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Dynamics and Issues in Land Administration Systems in South South Cities, Nigeria

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Abstract

Purpose: The land administration system in Nigeria has undergone changes over the years. The quest for a sustainable land administration system is borne out of the interest associated with land ownership. This study investigates the dynamics and issues that affect the land administration system in the south-south geopolitical zone, of Nigeria.

Methodology: A survey research method was used in the study. Registered practicing planners constituted the study population and the data for the study were gathered using a questionnaire and secondary data. There were 522 registered practicing town, planners, in the south-south geo-political region at the time of this study and the researchers adopted a census of all the planners as participants in the study. However, only 414 of the censused population correctly filled out and returned copies of the questionnaire. Both qualitative and quantitative tools were used in analyzing the data.

Findings: This study demonstrates that political interference, cultural practice, institutional frameworks, finance, existing laws, data quality, manpower and adoption of standards threaten the land administration system in south south geopolitical zone, of Nigeria. However, the financial constraint has the highest mean score of 3.40 and ranks first among the various challenges while data quality scored 2.97 and ranked 7th position among the several issues confronting the land administration system. As revealed by the study, institutional framework and existing laws in the land both ranked 6th position with a mean score of 3.18. The study empirically showed that there is no significant difference in the challenges of land administration systems in by states since the p-value (0.372) is greater than the critical level of alpha (0.05).

Unique Contribution to Theory, Practice and Policy: To enhance the smooth administration of land in Nigeria, the study recommended that government should adequately fund the agencies that are statutorily saddled with the responsibility of designing land administration systems to guarantee interest in land and promote urban development.

Keywords: *Land, Systems, Administration, Urban, Nigeria*

INTRODUCTION

The ever-increasing urban population and rapid urbanization have created serious demand for land and the need for a land management framework. During the last millennium, cities in low-income and middle-income countries developed radically due to rural-urban migration and globalization among other factors (United Nations Global Geospatial Information Management (UN GGIM), 2019). Land and property datasets grow ever larger as the population increases and the need for land information in support of urban development becomes ever more urgent. The management and administration of land and its resources are of increasing importance to the government, land owners, prospective buyers and professionals in the building industry (Enemark, 2009). Land provides living space for humans as well as the resources for their livelihood and investment. Land and real estate assets contribute a significant proportion of the national wealth of most countries (World Bank, 2003). To foster socially desirable and environmentally sustainable land management systems the government has several policy instruments available including regulations for the land market, land taxation, and land use regulation and zoning (Ogedegbe, 2016).

The need for proper land administration cannot be overemphasized. The good stewardship of land and property information is essential for sustainable development since land and property play such a key role in national development (William, 2007; UN GGIM, 2019). Land market data can be effectively distributed through a well-coordinated land administration system. Private citizens seeking to move will be able to locate properties that meet their needs more easily while conveyancing will be cheaper and more secure. Planners will find it easier to locate suitable places for development and determine the constraints on their use. Property developers and investors will be more secure in their analysis of sites while banks and other mortgage institutions will have no data on land and property values that will guide them in fixing interest rates thus reducing risk on investment. Architects and builders will have reliable data about sites. Governments will be able to tax land and property more equitably and make more informed judgements where there are competing proposals for land use. Also, future generations will be able to analyze and understand the importance of land to their culture and development. Clearly, the land administration system improves the future of a nation as it offers an opportunity for a greater understanding of the role of land and its attributes in economic and social development (Knox & Steven, 2010). In order to provide both land administrators and land users with accurate and up-to-date information about the land, there is a need for more rapid and efficient systems that will aid data collection, update, and distribution.

