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# Land Administration Service Delivery and Its Challenges in Nigeria

*A case study of eight states*

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## **ABSTRACT**

This paper assesses the nature of land administration service delivery in Nigeria using data collected from three sets of participants in land administration processes: 76 service providers, 253 beneficiaries, and 172 professionals. The data were collected from eight states selected from the six geopolitical zones of the country—Cross River, Benue, Bauchi, Ekiti, Enugu, Kaduna, and Lagos states, plus the Federal Capital Territory (Abuja). These were chosen because they are considered to have advanced land administration systems.

Our findings show that land registration processes in Nigeria take a long time: nearly 80 percent of beneficiaries and 41 percent of professionals responded that land registration took more than two years to complete after first applying. This difference between beneficiaries and professionals may stem from the fact that many professionals, who generally are better educated, may know more about the application process than do beneficiaries and are able to navigate the process more efficiently. Land registration information guidelines seem to be rarely available to the public. Consequently, the dominant means of access to land administration institutions is through direct contact. Coordination among governance structures put in place by states for land administration also was found to be poor, especially in Bauchi and Enugu states, where very low levels of cooperation on issues related to land administration reforms were observed.

**Keywords:** land governance, land service delivery, decentralization, Nigeria

# I. INTRODUCTION

The land administration system (LAS) in Nigeria has evolved over the years. Stakeholders, including service providers, beneficiaries, and professionals, have different perspectives on the system. Their views of what constitutes an effective and robust LAS, in terms of how it is designed, built, and operated, are fundamental to national development. Choices made over the years have left several gaps in land administration service delivery. This is complicated by the fact that the environment in which land administration is carried out is subject to changes in the social, cultural, political, legal, and economic systems that influence how government and stakeholders perceive land administration service delivery.

The institutions charged with land administration in Nigeria face a range of challenges and constraints that hamper the effective delivery of land administration services to citizens. These challenges include, but are not limited to, hierarchical and outdated organizational structures, bureaucratic processes, and high costs and fees for service. Taken together, these constraints ensure that only a small percentage of the population is engaged with the formal land sector that is supported by LAS. Because of the bureaucratic nature and cost of the current land registration, only 3 percent of land in Nigeria has formal property title. The long and expensive land registration process damages the business environment and disproportionately affects women and low-income groups. This creates major roadblocks to the country's economic development. The failure to register property ownership also has consequences for governance, growth, and development. For example, lack of proper title makes it difficult for people to use their land as collateral, which in turn reduces their access to finance.

The lack of a coherent system for recording land ownership leaves the government—be it federal, state, or local—with little knowledge about who owns what, in which area, or how the land is used. The Land Use Act of 1978, which was an attempt to unify the operational land laws in Nigeria and validate citizens' property rights through the issuance of statutory or customary certificates of occupancy, has been subject to different interpretations in different states primarily because it did not repeal the existing land laws.

Several studies, including by the World Bank, rank Nigeria as the most difficult and expensive country in the world in terms of registering property. Many of the challenges arising from the poor state of land administration in Nigeria are a result of poor interpretation and implementation of the Land Use Act (LUA) 1978. Landowners and occupiers are left vulnerable to the claims of third parties, who may succeed in obtaining statutory or even customary right of occupancy over the land. This study investigates land administration service delivery in Nigeria. The paper identifies opportunities for reform and ways to efficiently provide reliable land administration services and, thereby, develop a sustainable LAS in Nigeria that will benefit citizens, business, and government.

In an effort to fashion a robust land reform policy for the country, the Presidential Technical Committee for Land Reforms (PTCLR) was inaugurated on April 2, 2009. This committee has the following terms of reference:

- to help reform the Land Use Decree of 1978;
- to collaborate and provide technical assistance to states and local governments to undertake land registration nationwide;
- to determine individuals' "possessory" rights using best practices and the most appropriate technology for identification of locations and registration of title holdings;
- to ensure that land cadastral boundaries and title holdings are demarcated in such a way that communities, hamlet villages, village areas, towns, and so on are recognizable;
- to encourage and assist states and local governments to establish an arbitration mechanism for land ownership conflict resolution;
- to make recommendations for the establishment of a National Depository for Land Title Holdings and Records in all states of the country and the Federal Capital Territory (FCT, Abuja);
- to make recommendations for the establishment of a mechanism for land valuation in both urban and rural areas in all parts of the Federation; and
- to make any other recommendations that will ensure effective, simplified, sustained, and successful land administration in Nigeria.

Following implementation of a systematic land titling and registration pilot program in Ondo and Kano states and given the contextual differences (due to religion, culture, tradition and social contexts) in implementation of land management policies amongst states across the nation (Ghebru et al, 2014), the PTCLR commissioned a study to collect evidence from 12 states (two states in each of the six geopolitical zones), plus the FCT, on how land is administered by the federal and state governments. For this purpose, interviews were conducted with key stakeholders in the Federal Ministry of Lands, Housing and Urban Development and other appropriate ministries and agencies. The study states were selected so as to gain a broader perspective on the procedures for public engagement; land valuation and taxation procedures; manners of dispute resolution; systems for recording land rights, rights-holders and parcels; and procedures

governing land transactions, including sales, mortgage, leases, and disposition. A strategic review of the status of land administration and land administration service delivery was undertaken, followed by a more detailed examination of land administration practices, procedures, and service delivery at state and local government levels.

Overall, this study commissioned by PTCLR was designed to assess:

- the roles and responsibilities for land administration in Nigeria at federal, state, and local government levels under the existing policy and legal framework;
- the extent that real practice on the ground differs from what is called for by the law;
- the financing and revenue generation of the sector, including investigating current fees and taxes levied on land and land transactions;
- documentation of the major land administration processes (that is, a clear understanding of generic processes, rather than detailed documentation of processes as applied in the various jurisdictions) and options where these processes might be streamlined;
- existing land administration technology and administration systems and determination of the point of entry to develop a unified national platform and standards for land administration;
- current practice by all levels of government in relation to large-scale land acquisitions (potential or actual investments in agriculture or the housing sector, for example); and
- the institutional architecture available to provide education and training in the land sector and proposals to strengthen or support these institutions in building capacity to support the strengthened national program.

Finally, using data from the various stakeholder interviews, the study examined factors associated with the challenges of putting in place a good land service delivery system and developed a road map to harmonizing the diverse systems.

To determine how best to address the key objectives of the study, a pre-survey scoping exercise was conducted to ascertain systemic gaps in Nigeria's LAS. The exercise also was conducted to help in the design of the survey instrument used for survey data collection in the field. Semi-structured interviews and process mapping of situations and scenarios were administered to a total of 501 households and institutions representing three clusters of stakeholders in Nigeria's LAS—253 beneficiaries, 172 professionals, and 76 service providers—in eight states randomly selected from all six geopolitical zones of Nigeria. Together, the respondents represent both the demand and supply side of the LAS.

This report is on pre-survey scoping exercise for the larger study commissioned by PTCLR. Section 2 focuses on the historical background of land governance in Nigeria, while Section 3 reviews the relevant literature and critically examining the principles of good land governance considered to be international best practice. Section 4 describes the data sources and how they were structured. Section 5 focuses on the analysis of the survey data. Finally, Section 6 discusses the key findings and policy implications in the context of the ongoing land governance reform in Nigeria.

## 2. HISTORICAL BACKGROUND

Figure 2.1 provides a schematic representation of the historical evolution of land governance in Nigeria.

**Figure 2.1—The evolution of land administration systems in Nigeria**



Source: Authors

### 2.1 Pre-colonial Era

Land administration and management in the pre-colonial era recognized that land in its entirety belonged to the indigenous people. Land could be owned privately or collectively in the Southern region of Nigeria by families. In the Northern region, royal *Gandayes*,<sup>1</sup> the managers of the *gandu* system,<sup>2</sup> had the ultimate power to manage the land (Mamman 2004). No formal legislation or policy existed to manage and administer land—the oldest man in the family automatically became the administrator who carried out the modern functions of land administration. One notable feature of land rights in this era in the Southern region was that an allottee had inalienable rights over any plot of land allocated to him by the

<sup>1</sup> The I system was the earliest form of estate agriculture in the Hausa area of northern Nigeria. The system entitles the emirs, district heads, the wealthy families and title holder of large agricultural estates or plantations as the Royal *Gandayes*. The *Gandayes* were simply the large agricultural estate or plantation owners and the royal elites who control over a quarter of all farming in pre-colonial Hausaland.

<sup>2</sup> While, the owners of the land are called the Royal *Gandaye* and the system that arrogate the ownership and control of large plantation or agricultural estate to the *Gandayes* is the *Gandu* system. It was practiced in the Northern region before the establishment of British Colonial rule.

family head. The opposite held true for plots of land allocated by the Royal *Gandaye* in the Northern region—these might revert back to the *gandu* for reallocation to others. Another feature of land management and administration was that customary tenure did not forbid alienation of land, because the supply of land simply outweighed demand. In the South, transfer of land was largely through gifts, family, allocations by local leaders, or inheritance, and not through direct sale.

During the pre-colonial era, in northern Nigeria the formation of the Sokoto Caliphate in the 1800s brought the Islamization of the land management system. The power to control and govern land shifted from the Royal *Gandaye* to the Emir. Islamic values revolutionized the way land was perceived by northern Muslims. One of the cardinal principles of Islamic land law is that land belongs to nobody—it is perceived as a gift of God and every person has usufructuary rights. Although no legal title was granted by the Emir under this tenure law, occupiers had the right to access and use the land and to prevent others from using it. Land tenure law under the Emirate vested the control of land in the Emir, who granted final consent before any land transaction was concluded, mostly granting clear possessory rights on undeveloped or otherwise idle land. For example, plots of land could not be transferred to a stranger without the Emir's consent. During this era, a clear dichotomy arose in the management of urban land (close to the Emirate Capital) and rural land. Rural lands could be acquired, cleared, and cultivated freely by all, including strangers, without requiring the consent of the Emirate Council.

Furthermore, Islamic land tenure law does not recognize landholding free of taxes. Land taxes were levied on land occupiers by the Caliphate for the management of the extensive land and the Caliphate. Mamman (2004), citing Yakubu (1985), explained that the Emir had overarching rights over the inhabitants of land, as distinct from rights over the land, and taxes were paid on produce from the land rather than on the land value itself.

## 2.2 Colonial Era

The colonial era brought British administration to land governance in Nigeria. While the British colonial administration signed a Cession Treaty in 1861 that transferred the sovereign rights to manage land to the colonial masters, individual property rights in southern Nigeria still resided with native citizens. To govern land more effectively, the colonial administration promulgated the Native Lands Acquisition Proclamation in 1900, under which the High Commission alone had the right to consent to any land transaction to a non-native by a native. Further, only natives could either directly or indirectly acquire rights in or over land within southern Nigeria without the consent of the High Commissioner. In 1906, the Crown Lands Management Proclamation was introduced to regulate the management of all Crown lands. This proclamation provided that the management (that is, lease, sale, transfer, and exchange), control, and disposition of all Crown lands in the southern Nigeria be vested in the High Land Commissioner.

