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URBAN AND RURAL LAND MANAGEMENT TECHNIQUES, INCORPORATING APPROPRIATE LAWS AFFECTING LAND USE RESOURCES IN NIGERIA

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Abstract

Land resource is an integral part of the Nigerian economy. The need for the utilization and management of land resources cannot be overstressed. Effective and sustainable urban and rural land management techniques, laws and policies are pointers to attaining optimality of land resource utilization and management. There is therefore, need for appropriate techniques to be employed in the use and management of land resources. The present study is a literature review and, therefore, essentially relies on published data sourced from academic journals, conference papers, thesis, and other secondary sources. This paper reviews the techniques of utilizing and managing land resources in Nigeria, vis-à-vis the extent of effectiveness and sustainability. If further considers the laws affecting land use and resources in Nigeria. The techniques of land utilization and management encompass the traditional, critical chain project management, process-based management and result based management approaches. All the approaches require transparency and a mindset that focuses on now and future. For adequate utilization and management of land resources, policymakers, researchers and stakeholders should employ transparent tools as well as the relevant laws that will not only think of now but also future benefits in Nigeria. The Land Use Act and other related laws are overdue for review.

Keywords: Techniques, land resources, urban, rural, utilization, management and Nigeria

Introduction

A cursory observation of the world at large shows that land and its abundant resources is key to human survival. In fact, no nation, city or country can survive without land and its available resources both from urban and rural perspectives. In the work of Sanginya, Ochola & Bekalo (2010), they opined that there is consensus that there are some fundamental natural resources, such as land, soil, water, forest, plant and animal diversity, ecosystems services which are key for improving livelihoods and achieving sustainability in terms of development in Africa. These land resources provide major support for livelihood of many countries and communities both in urban and rural settings. There interconnectivity can never be overemphasized. That is they depend so much on one another to the extent that a disturbance in any of the components will likely have impact on the others. In the opinion of Keesstra, Bouma, Wallinga, Tittonell, Smith, Cerda, Montanarella, Quinton, Pachepsky, Vander, Putten, Bardgett, Moolenaar, Mol, Jansen, & Fresco (2016), a loss of top fertile soil, which is the key for crop production from cultivated land, may propel a country to sacrifice resources such as vegetation in order to provide fertile land and resettlement areas. This goes to demonstrate the level of interdependence of natural resources components. In this paper, the term land resources will be interchangeably use with natural resources or environmental resources. The term environment generally refers to a natural resources base that provides sources and performs sink functions (Bucknall, 2000).

When human activities on land in terms of utilizing land resource go beyond the ability of land, the consequences could be serious environmental disturbance. For instance in the highland of Ethopia, where there is evidence of increasing human population and dependence on farming, it has resulted to intensified pressure on land use (Mekuriaw, 2006; Oiman, Mark, Scholten & Wiepprecht, 2014). Ethopia is one of the countries in Africa and most African countries share similarities, Nigeria's case is not an exemption. Humans quest for survival through their operations such as clearing forest for crop planting; road widening and reconstruction as well as grazing have in one way or the other altered the natural state of the world's vegetation (Giril, 2001).

For proper conservation and benefit, there is need to look at the techniques of utilization of environmental resources. The benefits of these environmental resources to mankind call for serious attention. A proper understanding of the use, management and benefits will help us tread carefully towards the development and sustainability of our natural resources. There is need for effective development, management and sustainability of land resources. In a nutshell, we need natural resource management. According to Chunwate, Yahaya, Samaila & Ja'afaru (2019), effective management of environmental resources requires an in-depth knowledge of the patterns and processes of land utilization and land cover change and the aftermaths of a particular management decision. Natural resource management is defined as a scientific and technical principle that forms a basis for sustainable management (conservation and use) and governance of natural resources such as land, water, soil, plants and animals, with a particular focus on how management affects

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the quality of life for both present and future generation (Sanginya, Ochola &Bekalo, 2010). The emphasis here is on management principles and its reflection on quality of life for both today and future generations. This further demonstrates that adequate development of our natural resources and its sustainability for today and future generations should be top in a country's agenda. It is a general acknowledgement that natural resources have contributed immensely to development in different ways. It serves as a base for economic activity and a source of growth; it is a base for livelihood; it is a source of job for many people and provider of environmental services that can have both good and bad outcomes (NEPAD, 2003; Comim et al., 2009, Khan, 2008; IAASTD, 2009; Chowdhury and Ahmed, 2010). With these great benefits of land resources to humans, there is need to critically examined the techniques of utilizing land resources as well as the management of the resources in both urban and rural settings. Therefore, this paper attempts to review the techniques of utilizing and managing natural resources in both urban and rural areas vis-à-vis the laws affecting land use and resources with a view to providing information that will enrich sustainable development and livelihood in Nigeria.

