

Urban Land Management: the Need for Innovative Approaches to Land Registration System in Nigeria

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SUMMARY

Virtually all human activities require land. But, because of the diverse needs of different human activities with respect to location and quantity of land, there is often an intense competition for land, which is limited as a result of unprecedented urbanization in our cities. This often leads to disputes and conflicts in the management and use of land, particularly with respect to customary land. And, central to these disputes and conflicts is the issue of security of tenure; which does not only include tenure issues as the way in which rights, restrictions and responsibilities that people have with respect to land are held, but, also demands an enabling land administration as the process of determining, recording and disseminating information about tenure, value and use. Against this background, this paper discusses the key driven approaches to efficient land registration, and advocated the need for computerization of the process in the country, in addition to incorporating the norms of good urban governance aimed at improving upon land management system.

A number of alternative land policy measures in Nigeria have been suggested; ranging from cadastral survey, land use zoning concept, removal of the LUA from the Constitution to land taxation. Also to combat corruption, gender imbalance, neglect of the infected HIV/AIDS members of the society in access to land and land registration process, in the land sector, must be accorded global attention.

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1. INTRODUCTION

Land and property are generally the most important assets any country can pose. Land is a fundamental factor for agriculture production and is thus directly linked to food security. Reforms of land administration in any country most especially in sub-Saharan Africa is a long term prospect required decades of sustained commitment, political stability, conflict free or minimized environment, strong political will on the part of government and good governance. It is both capital and human resources intensive and requires strong and consistent leadership.

Security of tenure is another important aspect that can not be over emphasized in order to achieve economic development, while property taxes are often significant sources of government revenue, particularly at the local level.

Land registration is an equally critical aspect in creating a real estate market, unfortunately in Nigeria, according to Mabogunje, (2005) states that “it is not clear what the status of registering a Statutory Certificate of Occupancy is in the context of the present Land Use Act. What rights does the Certificate actually confer on its owner since any subsequent transfers or transactions in the land covered by the certificate still require the consent of the Governor of the State. This insistence of always securing the consent of the state Governor either; to assign or to mortgage a property has been the greatest impediment to the development of real estate market in Nigeria. Apart from the delay in granting such consent, some state Government use the requirement to extract unwarranted fees from owners of such certificates. This unfortunate development forces many people to continue to operate in the informal market for much of their land transactions and makes it difficult to manage the real estate resources and the real estate market in the country more effectively.”

This paper, discusses major approaches to land registration and tenure security. It identifies the existing registration process in the study area (Minna, Niger State, Nigeria) and recommends some of the innovative development in land registration.

1.1 Methodology

The two basic methods of data collection were used to obtain data for this study. These are surveys/review of existing literatures and interviews. Physical visits were made to Niger State Lands Registry and some of their record files examined. The personnel and stakeholders in the Lands were also interviewed.

2. LAND TENURE AND PROPERTY RIGHTS

Property rights are mainly concerned with issues of access to resources, the distribution of resources to members of the society and the security of the tenure that these members of society hold over these resources. Often refers to as the bundle of rights over land and property. This bundle according to Clifford-Bell (2005) is made up four basic components: (i) physical location; (ii) length of time right are held; (iii) types of use that are permitted; and (iv) the individual's rights vis-à-vis those of the family, community or nation. Many of these rights are capital and are mostly seen as tradable commodities, such that a land parcel may have:

- Land use rights
- Planning and development rights
- Access rights or right way
- Water rights
- Mineral and extractive resources rights
- Carbon rights
- Timber rights
- Air rights
- Visual/ view rights
- Aquaculture rights
- Marine rights
- Trade waste rights

Other rights may not be tradable, such as:

- Heritage rights
- Indigenous rights
- Biodiversity

Some of the rights may vest in the owner, the tenant or the state

3. SIGNIFICANCE OF REGISTRATION OF URBAN LAND IN NIGERIA

According to the World Bank reports (2006) it states that “an entrepreneur has to complete 21 pens-mid paper procedures, including obtaining the state governor's consent. The process lasts 274 days and requires official fees amounting to more than 27% of the property value”. Land registration in urban land management is necessary to determine record, reduce conflicts and disseminate information about ownership, value and use of land. Land management has been defined by (UN-ECE 2005) as: the processes--- of decision making --- whereby resources are allocated over space and time desires of man within the framework of his technological inventiveness, his political and social institutions, and his legal and administrative arrangement.