In 1908, the Native Land Acquisition Ordinance was promulgated, which regulated the acquisition of land from natives. Nine years later, this legislation was repealed by the Native Lands Acquisition Ordinance No.32 of 1917 (Mamman 2004). The essence of this ordinance was to further deepen the regulation of land acquisition from the natives within the Protectorate—without the approval of the Governor no foreigner could acquire the interest or rights of a native over any land. With these laws, and given that the existing land tenure system was an indigenous system of land management and administration, the colonial regime facilitated the transfer of land from natives to non-natives and foreigners.

Thereafter the British colonial administration intensified its effort to extend its land management and administration policies to the northern region of Nigeria, but followed a different strategy. The British government granted the Royal Niger Company a royal charter in 1886, thus representing the Crown, which allowed it to impose an indirect rule system of management in the north. The Company signed many treaties, including land management treaties, with the traditional chiefs and emirs who were leaders over their subjects. These treaties empowered the Company to acquire lands that then were assigned to the colonial government when the British administration assumed direct control of the territory after the revocation of the royal charter on January 1, 1900. Absolute property right over Crown land was transferred to the colonial government. The conquest of the Fulanis further ceded all lands in their territories to the government—these lands were referred to as public land. The government had exclusive rights over all Crown lands, while natives were allowed user rights over public land.

The Lands and Native Rights Proclamation of 1910 was a major milestone in land governance during the colonial era. This legislation came into force as a result of perceived anomalies in the management of the land tenure system, particularly in northern Nigeria. The Northern Nigeria Lands Committee was set up in 1909. This Committee had the responsibility of establishing legislative and administrative land tenure systems for northern Nigeria. The outcome of its work was the Land and Native Rights Proclamation No. 9 of 1910. The recommendation of the Committee was akin to the LUA as it empowered the Governor General to control all Crown and native lands and the rights over them. By this proclamation, the Governor General was to hold and administer public lands for the use and common benefit of natives. This proclamation vested the control of all lands in the state for the first time and empowered the Governor to compulsorily acquire or expropriate land without compensation. The Proclamation served as the springboard for formulation of the Northern Nigeria Lands Tenure Law of 1962.

## 2.3 Postcolonial Land-governance Policies

With the attainment of Independence in 1960, management and control of Nigeria's territories and resources were transferred to Nigerians. The early years of independent Nigeria witnessed very little change in land management from those systems that were put in place in the colonial era. In the south, land continued to be customarily held by the indigenous population or natives, with chiefs as the key managers.

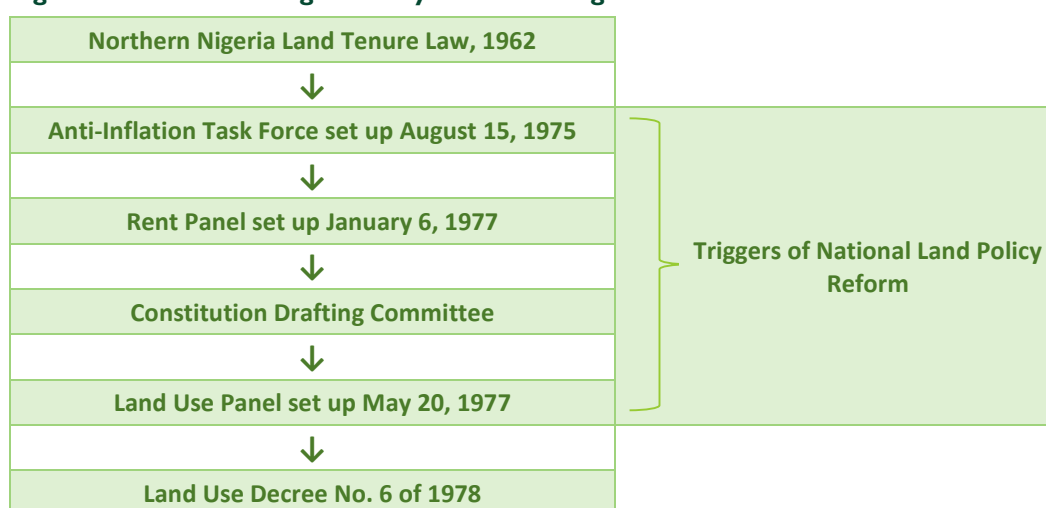
However, the scenario was different in the northern part of Nigeria where the then government of the north in 1962 enacted the new Northern Nigeria Land Tenure Law to replace the colonial-era Native Lands Acquisition Ordinance. The new law placed all lands in northern Nigeria in the hands of state Governors, who were to administer land for the use and common benefit of the natives of northern Nigeria. This new law introduced customary and statutory rights of occupancy. Customary rights of occupancy were administered by the Emirate Council and covered all public land, while statutory rights of occupancy were administered by state governments. A certificate of occupancy was usually issued by the state Governor as evidence of land granted to both natives and foreigners, usually for a defined purpose and for a prescribed period of time, depending on land use.

## 2.4 Land Use Act of 1978 era

Post-colonial land administration and management systems posed many challenges to national development. For the government and private individuals, acquiring land for development purposes from both individuals and communities was a huge hurdle. Urbanization led to increased demand for land, and land speculation became the order of the day as the national economy grew as a result of the increased revenue associated with the oil boom of the 1970s. Lack of uniformity in the laws governing land use and ownership was also an issue. Population growth induced land fragmentation, particularly in rural areas, and unequal access to land rights by all citizens. These challenges, coupled with the rising cost of land acquisition in urban areas, grossly affected the implementation of several projects outlined in the second National Development (1970–1974). Thus, the Northern Nigeria Land Tenure Law of 1962 was modified into the Land Use Act (LUA) of 1978.

The Act came into force in 1978 based on the recommendation of an Anti-Inflation Task Force set up by the federal government on August 15, 1975, to examine the existing causes of inflation in the economy (Figure 2.2). The committee identified the challenges associated with existing land tenure laws as one of the causes of the looming inflation in the economy and recommended a national land policy to unify the diverse land tenure laws in the north and south. The Act vested all land in the territory of each state (except land vested in the federal government or its agencies) solely with the state governor. The governor was to hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the state and to organizations for residential, agricultural, commercial, and other purposes. Similar powers with respect to non-urban areas were conferred on local governments (LUA 1978).

**Figure 2.2—A chronological analysis of federal government effort to reform land in Nigeria, 1962–1978**



Source: Authors

The LUA 1978 was a modification of the Northern Nigeria Land Tenure Law of 1962. It completely altered the existing land tenure laws in the south by vesting the trusteeship of land in the then military governor of the state. As a result, local sovereignties, vested in chiefs, families, groups, and institutions, were broken up by the Act. However, Maman (2004), citing Uchendu (1979:71) and Francis (1984:12), observes that the Act granted individuals usufructuary rights in land and fostered the use of an administrative system rather than market forces in the allocation of rights in land.



The LUA of 1978 attempted to unify the operational land law in Nigeria and validate the property rights of citizens through the issuance of statutory and customary certificates of occupancy. As such, it left room for different interpretations and levels of uncertainty, because it did not repeal previous land laws. It was neither definitive nor determinative, retaining “if” clauses in some sections of the law. Therefore, the Act was subject to many open-ended interpretations and contestations.

### 3. LITERATURE REVIEW

#### 3.1 Principles of Good Land Governance

Good governance in a society can only be achieved through a well-managed process. In a process where citizens participate in decision making, governments become accountable to citizens and are obliged to observe the rules and laws. Such a process also means that government is well-managed and inclusive and delivers the desired outcomes (Doeveren 2011). According to FAO (2007), good governance in land administration involves more participatory and transparent processes and aims to protect the property rights of individuals and enterprises based on a set of commonly held principles. These principles can be made operational through equity, efficiency, transparency and accountability, public participation, and security, as defined below.

- **Efficiency**—Land registration should be simple, efficient, and effective. Formulated policies should also be implemented and delivered to society in a timely and efficient manner.
- **Equitability**—Land administration services should not favor a particular group or individual, whether on the basis of gender, ethnicity, religion, age, or political affiliation.
- **Accountability**—Land administration agencies should prove their responsibility by responding to questioning and providing evidence of their actions and functions. They should be independently audited and regularly publish their accounts and performance indicators.
- **Transparency**—Land information should be freely accessible, subject to the protection of privacy. It should be clearly stated which institution takes responsibility for land administration (in the national, regional, or local government) and has the right to generate income from that land. Citizens should have the right to discuss and seek resolution to any objections that they raise about land use and land tax assessment.
- **Public participation**—Citizens should be enabled to participate in land-related policies either via elected politicians or civil society, without limitation on freedom of expression and association.
- **Security**—Good governance in land administration requires a consistent and coherent legal framework, a fair and transparent judiciary, and general prevalence of the rule of law to protect property rights.

Studies show that corruption and abuse of power challenge land tenure security, adversely affecting the confidence of the private sector in securing property rights, leading to underutilization of land. Due to this, good governance in a LAS is essential for promoting economic development and ensuring good management through all levels of society (UN-GGIM 2015). How a LAS is governed influences how its benefits, costs, and risks are distributed. Land administration will also be successful if the services provided under the system are appropriate, accessible, predictable, and reliable (Hilhorst 2008). An effective LAS should also include capacity building, institutional development, and social interactions and focuses on users and not only on providers of land administration services.

Some of the benefits of applying good governance in land administration (FAO 2007) are:

- **Economic growth and opportunity**—Introducing an easy customer-oriented land registration system improves the security of land rights, providing incentives for investment and development of financial markets.
- **Properly managed state-owned land**—Under good land administration, state-owned lands are allocated transparently. Governments also have accurate records and clear policy objectives for state land management, whereby citizens have equal land use rights, customary rights, or resource rights.
- **Property taxation and land valuation**—Property taxes are an important source of income for local governments. Having a transparent and accountable system in the use of such taxes allows the state to benefit from land taxation and prepare better land use plans.
- **Land use planning**—Effective land use planning policies and procedures are critical determinants of the value of land. In the case of agricultural development, transparent state land management helps protect the environment from inappropriate conversion of agricultural land for urban use.