The remaining parts of the paper is sectionalized as follows: section 2 covers methodology and land resource management- the link between urban and rural settings; section 3 focuses on the techniques of utilizing and managing land resources in both urban and rural areas; section 4 covers the laws affecting land use and resources in both urban and rural areas while section 5 is the conclusion and recommendations.

2.0 Methodology

The study adopted an archival research methodology where the focus of the research was on a review of empirical studies on the techniques of utilizing and managing natural resources in both urban and rural areas vis-à-vis the laws affecting land use and resources. Thus, the required data for the study were based on secondary sources obtained from academic journals, conference papers, and thesis from both printed and online sources. Studies with clear methodologies were selected.

2.1 Land Resources Utilization and Management-the Link between Urban and Rural Areas

The concept of urban and rural differs from place to place. There has been no worldwide acceptable definition of urban and rural settings. According to UN-Habitat (2021), urban and rural areas can connote different view to different people, and the meaning varies from country to country and even sometimes within countries. The reason for the difficulty in comprehending urban and rural areas is that many developing countries are not exclusively urban or rural. In some instances there are some elements or characteristics of urban such as towns in rural areas, and rural characters such as urban greening, urban food systems in urban areas (UN-Habitat, 2021). Besides, there is a linkage settlement between urban and rural which can be referred to as peri-urban area, which

metamorphosed from dispersive urban growth and has a hybrid spatial form characterized by features of both urban and rural. Peri-urban areas comprise land that links urban and rural fringes and are the physical show of direct urban-rural linkages (URLs). This relationship makes urban-rural lands the base on which urban-rural land links can function (UN-Habitat, 2021).

Peri-urban areas are also the areas most affected by urban growth, impacting agriculture and food and water security, which often results in a higher number of people in these areas being exposed to environmental disaster resulting from human activities such as erosion caused by open agriculture, land cleaning, etc or land tenure insecurity (UN-Habitat, 2019b). Even when peri-urban areas are not present, urban and rural areas do not exist in isolation. The movement of people, goods, services, and transport, for instance does not go in only one direction. "There is a repeated and reciprocal circular movement across the urban-rural continuum that connects these areas and generates a synergy that is greater than the sum of the parts, and that contributes to functional, integrated territories and regions" (UN-Habitat, 2019b).

The nature and scope of rural-urban interactions is motivated by several factors, cutting across geographical and demographic features, including the nature of agricultural land, population density and distribution patterns. Others include the farming systems based on land tenure and access to natural resources, availability of roads and transport networks linking local settlements to a number of urban centers where markets and services are located (Cecilia, 2003). According to Martin (2007), more than half of the earth's population live in urban settings and this number is increasing globally. Most major cities in developing countries are faced with growing problems of loss of natural vegetation, urban sprawl, and decreased wild life among others (Martin, 2007). Land use and land cover change (LULCC) also known as land change, is a general term for the human modification of earth's terrestrial surface (Ellis, 2011).

According to the United Nations Human Settlement Programme UN-Habitat (2021), land challenges such as climate change, land conflicts, food insecurity, environmental degradation are critical factors in people's movements from urban to rural areas and vice versa. Therefore, a framework for urban and rural land linkages that implements land management tools that work for both urban and rural habitants can transform sustainable human development for the benefit of all. It can also lead to a better understanding of the socioeconomic and environmental interactions between rural and urban areas and bridge knowledge and capacity gaps related to urban and rural challenges (UN-Habitat, 2021). There is therefore, need to understand the land tenure relationships and the links/connections between urban, peri-urban and rural areas before any meaningful intervention can be made to improve land and its available resources.