Governments across the globe recognize that the lack of land management and administration systems can spell doom for all generations. Therefore, to achieve optimum use of land, the government imposes restrictions on the use of land and its resources. Towards improving land management and fostering socially desirable and environmentally sustainable land management systems some countries have designed institutional, legal frameworks and technology (Ghebru & Okumo, 2016). In Nigeria, Dada (2003) observed that private conveyancing was the only means of effecting and recording the transfer of ownership of land prior to the colonial government. There were no documents to show for these transfers except records committed to the memories of some trusted elders in the community who stood as witnesses for such transactions. Consequent to the British rule, it became necessary to properly document interests and rights in land by having them

recorded in a Registry for future reference. It should be mentioned that this was the first conventional attempt at administering land in Nigeria. After the independence rule, the Federal Government of Nigeria introduced two main registration systems in the country the Registration of Deeds System, which was in operation across the country and the Registration of Titles System, which was only operational in Lagos City. To harmonize the subsisting methods of administering land, the then Military Government headed by General Olusegun Obasanjo promulgated the Land Use Decree in 1978. Although, The Land Use Decree was re-titled the Land Use Act by the Adaptation of Laws Order of 1980 Dada (2003). The Act as it is now known brought about the harmonization of the land tenure systems in Nigeria by the vesting of all lands in trust in the State.

Accordingly, the Land Use Act sets out a framework for a national land policy for Nigeria. Notwithstanding, some order and uniformity the Land Use Act 1978 has introduced in the management of land, there are clear concerns surrounding its practice and implementation in major cities in Nigeria. Part of the problem has to do with the lack of land registration and cadastral maps (Dada, 2003). It has been argued that for effective land administration to occur, certain conditions must be met. These conditions transcend the creation of data in digital form to address legal, political, economic and social issues (Dale, 1999). On the basis of these issues, this study, therefore, seeks to investigate the challenges facing the land administration system in the south-south region of Nigeria.

LITERATURE REVIEW

Land is both a physical commodity and an abstract concept (Dale & McLaughlin,1999; African Union (AU), 2019). From a legal perspective, the land extends from the centre of the earth to the infinite sky. This perception is not radically different from the way geographers view land. In the context of geography, land includes all natural and cultural objects that are attached to the earth's surface (such as buildings and vegetation), where human activities take place. But Henssen (1990), defines land as an area of the surface of the earth together with the water, soil, rocks, minerals and hydrocarbons beneath or upon it and the air above it. It embraces all things which are related to a fixed area or point of the surface of the earth, including the areas covered by water, so including the sea. This definition is not only comprehensive but conveys the symbolism that land epitomizes. For instance, the Law of Property Act, of 1925 of the United Kingdom includes tangible physical property as well as intangible rights in land within the definition of land. Accordingly, land includes the land of any tenure, mines and minerals, buildings or its parts, a manor, a rent, and an easement, right, privilege, or benefit in, over, or derived from land. Thus, land includes tangible physical property on the surface of the earth or underneath and above it as well as associated intangible rights (Barlowe, 1978).

Land policy generally reflects the way governments want to deal with the land issue in sustainable development. It also consists of the whole complex of socio-economic and legal prescriptions that dictate how the land and the benefits from the land are to be allocated (Enermark, 2009). In many developing countries including Nigeria, land management is anchored on statutory land policy encapsulated in a body of law (Ogedegbe, 2016). Land in Nigeria is currently administered through the Land Use Act which was promulgated on March 29th, 1978. This Act brought about a radical change in land tenure systems through the eradication of private ownership of land. By this act the government recognized the need to formally administer land in such a way that land titling and

deeds will be centrally processed. Section 1 of the land use act states inter alia that all land comprised in the territory of a State is vested in the State Governor who holds in trust for the use and common benefit of all Nigerians. This provision provides for a centralized land ownership system. Although, Enermark (2009) contended that a centralized land ownership system is, expensive, inflexible and laced with complex legal requirements and technical procedures that are at variance with local laws and customs governing the use of land. Albeit, the control in the use of land and ownership among other conditions approximate to land administration.