UN-ECE guidelines lost some of policy formulation to land management and land administration activities as:

- Property conveyance, including decision on mortgage and investment;

- Property assessment and valuation;
- The development and management of utilities and services;
- The management of land resources such as forestry, soil or agriculture;
- The formation and implementation of land-use policies;
- Environmental impact assessment; and
- The monitoring of all activities on land that affect the best use of that land.

With the above point's couple with stable polity and a good land registration system will contribute to good governance.

Omotola, (1980) postulated four basic objectives that warranted the enactment of the land use Act, that is the land Reform Act. They are as follows:

- To remove bitter controversies resulting at times in loss of lives which land is known to be generally.
- To streamline and simplify the management and ownership of land in the country.
- To assist the citizenry, irrespective of his social status, to realize this ambition and aspiration of owning a house.
- To enable government to bring in control the use to which land government to bring in control the use to which land can be put in all parts of the country and facilitate planning and zoning programmes for a particular use.

Consequently, the act intends to combat speculations in urban lands and inability of migrants to cities to secure housing by limiting private ownership rights in urban land by providing that the individual may hold not more than 0.5 hectares of undeveloped land. Undeveloped lands held in excess of 0.5 hectares are to be surrendered to government, holders of conveyance or fees simple by registration to statutory certificates of occupancy. This implies that the holders of such rights have been converted to lease holders for a term of years and as State tenants are obligated to pay rent to the State.

4. URBAN LAND MANAGEMENT UNDER THE LAND USE ACT

Nigeria in 1970's experience a continuous urbanization with unprecedented rates following the oil boom and cities were witnessing tremendous pressure for land for housing and other uses. The cost of land in most of the major cities had become very exorbitant and prohibitive. By March 1978 the Land Use Act came into force and was later incorporated into the present 1999 Constitution of Federal Republic of Nigeria. Some of the main features and principles of the Act which are as follows:

- A uniform land policy was enacted for the whole country.
- The interest of all Nigerians to use and enjoy land was to be assured, protected and preserved.
- All land comprised in the territory of each state in the state and such land were to be benefit of all Nigerians in accordance with the provisions of the decree (section 1)
- A committee to be known as the Land Use and allocation Committee (LUAC) was to be established in each state whose powers were to advise the Governor on all land matters, the issue of compensation and resettlements of persons affected by revocation of rights of occupancy (section 20).

- At the local government level, there was to be a similar body to be known as land Advisory Allocation Committee (LAAC).
- Under section 3, the Governor is empowered to designate ‘urban areas’
- The Governor under section 5 is empowered to grant statutory right of occupancy.
- Persons under the age of 21 cannot be granted a statutory right of occupancy,
- Sections 21 to 27 deal with requirement to obtain the Governor’s consent before one could alienate or surrender a Right of Occupancy (R of O).
- Section 28 and 29 make provision for the revocation of Statutory R of O in case of default of grant and where land is required for overriding public interest.
- Compensation is paid only for the unexhausted improvement where an R of O is revoked for overriding public interest.
- No person is allowed to hold more than half a hectare of undeveloped land in an urban area (section 34).
- Section 43 gives the Governor Enforcement powers to stop or remove illegal developments.

The Land use Decree has been one of the most controversial pieces of legislation in Nigeria, and appeals had been made for its outright repeal (Udo 1990), or for its amendment (Mabogunje 2004). The implementation of this landmark legislation has predictably suffered serious set backs and therefore its intended purpose of introducing a uniform land policy in the country and improving on the system of land administration and management has remained a pipe dream.

5. URBAN LAND MANAGEMENT IN MINNA, NIGER STATE – NIGERIA (CASE STUDY)

Minna is the capital of Niger State since 1976. The town is mainly a Gwari settlement, is heterogeneous with considerable numbers of people of different background. The city has an estimated population of about 157, 000 people (1991 population census estimate) waiting the acceptability of 2006 provisional census figure. It has a land area of 6, 784 sq. km.

5.1 Land Administration Procedures in Niger State of Nigeria

The administration of land in Niger State is not different from other states in the North. As we are aware the enabling law guiding Land Administration is the “Decree No.6 of 29th March 1978, now Land Use Act, (LUA) 1978, Cap 202.