Key relationship that motivate interactions on the Urban-Rural continuum

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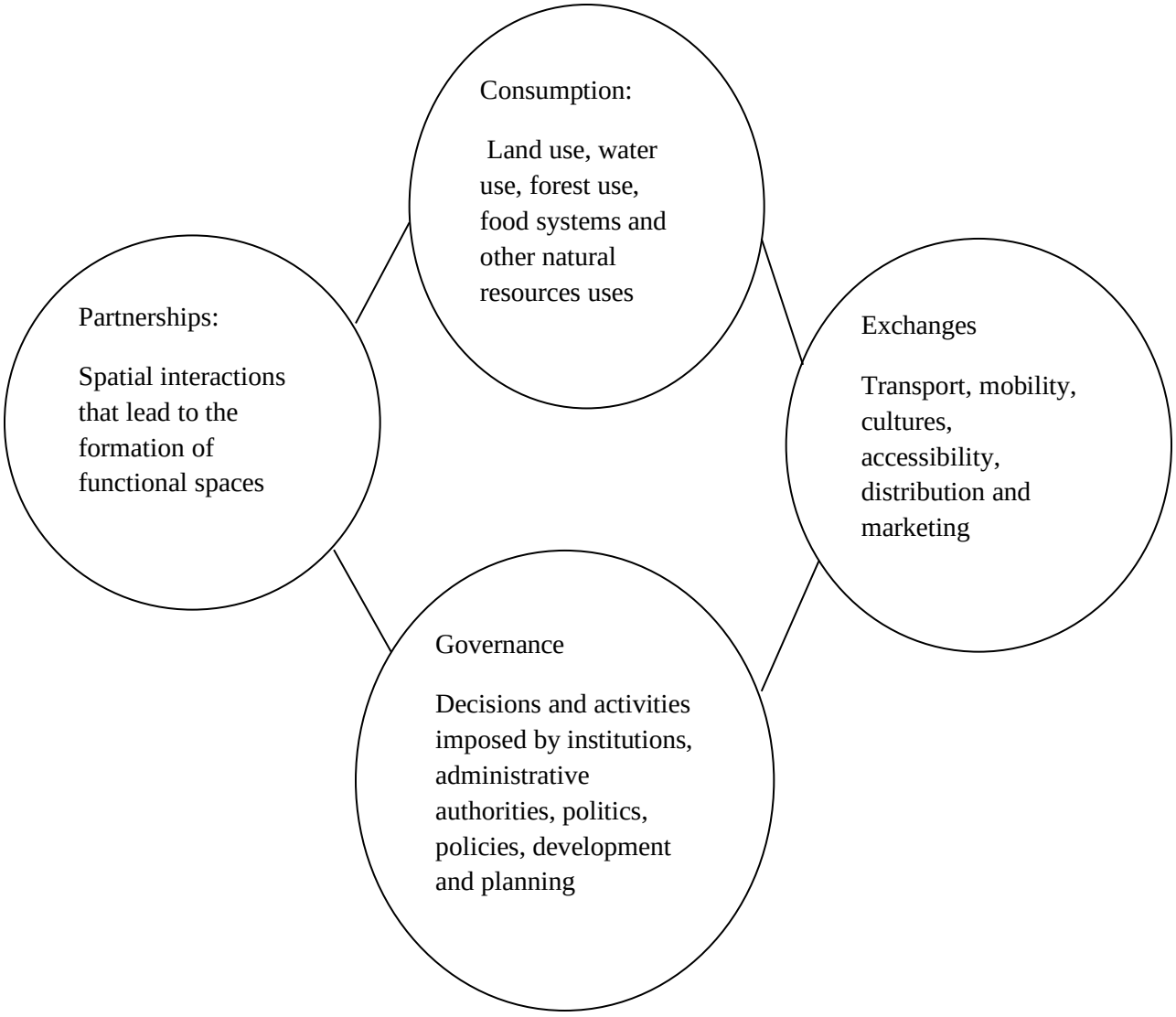

Figure 1: Factors that motivates interactions between urban, peri-urban, and rural areas