According to Barlowe (1978), land administration is the process of regulating land and property development and the use and conservation of the land, gathering revenues from the land through sales, leasing, taxation, and resolving conflicts concerning the ownership and use of the land. In this definition, ownership, value and use are identified as the three major features of land administration. Land administration, therefore, comprises both land registration and cadastre (Gandhi, 2016). It consists of textual records that define rights and/or information, and spatial records that define the extent to which these rights and/or information apply (Burns et al., 2006). The definition appears to reflect the general idea in the (United Nations Economic Commission for Europe (UN ECE),1996) description of what constitutes land administration. The dominant idea in the United UN ECE is that land administration is the process of determining, recording and disseminating information about land ownership, value and use when implementing land management policies. The body further states that the processes of land administration include the determination or adjudication of rights and other attributes of the land, the survey, and description of these, their detailed documentation and the provision of relevant information in support of land markets. Clearly, both UN ECE and McLaughlin agreed that land administration functions can be divided into four functions: judicial, fiscal, regulatory and information management. Similarly, in the geographic information land administration domain model, land administration has been defined as the process of determining, recording and disseminating information about the relationship between people and land (International Standard Organization (ISO), 2011). In the light of the definition above, land administration can therefore be understood as a process, that integrates related processes and designs through a system-support base for the purposes of facilitating the implementation of land management policies.

Land administration as a discipline has evolved out of the cadastre and land registration areas with their specific focus on the security of land rights (Food and Agricultural Organization (FAO), 2007). Consequently, it can be posited that land administration oscillates between cadastre and land registry which establish a nexus between people and land by means of rights. Gandhi (2016) observed that the benefits of land administration are seen in land use planning, land valuation, land registration and cadastral surveying. Exposing the role of mapping in land management, Dada (2003) asserted that land administration is the art of recording land conveyancing and the Registration of Deeds System helps greatly in mapping. The scholar recognizes the point that land administration deals with the storage of information relating to land. This perspective often sways some people to characterize land administration as Geographic Information Systems (GIS). Unlike many other geographic information systems, which provide information about geographical objects and their attributes, land administration systems reflect in principle the social relationship between people concerning land, as they are recognized by a community or a state. Therefore, such

a system is in no way just a GIS. The data recorded in a land administration system have both social and legal connotations and are predicated on known social constructs.

It is argued that land administration involves more participatory and transparent processes that aim at protecting the property rights of individuals and enterprises based on a set of commonly held principles (FAO, 2007). In most African countries land administration consists of the conventional land administration system based on land registration, and customary and informal land administration (Adjekophori, et al., 2020). Interestingly, Ogedengbe (2016) alluded to the progress in the land administration system by positing that land administration has evolved from a separate system to manage private rights in land and manage public land. Notwithstanding, the recent developments experienced in land administration there are different perspectives on the land administration system by land owners, professionals in the built industry and stakeholders on the dynamics and issues in land administration. The divergent views on land administration have necessitated different approaches and implementation strategies. Dale (1999) contended that the land administration system has not escaped issues. As observed by Dale (1999) there are key institutional constraints militating against land administration systems. In the scholar's view, some challenges in integrating data among agencies arise from traditional attitudes and concerns to protect jobs. Fear of loss of jobs by workers in the agency that should implement land administration has resulted in the frustration of a proper land administration system. This fear is not restricted to a few nations; it is global (Rajabifard, Chad & William, 1999). As mentioned by (Adjekophri et al, (2020) data acquisition and sharing come with a huge challenge. (Adeniyi, 2013) observed that data held within a land registry or cadastral office are often guaranteed by the State whereas other sources of data hold no liability. In the researcher's estimation, without reliable data, it is practically impossible to manage land use ownership information.

Abolade, Dugeri & Adama (2018) added copyright, legal liability, data protection, data quality as part of the challenges bedevilling the implementation of land administration systems. Central to the success of the land administration system is the issue of copyright. Copyright is designed to protect data owners. Any uncertainty over copyright or lack of agreement over the collection and distribution of royalties can inhibit the use of land information. They further remarked that more openness to information is often perceived as a threat to copyright which invariably impedes the smooth practice of land administration. The claim by AU (2014) that where different agencies, both government and private, pool their data from the same source may inadvertently raise the question of ownership and control data was underscored by Abolade, Dugeri & Adama, (2018) who succinctly noted that the failure prioritizing spatial data is responsible for poor land administration system in developing economies. Quite interestingly, the researchers declared that in many political systems, citizens have rights to privacy, hence the use of data for purposes other than that for which they were collected may be constrained. The scholar's submission is that access to land-related data may be politically or socially sensitive and may need to be controlled by appropriate legislation. Dada (2003) did reveal that in many African countries, cadastral data are still grossly inadequate and the few available ones are acquired through unconventional means in some parts raw text data are used for land administration. According to (Adeniyi, 2013) while the raw text data for land administration should be fit for purpose, old survey data may be less accurate either because technology has improved or because boundaries have legitimately changed since the original survey. Surveys of adjoining properties must match along the common boundaries

