENIN CITY; A COMPARATIVE STUDY OF OBAGIE AND OGHEGHE COMMUNITY** is a record of an original work done by me, as a result of my research effort carried out in the Faculty of Environmental Sciences, University of Benin under the supervision of **ESV P.E CHIMA**

SIGNATURE & DATE

CERTIFICATION

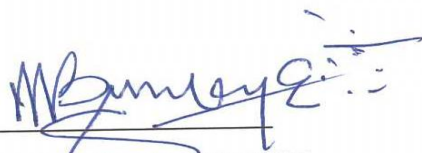
This is to certify that this study was carried out by ESEZOBOR ONYELUKA ELIJAH with ENV1608912 matriculation number in the Department of Estate Management, Faculty of Environmental Sciences, University of Benin, Edo state, Nigeria.

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DATE

DEDICATION

This work is dedicated to Almighty God for His unending guidance, provision, grace and mercies in my life, and to my parents Rev Favour and Pst Mrs. Rosemary Esezobor who was constantly there for me through their support and prayers, to my siblings for their support.

ACKNOWLEDGEMENTS

My deepest acknowledgement goes to Almighty God, for his overwhelming love upon my life and for keeping me safe and healthy throughout the programme.

I also want to thank my project supervisor Mr. Pius Chima and H.O.D. Dr. Mrs. Patience O. Iruobe, for their teachings and patience throughout the entire process, whose advice and immeasurable experience aided in my completion of my project. I also want to thank my other lecturers; Dr komolafe, Mr. Ernest Alohan, Dr Mrs Edionwe and Dr Chukwujeku, for the knowledge they impacted in me throughout my entire learning period in the University of Benin and also putting me through when I asked for help.

I also want to acknowledge my parents, Rev Favour Esezobor and Rev Mrs. Rosemary Esezobor, my siblings too; Precious, Peace, Idahosa and Wealth for their unwavering support and sound advice they gave to me and the financial support during my time in the University.

And my friends also; Ikenna, Osazee, Emmanuel and Festus God bless them for moral support and concern

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ABSTRACT

Land reform remains a critical issue of great relevance in developing countries such as Nigeria. This study therefore examined the impact of land reform in Benin City; a comparative study of Obagie and Ogheghe community. The study used secondary data obtained from physical observation and respondents in the Ministry of Physical Planning, Housing, Urban and Rural Development. It was found that there is a spatial distribution and arrangement of different types of land uses within the study area. The study tends to show the implications of the land reform policy on land use pattern within the study area.

CHAPTER ONE

INTRODUCTION

1.1 Background of Study

Land Reform generally involves the changing of laws, regulations or customs regarding land ownership. It may consist of government initiated or government backed approach to property redistribution of land as in the case of Nigeria, an outright transfer of ownership of land from the citizens to the state. The common characteristic of land reforms is usually the modification or the replacement of existing institutional arrangements governing possession, use and title. Thus, while land reform may be radical in nature such as large scale confiscation and transfers of land from one group to another or from one group to the state, it can also be less drastic and conciliatory in nature such as less painful transfers of land to the state and regulatory reforms aimed at improving land administration (Dale, 2007).

Land is perhaps the single most important natural resource in the sense that it affects every aspect of a people's life; their food, clothing, and shelter. It is the base for producing raw material for the manufacturing industry. It is an important resource. No nation-city or rural area can survive as an entity without it. Thus, every person in a nation →the banker, the industrialist, the laborer, the educator, the student, the planner, the farmer- has a vital stake in the country → land problems and its proper utilization (Acquaye, 1976).

The Land Reform committee in Nigeria is aimed towards enabling the states to be effective managers of land. It is aimed to provide a systematic cadastral survey of land in the entire federation (a political entity called Nigeria). The Term of Reference makes it an essential body to assist both states and local government to carry out the cadaster survey and codify the possessory rights of vast majority of the people access to land and landowners. The Term of Reference necessitate the body to collaborate and provide technical assistance to state and local government in undertaking cadastral survey and to ensure the demarcation of land

boundaries and title holdings are demarcated in such a way that communities, hamlets, villages, towns etc. are recognized. It was also saddled with the responsibility of encouraging and assisting states and local government to establish adjudication mechanism for landownership conflict resolution and to make recommendation for mechanism for valuation in both rural and urban areas.

Security of tenure and land rights of citizens is an important foundation for economic development. For many of these, land titles are the main sources of collateralization for obtaining credit from informal and established financial institutions. Consequently, securing land rights and land titles is particularly relevant for all socio economic classes in the nation's economy but especially to the farmers whose pervasive poverty to date derives from not having definitive property rights appropriate to a market economy. Furthermore, fees and taxes on such landed properties are very important sources of revenue for governments particularly at the State and Local Government levels. A national program that thus sets out to enhance and secure the property rights of all groups in the society can only end up creating an economic empowerment.

Funding Land Reform program should therefore be a national effort to be borne by all three tiers of government in proportion to their capabilities (Mabogunje, 2007).

For a country striving to be one of the twenty largest economies in the world by the year 2020, the situation with respect to land rights and transactions in land still leaves very much to be desired. The World Bank publication on *Doing Business in Nigeria 2010* rated Nigeria 178th out of 183 economies in respect of difficulties of registering properties in the country.

Mabogunje (2007) attributed this to the following reason *↑*a large share of land in the country is not formally registered [whilst] informal titles cannot be used as security in obtaining loans which limits financing opportunities for businesses *↓* especially small and medium size enterprises. If Nigeria is to meet the challenges of competing effectively in an increasingly

globalizing world, it is thus imperative that it gives very urgent and sustained attention to promoting its land reform program in all of its ramifications to facilitate property development.

Benin, like every other major city in Nigeria was once rural and underdeveloped, but investments and urbanization have helped the city grow to the point where it competes now to be one of the most beautiful City in Nigeria.

For about 7 years, Benin's boundaries have been shifting, and the lines of development are increasing at a very fast speed as its rental and purchase values increase.

1.2 Statement of Problem

Land Titling and Registration is essential for economic development of a Nation. The Nigerian nation had had a multiplicity of land tenure system until the 1978 Land Use Act which harmonized all the systems.