Source: UN-Habitat, 2021

3.1 Techniques of Utilizing and Managing Land Resources- Urban and Rural Areas

Land resources management is clearly a systematic undertaking with a set of activities and tasks programmed to contribute to meeting a desirable outcome (Ochola & Nyariki, 2010). The foundation for any successful project is in the planning. Creating a project plan is the first thing to do when undertaking any land resource management project (Ochola & Nyariki, 2010). There is a popular saying that 'failing to plan is planning to fail' (Blackman, 2003). One vital meaning of

planning is that 'planning is the process of preparing a set of decisions for action in the future directed at achieving goals by preferable means' (Cleland & Gareis, 2006). Planning is basically making a set of decisions for action and is not directed at other objectives, such as pure knowledge, development of its planners and so on (Ochola & Nyariki, 2010). The inference that can be drawn from the above is that planning is execution focused and programmed and the actions are carried out in the future towards achieving a goal or goals. Multiple project planning operations are usually executed to ensure all elements of natural resource management and project management are scoped, planned and executed in an integrated way (Cleland & Gareis, 2006).

Planning the use of natural resources requires a series of decisions about measurement and analysis (Ochola & Nyariki, 2010). Natural resource use planning may be defined as a process involving progressive preparation and analysis of natural resource based projects. The process includes all work necessary to bring the project to the point at which a careful review can be undertaken, and, if found to be good enough, execution starts (International Institute of Rural Reconstruction, 2010). It can therefore be deduce that natural resource use planning requires proper feasibility studies or appraisal which should define the objectives of the project vividly. There should be attempt to see whether there can be alternative ways to achieve the same goals perhaps preferable, thereby enabling planners to leave out poor alternatives.

Resource inventory is another wonder key in actualizing natural resource utilization (Ochola & Nyariki, 2010). There is need for a resource inventory to be carried out. Resource inventory involves survey and measurement of vegetation, animal population, geography, among others (Ochola & Nyariki, 2010). The evaluation of resources includes assessing their condition in relation to potential, improvement or deterioration, and sociological aspects (Ochola & Nyariki, 2010).

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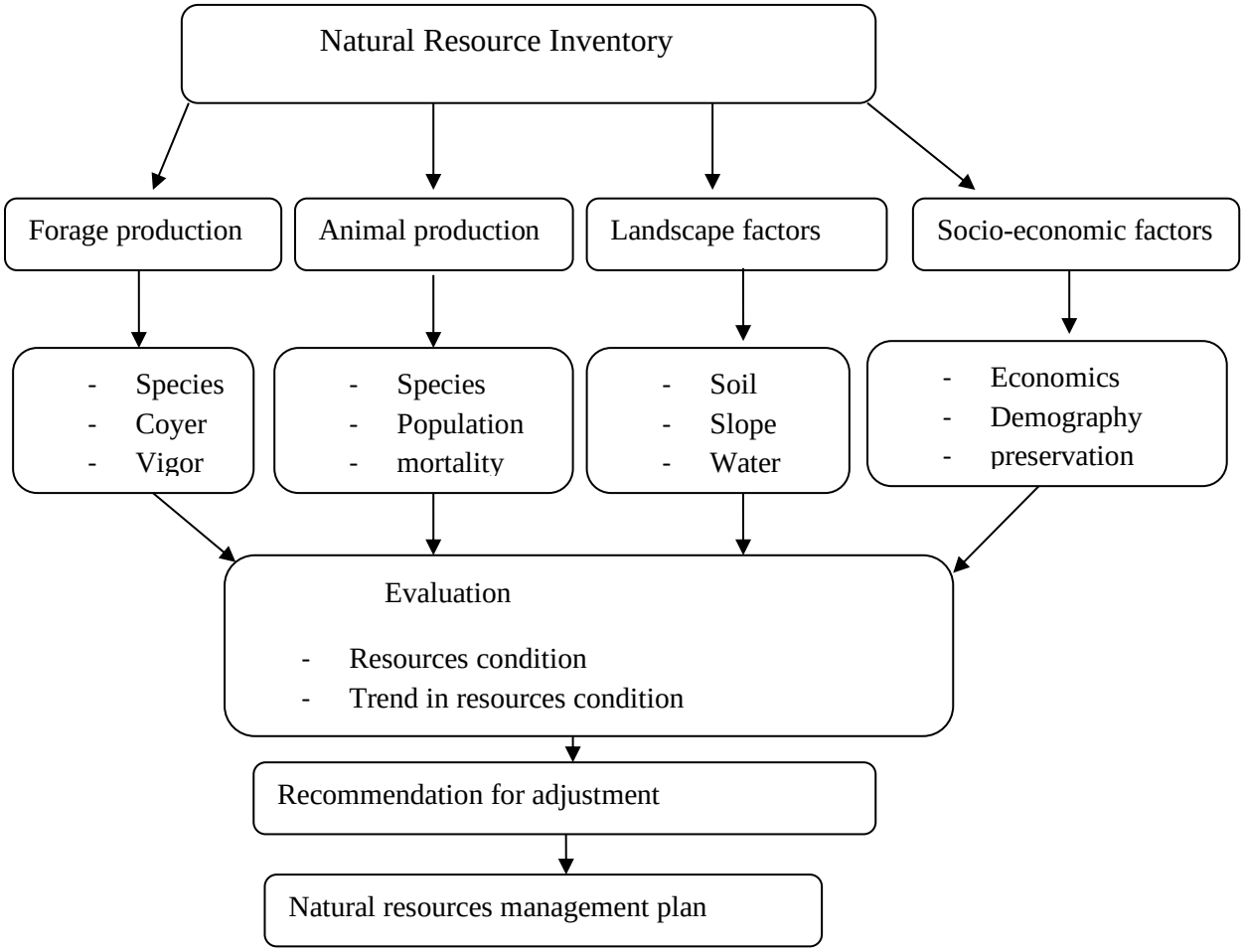

