

Land Administration Systems and their Legal Frameworks Reform for Nigeria

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SUMMARY

Nigeria is one of the sixteen countries in the West African region requiring land tenure reform. Nigeria's Constitution failed to recognise customary tenure, law, and administration as inherent forms of the institutional and legal framework for land administration. The coexistence of inherent and inherited forms of land administration institutions causes tenure insecurity, social exclusion, and local economic underdevelopment for the peri-urban dwellers. Land tenure insecurity-related problems have increased in recent times. Using a human rights-based, rule of law, and legal pluralism (HRLP) conceptual framework to assess the land administration system and its legal framework, the LASs and their associated legal frameworks are analysed for their success, sustainability, and significance. Land administration systems (LASs) and their associated legal frameworks are studied in three post-colonial countries – Nigeria, Kenya, and South Africa – to analyse the implementation of the Constitution and land policy as it relates to LAS. The research design is a multiple case study used to identify successes and challenges. Highlighting successes and challenges provides an understanding of LASs and their legal frameworks within a hybrid legal system (customary and statutory). This desktop study relies on secondary data (land laws, land policy, legislation, and published journal articles). Drawing from the experiences in Kenya and South Africa, recommendations are made for improving the Nigerian LAS and its legal framework and general LAS reform. The study is significant for policymakers, professionals, and academics engaging in reforming the LAS and its legal framework in Nigeria. It has relevance in the current Nigerian context.

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