The land use pattern in Nigeria estimated arable land to be about 33% of the total land area, permanent pastures cover 44%, permanent crops cover 3%, forest and woodlands 12%, and others 8%. Thus land is still the main asset of the rural Nigerians where over 80% are peasant farmers; however this asset has not been fully utilized for economic empowerment because they do not have proper records and titles that can be used as collateral to raise capital first. It is in an attempt to economically empower the vast majority of Nigerians, who are rural dwellers, by turning their land holdings to economic capital, that the current Federal Government of Nigeria initiated the Land Reform Agenda. However, the researcher is providing an overview of land reforms in Nigeria considering the issues and prospects.

Land holds significant value in traditional Nigerian society, where it is held communally. However, alongside communal ownership, family or corporate ownership also existed. The customary laws governing land tenure have historically provided farmers with a sense of stability and continuity, allowing them to cultivate the land with a feeling of security. Land

not only serves as a source of wealth but is also highly esteemed as an essential element of production. Traditional Africa, and specifically Nigeria, held a progressive approach towards the allocation of land resources. In this system, land was distributed among families and individuals, while the community or clan maintained overall ownership. The King (Oba) or the clan's leader served as the custodian of the land, assuming the role of a trustee responsible for managing and safeguarding it on behalf of the clan or the entire community.

These custodians possessed the authority to oversee and administer communal properties, but always with the best interests of the community members in mind. This inclusive approach extended to welcoming strangers and individuals facing difficulties, who were readily integrated and provided land to utilize as they saw fit. Discrimination was absent in this practice, as it adhered to cultural beliefs and attitudes that emphasized life and the value of hospitality. As a result of Nigeria's vast geographical and cultural diversity, the land tenure system prevalent during the pre-colonial era was notably intricate. Different ethnic groups embraced diverse customary practices in this regard, resulting in a complex landscape. Interestingly, there were no official records of land transactions until the colonial period. However, the colonial government introduced the land registration law in Lagos in 1863, thereby initiating the process of formally documenting rights and interests related to land. This significant development eventually extended to other regions of the country in 1894 (Ukaejiofor, 2007). In Nigeria, the Land Use Decree No. 6 of 1978, commonly known as the Land Use Act, was put into effect on the 29th of March, 1978. This act served as a legal mechanism employed by the Federal Government to consolidate and harmonize the various land tenures existing in the country prior to its enactment. Its primary aim was to safeguard the rights of all Nigerian citizens, allowing them to sustain themselves and their families. Furthermore, the act abolished the long-standing tradition of private land ownership in the southern region and introduced a uniform system of land tenure nationwide. Under this act,

all land within each state's jurisdiction, excluding land held by the Federal Government for its agencies, was exclusively vested in the hands of the respective state governors. These governors were entrusted with the responsibility of holding the land in trust for the people they represent. The enactment of this legislation was ultimately driven by two primary factors. Firstly, it was necessitated by the multitude of diverse customary laws concerning land ownership and the associated challenges in implementing these varying customs among different peoples. The second factor was the widespread occurrence of fraudulent land sales prevalent in Southern Nigeria. These illicit transactions often involved multiple parties purchasing the same piece of land simultaneously, leading to numerous legal disputes. Given that land is universally recognized as the most valuable and contentious asset, forming the very foundation of all human activities, it is imperative to establish a well-organized system for its ownership, management, and regulation. This is crucial to prevent the exploitation and misuse of land rights. The present study successfully revealed the disparities between the traditional land tenure system of the Bini people and the Land Use Act of 1978, shedding light on their contrasting principles and provisions and The Impact of Land Reform on the Land use Pattern within the study area.

1.3 Research Questions

1. What is the existing land reform in the study area.
2. What is the land use pattern in the study area.
3. What is the impact of land reform in the study area.

1.4 Aim

The aim of the study is to undertake an examination of the Impact of Land Reform on land use pattern in Benin City; a comparative study of Obagie and Ogheghe community.

1.5 Objectives of the Study

The following are the objectives of this study:

1. To examine the existing land reform in the study area.
2. To examine the land use pattern in the study area.
3. To examine the impact of land reform in the study area.

1.6 Scope of Study

The scope of the study comprises of Obagie and Ogheghe community within Benin City. Benin, like every other major city in Nigeria was once rural and underdeveloped, but investments and urbanization have helped the city grow to the point where it competes now to be one of the most beautiful City in Nigeria.

For about 7 years, Benin's boundaries have been shifting, and the lines of development are increasing at a very fast speed as its rental, land use and purchase values increase.

1.7 Significance of Study

When examining the impact of land reform on land use pattern in Benin City, using a comparative study can provide valuable insights. Land reform policies in Nigeria, such as changes in land ownership laws, land use regulations, or land redistribution initiatives, can significantly influence the land use pattern within the study area. By analyzing how these reforms affect land use pattern in Benin City, you can better understand the dynamics of the broader implications for investors and stakeholders.

1.8 Study Area

The study area focuses on Benin City where Obagie and Ogheghe communities were used to support findings.

Benin, like every other major city in Nigeria was once rural and underdeveloped, but investments and urbanization have helped the city grow to the point where it competes now to be one of the most beautiful City in Nigeria.

For about 7 years, Benin's boundaries have been shifting, and the lines of development are increasing at a very fast speed as its rental and purchase values increase.

From history, the people of Benin are friendly and accommodating to all tribes; their culture is in high esteem, which makes them never forget their origin, even when they travel abroad.

Furthermore, urbanization has improved the state's security and peace.