Figure 2: Natural Resources Inventory and Planning

Source: Gonsalves et al., 2005

According to the International Institute of Rural Reconstruction (2010), several techniques can be adopted in managing natural resource management projects operations. This ranges from the traditional approach, process-based approach, critical chain approach to results based management approach. The primary goal irrespective of the methods employed, is that there is need for careful consideration to be given to clarify surrounding project objectives, goals, and importantly, the duties and responsibilities of all participants and stakeholders (International Institute of Rural Reconstruction, 2010). This observes the techniques in details.

3.1.1 The Traditional Approach

In this approach, a series of steps to complete the project task is first identified. Five components of a project can be identified separately using the traditional approach. Typical development phase of a project include: project initiation stage; project planning and design stage; project execution

or implementation stage; project monitoring and controlling systems stage; and project completion stage (Blackman, 2003). It is important to note that not all natural resource management projects will go through every stage as projects can be terminated before they reach completion. Some projects do not have planning and monitoring stages. Some projects will go through steps planning, execution and monitoring multiple times (Blackman, 2003).

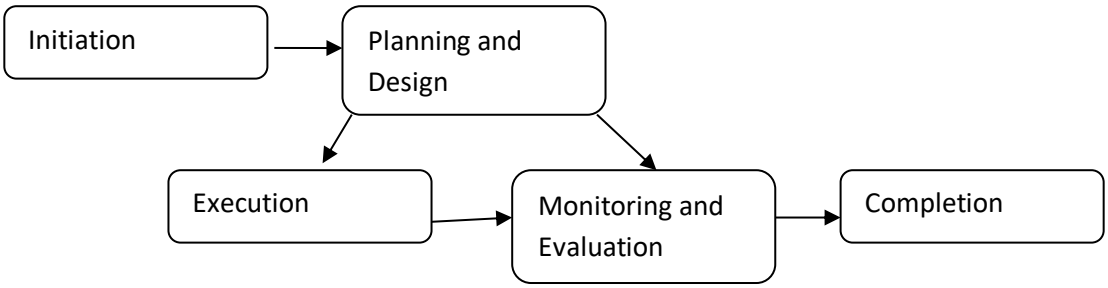

Figure 3: Traditional Project Management Approach

Source: Blackman, 2003

3.1.2 Critical Chain Project Management Approach

Like any other conventional project task, natural resource management projects can also be managed using the Critical Chain Project Management (CCPM) which is a method of planning and managing projects that put more emphasis on the resource required to execute project tasks. According to Alexander and Sheedy (2005) it requires the application of the theory of constraints (TOC) to projects. The aim of the theory of constraints is to increase the level of completion rates of projects in a community or organization. The theory of constraints works on the principle that tasks on the critical chain are give priority over all other activities. Projects planned and managed to ensure that the critical chain tasks are ready to start as soon as the needed resources are available, subordinating all other resources to the critical chain. The application of Project Evaluation and Review Technique (PERT) and the Critical Path Method (CPM) is central to this approach (International Institute of Rural Reconstruction, 2010).