Land administration is the “process of determining, recording, and disseminating information about the tenure, value and use of land when implementing land management policies.” Thus a LAS can support sustainable development through implementation of land policies and land management strategies (UN-GGIM 2015). As defined by Enemark (2009), the four land administration functions are:

- **Land tenure**—The process of allocating and securing land; cadastral mapping and determining boundaries of parcels; the transfer of property or use from one party to another through sale, lease, or credit; security; and management and adjudication of doubts and disputes regarding land rights and boundaries.
- **Land valuation**—The process related to assessment of land value; calculation and collection of revenues through taxation; and adjudication of land valuation and taxation disputes.
- **Land use**—Control of land use through the adoption of planning policies and land use regulations at national, regional, and local levels; the enforcement of land use regulations; and the management and adjudication of land use conflicts.
- **Land development**—The processes and institutions related to building new physical infrastructure and utilities; the implementation of construction planning, public acquisition of land, change of land use through granting of construction permissions and building land use permits; and the distribution of development costs.

Good governance in land administration can lead to proper, effective, and efficient land administration and strengthen the protection of individuals' and enterprises' property rights. However, the state might be influenced by particular groups who unfairly use power and subvert the LAS. The LAS may also be weakened through insufficient capacity to effectively carry out its mandated functions.

- **Legal or regulatory challenges**—Weak governance reduces tenure security and opens the door to illegal transfers, which results in owners losing their land ownership rights. Such ownership is not protected by law. It may even lead to land disputes. In some cases, courts might give decisions that favor the powerful, irrespective of the merits of marginalized groups. State-owned lands can also be transferred to powerful people without adequate payment being made (FAO 2007).
- **Institutional challenges**—Sometimes leaders use their political power or undue advantage of the system to improve their own landholdings. In such cases, promoting a good land administration system might be a challenge at the local level (Hilhorst 2008). In addition, an ineffective land dispute resolution system, weak institutional capacities and processes for land administration, or indifference between land administration authorities and users can present institutional challenges to good governance in land administration (UN-GGIM 2015).
- **Capacity constraints**—Involving local governments in land administration in the form of land use planning and promoting sustainable natural resource use and environmental management will widen the opportunity for local government agencies to apply their mandates and build their capacity. But sometimes local governments' capacity to operate depends on the feasibility of law and adequate resources to carry out their duties and responsibilities (Hilhorst 2008). In addition, lack of resources to ensure good governance, lack of qualified or competent staff, lack of institutional capacity to manage land, and mismanagement of resources are other challenges reducing the capacity for effective land administration, particularly at local government levels (FAO 2007).

In Nigeria, the basic legal framework for land administration is the LUA 1978. The absence of a national land policy and the need for just redistribution of land resources, coupled with many other factors, necessitated its promulgation (Ghebru et al. 2014). The main objectives of the LUA are promoting investment in the agriculture sector, creating opportunity for land occupancy to all citizens, and curbing land speculation in urban areas (Ghebru et al. 2014; Fabiyi 1984). Yet the LUA's various weaknesses have led to inefficient land management.

A central challenge facing effective land governance in Nigeria is the excessive power given to local governments and governors. Local governors have the power to revoke rights of land occupancy and to adjust or eliminate payable compensations. Local governments have the power to grant customary right of occupancy with respect to lands in non-urban areas (Otubu 2010). Such decisions by these political leaders are often made in an arbitrary manner.

Similarly, an ineffective land registration system is another weakness. A report by Adeniyi (2013) noted that the government has taken only a few steps to improve the land registration system. In consequence, the costs and requirements of the registration process discourage land users from formalizing their land rights.

Moreover, a study in Ondo State examined governance challenges for public and private sector service providers in land administration (Birner and Okumo 2011). This study documented problems related to compensation payments and the lack of standard procedures or avenues to lodge complaints within the LAS. The study also indicated local government's limited role in land registration.

The shortage of trained personnel is also noted as a significant factor hampering effective implementation of the LUA and Nigeria's land management system (Fabiyi 1984). In part because of an absence of sufficiently trained staff, securing a certificate of occupancy is inconvenient and complicated, pushing citizens into informal means or even to

backdate the date of ownership to before promulgation of the LUA. The lack of specific information about the land renewal certificate coupled with questions about the duration of the rights of the landholder undermines the effectiveness of Nigeria's LAS (Ghebru et al. 2014).

## 3.2 Land Administration Service Delivery in Nigeria

The conceptual framework undergirding this study aims to explain the performance of the institutions that administer land transactions in Nigeria. It also examines the roles, responsibilities, and interaction amongst the institutions that administer land transactions—the service providers; the professionals playing the role of brokers within the LAS; and landowners, who are the beneficiaries.

For the purposes of this study we use the following definitions:

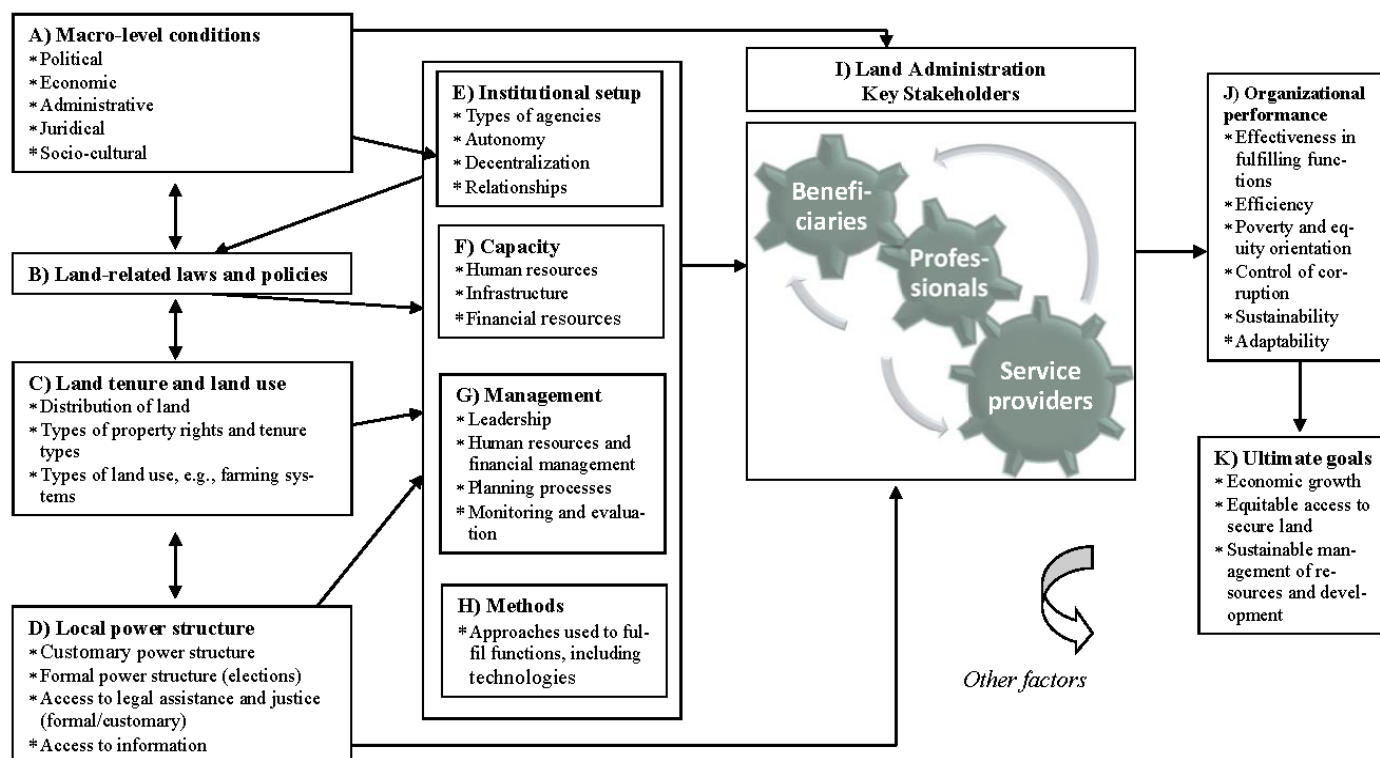
- **Land administration**—According to Dale (1999), the term refers “to those public sector activities required to support the alienation, development, use, valuation, and transfer of land.”
- **Service providers** refers to those agencies and their staff who are in charge of land administration. Within the boundaries of Nigeria, it refers to all organizations involved in the LAS, including ministries, departments and agencies (MDAs), including agencies of federal, state, and local governments; private consultants; donor organizations working for and on behalf of the government; committees; and advocacy groups. Service providers include the customary bodies responsible for determining, recording, and disseminating information about ownership and tenure, value, and the use of land.
- **Land administration professionals** are defined as brokers facilitating or inhibiting efficient delivery of land administration services. They provide their services usually for a predetermined fee, belong to a regulated body, and operate within a defined set of rules or standard operating procedures. Professionals considered within this framework include, but are not limited to, land and estate surveyors, town planners, architects, and lawyers operating within the public or private domain.
- **Beneficiary**, in its strict definition, refers to landowners – individuals, institutions, investors, etc. – who interface with service providers for the purpose of title registration, private conveyance, deed registration, valuation of property, land taxation, and other such services, including land use planning.

Figure 3.1 illustrates the framework guiding the analysis in this paper. It draws on standard approaches in organizational assessment (such as Lusthuas et al. 2002; Birner and Okumo 2011) and has specific application to the agriculture sector (e.g., Birner et al. 2006). Overall, the design of organizations in charge of land administration should contribute to maximizing their performance, as indicated by box K in the framework. The boxes to the left of performance box J indicate how different factors act together to influence the organizational performance of the agencies in charge of land administration.

### 3.2.1 SERVICE PROVIDERS IN NIGERIAN LAND ADMINISTRATION

Land administration service providers in Nigeria perform different functions in the process of land management and governance. These functions can be grouped into four distinct types: (1) juridical, (2) regulatory, (3) fiscal, and (4) informational (Dale and McLaughlin 1999: 10). In grouping these functions, Dale and McLaughlin (1999: 8) established their interrelationship with the triple areas of land administration that every country needs to manage: land tenure, land value, and land use. Different countries put varying emphasis on each of the four functions depending on their cultural, legal, and political basis and level of economic growth and development (Enemark 2009). These key components also interrelate with the broader framework for all LASs for the delivery of sustainable development—economic, social, and environmental development, together with good governance.

**Figure 3.1—Conceptual framework**



Source: Adopted from Birner and Okumo (2011).

Service providers in Nigeria are responsible for administering the process and procedures of granting land rights, associated restrictions, and other responsibilities related to beneficiaries, professionals, policies, and places. The established interrelation creates a linkage between *juridical functions* to land tenure; *regulatory functions* to land use and planning; and *fiscal functions* to land value, pricing, and taxation. A cross-cutting information function for service providers is integral to their effectively fulfilling each of the three functions highlighted.