even if they are undertaken at different times. In addition, Williamson (2007); AU (2014) argued that land administration systems can be hampered by organizational, financial, data pricing and adoption of standards. In most countries, approaches to land administration have been fragmented with different agencies responsible for each activity thus creating a problem for a central process that delivers on land administration. As mentioned by AU (2014) data sharing is synonymous with the adoption of common standards, but agencies may be reluctant to change their own well-tried and tested procedures or to delay implementation until legacy systems can be replaced.

Apparently, quite a number of scholars have posited that land administration systems have evolved over the years. In spite of the development of the system, land administration practices and processes are fraught with issues. 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. Abolade, Dugeri & Adama (2018) in a paper titled challenges of digitalizing land administration system in Nigeria using Kaduna State as a case study, the researchers identified poor power infrastructure, low internet connectivity, and paucity of trained personnel as the main challenges in the digitalization of land administration system and recommended training and motivation of personnel to overcome the challenge of digitizing land system. Adjekophori, et al., (2020) revealed that land title registration and process standardization, administrative, technical, financial, and market challenges were major constraints to the effective Land administration system in Delta State. However, Ghebru & Okumo (2016) argued that the issues affecting the land administration system include, but are not limited to, hierarchical and outdated organizational structures, bureaucratic processes, and high costs and fees for service. The researchers limited their study to seven states of Nigeria and the Federal Capital Territory. Although only one of the states from the south south was among the states studied. Additionally, the available literature reviewed largely focused on the conventions and framework work guiding land administration. It is important to stress here that the current study deviates from the existing studies in the sense it focuses on the impediments in the processes and practice of land administration in a regional context. The previous studies relied on historical evidence and concentrated on the legal issues around land administration. The current study clearly sets out to quantify the factors affecting land administration in the south-south region of Nigeria. It is in the light of gap in the literature that this study seeks to evaluate the dynamics and issues in land administration in south-south geopolitical zone of Nigeria.

Study Area

The northern and southern protectorates were amalgamated in 1914 to form Nigeria. There are six geopolitical zones in Nigeria. Geopolitical zones were created during the constitutional conference of 1991. One of the geopolitical zones in Nigeria is the south-south geopolitical zone. which is part of southern Nigeria. The south-south region was created from the hitherto mid-western and eastern regions. The states under the former eastern region were Rivers, Cross River, Akwa Ibom and some parts of the present Bayelsa state. Edo and Delta states were carved from the then mid-western region. The south-south geopolitical zone of Nigeria is situated on the continental margin of the Gulf of Guinea, West Africa between latitude 3°N and 6°N and longitude 5°E and 8°E as shown in figure 1. The zone occupies approximately 85,303 square kilometre and has a projected population of 30 million people (National Population Commission (NPC), 2020). The south south

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region consists of diverse ethnic groups and languages. Some of the ethnic groups are Ogoni, Benin, Ijaw, Ibibio, Efik, Urhobo, Itskiri, and Kwale among others. The major urban centres in the south-south geopolitical region are Port Harcourt, Benin, Calabar, Asaba, Yenagoa and Uyo.