3.1.3 Process-Based Management (PBM) Approach

Process-Based Management Approach is an ensemble of activities of planning and monitoring the performance of a process (Kohlbacher, 2010). It is the application of knowledge, skills, tools, techniques and systems to define, visualize, measure, control, report and improve processes with the goal to meet natural resource users-needs and it involves the use of a repeatable process to improve on the outcome of the project. The management of Natural Resource Management projects through Process-Based Management focuses on the mindset and actions within the projects. It embraces the philosophy that project operations are aligned with and supported by the

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community, organizational or national goals, missions, visions and values (Kohlbacher, 2010; Thom, 2009). More importantly, the process forms the premise upon which project implementation decisions are made and actions are taken. Its focus is more on achieving the vision rather than aiming at specific project activities and tasks. Hence, the project strategy, structure and resource requirements are set on the basis of the community vision or organizational vision.

3.1.4 Result-Based Management (RBM) Approach

Result-Based Management is a life-cycle approach to the management of natural resources that integrates strategy, people, resources, processes and measurements to improve decision-making, transparency, and accountability (Alexander & Sheedy, 2005). To achieve effectiveness in natural resource management project management, the technique gives attention to achieving outcomes, implementing performance measurement, learning and changing and reporting performance.

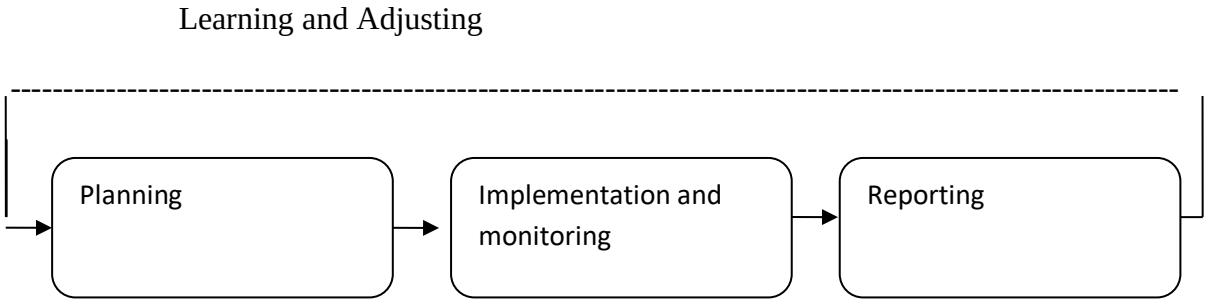

Figure 4: Basic Representation of the Use of RBM in Natural Resource Management Project Management

Source: Thom, 2009.

4.1 Laws Guiding the Utilization and Management of Land Resources both in Urban and Rural

The call for environmental protection has been gaining international ground in the recent years (Anaya, 20000; Hitchcock, 1994; Osofsky, 2005). This assertion has gained support so much that natives in resource exploitation environments, ethnic minorities, least educated and poor people suffer tremendously from exposure to environmental hazards caused by the exploration of land resources in their territories (Abe, 2014). The international community in trying to see to environmental protection and justice has adopted principles aimed at protecting the rights and interest of peoples on earth; with Nigeria adopting these principles, the sustainable management and proper utilization of its abundant natural resources are guaranteed (Abe, 2014).

The lack of legal regimes to protect humans and the natural environment from innovations of globalization has brought to surface the demand for the acknowledgement of environmental rights.