Table 3.1 further emphasizes and isolates the functions, making it easy for the state Governor, for example, to assign to different agencies specific functions. Juridical functions are assigned at state level to the state Ministry of Land, the state Ministry of Justice, or to the Land Record Bureaus or Registries depending on the institutional structure of the state. Functions related to land use fall under the domain of state Ministries of Urban Development and Physical Planning; of Rural Development, or of Agriculture, Forestry and Environment (Birner and Okumo 2011). Fiscal functions fall under the domain of the state Ministry of Finance and the state Board of Internal Revenue, while information functions are usually handled by the state Ministry of Information and the state-level National Orientation Agency, in conjunction with the state Ministry of Land.

**Table 3.1—Functions of land administration**

| Function type          | Activities involved   |
|------------------------|---|
| Juridical              | <ul style="list-style-type: none"> <li>• Registration of land rights</li> <li>• Original determination and adjudication of existing land rights</li> <li>• Allocation of land</li> <li>• Redistribution of land</li> <li>• Delimitation of parcels for which rights are allocated</li> <li>• Demarcation of boundaries graphically, numerically, or in writing</li> <li>• Resolving doubts and disputes over land</li> </ul>  |
| Regulatory             | <ul style="list-style-type: none"> <li>• Developing of enforcing restrictions on land use and development                             <ul style="list-style-type: none"> <li>◦ Zoning regulations</li> <li>◦ Designation of areas of special interest, such as areas protected for nature conservation</li> </ul> </li> <li>• Development and enforcing restrictions on land transfer                             <ul style="list-style-type: none"> <li>◦ Regulations regarding the sale of land</li> <li>◦ Regulations regarding the lease of land</li> </ul> </li> </ul> |
| Fiscal                 | <ul style="list-style-type: none"> <li>• Valuation of land</li> <li>• Collection of land taxes</li> </ul>   |
| Information management | <ul style="list-style-type: none"> <li>• Maintaining the cadaster (fiscal, juridical, multi-purpose)</li> <li>• Managing zoning and other information systems to facilitate planning and enforcement of regulations</li> </ul>  |

Source: Authors, based on Dale (1999, 10-12) and Dale and McLaughlin (1988).

### 3.2.2 PROFESSIONALS IN NIGERIAN LAND ADMINISTRATION

Land administration professionals act as brokers between the land administration service providers and the beneficiaries of the services provided. These professionals perform juridical functions during land registration when land ownership disputes need to be resolved. They also assist landowners to register deeds, mortgages, and easements and to assign and convey land and property. Land administration professionals represent landowners during the land acquisition process. Among the juridical functions performed by professionals, land surveyors carry out land mapping and cadastral surveys to support the land administration process. Town and land use planners carry out regulatory functions of developing and enforcing restrictions on land use and development, creating layouts and site plans for even and efficient development. The professional activities of estate surveyors fall under the domain of fiscal functions; that is, valuation of land and property for sale or lease.

Professionals usually charge a fee for every service that they render, which often increases the transaction cost of land administration. For example, empirical evidence collected for this study suggests that survey fees increase the total cost of land registration by more than 20 percent.

Professionals also perform an information management function for the LAS when they canvas for jobs from beneficiaries, informing potential beneficiaries of why they need to formalize their rights to any land that they possess or ensure that transactions related to that land are formally registered. However, the transparency, availability, and accuracy of information on land administration procedures in Nigeria is a subject of debate among the broader spectrum of stakeholders in LAS of Nigeria. The majority of stakeholders believe that access to such information is usually asymmetric, often being distorted so that some professionals can take advantage of potential beneficiaries. In the opinion of many observers who participated in this study, the Nigeria LAS is, by and large, a system devoid of the free flow of information.

### 3.2.3 BENEFICIARIES OF NIGERIAN LAND ADMINISTRATION

The beneficiaries of Nigeria's LAS are landowners. They are private or public institutional entities that hold land for use officially or unofficially, statutorily or customarily. They have the right to secure land titles, and the responsibility to comply with the juridical functions of service providers and all restrictions associated with land rights.

A prerequisite for effective land governance is that the beneficiaries understand their rights, restrictions, and responsibilities (the 3Rs). Beneficiaries' understanding of the 3Rs greatly depends on levels of sensitization, awareness creation, and public outreach embarked on by service providers. Service providers, unfortunately, generally have failed in their effort to make land information available in the public domain, hence Nigerian beneficiaries have low level of awareness of the 3Rs. As a result, limited land administration information in the public domain creates rent-seeking behavior amongst service providers and land administration professionals, increasing the cost of land transactions.

## 4. DATA SOURCE AND STRUCTURE

Following a desk review of current legislation, secondary administrative data and other evidence was collected from the 12 states (two states in each of the six geopolitical zones) and the FCT that were selected as the states in which to conduct the PTCLR commissioned study on land administration in Nigeria. Thereafter, a sub-sample of eight states was selected as the main sample for the pre-survey scoping exercise for the larger study. It is these findings from the pre-survey scoping exercise that is the focus of this report.

The pre-survey scoping exercise was conducted to ascertain systemic gaps in both the application and the operationalization of the LUA across Nigeria; to interact with community leaders with regard to information about landowners whose land requires titling; and to determine the level of awareness of the benefits of land titling, the existing legal framework, and the governance challenges in the area. During the field survey, which was conducted between June and August 2015, a detailed survey instrument was administered to 501 individuals or representatives of institutions. These comprised three major land administration stakeholder groups or clusters: 76 service providers, 172 professionals, and 253 beneficiaries. These individuals were randomly selected from a pool of individuals identified through a listing exercise conducted to compile a complete list of beneficiaries and professionals provided by the concerned ministries and agencies at federal, state, and local government levels. The 76 service providers represent directors or heads of departments of the various land administration service actors from ministries and agencies at federal or local governments. The data were collected from eight states selected from the six geopolitical zones of the country—Cross River, Benue, Bauchi, Ekiti, Enugu, Kaduna, and Lagos states, plus the Federal Capital Territory (Abuja). These were chosen because they are considered to have advanced LASs. The members in each cluster of participants from whom data was collected were distributed roughly proportionally across the eight states. To capture information on land administered by the federal government, interviews also were conducted with key stakeholders in the Federal Ministry of Lands, Housing and Urban Development and other ministries and agencies as appropriate.

A further subdivision of survey respondents by demand for and supply of land administration services was carried out. Accordingly, beneficiaries (landowners) represent the demand side; professionals (such as surveyors, lawyers, town planners, estate valuers, architects) represent both the demand and supply side as these individuals serve as facilitators in the value chain of service delivery; while service providers represent the supply side for such services. Table 4.1 describes the structure of the data sources.

**Table 4.1—Data structure – demand and supply in Nigeria’s land administration service delivery system**

| Demand  |  |  |
|---|--|--|
| <b>Individuals</b>                            | High-, middle-, and low-income groups  | <b>Aim:</b> Land acquisition and titling by individuals  |
| <b>Socio-cultural</b>                         | Community leaders, local chiefs, etc.  | <b>Aim:</b> Customary title  |
| <b>Agriculture sector</b>                     | Farmers’ associations  | <b>Aim:</b> Land acquisition and registration for agricultural development                                   |
| <b>Manufacturing sector</b>                   | Manufacturing Association of Nigeria   | <b>Aim:</b> Use of acquired land and title for medium and large scale manufacturing in rural and urban areas |
| <b>Construction sector</b>                    | Builders’ association, mines, building materials and steel industries  | <b>Aim:</b> Land acquisition and registration for residential and commercial development                     |
| <b>Financial sector</b>                       | Commercial and micro-finance banks   | <b>Aim:</b> Use of acquired land title for borrowing   |
| <b>Advocacy groups</b>                        | <b>National:</b> Business Management Organizations, National Association of Small and Medium Scale Enterprises, Real Estate Developers Association of Nigeria, women’s advocacy groups<br><b>State-level:</b> State Assembly, Socio-Economic Rights and Accountability Project, coalition groups |  |
| Supply  |  |  |
| <b>National level</b>                         | Federal Ministry of Land and Housing<br>Presidential Technical Committee for Land Reforms (PTCLR)<br>Office of the Surveyor General of the Federation<br>National Assembly   |  |
| <b>State level</b>                            | Ministry of Land (Director of Land Services, land officers, cadastral surveyors, deed registrars)<br>Office of the Surveyor General  |  |
| <b>Local Government Authority (LGA) level</b> | LGA land officers  |  |

Source: Authors

The study benefited from a mix of research methods. This mix included desk research into the existing state of land administration service delivery in each geopolitical zone; semi-structured interviews with stakeholders of land administration; rapid process mapping; and a sample survey questionnaire on land administration, targeted mostly at deed registry users at state and local government levels. At a minimum, the data and information collected and analyzed included:

- The time, cost, and ancillary requirements currently required for access to and delivery of key land administration services from the different perspectives of service providers, facilitators, and beneficiaries;
- Policy and legal positions;
- Existing and required financial and human resources;
- Current and potential revenue streams; and
- Economic and social impacts of land administration reform options.

To contextualize the analysis and key findings with regard to the national land reform agenda, a comparative analysis of the current situation and prospect for the reform was conducted across the states included in the study.

## 5. RESULTS AND DISCUSSION

This section presents descriptive statistics on the nature of land administration service delivery in Nigeria. The percentage share of the sample made up by three major land administration stakeholder groups or clusters described earlier is presented in Table 5.1.

### 5.1 The Demand for Land Administration Service Delivery

Table 5.2 reports the basic characteristics of the demand-side respondents (beneficiaries and professionals) of land administration service delivery. About three-fourths of the respondents were men. The majority of beneficiaries and professionals were university degree holders; 42 percent of professionals had conducted post-graduate studies. Smallholder farmers, who tend to have lower levels of educational attainment, are not strongly represented in the study sample.

**Table 5.1—Sample distribution by cluster type across states**

| State        | Total      |              | Service Providers |              | Professionals |              | Beneficiaries |              |
|--------------|------------|--------------|-------------------|--------------|---------------|--------------|---------------|--------------|
|              | obs.       | percent      | obs.              | percent      | obs.          | percent      | obs.          | percent      |
| Abuja FCT    | 65         | 13.0         | 12                | 15.8         | 35            | 20.4         | 18            | 7.1          |
| Bauchi       | 76         | 15.2         | 8                 | 10.5         | 18            | 10.5         | 50            | 19.8         |
| Benue        | 73         | 14.6         | 11                | 14.5         | 26            | 15.1         | 36            | 14.2         |
| Cross River  | 78         | 15.6         | 8                 | 10.5         | 24            | 14.0         | 46            | 18.2         |
| Ekiti        | 64         | 12.8         | 11                | 14.5         | 19            | 11.1         | 34            | 13.4         |
| Enugu        | 34         | 6.8          | 8                 | 10.5         | 13            | 7.6          | 13            | 5.1          |
| Kaduna       | 47         | 9.4          | 6                 | 7.9          | 9             | 5.2          | 32            | 12.7         |
| Lagos        | 64         | 12.8         | 12                | 15.8         | 28            | 16.3         | 24            | 9.5          |
| <b>Total</b> | <b>501</b> | <b>100.0</b> | <b>76</b>         | <b>100.0</b> | <b>172</b>    | <b>100.0</b> | <b>253</b>    | <b>100.0</b> |

Source: Authors' computation from primary data.