Until Ministry of Lands Survey and Town Planning was scrapped some times late 2005 and was made a department under the Governor’s Officer. The department is made of three sections, Lands, Survey and Town Planning.

5.2 FUNCTIONS OF EACH SECTION;

Land Section:

Is in charge of the running of day to day activities of land administration in the following ways:

1. Acquisition of land
2. Allocation of land
3. Compensation and allocation of fees
4. Preparation of Initial Bill and Ground Rent
5. Preparation of Certificate of Occupancy
6. Assessment for Compensation
7. Site Inspection/ Report
8. Opening of New Files for applicant
9. Settlement of dispute
10. Offering technical advice on litigation(s)
11. Other special assignments such as membership on committee related to land matters.

Survey Section

1. Demarcation and surveying of layouts
2. Reporting/charting of new items on Intelligence sheet
3. Production of maps by cartographers
4. Updating of maps
5. Updating of maps
6. Other special assignment such as representation as committee members' e.g. Boundary adjustment committee.

Town Planning Section

1. Planning the Urban/Rural Area
2. Design of layout
3. Planning report and recommendation of applications
4. Ensuring that zoning arrangement are observed
5. Production of site Analysis/Environment Impact Assessment reports.
6. Site Analysis Plan.

The enforcement of physical development control is carried out by Niger State Urban Development Board (NUDB) which is a separate Board set up to check, monitor and control physical development in the state.

Table 1: The Performance Scale of the Existing Land Record System

	2004				2005			
	No. Rec'd	AV Search Period	No. Processed	Unit Process Period	No. Rec'd	AV Search Period	No. Processed	Unit Process Period
Search Requests	7,415	3hrs	4,415	5 hrs	7,817	3 ½ hrs	4,213	6 hrs

Parcel Location	2154	3hrs	1,600	6 hrs	2,733	3 ½ hrs	1,510	9 hrs
Resurvey	1500	3hrs	500	6 hrs	1,700	3 ½ hrs	516	9 hrs
Capital Valuation	3,345	3hrs	1,765	3hrs	3,904	3 ½ hrs	4,814	9 days
Rental	4,113	3hrs	1,118	2 days	4,9112	3 ½ hrs	4,418	3 days
Ground Rents	3,214 (due)	3hrs	1,218	1/2 hrs (1notice)	3,719 (due)	3 ½ hrs	1,364	1 ½ hrs
Initial Bills	1,237 (due)	3hrs	1,118	11 ½ (Bill)	1,514	3 ½ hrs	1,613	1 ½ hrs

Source: Lands Division, Ministry of Land and Survey, Minna (2006)

From the above table 1; it is apparent that, the people involved in the activities such as data collection, storage and maintenance and processing also add to the problems of performance because, they rely on manual process.

The recording of data, collection, collation and delivery to its base are all done by people each of whom has a different attitude to work. Often in the process, data is lost or even deliberately distorted. The storage system does not provide for adequate security as of late all kinds of users have been allowed entry into the registry. The result is that documents are being mischievously removed from files. There exists no established procedure for retrieving and disseminating land information.

The State Chief Executive has given the Permanent Secretary the mandate to computerize the Department of Lands, Survey and Town Planning, presently the department is making every necessary arrangement for the new system.

The government has recently acquired the following equipment/instrument for survey section:

1. Pentax R 326EX Total Station
2. Pentax PHT-10 Theodolite (digital)
3. Garmin etrex GPS Hand held receiver
4. Leica printer 100; level kit (Digital)
5. Computers
6. Scanner
7. Printer
8. Plotter

The acquisition of this modern equipments/instrument will improve land administration in Niger State, Surveying will be more accurate and keeping land record will be more secured as soon the system is operational. Therefore, the challenge is to all the states in the Federation to move to with global trends of modern Technology and also workable technology.

5.3 Niger State Urban Development Board (NUDB)

- Enforcement of development control in the metropolis.
- Processing of building permits (building plans) for prospective developers.
- Provision and the maintenance of streets and traffic of lights.
- Construction and the maintenance of roads (in conjunction with the State Ministry of works).
- Refuse collection and disposal
- Enforcement of public health laws and regulations.

5.4 The Local Government Councils

- Grants of customary land titles outside ‘urban areas’
- Approval of building plans for development outside urban areas.
- Refuse collection and disposal
- Provision and maintenance of motor parks, markets, parks and gardens.
- Provision of social amenities.