CHAPTER TWO

LITERATURE REVIEW

2.1 Traditional Government in Benin Kingdom

The Oba of Benin is the spiritual and political head of Benin Kingdom. His seat is in Benin City. He lives in the palace at Kings Square, Ogbe Quarters. He confers title on his subjects. In traditional administration, his decisions are usually unchallenged but because of the democratic nature of the monarchical administration of the Benin Kingdom, the Oba's decisions are sometimes influenced by his Privy Counselors who are also his executive council members. These include the ↑Eghaevbonogbe↓ of Iwebo, Iwegue and Ibiwe Palace Societies. He confers with them before taking any decisions. According to Osemwowa (2000), the administration of Benin Kingdom rests on the shoulders of three powerful groups; Firstly, the Eghaevbonogbe → These are people's representatives and are headed by the ↑Iyase↓ of Benin, the Oba's number one subject and traditional prime minister of Benin Kingdom. The Second group is the ↑Eghaevbonogbe↓ → These are very senior and powerful palace chiefs chosen from Iwebo, Iweguae and Ibiwe Societies make up the Eghaevbonogbe and constitute the Executive Council. They live close to the Oba's Palace. Before taking the title of Eghaevbonogbo, one has to be formally initiated by the Oba at a special ceremony. The Third group is the ↑Uzama N→Ihinron, Feudal Lords and Kingmakers↓. They are Oliha, who is the leader, Edohen, Ezomo, Ero, Eholo, Nire, Oloton and Edaiken, the crown prince. These are hereditary titles. There are also ↑Uzama↓ known as Uzama Nibie. The Oba consults with the ↑Eghaevbonogbe↓ before going to meet the full executive council in any council matter. The Oba hears petitions from his subjects in his office located in the palace. The Oba hears cases from women in different offices in the palace. The messenger of the Oba is called ↑Ukoba↓. They are different from his majesty information officers called ↑Avbiogbe↓. There is also the palace jester who prays daily for the Oba and wishes him long life. Generally, the

government of Benin Kingdom is administered by the †Uzama N→ Ihinron↓ and the †Eghaevbonore↓ assisted by the house of †Iwebo↓, †Iweguae↓ and †Ibiwe↓. The †Iko-Niwebo↓, †Uko-Niwegua↓ and †Uko N→Erie↓ have judicial authority in civil and criminal cases. The leading members of the following societies also take part in the administration of the Kingdom. †the Ekawe↓, †Iwigwe↓, †Iwehen↓, †Ebo↓ and †Ewise↓ (the royal physician and diviners), †Ihogbe↓ (the worshippers and recorders of departed Obas), †Efa↓ (the sanctifiers of royal homes), †Igun-Eronmwon↓ (the royal brass-smiths), †Igbe Sanwan↓ (the royal carves), †Owina↓ (the royal bell ringing announcing war and peace), †Eben↓ (who inter the remains of a deceased Oba), †Isekuure↓ (recorder of events in the kingdom), †Isienmwentro↓ (the executioners), †Ikpema and Igbemaba↓ (drummers), †Ikepziken and Ikpakohen↓ (fife player), †Isekpokin↓ (fan and leather box makers dating back to Ogiso Ere, the second Ogiso of Benin in the First Dynasty), †Emehe of Urubi↓ (royal carriers who are not allowed to see the Oba without a load on their heads), †Irhemila↓ (the bearers of sacrificial victims), †Iwebo↓ (custodians of Oba→s regalia and wardrobe) †Iweguae House↓ (in-charge of Oba→s personal households), †Ibiwe↓ (keepers of Oba→s harems), †Eruere↓ section with Oshodin as the head takes charge of Oba→s wives (Iloi) and †Ohensa↓ (priests of God). The Oba confers existing honors on deserving citizens and can also create and confer titles. All hereditary titles are conferred on the male senior son after his father→s death. There are no female traditional rulers in Benin nor are chieftaincy titles conferred on them. On the Oba→s mother bears the title of †Iyoba↓ and so for all the Obas mothers. The last Queen mother is †Aghahowa N→Iyoba↓ of blessed memory and had her palace at Uselu as Customary. Women of proven integrity are honored with the title of †Iyeye↓ which is not a chieftaincy title. Also distinguished individuals that have contributed to the growth of Benin and humanity in general are honored with a gift of a royal bead of Benin Kingdom. The Oba rule villages and communities through †Enogie↓ and †Odionwere↓. The Enogie are

appointed by the Oba and Odionwere are selected among the eldest male in the community and confirmed by the Oba. The women also have them ↑Odionwere↓ but has little say in administration in the community. Women in Benin are not given proper role in traditional institution. Descendants of slaves (Igbon) and aliens never become Oba or Odionwere in Benin. All villages and communities in Benin Kingdom have elders of councils who meet in elder ancestral shrine called ↑Ogua-Odion Idunmwun↓ the most senior elder is called ↑Odionwere Evbo↓ while the street or quarters eldest man is called ↑Odionwere Idunmwun↓. The family head is ↑Oka-Egbe↓. Proceedings in both civil and criminal cases follows these steps. Cases that cannot be settled by the family heads are referred to the quarter or street elders (Odion-Idunmwun). If they fail to settle them, it is referred to the whole village elder council (Odion-Evbo). If they also fail, the Odion-Evbon and the Enogie will take the case to the Oba in Council. All these processes are in the form of appeal from the Magistrate Courts to High Courts, from High Court to Appeal Court. Such matters are rape on bare ground, sexing and criminal cases. These are abominations. The Oba's decisions in customary matters are in some cases final, for example land matters. The age group system also has a lot to play in the administration of Benin Kingdom because apart from the labour, they assist in keeping peace. The groups in Benin are

↑Ereghae↓- otherwise known as Igboma, below 30 years→

↑Ighele↓ →above 30 years

↑Odion↓ →from above 50 years

The administration of the Benin Kingdom therefore is like a big tree with so many complex branches. An heir apparent or any ruling Oba does not bring to the Benin Kingdom a non-indigene as his successor. The exile of Oba Ovonramwen in 1987 was a result of criminal charges brought against him, and the British themselves acknowledged the resistance put up by the Binis before and after exile.