**Table 5.2—Sex and educational characteristics of demand-side respondents, percent of sample**

|                               | Beneficiaries | Professionals | Overall |
|-------------------------------|---------------|---------------|---------|
| Male                          | 81.4          | 70.3          | 76.9    |
| No schooling                  | 4.0           | 0.0           | 2.4     |
| Primary education             | 4.3           | 0.0           | 2.6     |
| Secondary education           | 9.9           | 1.7           | 6.6     |
| Some post-secondary education | 24.5          | 13.4          | 20.0    |
| University education          | 56.1          | 42.4          | 50.6    |
| Post-graduate education       | 0.0           | 41.9          | 16.9    |
| <i>Observations</i>           | 253           | 172           | 425     |

Source: Authors' computation from primary data.

Nearly all (98 percent) male and female respondents have owned land (Table 5.3). The fact that the majority of demand-side respondents have land property is important for the analysis of land administration service delivery in the country. Since many of the respondents have experience in activities related to the administration of land; this makes them familiar with land administration service delivery.

**Table 5.3—Land ownership and means of acquisition among beneficiaries by gender, percent of respondents**

|   | All  | Men  | Women |
|---|------|------|-------|
| Owned land                              | 98.4 | 98.5 | 97.9  |
| Land acquired by outright purchase      | 61.0 | 61.1 | 60.9  |
| Land acquired from inheritance          | 22.9 | 23.6 | 19.6  |
| Land acquired through leasehold         | 3.2  | 3.4  | 2.2   |
| Land acquired by customary allocation   | 3.2  | 3.4  | 2.1   |
| Land acquired from statutory allocation | 6.8  | 5.9  | 10.9  |
| Land acquired from gift                 | 6.8  | 5.9  | 10.9  |
| <i>Observations</i>                     | 253  | 206  | 47    |

Source: Authors' computation from primary data.

In terms of the means of land acquisition, about two-third and one-fourth of beneficiaries acquired their land property by outright purchase and from inheritance, respectively. Less than 10 percent of respondents acquired their land by gift, statutory allocation, leasehold, or customary allocation. Among all respondents included in the study, outright purchase was thus the dominant means of land acquisition – which makes the quality of land service delivery even more relevant as this group relies more on the formal sector to process acquisition and formalization of land rights.

That more than 60 percent of land acquisition was made through purchase implies that Nigeria's land market is sufficiently dynamic and will require an adequate flow of information among participants in the market to enable smooth transactions to take place. Thus, it is important to determine how available information on land administration processes is for both beneficiaries and other key participants in Nigeria's land administration system. The absence of land administration guidelines complicates and obstructs the free flow of information needed to promote a dynamic land market.

Table 5.4 presents information on perceptions of access to information on the land registration process held by beneficiaries and professionals. Perceptions of having reasonable access to such information are quite different between

beneficiaries (50.2 percent) and professionals (79.5 percent). The difference between the two groups is statistically significant. This implies that professionals have privileged access to information on land registration and administration processes relative to beneficiaries and the general public. This also may be a factor in accounting for why the cost of registering land in Nigeria is elevated—professionals take advantage of the public’s ignorance and increase their service charges.

**Table 5.4—Basic information on the process of land registration, percent of respondents**

| Variables  | All  | Beneficiaries | Professionals | Percentage point difference (t-test) |
|--|------|---------------|---------------|--------------------------------------|
| Land registration information guidelines are available     | 61.9 | 50.2          | 79.5          | -29.3 ***                            |
| <b>Property registration took place at:</b>                |      |               |               |                                      |
| State government offices                                   | 78.3 | 70.5          | 88.6          | -18.1 ***                            |
| Local government offices                                   | 21.2 | 29.5          | 10.2          | 19.3 ***                             |
| Private offices  | 0.5  | 0.0           | 1.2           | -1.2 *                               |
| <b>Means of access to land administration institution:</b> |      |               |               |                                      |
| Direct contact   | 90.6 | 88.3          | 93.9          | 5.6                                  |
| Online   | 5.1  | 4.8           | 5.5           | -0.7                                 |
| Other (lawyer, agents, or other broker)                    | 4.3  | 7.0           | 0.6           | 6.4 ***                              |
| Application for registration took more than two years      | 62.4 | 79.0          | 41.3          | 37.7 ***                             |
| Paid service charge of more than 500,000 Naira             | 8.6  | 4.0           | 16.8          | -12.8 ***                            |
| Received official receipt for service charge               | 80.8 | 78.5          | 84.2          | -5.7 **                              |
| Paid unofficial fees for land registration                 | 39.2 | 40.9          | 37.6          | 3.3                                  |
| Experienced disputes over right to land                    | 39.2 | 20.5          | 67.7          | -47.2 ***                            |
| Satisfied with the land registration service               | 40.8 | 44.3          | 33.3          | 11.0 *                               |
| Aware of any mechanism for public feedback                 | 30.8 | 31.3          | 29.8          | 1.5                                  |
| Service providers offered dispute resolution facilities    | 27.5 | 14.2          | 51.4          | -37.2 ***                            |
| Had a case requiring compensation                          | 22.3 | 8.8           | 47.3          | -38.5 ***                            |

Source: Authors’ computation from primary data.

Note: For t-test on means comparison between beneficiaries and professionals, \*\*\* p<0.01, \*\* p<0.05, and \* p<0.1.

Another side of this argument is that land administration and registration processes are highly concentrated at higher administrative tiers of government, mainly in urban and peri-urban areas, such as state capitals. On average, 78.3 percent of both beneficiaries and professionals responded that property registration was carried out at state level. Only 21 percent of the sample registered property at the Local Government Authority-level. The participation of private offices is also found to be very limited for property registration. Land administration is largely a state-dominated activity, with very limited private sector participation.

Regarding the means used to access the institutions of land administration, direct contact (90.6 percent) was the dominant means. Online means of communicating with land administration agencies was very limited. We observed that online communication was used only in states where geographic information systems (GIS) have been established within the LAS. Communication via a third-party was also very restricted: a very small proportion of both beneficiaries and professionals used this means of communication to contact land administration institutions.

In terms of time efficiency, land registration administration takes a very long time. Nearly 80 percent of beneficiaries and over 40 percent of professionals responded that an application for land registration took more than two years. The length of time that beneficiaries and professionals took in getting their land registered was quite different, however. Professionals experienced a relatively shorter period compared to their beneficiary counterparts (the difference is statistically significant:  $t = -8.26$ ,  $p = 0.000$ ). The shorter period for land registration for professionals may be because many professionals are better educated (41.9 percent of professionals conducted post-graduate studies) and, thus, are more aware of how the application process proceeds than do beneficiaries (nearly half of whom have less than a university degree).

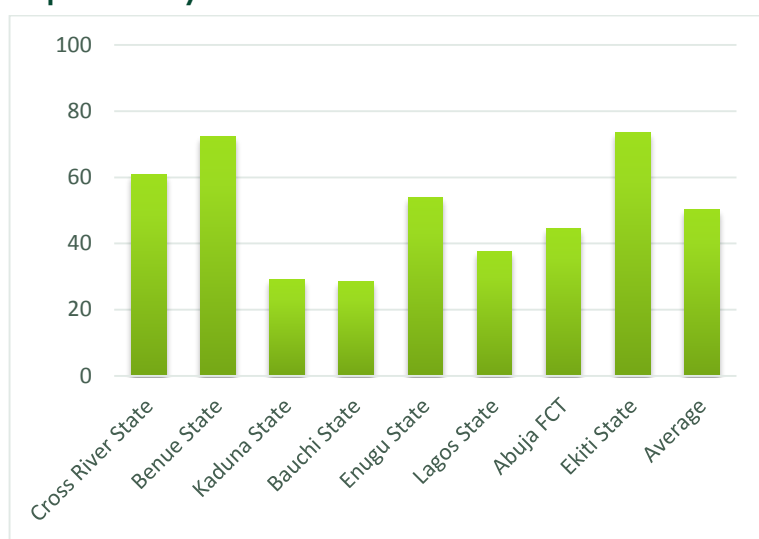
In terms of accountability on financial aspects of the land registration transaction, while about 80.9 percent of respondents said that they received an official receipt for the service charge they paid in the land registration process, unofficial payments to land authorities also seem to be widespread. The proportion of unofficial payment was especially high for beneficiaries—close to half claimed that they made unofficial payments for the services they received in the land registration process. This suggests that beneficiaries are more exposed to requests for unofficial payments and delayed land registration processes, perhaps partly due to gap in their knowledge as to how the process is supposed to be done and to the centralization of land administration functions.



Less than one-third (30 percent) of beneficiaries and professionals were satisfied with the land registration process. This could be because of the high unofficial payments and the prolonged registration process. What makes the situation worse is that the majority of respondents were not aware of any mechanism to express their low level of satisfaction with the process and provide public feedback to the land administration service providers. Likewise, the involvement of land service providers in dispute resolution activities seems very low for beneficiaries as compared to professionals—only 14.2 percent of beneficiaries received dispute resolution services from the land agencies, while the figure is 51.4 percent for professionals. The difference is a statistically significant. This gap may be because professionals have better access to land administration institutions and may be better informed on their rights than are the beneficiaries. Moreover, about one-fourth of both respondents claimed that they had a case that required compensation, but had not obtained a response from the land authorities to resolve it.

The availability of guidelines for how individuals should engage in the process of land registration in each state varies from state to state. Figure 5.1 presents the percentage of beneficiaries interviewed in each state that reported being aware of the availability of land registration guidelines. Beneficiaries in Ekiti and Benue states were more likely to have a better understanding of the land registration process than were those in other states, particularly those in Kaduna and Bauchi states.

