Urban and Regional Planning
2025, Vol. 10, No. 2, pp. 55-60
https://doi.org/10.11648/j.urp.20251002.11

Research Article

The Role of the Land Use Act in Shaping Sustainable Construction Practices in Nigeria

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Abstract

The Nigerian Land Use Act of 1978 plays a crucial role in shaping the country's construction industry, particularly in the context of sustainable development. This study investigates the implications of the Land Use Act on sustainable construction practices in Nigeria, highlighting both the challenges and opportunities it presents. The paper examines how the centralization of land ownership, bureaucratic bottlenecks, and inconsistencies in policy implementation have hindered the adoption of eco-friendly building practices. Conversely, it also explores the potential of the Act to support sustainability through provisions like Environmental Impact Assessments and the possibility for localized green initiatives. A mixed-methods approach was adopted to provide a comprehensive understanding of the subject. The qualitative component involved a review of relevant literature and policy documents, as well as semi-structured interviews with stakeholders such as government officials, construction professionals, and environmental advocates. The quantitative analysis was based on secondary data from government reports and industry publications to evaluate trends in the adoption of sustainable construction methods. Findings indicate that while the Land Use Act contains elements that can support sustainable construction, its current implementation lacks the clarity and enforcement mechanisms needed to be effective. High land registration costs and lengthy acquisition processes were identified as major barriers. However, stakeholders also recognized the Act's potential if reformed to reduce bureaucracy, introduce policy incentives, and enhance stakeholder engagement. This study recommends key reforms to streamline land acquisition, promote eco-friendly materials, and strengthen institutional capacity. With these improvements, the Land Use Act could serve as a powerful tool for advancing sustainable development goals within Nigeria's built environment.

Keywords

Land Use Act, Sustainable Construction, Land Acquisition, Nigeria, Construction Projects

1. Introduction

Land acquisition is a crucial aspect of construction projects, and its processes can significantly impact the success and timely completion of these projects. In Nigeria, the land acquisition process has been a subject of extensive research due to its complexities and the challenges it. The Nigerian Land Use Act of 1978 governs the acquisition of land for public purposes, including construction projects. However, the implementation of this act has been fraught with challenges, including bureaucratic bottlenecks, high costs of land registration, and inconsistent policy regimes [1] As a result, the development of land markets in Nigeria has been hindered, leading to significant delays and complications in construc-

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Received: 30 March 2025; **Accepted:** 8 April 2025; **Published:** 29 April 2025

tion projects. The Land Use Act of 1978, a pivotal piece of legislation in Nigeria, has significantly influenced the landscape of sustainable construction practices within the country. This act, which aimed to centralize land administration and control, has had far-reaching implications on the adoption of eco-friendly materials and green building designs [2].

The land acquisition process in Nigeria involves several steps, including the identification of suitable land, negotiations with landowners, and the compensation of affected parties. The process is further complicated by the existence of both formal and informal land markets, with the rural land market being predominantly informal and unregulated.

The bureaucratic nature of the land acquisition process in Nigeria is a significant challenge. The high costs and lengthy procedures involved in registering land often discourage landowners from formalizing their land rights, leading to increased reliance on informal land transactions. The acquisition of land for construction projects can have significant implications for the local population, their livelihoods, and the overall success of the project.

In Nigeria, the Land Use Act of 1978 is the primary legislation governing land ownership, use, and acquisition. However, this act has been the subject of much debate, as it has been argued that it fails to adequately address the complexities of traditional or customary land tenure systems. This paper aims to examine the land acquisition process in Nigeria and its effects on construction projects, drawing on relevant literature and case studies.

2. Literature Review

2.1. The Land Use Act and Land Acquisition in Nigeria

The Land Use Act of 1978 is the primary legislation governing land ownership and use in Nigeria [2]. It vests the ownership and control of all land in the hands of the state governments, effectively transferring land ownership from individuals and communities to the government [2]. The act was introduced with the intention of streamlining land administration and ensuring equitable access to land, but its implementation has been fraught with challenges which include the failure to adequately recognize and incorporate traditional or customary land tenure systems, which are deeply rooted in the culture and belief systems of many Nigerian communities. The act has also been criticized for its provisions on compulsory acquisition, which allow the government to acquire private land without the consent of the owner and with limited or no compensation [3]. These challenges have had significant impacts on construction projects, including delays, increased costs, and social and political unrest. To address these issues, a more holistic and inclusive approach to land administration and acquisition is needed, one that recognizes and incorporates the diverse perspectives and needs of all stakeholders.