2.2 Benin Customary Land Tenure System

Land matters like succession and inheritance are highly prone to litigation in the Benin Kingdom. This is equally true of other jurisdictions in other parts of Nigeria. Before the promulgation of the Land Use Decree of 1978, Benin land was vested on the Oba of Benin and this acknowledged when the Binis say ↑Obayantor↓ meaning, it is the Oba that owns the land. The same is applicable to Akure (like in most Yoruba land), where it is said that all lands belong to ↑Osemawe↓ the Oba, who holds for the benefit of all Ondo people (Olayiwola & Adeleje (2006)). However, when it is said that the Oba owns the land, it does not mean that he is in possession of all lands as to make it mandatory that before individual build a house or acquire land for farming, he has to take authority from the Oba, nor did it mean that the community forfeited all rights of possession to the Oba. What it means is that the Oba holds all Benin land in trust for all Binis. Each family has a right to family land and so are children of deceased ancestors. What the Oba did was to grant approval for any acquired land in a newly carved out area and played a supervisory role in all lands in Benin. He could give out lands to anybody in need of land for investment in any part of the Benin Kingdom. Since the Land Use Act of 1978, all land is now vested on the Governor of Edo State who now replaces the Oba as the base power or authority with a radical title. The power of the Governor today is not different from that of the Oba before the Land Use Act. Section 1 of the Land Use Act reads; ↑Subject to the provision of this Act, all land comprising the territory of each state in the federation are hereby vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act↓. By this Act, the Governor is now substituted for the Oba of Benin while all other functions remain intact. With this, one can say that the Land Use Act is not a new concept in Benin Kingdom. Benin customary administration is likened also to administration of a sovereign nation like Nigeria with similar

inbuilt cadres of authorities. The Land Use Act is a product of Benin customary land tenure system. The land in Benin Kingdom belongs to the people or community while the Oba holds the land in trust for them. As a trustee, he had certain rights conferred on him and so he could grant land to anybody on their behalf. Land allocation to a Bini man belongs to him and his successors forever and the interest could pass to anybody as the original owner was. However, it is the prerogative of the Oba to assign the land to any applicant if the original owner has no survivors. This is done after the Oba has satisfied himself through investigation by the Land Commissioner (Oka-Avbiogbe) that the deceased has no survivors. Usually the Chiefs in charge of any community or quarter assign land both to the Binis and non-Binis with the authority of the Oba. A Non-Bini man pays a certain amount which is not rent. Rent is a new concept in the land tenure system in Benin. A stranger granted land do not pay rent but took part in communal work, paying tribute to the ↑Enogie↓ or ↑odionwere↓ and the Oba by way of yam, meat, etc. Every year, should a stranger decide to leave for his home, he forfeits his land to the king including any improvements whether permanent or temporary. He is, however, allowed to sell it to natives. Benin Kingdom is administered by the Oba of Benin through the Enogie, Odionwere and Family heads who are also vested with trusteeship power by the Oba over all land within their domain. Allocation of family land is solely the responsibility of the family heads. The principal members of the family must be present before the demise of any family land and the consent of each other must be had. Land and properties belonging to the stool of the Oba of Benin are not shared. They pass over to the heir apparent. But personal properties acquired by the Oba could be shared among his surviving children. Lands belonging to slaves, criminals, witches and people of dubious character who are excommunicated from Benin Kingdom are forfeited to the community from where they were driven out. No individual members of the family can alienate family land because the land does not belong to him. ↑Nemo dat quod Non Habet↓, that is you

cannot give what you do not have. Transfer of land under Benin native custom is done by handing over in the presence of witnesses, family and children and payment by the person being handed over to, no documents were required.

2.3 Pre-Requisites for Valid Grants of Land under Benin Customary Law

For a valid grant of land under Benin customary law, due proof of all compliance with the preliminary steps leading to the Oba's approval as well as the approval itself are all important. Mere production of deed of conveyance and the issuance of a certificate of occupancy without due proof of prior title of the person from whom the title is derived cannot confer title on the holder. This was the decision in *Lt. Col. Mrs. R.A.F Finnih V. J.O Imade* delivered on 24th January 1992, lead judgment Babalakin JSC. Also, a grant by the Oba in accordance with the customary law of Benin must be proved and the site must be inspected by the Plot Allotment Committee. See *k.S Okaeya Inneh V. Madam Ekiomado Aguebor*, where it was held that the grant of the Oba of Benin in accordance with Benin customary law was not proved and the respondent who had brought the matter at the lower court failed. It should be noted that before the Land Use Act;

- a. All land in Benin division are vested in the Oba of Benin who is thus trustee or legal owner thereof on behalf of the people of Benin who are beneficiaries in this respect thereof;
- b. In respect of Benin City itself, the Oba of Benin had by 1961 appointed Ward Allotment Committee in respect of the 12 wards into which the city had been divided shortly before this for the purpose of plot allocation;
- c. Whereas any grantee of land in Benin city before 1961 might be able to produce the approval in respect thereof reduce by the Oba of Benin into writing, such a grantee after this period must be able to produce such evidence;
- d. One of the several functions of a Ward Plot Allotment Committee is to recommend plot application to the Oba of Benin for approval;

e. An applicant for land in Benin city as from 1961 has to direct his application in writing to the Ward Plot Allotment Committee of his choice; f. The Ward Plot Allotment Committee upon receipt of the application would delegate some of their members to carry out an inspection of the land acquired within the area of their ward and they in turn would report back to the committee on their inspection. The purpose of the inspection being to ascertain the plot to be granted with certainty and also to ascertain if it is free from dispute or has not been previously granted to someone;

g. Upon being satisfied about the exact locations, the dimensions and the fact that the desired plot is ↑dispute free↓, the Ward Plot Allotment Committee would endorse the application with the above facts and forward it to the Oba of Benin as recommended;

h. The Oba of Benin would, as a rule, accord his approval in writing to a recommended application and an applicant whose application is approved by the Oba of Benin becomes the beneficial owner of the land as approved for him;

i. Under Benin customary law, a grant of land by the Oba of Benin becomes effective from the date the Oba appends his signature of having approved the application for land. See *Aigbe V. Edokpolor* (1997), see also *Vincent Esamegho V. Aibangbee Ikhinwin* decided by Justice Irekefe (of blessed memory) as he then was on May, 17th 1968. In that case, his lordship said; ↑All land in the Benin kingdom is vested in the Oba of Benin as trustee for the beneficiaries, the Benin people. A Bini desiring land on which to build applies for it to the Oba of Benin through the Ward Plot Allotment Committee in which the land is situated. The committee carries out an inspection of the site in order to ascertain its location and in order also to be able to recommend to the Oba whether the plot desired should be granted to the applicant, it being free of dispute. Upon request of such recommendation, the Oba approves the grant of the land shown in the application to the applicant who thus becomes the beneficial owner thereof in accordance with Bini custom. The Oba signifies his approval by writing

↑approved↓ in the body of the application followed by his signature and the date. The above facts are so notorious and so regularly canvassed by parties in every contest over Benin land that any court in Benin Division is bound to take judicial notice of them.