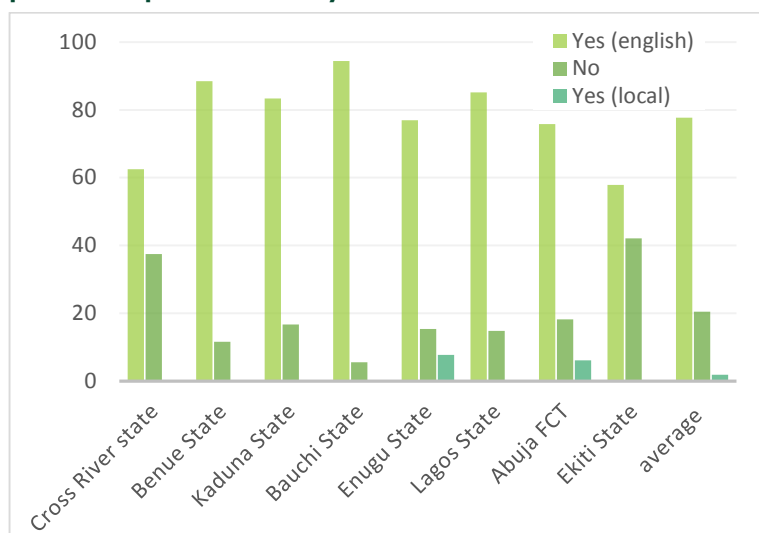
**Figure 5.1—Beneficiaries aware that land registration information guidelines were available, percent of respondents by state**



Source: Authors' computation from primary data.

However, professionals' view of the availability of land registration information guidelines by language is somewhat different (Figure 5.2). Cross River and Ekiti States have much lower availability of guidelines in the English language. In states like Enugu and Abuja, land registration information guidelines are also written in local languages, albeit still at low levels.

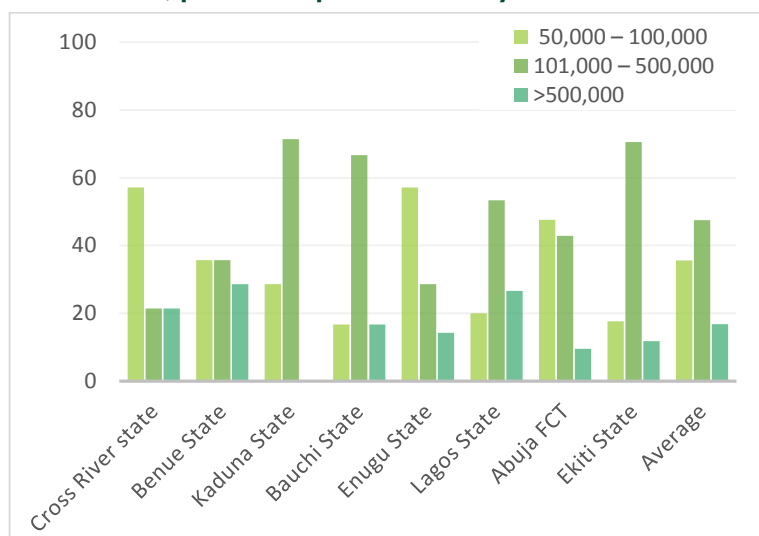
**Figure 5.2—Professionals aware of availability of land registration information guidelines by language of guidelines, percent of professionals by state**



Source: Authors' computation from primary data.

The amount of service charge paid for the land registration process varies by state (Figure 5.3). For example, more than half of professionals residing Kaduna, Bauchi, Ekiti, and Lagos states paid between 100,000 and 500,000 Naira to complete the process. Over a quarter of the professionals interviewed in Lagos and Benue states paid more than 500,000 Naira. Service charge were found to be somewhat less in Cross River and Enugu, where more than one-half of professionals paid between 50,000 and 100,000 Naira.

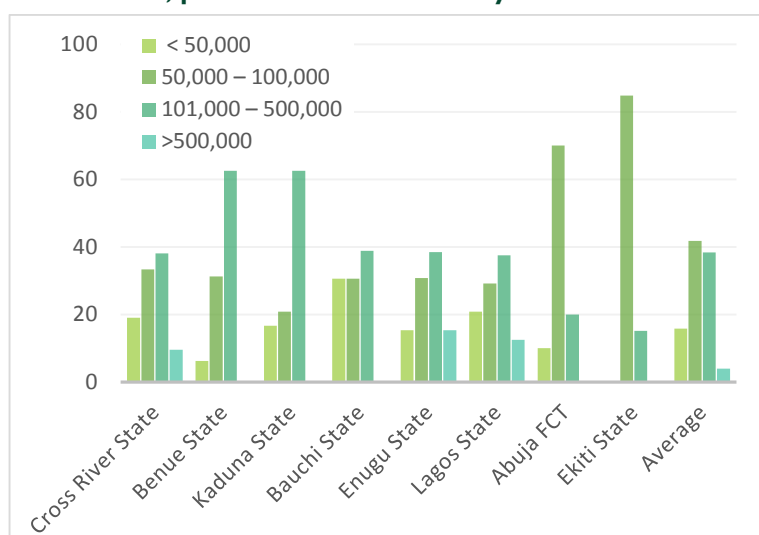
**Figure 5.3—Amount of service charge paid by professionals for the property registration process, by range of total fees in Naira, percent of professionals by state**



Source: Authors' computation from primary data.

For beneficiaries, quite a wide range of amounts were paid across the study states for the service charges associated with land registration (Figure 5.4). More than 60 percent of beneficiaries paid between 100,000 and 500,000 Naira in Benue and Kaduna states, while around two-thirds of beneficiaries in Abuja and Ekiti States paid between 50,000 and 100,000 Naira.

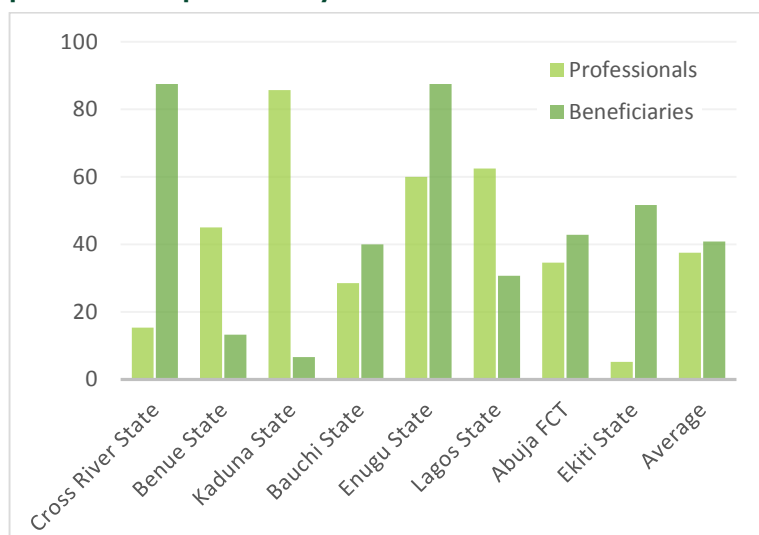
**Figure 5.4—Amount of service charge paid by beneficiaries for the property registration process, by range of total fees in Naira, percent of beneficiaries by state**



Source: Authors' computation from primary data.

Although Table 5.4 showed widespread use of unofficial payments by beneficiaries and professionals, the distribution of unofficial payment by state is revealing (Figure 5.5). More than one-half of beneficiaries residing in Cross River, Enugu, and Ekiti states reported having paid unofficial fees for their land registration. For professionals, it was in Kaduna, Enugu, and Lagos states where more than half of professionals reported making unofficial payments during the land registration process at some time in the past.

**Figure 5.5—Professionals and beneficiaries who reported paying unofficial fees for land registration services, percent of respondents by state**



Source: Authors' computation from primary data.

## 5.2 The Supply of Land Administration Service Delivery

Table 5.5 describes the type of service providers involved in land service delivery that were interviewed for this study. More than half of the service delivery agents are staff of Deed Registries and GIS (Geographic Information System) offices. In terms of geographic service area, the majority of the offices in which the respondents worked are centralized, with the exception of a few zonal offices to serve rural areas. This is in line with the response from demand-side respondents in the previous section: land administration activities are highly concentrated at state level, with little decentralization to the Local Government Authorities. The majority of agencies (91.1 percent) also conduct different types of land registration both statutory and customary registrations for properties both in rural and in urban areas. Only a few provide only urban registrations.

**Table 5.5—Land agency and type of registration provided by service delivery agents who participated in study**

| Agency Type                    | respondents | percent      | Type of registration provided, respondents |                 |                                       |
|--------------------------------|-------------|--------------|--|-----------------|---------------------------------------|
|                                |             |              | Urban statutory                            | Urban customary | Urban and rural statutory & customary |
| Office of the Surveyor General | 14          | 18.4         | 2  | 0               | 12                                    |
| Deed Registry                  | 23          | 30.3         | 1  | 1               | 20                                    |
| GIS office                     | 20          | 26.3         | 0  | 0               | 20                                    |
| Lands Department               | 17          | 22.4         | 2  | 0               | 14                                    |
| Town Planning Agency           | 1           | 1.3          | 0  | 0               | 1                                     |
| Land Use Allocation Committee  | 1           | 1.3          | 0  | 0               | 1                                     |
| <b>Total</b>                   | <b>76</b>   | <b>100.0</b> | <b>5</b>                                   | <b>1</b>        | <b>68</b>                             |

Source: Authors' computation from primary data.

In terms of land reform, most of the service delivery agencies included in the study introduced land reform programs in the past 10 years (Table 5.6). These reforms were mainly related to GIS (44 percent), Systematic Land Tenure Regularization - SLTR (28 percent), and the creation of a one-stop shop for land administration services (20 percent). Only recertification and regularization land reforms have shown little change over the last 10 years. Furthermore, although land agencies, like Town Planning Agencies and Land Use Allocation Committees, reported having introduced some reform programs over the past ten years, no information was provided on what sort of new programs or other reforms they introduced.

**Table 5.6—Introduction of land reform program over the past 10 years by agency type, percent**

| Agency                         | Type of land reform program,<br>for those agencies that reported a reform |             |             |             |                  |                                     |
|--------------------------------|---|-------------|-------------|-------------|------------------|-------------------------------------|
|                                | Yes   | No          | SLTR        | GIS         | One stop<br>shop | Recertification &<br>regularization |
| Office of the Surveyor General | 85.7  | 14.3        | 25.0        | 25.0        | 50.0             | 0.0                                 |
| Deed Registry                  | 82.6  | 17.4        | 33.3        | 55.6        | 11.1             | 0.0                                 |
| GIS office                     | 100.0   | 0.0         | 37.5        | 25.0        | 12.5             | 25.0                                |
| Lands Department               | 81.3  | 18.8        | 0.0         | 75.0        | 25.0             | 0.0                                 |
| Town Planning                  | 100.0   | 0.0         | -           | -           | -                | -                                   |
| Land Use Allocation Committee  | 100.0   | 0.0         | -           | -           | -                | -                                   |
| <b>Overall</b>                 | <b>87.8</b>   | <b>12.3</b> | <b>28.0</b> | <b>44.0</b> | <b>20.0</b>      | <b>8.0</b>                          |

Source: Authors' computation from primary data.