2.2. Impact of Land Acquisition on Construction Projects

The complexities and challenges associated with land acquisition in Nigeria have had significant impacts on construction projects in the country [4]. For example, delays in obtaining land titles and securing land for development can significantly delay project timelines and increase costs. Furthermore, the lack of adequate compensation for land owners and the displacement of local communities can lead to social and political unrest, which can further disrupt construction activities [3, 5].

2.3. The Impact of the Land Use Act on Sustainable Construction

The Land Use Act has had a complex and multifaceted impact on sustainable construction practices in Nigeria. On one hand, the act's attempts to streamline land ownership and usage have created some barriers to the implementation of sustainable building methods. The bureaucratic processes and high costs associated with land registration and acquisition have hindered the ability of developers to readily adopt innovative green building techniques [1].

The challenges posed by the Land Use Act have been exacerbated by the lack of clear policy directives and incentives from the government to encourage the adoption of sustainable building methods however, the act has also had positive implications, as it has sought to provide a legal framework for land management that could potentially support sustainable development. The act's emphasis on state control over land has created opportunities for targeted policies and incentives to promote the use of eco-friendly materials and energy-efficient designs.

2.4. Customary Land Tenure and Traditional Perspectives

While the Land Use Act of 1978 is the primary legislation governing land ownership and use in Nigeria, it has been argued that it fails to adequately recognize and incorporate traditional or customary land tenure systems [2]. These customary systems are deeply rooted in the culture and belief systems of many Nigerian communities and often have their own processes and rules for land ownership and usage.

In Esan tradition, for example, the customary land tenure system is validated by the ontological or metaphysical, with the land being seen as a sacred trust held by the community on behalf of the ancestors and future generations [2]. This perspective stands in contrast to the Western-influenced, individualistic approach to land ownership embodied in the Land Use Act.

The existing literature on the Land Use Act and its impact

on sustainable construction in Nigeria examines the contradictions inherent in the act, arguing that it was a product of the country's colonial and neo-colonial economic structures [4]. Another study highlights the gender, location, and income-group considerations in land allocation, as well as the shortcomings of the act in capturing the prevailing realities of customary laws and informal land markets.

The study on "Hindrances to Green Building Developments in Nigeria's Built Environment" identifies several factors that have slowed the adoption of sustainable practices, including project stakeholder perceptions and challenges inherent in the concept itself. [1, 4-6].

2.5. Sustainable Building Practices and the Transformative Impact of the Land Use Act in Nigeria's Construction Sector

The construction industry in Nigeria has been grappling with the need to embrace sustainable building practices in recent years. This shift towards environmental sustainability has become increasingly crucial as the sector contends with the adverse environmental impacts of its activities, such as the extensive use of natural resources and the generation of significant pollution.

One of the key drivers of this transition has been the growing recognition of the benefits of adopting eco-friendly materials and methods. Sustainable construction techniques, including the use of renewable and recycled materials, have the potential to significantly reduce the industry's carbon footprint and mitigate its detrimental effects on the environment.

The adoption of sustainable building practices, however, has not been without its challenges. Identifying and overcoming the barriers to implementing these strategies has been a persistent obstacle, as construction firms in Nigeria grapple with issues such as the lack of reliable and clean energy sources, the absence of robust government policies, and the limited awareness and understanding of sustainability among industry stakeholders [6-8].

2.6. Sustainability Barriers in the Nigerian Construction Industry

Research has highlighted several barriers that have hindered the widespread adoption of sustainable building practices in Nigeria's construction sector. Cost constraints have emerged as a dominant factor, with construction professionals often prioritizing short-term financial considerations over long-term environmental benefits.