2.4 Planting of Ikhinmwin

The planting of ↑Ikhinmwin↓ tree was a recognized system of acquiring title to land under Benin Native Law and Custom in 1924 (Osemwowa, 2000). The Ikhinmwin tree given to an indigene by the Odionwere, Oba↗ representatives is held as valid title to land.

2.5 The Concept of Land Reform

Land reform is a change in the system of land ownership, especially when it involves giving land to the people who actually farm it and taking it away from people who own large areas for profit.

It is a consolidation of all land-based rates and charges payable in Benin city Edo State. It has three components: the Property Tax, Ground Rent and Tenement Rate. Both property tax and ground rent are for the state while the tenement rate goes to the local governments.

Land reform in Nigeria is concerned with changing the institutional structure governing man's relationship. With the land, involving intervention in the prevailing pattern of land ownership, control and usage. In order to change the structure of holdings, improve land productivity and broaden the distribution.

2.5.1 Type of Land Reform in the Study Area

In Nigeria, land reforms have been a critical aspect of governance due to historical issues related to land ownership, land use, and distribution. Various types of land reform have been proposed and implemented over time, aimed at addressing issues such as equitable distribution, tenure security, and sustainable land management. Some key types of land reforms in Nigeria include; Land distribution, land tenure regularization, land registration and

titling, land use planning and management, land administration and governance reform, land access for women and marginalized groups, land rehabilitation and resettlement.

The major land reform adopted in Edo state is Land administration and governance reform. Although the Benin customary law or tenure system the type of land reform covering both communities within the study area as of now is Land use planning and management.

2.6 The Land Use Act No. 6 of 1978

The promulgation of Land Use Act (formerly known as Decree) came into existence on the 29th of March, 1978 with the principal aim of regulating the use of land within the country.

The preamble to the Land Use Act vest all land comprising the territory of each state solely in the Governor of the state, who is deemed to hold such land. In trust for the people and would henceforth be responsible for allocation of land in all rural urban areas in the state and to organization for residential agricultural, commercial and other with respect to non-urban areas are vested in the local governments. According to Famoriyo (1972), the decree envisaged the ↑right of occupancy↓ which would appear to replace all forms of previous title to land and would form the basis upon which land was to be held. These rights were of two kinds: statutory right of occupancy and customary right of occupancy (Udo, 1985). Statutory rights of occupancy were to be granted by the Governor and dated principally to urban areas in contrast, a customary rights of occupancy under the Act were to be granted by local government to any person or organization for mining, oil and gas residential and other purposes with the provision that grants for agricultural grazing purpose should not exceed 500 to 5000 hectares respectively without the consent of the state Governor (Omotola, 1985). According to Ukaejiofor (2008), The Land Use Act promulgated in 1978, was motivated by the need to make land accessible to all Nigerians; prevent land speculation; to unify the tenure system; to remove unhealthy rivalry and litigations, streamline and simplify the management and ownership of land and make land available to governments at all level for

development. According to Razak (2011), section 21 of the Act provides that it shall be lawful of any customary right or any part therefore to be eliminated by assignment, mortgage, transfer of possession, sublease or otherwise however without the consent of the military Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable sheriffs and civil process law and in other cases without the approval of the appropriate local government. According to Uchendu & Omotola (2002), Section 22 provides that it shall not be lawful for the holder of a statutory right of occupancy granted by the military governor to alienate his right of occupancy or any part therefore by assignment, mortgage, transfer of possession, sublease of otherwise whosoever without the consent of the military Governor first have been obtained.

According to Otubu (2015), by virtue of the provision of section 28 of the Act, the military governor has the power to revoke a right of occupancy for overriding public interest. Overriding public interest include. Requirement of the land by the government for public purposes, alienation of the land by the occupier contrary to the provision of the Act, and requirement of the land for mining purposes or pipelines or for any purpose connected therewith. According to Razak (2011), section 29 stipulated that if a right of occupancy is revoked due to any of the reasons stated in section 28, the holder and the occupier shall be entitled to compensation for the above revocation shall be as respect:

- a. The land, for an amount equal to the rent, if any, paid by the occupier during the year in which the right of occupancy was revoked.
- b. Building installation or improvements thereon for the amount of the replacement cost of the building, installation or improvement that is to say, such cost as may be assessed on the basis of the prescribed method of assessment as determine by the appropriate officer less depreciation, together with interest of the bank rate for delayed payment of compensation and in respect of any improvement in the nature of reclamation works, being such cool thereof as

may be substantiated by documentary evidence and part of the satisfaction of the appropriate officer.

c. Crop on land apart from any building, installation or improvement there on for an amount equal to the value as prescribed and determined by the appropriate officer.

d. Interest charged for the period of delay in payment but charged at current bank rate.

However, the Act is silent on disturbance, severance and injurious affection control and many rights of occupancy transfer.

The Nigerian Land use Act of 1978 abolished the existing land tenure systems and replaced them with a uniform Land Administration system across the Country. Prior to the Act, there were three land tenure systems. They were the customary which was essentially based on the customs and traditions of the various communities with the Chief, community or family head holding the land in trust for family or community use; the non-customary, based on the received English Law (operational mainly in the then Lagos Colony) which vested the land on the British Crown but also allowed for either free holding or lease holding with tenured occupancy; and special native-favored system of Northern Nigeria which put the land under the control of the Governor for the use and benefit of the Natives of the Region. All the existing tenure systems encouraged land holding without an obligation to develop them, fragmentation and uncoordinated alienation, hoarding speculatively for value appreciation and without precise documentation. The Land Use Act was therefore designed to achieve the following objectives (Salami, 2014);

- i. Make land easily accessible to all Nigerians
- ii. Prevent speculative purchases of communal land
- iii. Streamline and simplify the management and ownership of land
- iv. Make land available to government at all levels for development

v. Provide the system of Government administration of rights that will improve tenure security. If these objectives were achieved by the Act ultimately, the questions to be addressed is whether the challenges posed by the Land use Act for housing and the overall investment in property development were operation-induced or perpetrated by the provisions therein.