There are other public bodies like the Nigerian Railway Corporation, educational institutions, etc which have large chunks of land in Minna and which exercise some management responsibilities over such lands (McAusland, 1985; Mogbo,2005).

The system of land administration on the ground is however far more complex than the public model outline above. There are many land management system as there are land markets in Minna. In broad terms, three main models for land management in Minna: can be identified the public, private and community (people) models, they are referred to simply as 3ps’ model (figure 1 and Harrison, 1987: Dung-Gwom, 2004).

The characteristics of each and its role are summarized below.

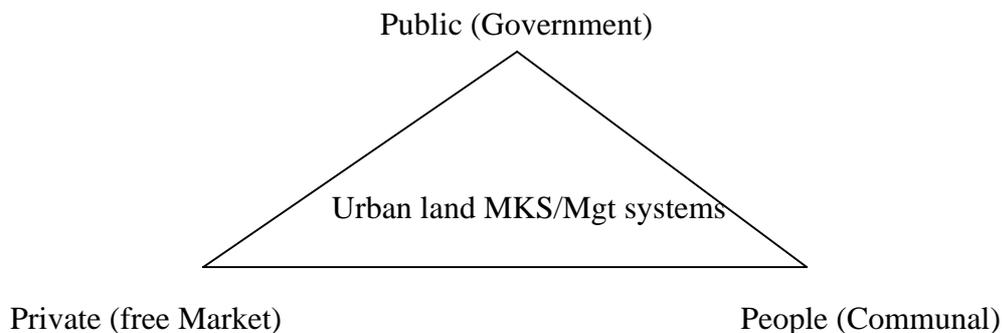


Figure 1.3 P’s model of land Management

5.4 Characteristic of the Private Land Management

- Preparation of urban master plans, planning schemes (layouts, land subdivision plans)
- Processing of application and grant of land titles
- Registration of land title, deeds agreements. Transfer, etc.
- Maintenance of cadastral records
- Imposition and collection of rents of rents, fees charges etc on land.
- Allocation of plots supposedly, of the basis of 'one-man-one-plot' and first-come-first-serve' principles.
- Provision of basis infrastructures
- Degazetting of public land to other uses
- Excision of plots in the GRA

5.5 Characteristic of the Private Land Management Model

- Speculative acquisition of land based on market rates
- Land hoarding
- Informal (illegal) subdivision of land, often without any plan of layout
- Resale of land
- Partial provision of infrastructure by private developers and or companies.

5.6 Characteristic of the Communal Model of Land Management

- Control by Chiefs and land owners
- Increasing fragmentation and sales of land
- Double sale of plot quite common
- No plan or layout
- Hostile to public land acquisitions
- Increasing campaign against sale of family and communal lands.

6. INNOVATIVE APPROACHES IN NIGERIA

Land reform is not short term measures. It is a long term commitment. Here, the paper present some of the innovation approaches to land policy and tenure security. Some projects are being funded with development partners. The UK Government's Department for International Development (DFID) is supporting the reform of Nigeria's Land registration processes under the auspices of its security justice and Growth Programme (SJG). the British Council Supported by her majesty's (HM) land registry are providing both practical and technical assistance to a number of Nigeria's state lands Bureau in order to improve Physical security of records and buildings, enhance organizational capacity, and encourage greater participation in land markets (Arnot and Meadows, 2006)

6.1 Practical Support to Land Registration

Mabogunje, (2005) opined that the concept of land has come to encompass and convey at least seven different meaning. These are: land as (1) space, (2) Nature, (3) a factor of production (4) a consumption good, (5) an element of location, (6) property, and (7) capital. Therefore/ land can be regarded as central issue when to speak about development process and secure land rights provides sustainable development by making it possible and attractive to undertake long term investment. Arnot and Meadows, (2006) buttresses that the more liquid land and real estate assets become and the greater the possibility of their use as collateral for mortgage purposes, the more likely they are to contribute to the economic growth process and the alleviation of property. In order to enable and stimulated the growth process government needs to monitor and manage the ownership and value of land.

Her Majesty's (HM) Land Registry's input into the SJG Programme began in November 2004 with a further investigation into issue associated with the process of land registration in the state of Lagos, Enugu, Benue, and Jigawa. It was reported recently, that this exploratory work led to the development of a unified development path for the individual state land registries that took into account the widely differing levels of organization capacity and modernization.