Additionally, the industry's resistance to change and the lack of knowledge and expertise among construction professionals have been significant barriers to the implementation of sustainable methods. The limited availability of eco-friendly materials and technologies within the local market has also posed a challenge, as accessing and integrating these resources into construction projects can be costly and logistically complex.

2.7. Challenges and Opportunities

The implementation of the Land Use Act has faced a range of administrative, political, and human challenges that have impacted its effectiveness in shaping sustainable construction practices [5]. Bureaucratic bottlenecks, high costs of land registration, long registration procedures and inconsistent policy regimes have all hindered the development of a thriving land market in Nigeria, which in turn has limited the ability of developers to readily adopt sustainable building methods [1]. The Land Use Act of 1978 has had a complex and multifaceted impact on sustainable construction practices in Nigeria. While the act has faced various implementation challenges, it has also created opportunities for targeted policies and incentives to promote the use of eco-friendly materials and energy-efficient designs [1, 4-6]. The act's emphasis on state control over land has allowed for the development of policies that support sustainable building practices, although the barriers to land acquisition have hindered the widespread adoption of these methods.

2.8. Towards a Sustainable Construction Future

Despite the challenges, there are signs of progress in the adoption of sustainable building practices in Nigeria's construction sector. Increasing awareness among industry stakeholders, coupled with the growing emphasis on environmental sustainability at the global level, has prompted some construction firms to explore and implement more eco-friendly techniques.

Ultimately, the successful integration of sustainable building practices in Nigeria's construction sector will require a multifaceted approach. This should involve the development of robust policy frameworks, the provision of financial incentives and support mechanisms, and the investment in education and training programs to enhance the industry's knowledge and expertise in sustainability [6, 7, 9, 10].

3. Methodology

This study employed a mixed-methods approach, incorporating both qualitative and quantitative research techniques. The qualitative component involved a review of relevant academic literature and policy documents to gain a comprehensive understanding of the Land Use Act and its implications for sustainable construction practices in Nigeria. This was complemented by a series of semi-structured interviews with key stakeholders, including government officials, construction industry professionals, and environmental advocates, to gather their perspectives on the challenges and opportunities presented by the act.

The quantitative aspect of the study involved the analysis

of secondary data from sources such as government reports, industry publications, and statistical databases. This data was used to assess trends in the adoption of sustainable building methods, the usage of eco-friendly materials, and the overall impact of the Land Use Act on the construction sector in Nigeria.

The combination of these research methods allowed for a multi-faceted exploration of the complex relationship between the Land Use Act and the pursuit of sustainable construction in the country. The following are the structured interview questions asked:

1. What is your understanding of the Land Use Act and its role in the construction industry in Nigeria?
2. How effective do you believe the Land Use Act has been in promoting sustainable construction practices in Nigeria?
3. What are the key provisions of the Land Use Act that you think have influenced sustainable construction practices in Nigeria?
4. In your opinion, how has the Land Use Act affected the use of eco-friendly materials and green building designs in the Nigerian construction industry?
5. What are the major challenges or limitations of the Land Use Act in fostering sustainable construction practices in Nigeria?
6. How can the Land Use Act be improved or amended to better support sustainable construction in Nigeria?

4. Discussion of Findings

4.1. Analysis of Responses

To analyze the effectiveness of the Land Use Act in promoting sustainable construction practices in Nigeria, a series of structured interviews were conducted with various stakeholders in the construction industry.

The responses indicate that while the Land Use Act has some provisions that are intended to support sustainable construction, its overall effectiveness has been limited. Many respondents noted that the Act's focus is primarily on land acquisition and ownership, with limited emphasis on environmental sustainability or green building practices.

Several respondents cited the Act's lack of clear guidelines or enforcement mechanisms for sustainable construction as a major hindrance. Others pointed to the general challenges of implementing sustainable practices in the Nigerian construction industry, such as limited access to eco-friendly materials, high costs, and the need for greater awareness and training among construction professionals.