The Land Use Act was promulgated in 1978. It replicates the land tenure law of 1962 in nationalizing all land in Nigeria and placing it under the control of the state governors. Many academicians and legal experts have expressed different opinions on the interpretation of section 1 of the Land Use Act that states that subject to the provisions of this Act, all land comprised in the territory of each State in the Federation are hereby vested in the governor of that State and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Act. While land is the primary asset of the rural poor, the Land Use Act has reportedly failed to meet its objectives and is said to have caused many distortions to the land rights and access to land of Nigerians (Uchendu, 1979). The resulting tenure insecurity impacts negatively on real estate development. Oseni, (2011) opined that prior to the enactment of the Land Use Act in 1978, there were three main sources of land law: Customary Law (varied from custom to custom), English received law (which comprises of the common law, doctrine of equity and statutes of General application), and local legislation. The Parliament of the then northern Nigeria passed the Land Tenure Law in 1962, which governed all interest affecting land. In the then Southern Nigeria, however, customary system of land tenure governed land interest and land was owned by communities, families and individuals in freehold (Bolaji, 2011). Land was acquired either by inheritance, first settlement conveyance, gift, outright purchase or long possession, as such, causing conflicts and violence in terms of ownership. The Land Use Decree was promulgated on 29 March, 1978 following the recommendations of a minority report of a panel appointed by the Federal Military Government of the time to advise on

future land policy (Adegboye, 1967). The land use act distinguishes throughout between urban and non-urban (hereafter ~~rural~~ land. In urban areas (to be so designated by the Governor of a state), land was to come under the control and management of the Governor, while in rural areas it was to fall under the appropriate local government (Udo, 1985).

2.7 Differences between the Land Use Act and Benin Traditional Land Tenure System

a. Control and Management

Prior to the enactment of the Land Use Act in 1978, the Benin Kingdom was governed by the Oba, who held the role of both king and land manager for communal use. However, individual families were granted the right to their own family land, and the children of deceased ancestors also had entitlements. The Oba's responsibility included granting approval for acquiring land in newly developed areas and overseeing all lands in Benin. Section 2 of the Land Use Act states that, Following its implementation, all lands in urban areas would fall under the control and management of the state Governor. On the other hand, local governments would assume control of lands outside of these urban areas. This differs from the Benin customary and tenure system, where the family head would consult with other key family members before making any decisions regarding the land. The introduction of the Land Use Act revealed the extent to which a customary landowner's authority and management rights were dependent on two primary factors: whether the land was located in urban or non-urban areas, and whether it was developed or undeveloped. Section 32(4) stipulates that where the land is developed, the land shall be continued to be held by the person in whom it was vested immediately before the commencement of this Act as if the holder of a statutory right of occupancy issued by the Governor under this Act. Section 34 (5) prescribes that on the commencement of the Act, where it is on undeveloped land, one plot or portion of the land not exceeding half of one hectare in area shall be subject to subsection (6) of section 34, continue to be held by the person in whom the land was so vested as if the

holder of the land was the owner of the statutory right of occupancy granted by the governor in respect or portion as aforesaid under this Act. Despite the invasion of the land use Act, the Benin customary right of use and control of the land has not been totally swept away as the Land Use Act only divested any claimant of radical title and limited its claims to a right of occupancy, taking away freehold title vested in individuals or communities as established in the case of *Salami V. Oke* (1987).

b. Transfer of Land

The Benin customary land tenure system prescribes that any form of alienation without the proper consensus of the proper members of a family would be deemed void or voidable as in different instances. While the family property may be allotted to the members of the family, allottees cannot alienate or part with possession without appropriate consent as established in the case of *Alao V. Ayani* where the court held that a member of the family is not permitted to introduce a stranger into the family by the back door. For any alienation to be valid, the concurrence of the family head and the principal members must be sought and obtained as adumbrated in the case of *Ekpendu V. Erika* any alienation without the consent of the family head will be regarded as void ab initio however when a family head alienates a land without the consent of the principal members such will be deemed voidable. However, a gift made by the family head without the concurrence of the principal members is void and also when the gift is made by principal members without the consent of the family head, such alienation will be deemed to be void ab initio. The land use Act makes clear and lucid provisions in section 21 and 22 that any form of transfer of right of occupancy or any part thereof in the form of assignment, mortgage or sublease, or transfer of possession is unlawful without first seeking and obtaining the consent of the Governor of that state. Thus, it should be noted that mere seeking of the approval will not amount to the grant of the approval.

c. Relationship

Under the Benin customary land tenure system, customary tenancy is usually granted to another person at customary law, a right of occupation of land to use the land in return for the payment of tribute, however since the invasion of the Land Use Act every customary land owner now has a limited right on land in the form of right of occupancy, the radical title now vested in the Governor as the position of the overlord (landlord) now that of a tenant subject to the administrative control of the Governor or the local government administration. The overlord's exclusive possession is no longer exclusive as it is now subject to the right of the governor or the local government administration.

d. Title

Under the Benin customary land law, the planting of ↑Ikhinmwin↓ tree was a recognized system of acquiring title to land in 1924 (Osemwowa, 2000). The Ikhinmwin tree given to an indigene by the Odionwere, oba's representative was held as valid title to land. Unlike the land use Act where all lands is vested in the Governor of the state and also all federal lands in the president as well pronounced in section 1 and 2 of the land Use Act. The fact the right now vests in the president and the Governor of states infers that citizens have just mere right to occupancy and not title on the land. Relationship with the land, involving intervention in the prevailing pattern of land ownership.

2.8 Characteristics of Land Reform

One of the major objectives of the land reform of 1978 was to enable government control the use of land and its resources, unify the land tenure system, and create opportunities for landless peasants, as well as attract agricultural investment in rural areas and curb land speculations in urban areas.

2.8.1 Security of Land

This is an incentive to optimize land use and land management, and to maintain values. People will not make land improvements if they are not sure of later benefitting from them. Insecurity leads to less care, deterioration of resources and poor management. Considering the use to which land is put these factors all have an adverse effect on the market value. That is why land values for registered areas are generally higher than those for non-registered areas.