In the works of Atsegbua (2004), he argues that a right to a clean and healthy environment is good to humanity because we are humans and therefore have a right to live in a healthy environment. Therefore, every living soul has the inalienable right to uncontaminated and unpolluted environment. These inalienable rights are recognized by most international treaties such as Articles 1, 6 and 7 of the International Covenant on Civil and Political Rights (ICCPR), 1966; Article 2 of the European Convention on Human Rights, 1950; Articles 4-right to life and personal integrity, 5-freedom from cruel, inhuman or degrading treatment or punishment, 16-right to health, 24-right to satisfactory environment of the African Charter on Human and Peoples Rights; and Article 3 of Universal Declaration of Human Rights, 1948. In all these rights, there is a common pointer that States must not toil with the life of its citizen in a negligent manner.

According to the UN General Assembly Resolution 45/94 (1990), there is a declaration that, 'all individuals are entitled to live in an environment adequate for their health and well-being.' Also, Principle 3 of the 1994 Draft Declaration of Principles on Human Rights and the Environment (1994) set a foundation for environmental justice: 'all persons shall be free from any form of discrimination in regard to actions and decisions that affect the environment.' In addition Principle 4 states that 'all persons have the right to an environment adequate to meet equitably the needs of present generations that does jeopardize the rights of future generations to meet equitably their needs'. The International Covenant on Economic, Social and Cultural Rights ICESCR (1966) asserts that: 'adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors. The physical safety of occupants must be guaranteed as well.'

(Articles 11 and 12), Under the Nigerian Law, there is share of responsibility for the protection of the environment between the Federal and State governments. In the second schedule, Items 29, 36, 39, 60 and 64 Part I of the Exclusive Legislative List of the Nigerian Constitution (as amended) made provisions for areas where only the federal government can legislate upon to the exclusion of the state and local governments. Such areas include maritime shipping, mines and minerals including oil fields. In the Part II of the Schedule there is provision for areas where both the federal and state governments can legislate upon. Under the 1999 Constitution, Section 20 of the Federal Republic of Nigeria (as amended), there is provision that: [T]he State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.' In Section 17 (2)(b) and (d) (1999) also there is provision that: 'In furtherance of the social order ... the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced; exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented'.

Other laws include the Nigerian Minerals and Mining Act no. 34 of 1999 which was re-enacted and it became the Nigerian Minerals and Mining Act, 2007 for the purposes of regulating all

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aspects of the exploration and exploitation of solid minerals in Nigeria; and for related purposes (2007, No.50). It was enacted by the National Assembly of the Federal Republic of Nigeria. The Act vested the control of property in minerals, water, etc in the State. According to the Act, the 'entire property in and control of all mineral resources in, under or upon any land in Nigeria, its contiguous continental shelf and all rivers, streams, and water courses throughout Nigeria, any area covered by its territorial waters or constituency and the Exclusive Economic Zone is and shall be vested in the Government of the Federation for and on behalf of the people of Nigeria'. It went further to say that 'all lands in which minerals have been found in commercial quantities shall, from the commencement of this Act be acquired by the Government of the Federation in accordance with the provisions of the Land Use Act (Cap. L5)'. In addition the Act states that 'the property in mineral resources shall pass from the Government to the person by whom the mineral resources are lawfully won, upon their recovery in accordance with this Act. In addition to other related Acts are: Oil pipeline Act, 1956 as amended by the 9162 and 1965 Act (Cap 145); Mineral Act cap 121 and the Petroleum Act No. 51 of 1969 which vested all petroleum resources under the soil and in the territorial waters of Nigerian under the Federal Government of Nigeria. Compensation was payable for buildings, crops, profitable trees, disturbance, injurious affection and accommodation works. Furthermore, the Land Use Act of 1978 has been a major instrument for the utilization and management of land resources. This happens to be the current land tool for land use and management of land resources.

5.1 Conclusion and Recommendation

Land resources utilization and management is central to human well being. The livelihood of many generations both in the now and future to come relies so much on it. The need for its adequate utilization and management is crucial to all mankind both in the rural and urban settings. The procedure for its exploration and exploitation is fundamental to our socio-economic life. Being at the central point in our economic and social development, it requires appropriate techniques in its use and management. We cannot shy away from the sustainability of our land resources because of its beneficial use to us as humans. All our hope in the now and future is anchored on them. Hence, there is need for appropriate and comprehensive laws that will protect and safeguard these invaluable land resources both within and outside Nigeria. For we cannot survive without them.

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