Despite these challenges, some respondents highlighted specific provisions of the Land Use Act that have had a positive impact. For example, the requirement for Environmental Impact Assessments (EIA) for new construction projects was seen as a useful tool for promoting sustainable practices, though the implementation of EIAs was noted to be inconsistent.

Overall, the interview findings suggest that while the Land Use Act has the potential to shape more sustainable construction in Nigeria, its current provisions and enforcement mechanisms are insufficient. Strengthening the Act's focus on environmental sustainability, providing clearer guidelines for green building practices, and improving compliance and enforcement mechanisms could help unlock the Act's full potential in driving sustainable development in the Nigerian construction sector. [6, 8, 9, 11].

4.2. Findings

The findings of this study indicate that the Land Use Act has had a mixed impact on sustainable construction practices in Nigeria. On one hand, the Act's centralization of land control has created obstacles for developers seeking to implement innovative green building techniques. Bureaucratic processes, unclear tenure systems, and high costs associated with land acquisition have hindered the widespread adoption of sustainable methods [12, 13]. These institutional constraints have particularly affected small- and medium-scale developers who lack the financial capacity to navigate lengthy land acquisition procedures [14].

On the other hand, the Act has also enabled some positive developments. In recent years, state governments and urban planning agencies have leveraged the regulatory framework to introduce policies that promote eco-friendly construction. For instance, initiatives in Lagos and Ogun States have supported the use of local, sustainable building materials and encouraged the integration of renewable energy systems in new construction projects [15, 16].

The study also revealed regional and socioeconomic disparities in the implementation of the Land Use Act. Developers in southern urban centers tend to have better access to land and government support for sustainable practices, while those in rural or northern areas face more significant challenges [17, 18]. These disparities are often exacerbated by varying levels of institutional capacity and political will.

To streamline the land acquisition process and make it more accessible for sustainable construction, the study recommends simplifying bureaucratic procedures and reducing the costs of land registration. Increased transparency and decentralized decision-making could also foster a more inclusive environment for developers pursuing environmentally responsible projects [19].

5. Recommendations

Based on the findings of this study, the following recommendations are made to enhance the effectiveness of the Land Use Act in promoting sustainable construction practices in Nigeria:

Streamline the land acquisition process: The Land Use Act should be reformed to simplify the bureaucratic procedures and reduce the costs associated with land registration, making it more accessible for developers to pursue sustainable construc-

tion projects.

Develop targeted incentives and policy frameworks: The government should introduce a comprehensive set of incentives, such as tax breaks, subsidies, and preferential financing, to encourage the adoption of eco-friendly materials and energy-efficient building designs.

Enhance stakeholder engagement and capacity building: Efforts should be made to engage with key stakeholders, including construction industry professionals, environmental advocates, and local communities, to raise awareness about the benefits of sustainable construction and build their capacity to implement these practices.

Strengthening data collection and monitoring mechanisms can help the government better understand the impact of the Land Use Act on sustainable construction practices. This, in turn, can inform the development of more effective policies and interventions to promote the adoption of eco-friendly materials and energy-efficient building designs.

By addressing these key recommendations, the Land Use Act can be better leveraged to support the transition towards more sustainable construction practices in Nigeria, contributing to the country's broader environmental and development goals.

6. Conclusion

In conclusion, this study has highlighted the complex and multifaceted impact of the Land Use Act on sustainable construction practices in Nigeria. While the act has faced various implementation challenges, such as bureaucratic bottlenecks and high costs of land registration, it has also created opportunities for targeted policies and incentives to promote the use of eco-friendly materials and energy-efficient designs. To enhance the effectiveness of the Land Use Act in supporting sustainable construction, key recommendations include streamlining the land acquisition process, developing targeted incentives and policy frameworks, and enhancing stakeholder engagement and capacity building. By addressing these recommendations, the Land Use Act can be better leveraged to contribute to the country's broader environmental and development goals.

Abbreviations

EIA Environmental Impact Assessment

Author Contributions

Adeola Sarah Ajayi: Conceptualization, Data curation, Formal Analysis, Investigation, Methodology, Project administration, Visualization, Writing – original draft, Writing – review & editing

Conflicts of Interest

The authors declare no conflicts of interest.

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