

URBAN LAND MANAGEMENT: THE NEED FOR INNOVATIVE APPROACHES TO LAND REGISTRATION SYSTEM IN NIGERIA

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INTRODUCTION

i. 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”*.

INTRODUCTION (Cont'd)

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.

INTRODUCTION (Cont'd)

ii. 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.

Tenure Security and Wealth

- Title or secure tenure can create wealth from even the poorest home
- Secure tenure need not be title deeds but for property to create capital there must be a recognised system to represent it
- The system must have low implementation and transaction costs and discourage corruption
- Hernando de Soto “The Mystery of Capital” Basic Books, 2000

INTRODUCTION (Cont'd)

- iii. 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.

METHODOLOGY

- 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.

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.

LAND TENURE AND PROPERTY RIGHTS (Cont'd)

- Often refers to as the bundle of rights over land and property. This bundle according to Clifford-Bell (2005) is made up of four basic components:
 - (i) physical location;
 - (ii) length of time right are held;
 - (iii) types of use that are permitted;
 - (iv) the individual's rights vis-à-vis those of the family, community or nation.

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”.

SIGNIFICANCE OF REGISTRATION OF URBAN LAND IN NIGERIA (cont'd)

- Land registration in urban land management is necessary to determine record, reduce conflicts and disseminate information about ownership, value and use of land.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT

- i. 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.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

In 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.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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, such land were to be of benefit of all Nigerians in accordance with the provisions of the Act (section 1).

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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).

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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'.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT cont'd

- 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).

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- Compensation is paid only for the unexhausted improvement where an R of O is revoked for overriding public interest.

URBAN LAND MANAGEMENT UNDER THE LAND USE ACT (cont'd)

- 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.

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.

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

- 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.

Land Administration Procedures in Niger State of Nigeria

FUNCTIONS OF EACH SECTION;

■ **Land Section:**

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

Land Section: (cont'd)

- 1. Acquisition of land.**
- 2. Allocation of land.**
- 3. Compensation and allocation of fees.**
- 4. Preparation of Initial Bill and Ground Rent.**

Land Section: (cont'd)

- 5. Preparation of Certificate of Occupancy.**
- 6. Assessment for Compensation**
- 7. Site Inspection/ Report.**
- 8. Opening of New Files for applicant.**

Land Section: (cont'd)

- 9. Settlement of dispute.**
- 10. Offering technical advice on litigations.**
- 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.**

Survey Section (Cont'd)

- 4. Updating of maps.**
- 5. 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.

Town Planning Section (Cont'd)

4. Ensuring that zoning arrangement are observed.
5. Production of site Analysis/Environment Impact Assessment reports.
6. Site Analysis Plan.

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	2,154	3hrs	1,600	6 hrs	2,733	3 ½ hrs	1,510	9 hrs
Resurvey	1,500	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	4,912	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)

THE PERFORMANCE SCALE OF THE EXISTING LAND RECORD SYSTEM (Cont'd)

- 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 Local Government Councils

- 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.

The Local Government Councils

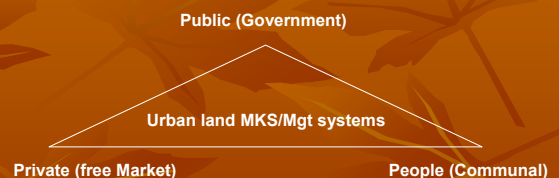


Figure 1.3P's model of land Management

INNOVATIVE APPROACHES IN NIGERIA

- 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).

INNOVATIVE APPROACHES IN NIGERIA (Cont'd)

- 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)

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

National Context (Cont'd)

- 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.

National Context (Cont'd)

- The registration system is totally paper based with all the attendant problems of physical decay and the possibilities for malpractices

National Context (Cont'd)

- There are deficiencies in the available maps of most of the state with little or effectively no computerization
- The level of staff training and retraining is inadequate for the demands of modern service provision

National Context (Cont'd)

- The level of basic office equipment is inappropriate for the tasks in most of the states with obsolete equipment for surveying.

Need for Global and Proactive Supports

- Needed to alleviate poverty and enhance economic growth
- To improve 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

Need for global and proactive supports (cont'd)

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;

Need for global and proactive supports (Cont'd)

- (v) land valuation;
- (vi) improved service delivery for land agencies; and
- (vii) capacity building for government, private sector and academia.

Recent support results: Lagos state land registry

- Success story of the practice support can be seen in Lagos state

CONCLUSIONS AND RECOMMENDATIONS

- 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.

CONCLUSIONS AND RECOMMENDATIONS (Cont'd)

- 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.

THANK

YOU