Table 5.7 presents the percentage of coordination or governance structures that are in place in the states for land administration reforms. Bauchi and Enugu have more limited cooperation or governance structures in place for issues related to land administration compared to other regions. By type of coordination or governance structures, the most common were for GIS registry issues. Limited cooperation existed between offices for the other issues examined, including Systematic Land Tenure Regularization and land use allocation and planning, however. Some level of cooperation exists with the Board of Internal Revenue with respect to the payment of stamp duties for land registration in a majority of states.

**Table 5.7—Coordination or governance structures in place for land administration reform by state, percent of service delivery respondents**

| State          | Type of coordination or governance<br>structures, for those respondents that<br>identified such a structure |            |                |                 |                |                                     |                                 |
|----------------|---|------------|----------------|-----------------|----------------|-------------------------------------|---------------------------------|
|                | Yes   | No         | Do not<br>know | GIS<br>Registry | SLTR<br>Office | Land Use<br>Allocation<br>Committee | Board of<br>Internal<br>Revenue |
| Abuja FCT      | 83.3  | 16.7       | 0.0            | 100.0           | 0.0            | 0.0                                 | 0.0                             |
| Bauchi         | 75.0  | 12.5       | 12.5           | 66.7            | 0.0            | 0.0                                 | 33.3                            |
| Benue          | 90.9  | 0.0        | 9.1            | 77.8            | 0.0            | 0.0                                 | 22.2                            |
| Cross River    | 100.0   | 0.0        | 0.0            | 50.0            | 25.0           | 25.0                                | 0.0                             |
| Ekiti          | 90.9  | 0.0        | 9.1            | 55.6            | 0.0            | 0.0                                 | 44.4                            |
| Enugu          | 57.1  | 28.6       | 14.3           | 71.4            | 0.0            | 0.0                                 | 28.6                            |
| Kaduna         | 80.0  | 0.0        | 20.0           | 100.0           | 0.0            | 0.0                                 | 0.0                             |
| Lagos          | 83.3  | 16.7       | 0.0            | 54.6            | 0.0            | 0.0                                 | 45.5                            |
| <b>Overall</b> | <b>83.6</b>   | <b>9.6</b> | <b>6.9</b>     | <b>70.3</b>     | <b>3.1</b>     | <b>3.1</b>                          | <b>23.4</b>                     |

Source: Authors' computation from primary data.

Table 5.8 presents the percentage of agencies that are engaged in some efforts to improve communications between tax authorities. Many of the agencies are actively involved in improving communication with tax authorities. The exceptions to this are agencies located in Kaduna and Cross River states, which overall do not have any clear information as to what is happening regarding communication with tax authorities. A significant number of agencies do not know whether any efforts are being undertaken to improve communications between different stakeholders, such as technical committees, the Joint Task Force on Stamp Duty, and the Joint Board of Internal Revenue. More troubling is Enugu state, in which half of all respondents reported that no such efforts to improve communication were being made. These findings imply a considerable information gap in land administration reforms across states.

**Table 5.8—Percentage of land administration agencies with efforts underway to improve communications with tax authorities by state, percent of service delivery respondents**

| State          | Means of improving communications with tax authorities, for those that identified such an effort |            |             |                      |                                |   | All         |
|----------------|--|------------|-------------|----------------------|--------------------------------|---|-------------|
|                | Yes  | No         | Do not know | Technical committees | Joint Task Force on Stamp Duty | Periodic meeting with Joint Board of Internal Revenue |             |
| Abuja FCT      | 75.0   | 8.3        | 16.7        | 0.0                  | 25.0                           | 75.0  | 0.0         |
| Bauchi         | 100.0  | 0.0        | 0.0         | 0.0                  | 20.0                           | 0.0   | 80.0        |
| Benue          | 80.0   | 0.0        | 20.0        | 25.0                 | 37.5                           | 37.5  | 0.0         |
| Cross River    | 62.5   | 0.0        | 37.5        | 50.0                 | 0.0                            | 50.0  | 0.0         |
| Ekiti          | 81.8   | 0.0        | 18.2        | 22.2                 | 22.2                           | 22.2  | 33.3        |
| Enugu          | 37.5   | 50.0       | 12.5        | 0.0                  | 0.0                            | 100.0   | 0.0         |
| Kaduna         | 33.3   | 0.0        | 66.7        | -                    | -                              | -   | 100.0       |
| Lagos          | 75.0   | 8.3        | 16.7        | 0.0                  | 33.3                           | 66.7  | 0.0         |
| <b>Overall</b> | <b>70.7</b>  | <b>8.0</b> | <b>21.3</b> | <b>12.5</b>          | <b>22.9</b>                    | <b>45.8</b>   | <b>18.8</b> |

Source: Authors' computation from primary data.

Donor agencies also are involved in the process of land administration reform in the country. Table 5.9 shows the percentage of donor agencies that are involved in land administration reform in the study states. A fairly high level of donor agency involvement in land administration reform exists in many states. However, Bauchi and Cross River states have very low participation of donor agencies in land administration reform. International donor agencies' involvement is mostly seen in the areas of technical assistance, provision of hardware supplies, and establishment of deed registries.

**Table 5.9—Donor agencies involvement in land administration reform by state, percent of service delivery respondents reporting**

| State          | Principal donor engagement, for those that identified donors as being engaged |             |             |             |             |                                    |
|----------------|---|-------------|-------------|-------------|-------------|------------------------------------|
|                | Yes   | No          | Do not know | SLTR        | GIS         | Recertification and regularization |
| Abuja FCT      | 50.0  | 16.7        | 33.3        | 0.0         | 50.0        | 50.0                               |
| Bauchi         | 12.5  | 75.0        | 12.5        | 100.0       | 0.0         | 0.0                                |
| Benue          | 54.6  | 36.4        | 9.1         | 0.0         | 50.0        | 50.0                               |
| Cross River    | 37.5  | 25.0        | 37.5        | 100.0       | 0.0         | 0.0                                |
| Ekiti          | 63.6  | 27.3        | 9.1         | -           | -           | -                                  |
| Enugu          | 37.5  | 50.0        | 12.5        | 0.0         | 100.0       | 0.0                                |
| Kaduna         | 66.7  | 0.0         | 33.3        | 75.0        | 0.0         | 25.0                               |
| Lagos          | 50.0  | 16.7        | 33.3        | 0.0         | 66.7        | 33.3                               |
| <b>Overall</b> | <b>47.4</b>   | <b>30.3</b> | <b>22.4</b> | <b>24.1</b> | <b>44.8</b> | <b>31.0</b>                        |

Source: Authors' computation from primary data.

By type of donor engagement in land administration, these differ between states. While donor agencies located in Bauchi, Kaduna and Cross River states supported Systematic Land Tenure Regularization efforts, in Benue, Enugu, and Lagos states and Abuja FCT the donors were involved in building providing GIS capacity and the creation of spatial databases. Others are involved in recertification and regularization efforts, but no donor agency has provided resources to support the creation of land administration one-stop shops in any of the study states.

Regarding availability of guidelines on land administration from service delivery agencies, about 80 percent of land administration agencies stated that guidelines for land administration service delivery are available in English (Table 5.10). In addition, agencies based in Bauchi and Enugu states have land administration guidelines in Hausa and Igbo language, respectively.

**Table 5.10—Land administration agencies with land administration information guidelines available by language, percent of service delivery respondents reporting**

| State          | No guidelines available | Available in English | Available in Yoruba | Available in Hausa | Available in Igbo |
|----------------|-------------------------|----------------------|---------------------|--------------------|-------------------|
| Abuja FCT      | 8.3                     | 91.7                 | 0.0                 | 0.0                | 0.0               |
| Bauchi         | 12.5                    | 75.0                 | 0.0                 | 12.5               | 0.0               |
| Benue          | 30.0                    | 70.0                 | 0.0                 | 0.0                | 0.0               |
| Cross River    | 28.6                    | 71.4                 | 0.0                 | 0.0                | 0.0               |
| Ekiti          | 36.4                    | 63.6                 | 0.0                 | 0.0                | 0.0               |
| Enugu          | 12.5                    | 75.0                 | 0.0                 | 0.0                | 12.5              |
| Kaduna         | 16.7                    | 83.3                 | 0.0                 | 0.0                | 0.0               |
| Lagos          | 8.3                     | 91.7                 | 0.0                 | 0.0                | 0.0               |
| <b>Overall</b> | <b>18.9</b>             | <b>78.4</b>          | <b>0.0</b>          | <b>1.4</b>         | <b>1.4</b>        |

Source: Authors' computation from primary data.

Looking at the availability of guidelines on land administration procedures is not enough by itself. Also important is whether the available guidelines are accessible to the majority of the public. Table 5.11 presents the percentage of land agencies that believe guidelines or other information on land administration processes and procedures are publicly available in each state. Only about half of agencies have guidelines that are publicly available. Huge variation occurs across states. While most respondents in Lagos state and Abuja FTC believe that considerable land information is made available to the public, respondents in Ekiti and Benue states assert the opposite—very limited public information on land administration guidelines is made available in those states. In Cross River and Kaduna states, puzzlingly, many respondents from the land administration agencies did not know whether land information is publicly available or not.

**Table 5.11—Perception that guidelines or other land administration information is publicly available, percent of service delivery respondents reporting**

| State          | Yes         | No          | Do not know |
|----------------|-------------|-------------|-------------|
| Abuja FCT      | 83.3        | 16.7        | 0.0         |
| Bauchi         | 75.0        | 25.0        | 0.0         |
| Benue          | 20.0        | 70.0        | 10.0        |
| Cross River    | 50.0        | 25.0        | 25.0        |
| Ekiti          | 9.1         | 81.8        | 9.1         |
| Enugu          | 50.0        | 37.5        | 12.5        |
| Kaduna         | 50.0        | 16.7        | 33.3        |
| Lagos          | 83.3        | 16.7        | 0.0         |
| <b>Overall</b> | <b>53.3</b> | <b>37.3</b> | <b>9.3</b>  |

Source: Authors' computation from primary data.

Table 5.12 reports on the percentage of service delivery respondents at the land administration agencies that believe well-documented rules and regulations guide the land registration process across the eight states. The advantage in this regard again favors Lagos state and Abuja FCT, where more than 90 percent of respondents felt that they have well-documented rules and regulations guiding the land registration process, followed by Enugu state. Only half of respondents in Cross River state were of the opinion that well-documented rules and regulations guide the land registration process there.

Results on land agencies' responses regarding the means of method of application for land titling and registration used by members of the public are similar to those seen earlier in examining the demand side of land administration service delivery. That is, all land agencies responded that the majority of public beneficiaries use direct contact to submit hard copies of different forms for their land registration. A majority of the public may use direct contact during the land registration process because of the lack of an adequate and effective online service delivery system in all states.