2.8.2 Land Policy and Zoning

The increased pressure on land to accommodate the population growth in cities as well as the demand for land by other secondary and tertiary sectors of the economy make the need for land policy and zoning necessary. Where there is no such control, it could result in serious competition for land, speculative land markets, illegal occupation and grabbing, and environmental degradation (FAO, 2003). In short, zoning has a stabilizing effect on land prices because it removes the speculative elements of future land use changes.

2.8.3 Present and Future Land Use

The value of the land is also determined by the land use permitted in the land premises. For example, if we compare the values of two lands of same prices and same location but the land use permitted in the lands are different, one is commercial and one is residential. In such case, the value of the land with the land use which has more rate of return over a period of time will be valued more. People are willing to pay a higher amount to commercial land, in some cases industrial or institutional land use might attract even higher prices (Quigley 2008).

2.9 Demand and Supply Function

With the significant demographic changes in the city with time, the need for land also increases with the same factor, with the increase in population there is an increase in economic and other activities that brings about land use. This directly increases the demand of the land components. The anticipation of high yields may also induce false scarcity of land; hence the location advantages of the properties at any time within the urban boundaries and hence causes economic values of land to be increased. For any site, there are specific points of transition in use, closely related to the infrastructure and services, where a jump in property value is likely to happen (Quigley 2008).

2.10 Summary of Literature Review

This chapter examines key concepts, and previous studies that are related to the subject matter of the present study, which focuses on The Impact of land reform on land use pattern within the study area.

To address this issue, I first undertook a review of some concepts relating to land ownership within the study area as far back as before the commencement of the land use act of 1978, the study also observed the Land use act of 1978 and The Benin customary law or Tenure as at then, implications on land ownership and land use pattern within the study area.

CHAPTER THREE

METHODOLOGY

3.1 Research Design

The compilation of the data and subsequent writing of this project require the need for the collection of relevant and important data to help its writing and compilation.

Research methodology or design forms the main part of research process. This chapter portrays the research design and methodology used for the acquisition, presentation and analysis of data. While carrying out this research, data were obtained from primary and secondary sources and thus, notable techniques, such as references to written works, direct observation of the development of the study..

According to Omika (2004), he defined research design and methodology as a specification of method and procedure acquiring the project that stipulated, what information is to be obtained, from which sources using which procedure.

3.2 Sources of Data

Data used to address this research problem were drawn from primary and secondary sources. The primary source of data for this study was through interview which consists of staffs of The Ministry of Physical Planning, Housing, Urban and Rural Development in Benin City Edo state.

Secondary sources of data that were used to address both the review of literature and discussion of results include physical observation, materials within the domain of land reform in Nigeria journal articles downloaded from online database and search engines, and conference articles relating to the subject area.

3.3. Population and Sampling Techniques

Data on the first objective was collected from the staffs of The Ministry of Physical Planning, Housing, Urban and Rural Development within the study area. These are the civil servants and five staffs were interviewed. Given the nature of the topic data on the second and third objective required more of physical observation and field survey no respondent was needed.

3.4 Data Collection Instrument

Considering the nature of this study, the tool relevant to collecting the required information include interview/schedule and physical observation. The respondents were asked relevant questions while the researcher filled the schedule based on the answer provided by the respondents. Physical observation of the land uses at various distances from major access road was also used.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

4.1 Preamble

This chapter presents comprehensive breakdown of the data collected on the three objectives of the study. The chapter breakdown thus includes the general characteristics of the respondents, pattern of land use in the study area.

4.2 Data Analysis on Objectives

Objective 1: To examine existing Land Reform in the Study area

Although the land reform currently adopted by the Edo state Government is Land Administration and Governance, the land reform used within the study areas (Obagie and Ogheghe community) is Land use Planning and Management reform as it the same for most of the communities within the region.

Many land ownership were revoked due to private development done on areas apportioned for Government use/overriding public interest. Data was collected through respondents in the Ministry of Physical Planning, Housing, Urban and Rural Development in the study area.

Data on the respondents is presented in the table below;

4.2.1 General characteristics of the Respondents

The characteristic of the examined on the respondents include the gender, age, and years of experience in the Ministry. Their academic qualification and occupation were not necessary as they are all civil servants. The results are as presented in the table 4.1 below:

Table 4.2.1 Respondents→General Characteristics

Attribute	Observed Frequency	Percentage (%)
Respondents→Gender		
Male	3	60
Female	2	40
Total	5	100
Age range		
25-35	1	20
36-40	2	40
41-60	2	40
60-80	-	-
Total	5	100
Years of Experience in the Ministry		
0-5 years	1	20
6-10 years	1	20
11-15 years	2	40
16-20 years	1	20
TOTAL	5	100

Source: Interview carried by the researcher, 2024

From Table 2 above, it show that 60% were male and 40% were female. 20% of the respondents are between the age of 25-35, 40% are between the age of 36-40, 40% are between the age of 41-60 while 0% are between the age of 60-80, 20% of the respondents said that they have had 0-5years experience, 20% (6-10years), 40% (11-15years) and 20% have had 16-20years experience being a staff in the Ministry of Physical Planning, Housing, Urban and Regional Development.

Objective 2: To examine Land Use Pattern in the Study area

4.3 Pattern of Land Use in the Communities

The distribution of land uses across the selected communities within the study area is examined in this section. The result on land use distribution is presented based on the relative distance from the major access roads. This is detailed in tables 4.5 below.

Table 4.3.1 Land Use Pattern in Obagie Community

Proximity to Main access road	Shops	Offices	Residential	Vacant land	Public uses/Institutional uses	Recreation/leisure	Total
600	120	37	254	34	14	16	475
1200	96	30	228	32	11	5	402
1800	58	10	193	60	4	1	326
2400	29	2	186	73	2	2	294
3000	18	3	152	119	0	0	292

The result on land use pattern in the communities, as indicated in table 4.3.1 shows that across all distances from the road, residential land uses is the predominant uses. This is followed by shops for distances of 600 to 1200 from the main access road. In distances above 1200 from the main access road, vacant land follows residential land uses based dominance of land uses. Generally, recreational and public uses are few in the communities.