6.2 National Context

In 2005, President Olusegun Obasanjo, GCFR, mandated the Federal Ministry of Housing and urban Development to, among other things; “promote the modernization, computerization and human resources development of lands registries and human resources development of lands registries throughout the country with special attention to the development for the development of a coordinated and comprehensive registry for all lands belonging to the Federal Government and all its Agency and network all land registries in the country into a national Land Depository”. Nigerian has a land area of 924, 768 Sq. km with over 80% of Nigeria's land area fall within rural area; a high population pressure exist on the 20% urban land. and awareness of the benefits of land titling is low; the registration system is totally paper based with all the attendant problems of physical decay and the possibilities for malpractices; there are deficiencies in the available maps of most of the state with little or effectively no computerization of any tasks; the level of staff training and retraining is inadequate for the demands of modern service provision; and the level of basic office equipment is inappropriate for the tasks in most of the states with obsolete equipment for surveying.

6.3 Need for global and proactive supports

Pragmatic support will definitely be needed to alleviate poverty and enhance economic growth by improving the security of land tenure and efficiency of land markets through the development of an efficient system of land titling and administration that is based on clear and consistent policies and laws, gender – responsive and supported by an appropriate institutional structure, Global support land project should typically involve: (i) legal,

regulatory and policy reform; (ii) institutional reform; (iii) systematic land registration (iv) support for on-demand titling and development of subsequent land transactions; (v) land valuation; (vi) improved service delivery for land agencies; and (vii) capacity building for government, private sector and academia.

6.4 Recent Support Results: Lagos State Land Registry

The land registry in Lagos is currently the most developed land registry in Nigeria, since 2005, with the support of the SJG Programme arrived at upgrading facilities, modernizing operations and making information more accessible to customers.

Lagos is regarded as the largest city in Africa. According to the UN the population, estimated at 1.3 Million in 1992 is likely to reach 20 Million by 2010 which is just 3 years away by today.

By August 2004, the Lagos state government engaged the services of consultants with best solution that suited the need of the land registry and Survey Directorate to; (i) physically sort files; (ii) Purchase and installation of new equipment and wiring of network; (iii) installation of software and creation of database (iv) Re-organization of staff and training.

This led to a comprehensive project whereby all title documents kept at the Land Registry were to be archived onto a data base to enable easier access for users of the registry. This resulted into the development of the Electronic Document Management solution (EDMS) in January 2005.

The Objectives are: (i) To store available data electronically; (ii) To ensure proper indexing of documents; (iii) To centralize and consolidate file storage; (iv) To make information available in an on-line real time manner; and (v) To self-up an on-line document search and Retrieval system at the Registry.

Since February 2005 approximately 2.5 million pages of documents have been scanned (Arnot and Meadows, 2006). Therefore the use of the EDMS has significantly improved efficiency registration. And increase productivity in various aspects of services offered by land registry.

7. CONCLUSIONS AND RECOMMENDATIONS

The machinery of urban land management and administration at present in Nigeria is considered inefficient; there is need for reform of the existing LUA, though a constitutional issue, some needs to be modified; through examination of the functions, organization and effectiveness of the ministries and other agencies dealing with land matters.

Land policy is a complex, and long-term issue. International communities involved in supporting the land registration agenda in sub-Saharan Africa, need to be cognisant of local conditions and issues and work constructively and flexibly. There is no template for land

registration policy and every country has its own unique social, economic, political, environmental, historical, ethnic, cultural, and religious.

A number of alternative land policy measures in Nigeria have been suggested; ranging from cadastral survey, land use zoning concept, removal of the LUA from the constitution to land taxation. Also combating corruption, gender imbalance, neglect of the infected HIV/AIDS members of the society in access to land and land registration process, in the land sector, must be accorded global attention.

Some specific measures in addition to the above are equally suggested for implementation:

- Land information should be readily available and guaranteed open access to all information.
- Computerization otherwise no efficient data-handling.
- Land Management and Administration Accountability (LMAA) where change in register or map are not entertained without a legally valid and transparent document source with clear standardized procedures for determination, recording, and dissemination of information.
- Capacity building is very necessary and networking to cope with the challenges of land digital computerization. There is much to be gained from networking and sharing experiences across the globe. The International Federation of Surveyors (FIG) should continue to facilitate this much need opportunities.

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BIOGRAPHICAL NOTES

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