**Table 5.12—Perception that well-documented rules and regulations guide the land registration process, percent of service delivery respondents reporting**

| State          | Perception that well-documented rules and regulations guide the land registration process |             |             | Methods of application for land titling and registration used by a member of the public, for those that identified specific procedure to be followed |                             |            |            |
|----------------|---|-------------|-------------|--|-----------------------------|------------|------------|
|                | Yes   | No          | Do not know | Direct contact to submit hard copies of forms  | Through surface (post) mail | Online     | Other      |
|                |   |             |             |  |                             |            |            |
| Abuja FCT      | 91.7  | 0.0         | 8.3         | 91.7   | 8.3                         | 0.0        | 0.0        |
| Bauchi         | 75.0  | 25.0        | 0.0         | 100.0  | 0.0                         | 0.0        | 0.0        |
| Benue          | 70.0  | 30.0        | 0.0         | 100.0  | 0.0                         | 0.0        | 0.0        |
| Cross River    | 50.0  | 37.5        | 12.5        | 42.9   | 0.0                         | 42.9       | 14.3       |
| Ekiti          | 72.7  | 27.3        | 0.0         | 100.0  | 0.0                         | 0.0        | 0.0        |
| Enugu          | 87.5  | 12.5        | 0.0         | 75.0   | 25.0                        | 0.0        | 0.0        |
| Kaduna         | 66.7  | 33.3        | 0.0         | 100.0  | 0.0                         | 0.0        | 0.0        |
| Lagos          | 91.7  | 0.0         | 8.3         | 91.7   | 8.3                         | 0.0        | 0.0        |
| <b>Overall</b> | <b>77.3</b>   | <b>18.7</b> | <b>4.0</b>  | <b>89.3</b>  | <b>5.3</b>                  | <b>4.0</b> | <b>1.3</b> |

Source: Authors' computation from primary data.

Table 5.13 shows that the majority of land agencies have faced problems in providing land administration services to citizens. While budget problems are dominant, they also include lack of availability within the agencies concerned of the needed skill set to perform all land administration functions adequately.

**Table 5.13—Problems faced by land agencies in providing land administration services to citizens, percent of service delivery respondents reporting**

| Agency                         | Problems?   |             |             | If yes, type of problem      |                      |                   |                       |                               |
|--------------------------------|-------------|-------------|-------------|------------------------------|----------------------|-------------------|-----------------------|-------------------------------|
|                                | Yes         | No          | Do not know | Lack of capacity & skill set | Budgetary allocation | Executive actions | Landowner perceptions | No specific reason or missing |
| Office of the Surveyor General | 85.7        | 14.3        | 0.0         |                              | 25.0                 | 8.3               |                       | 66.7                          |
| Deed Registry                  | 63.6        | 31.8        | 4.6         |                              | 26.7                 | 20.0              |                       | 53.3                          |
| GIS office                     | 90.0        | 5.0         | 5.0         | 11.1                         | 38.9                 | 5.6               | 5.6                   | 38.8                          |
| Lands Department               | 76.5        | 11.8        | 11.8        | 7.7                          | 38.5                 | 7.7               | 15.4                  | 30.7                          |
| Town Planning                  | 100.0       | 0.0         | 0.0         |                              |                      |                   |                       | 100.0                         |
| Land Use Allocation Committee  | 100.0       | 0.0         | 0.0         |                              |                      |                   |                       | 100.0                         |
| <b>Overall</b>                 | <b>78.7</b> | <b>16.0</b> | <b>5.3</b>  | <b>5.0</b>                   | <b>31.7</b>          | <b>10.0</b>       | <b>5.0</b>            | <b>48.3</b>                   |

Source: Authors' computation from primary data.

Many staff members of land administration agencies stated that they provide a standard fee chart for all services in the process of land registration (Table 5.14). While just under half of the respondents in the land administration agencies estimated that the average cost to register a property title is between 50,000 and 100,000 Naira, about one-third said that the cost was between 100,000 and 500,000 Naira. The variation in cost could be a result of differences in land size, the use of professionals as brokers or middlemen, or payment of unofficial fees.

**Table 5.14—Percentage of land agencies that provide a standard fees chart for all services in the process of land registration and estimated cost to register a property title, percent of service delivery respondents reporting**

| Agency                         | Perception that well-documented rules and regulations guide the land registration process |             |             | Cost to register a property title, Naira |                    |                   |            |
|--------------------------------|---|-------------|-------------|--|--------------------|-------------------|------------|
|                                | Yes   | No          | Do not know | <50,000                                  | 50,000 – 101,000 – | 101,000 – 500,000 | >500,000   |
| Office of the Surveyor General | 85.7  | 14.3        | 0.0         | 53.8                                     | 23.1               | 23.1              | 0.0        |
| Deed Registry                  | 95.0  | 5.0         | 0.0         | 19.0                                     | 33.3               | 47.6              | 0.0        |
| GIS office                     | 70.6  | 17.6        | 11.8        | 0.0                                      | 65.0               | 35.0              | 0.0        |
| Lands Department               | 78.6  | 21.4        | 0.0         | 23.5                                     | 41.2               | 35.3              | 0.0        |
| Town Planning                  | 100.0   | 0.0         | 0.0         | 0.0                                      | 100.0              | 0.0               | 0.0        |
| Land Use Allocation Committee  | 100.0   | 0.0         | 0.0         | 0.0                                      | 100.0              | 0.0               | 0.0        |
| <b>Overall</b>                 | <b>83.6</b>   | <b>13.4</b> | <b>3.0</b>  | <b>20.5</b>                              | <b>43.8</b>        | <b>35.6</b>       | <b>0.0</b> |

Source: Authors' computation from primary data.

Many land administration service provider agencies have considered increasing staff levels to improve service deliver. Among the service delivery respondents, 26 percent reported seeking to increase staff members in the area of general customer support and guidance; 15 percent in front desk operations (intake of submissions and delivery upon

completion); 30 percent in information technology management and support; 9 percent in field inspections; and 19 percent in general administration and human resources. Increase in the demand for IT-oriented staff is explained by the need to transition from manual to automated systems of land registration.

Over the last three years, about 20 percent of the service delivery respondents reported that their agency had provided training programs to build the capacity of agency staff. The training was specifically targeted at land administration services. The training either was provided by staff from within the agency (15 percent); staff from other government institutions (20 percent), or private companies (65 percent). Also, while 12 percent of service providers mentioned that such training was usually very generic, 8 percent said that training was highly customized, with most examples or assignments built from the agency's own processes, data. Half of respondents reported that the training content was a mix of generic and context-specific elements. Trainings were given either quarterly (46 percent) or annually (54 percent).

## 6. SUMMARY AND CONCLUSIONS

This paper assesses the nature of land administrative service delivery in Nigeria using data obtained from a sample of participants in land administration processes in eight states. The main sample for this study was drawn from three sub-samples made up of 76 land administration service providers, 253 beneficiaries, and 172 professionals involved in land administration procedures. The data were collected from eight states selected from the six geopolitical zones of the country—Cross River, Benue, Bauchi, Ekiti, Enugu, Kaduna, and Lagos states, plus the Federal Capital Territory (Abuja). Each sub-sample for the survey was roughly proportionally distributed across the eight study states.

Among the key findings of the study is that there is a significant difference in access to land registration information between beneficiaries and professionals, with beneficiaries having a generally poor lack of awareness about the processes and procedures of land administration. Overcoming this informational constraint is a key challenge in improving land administration service delivery in Nigeria.

In terms of time efficiency, land registration takes a very long time—nearly 80 percent of beneficiaries and over 40 percent of professionals reported that an application for land registration took more than two years. The dominant means of access to land administration institutions is direct contact, while online means of communication appear to be limited.

In terms of accountability, most respondents reported receiving an official receipt for the service charge paid in their registration processes. However, corruption and unofficial fee payments seem to be widespread in the land registration process. Only 30 percent of beneficiaries and professionals responded that they were satisfied with the services received during the land registration process. What makes the situation worse is that the majority of respondents are not aware of any mechanism for public feedback to express their anger and their level of satisfaction.

In assessing Nigeria's land administration systems from the supply side—from the perspectives of representatives of the land administration service providers—it was found that the majority of such agencies are centralized at state level, with the exception of a few LGA offices that serve rural areas. Regarding access to information and the availability of land administration guidelines, about 80 percent of land agencies responded that guidelines are available. Such gap in perceptions on the availability of information between demand-side respondents (beneficiaries and professionals) and supply-side respondents (service providers) indicates considerable information asymmetry in the Nigerian land administration system.

Overall, the findings of this study demonstrate that the legal and institutional frameworks for land administration and service delivery in Nigeria are not effective in delivering necessary functions to land owners and other end users. This is reinforced by the finding that citizens (the beneficiaries and the professionals included in our study) reported a substantial knowledge gap and lack of awareness about policy frameworks and procedures associated with land administration. The stark differences in legal knowledge and awareness of land administration procedures between beneficiaries and professionals, as well as between rural and urban-based beneficiaries (with the results favoring the latter group), suggests significant risk of elite capture. Our finding that beneficiary groups, the ordinary clients of land administration services, were found to be more vulnerable to paying unofficial fees (bribes) as compared to the professionals included in our sample interviews, is an outcome that reflects this risk.

Despite Nigeria undertaking a range of land policy reforms over the past decade or so, failure to address such issues of the poor knowledge and awareness of its citizens on land administration processes as well as failure to address gaps in institutional capacity is likely to undermine any possible positive economic and social outcomes of such land administration reforms. Under such circumstances, committing public resources to awareness creation campaigns and public sensitization about the legal and procedural aspects of land administration likely would be a sufficient and economically viable option to reinforce efforts to reform and maintain good land governance in Nigeria.



Moreover, it is imperative that these systematic reforms to introduce new systems for formalizing land rights should be bundled with administrative and institutional reform packages if the expected positive outcomes are to be realized to their full potential. These administrative and institutional reforms may take the form of measures associated with enhancing the human and capital resources capacity of all ministries and agencies involved in land administration services. Moreover, the lack of transparency in the process and lengthy period in processing times for land right registration by all groups, with average processing time of two years, is associated with the lack of effective and sustainable land information systems. This is mainly so since, if land administration service delivery systems are to be effective in terms of promoting accessibility and transparency to end users and reduce turnaround times in service delivery, the need to establish land administration tools like the geographic information systems (GIS) and land information management systems (LIMS) becomes crucial. These tools should be embedded within the relevant land administration ministries and agencies. In addition to their overall impact in enhancing the effectiveness and efficiency of land administration service deliveries, GIS and LIMS tools will also help promote transparency, reduce transaction costs, and ultimately minimize, or even eliminate, the payment of unofficial fees and other corrupt practices in land administration.

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