Table 4.3.2 Land Use Pattern in Ogheghe Community

Proximity to Main access road	Shops	Offices	Residential	Vacant land	Public uses/Institutional uses	Recreation/leisure	Total
600	150	122	260	58	16	14	620
1200	99	32	225	36	14	8	414
1800	60	12	196	62	6	2	338
2400	30	4	189	52	4	1	280
3000	16	1	146	114	2	0	279

The result on land use pattern in the communities, as indicated in table 4.3.2 shows that across all distances from the road, residential land uses is the predominant uses. This is followed by shops for distances of 600 to 1200 from the main access road. In distances above 1200 from the main access road, vacant land follows residential land uses based dominance of land uses. Generally, recreational and public uses are few in the community.

Objective 3: To examine the Impact of Land Reform in the Study area

Effects/Impact of Land Reform on Land use pattern within the study area

Recent exercises like the few recreational and public use to which land is put within the community came as a result of the land reform. Offices/Estate firms and recreational use tend to bring about rapid infrastructural development as a result causes an increase in land values as well as drawing investors from different areas within the study into the communities.

Estate developers in Edo State have hailed Governor Godwin Obaseki for signing into law the bill to repeal the Edo State Private Property Protection Law 2017 and re-enact the Edo State Private Property Protection Law 2021.

The developers described the law which bans the activities of Okhaighele in the state as a right step in the right direction.

Using this law and utilizing more stringent measures to deal with erring individuals or communities trying to dispossess innocent individuals of their landed properties.

Land reforms has greatly affected the real estate sector in where there are rapid springing up of estate firms and effective use to which land is put within the study area.

4.4 Answering Research Questions

1: What is the existing Land Reform in the Study Area

Although the land reform currently adopted by the Edo state Government is Land Administration and Governance, the land reform used within the study areas (Obagie and Ogheghe community) is Land use Planning an Management reform as it the same for most of the communities within the region.

Many land ownership were revoked due to private development done on areas apportioned for Government use/overriding public interest.

2: What is the Land use pattern in the Study area

As shown in Table amidst other land use within the study areas (both areas) Residential development is the major land use pattern within Obagie and Ogheoghe community

3: What is the Impact of Land Reform on the land use pattern in the Study area

Recent exercises like the few recreational and public use to which land is put within the study area (both communities) is due the land reform adopted also including offices as investors and developers now tend to move into these areas due to rapid growth in its residents and certain infrastructural development

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATION AND CONCLUSION

This chapter entails a summary of the key findings of the study, and thereafter proffers appropriate recommendations and conclusion of the research.

5.1 Summary of Findings

From the result of this study, it is observed that there is increased Residential use to which land is put within major areas of Obagie and Ogheghe community and a rapid growth in the number of estate agencies. The predominant land use in the communities is residential, followed by the offices in distances of 600 to 1200 meters away from the main access road. The pattern of land uses however expected to change with increasing population.

The study also found that land value is also a vital aspect to consider in looking at the impact of land reforms on the land use pattern within the study area.

5.2 Recommendations

The following are suggestions aimed at reducing the problems to the above findings

1. Infrastructural facilities, such as good roads and pipe-borne water should be made available by the State Government in all nooks and corners of the areas and there should be periodic maintenance of properties in the study area.
2. Estate firms within the study area should be screened, checked to confirm if they are liable to function as under the NIESV so that Estate Surveyors and Valuers will be in charge of land distribution and all matters relating to land as this will help to eliminate quacks.
3. For investors and appraisers of potential locations for properties/lands, the issues of neighborhood quality, accessibility, proximity to sub-centers and high institutions of learning

should be given due consideration in their viability or feasibility studies, as they could impact a lot in terms of the rate of return on investment.

5.3 Conclusion

Despite the many problems that are likely to arise when talking about real estate development, it appears that the overall distribution of land values is not uniform as also is the use to which land is put. Land generally around major road sections has an impact on the pattern of commercial land value in particular. This is because the pattern of commercial land value generally decrease with distance from the centers and sub-centres, while on the other hand residential land value was not significantly influenced by the subcentres. Furthermore, commercial activities were attracted to such area due to elements of competition of business space, residential area are not so attracted to such areas. Rather other factors like access roads, security of the area, and others were the attraction. On the other hand, the value of vacant lands located around the peripheral areas were largely influenced by the value of nearby commercial or residential lands (or neighborhood quality as seen in this study). Other key factors that influence vacant land values include population density, environment and development potential of an area.

5.4 Areas for Further Research

Some areas for further research on the topic of "impact of land reform on land use pattern in Benin City; a comparative study of Obagie and Ogheghe community could include;

1. Comparative analysis of different countries' land reform policies and their impact on real estate development.
2. Study on the socio-economic effects of land reform on different communities and how it influences land ownership patterns.

3. Examination of the legal frameworks governing land reform and their effectiveness in promoting sustainable real estate development.
4. Investigation into the role of government incentives and subsidies in facilitating land reform and its implications on real estate markets.
5. Exploration of case studies highlighting successful or unsuccessful land reform initiatives and their outcomes on real estate development.

These research areas can provide valuable insights into the complex relationship between land reform policies and real estate development, helping to inform future policy decisions and practices in this field.

5.5 Contribution to Knowledge

Land reform can have significant implications on land use pattern, land values and real estate development, particularly in terms of land ownership. By redistributing land to those who may have been historically marginalized or disadvantaged, land reform can promote social equity and economic development. This can lead to increased access to land for housing and commercial purposes, stimulating real estate development in previously underserved areas.

Additionally, land reform can also impact property rights and land tenure systems, which are crucial for real estate transactions and investments. Clear and secure land ownership rights resulting from land reform can provide a more stable environment for real estate development, attracting investors and fostering sustainable growth in the sector.

Overall, understanding the impact of land reform on land use pattern is essential for policymakers, developers, and communities to navigate the complexities of land ownership and ensure inclusive and sustainable urban development.

Through studies and articles that aided in the advancement of this project, the original insights, findings, or advancements that this project brings to the existing body involves new information, perspectives, solutions, or interpretations that can enhance understanding, address gaps in current knowledge, or offer innovative approaches to a research topic or problem as related to Real Estate development (land ownership) By making this contribution to the existing body of knowledge I hope to essentially expand the collective understanding of the subject, pushing the boundaries of what is known, and potentially opening up new avenues for further research, development, or application.

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