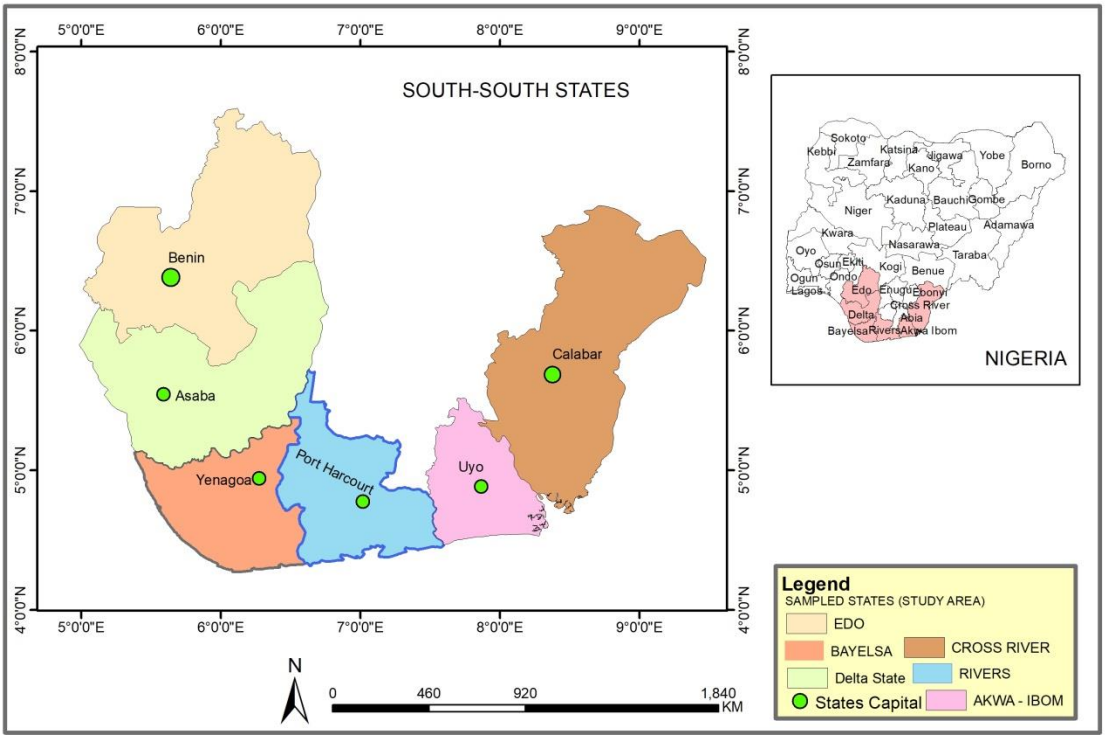

Figure 1: Map of Nigeria's South South Geopolitical Zone

METHODOLOGY

This research adopted the survey research design. This type of research design utilizes the survey design and it helps the researcher to make generalizations about selected objects. Practising registered town planners in the six states of the region constituted the study population for this study. The data for this study were sourced from both primary and secondary data sources. In specific terms, the questionnaire formed the instrument with which primary data was generated. The questionnaire was structured and semi-structured. It had questions on factors affecting land administration systems in the study area. In order to ensure the validity of the instrument, the initial draft of the instrument was face-validated by three experts in urban planning. Secondary data were sourced from textbooks, journals, dissertations, thesis, government gazettes, the states ministry of Physical Planning and Urban Development and other relevant government agencies.

According to (the Nigeria Institute of Town Planners (NITP), 2020) there are 522 registered practising town planners in the south-south geo-political region as indicated in table 1. In view of

the small size of the entire population of the study, a census of the entire universe will was taken. In this case, all individuals in the population were selected.

Table 1: Population of the Study Area

S/N	States	Number of registered practicing town planners
1	Delta	142
2	Edo	97
3	Calabar	60
4	Rivers	105
5	Akwa Ibom	134
6	Bayelsa	62
Total		**522**

Source: Nigeria Institute of Town Planners, 2020

The data generated were statistically analyzed using grouped mean and Analysis of Variance. The statistical tools deployed in the study provided meaningful discussion and analytical description of the issues affecting the land administration system.

Grouped mean is expressed as:

$$\frac{\sum fx}{\sum f} = \frac{Total\ response}{Total\ respondents}$$

Where f = frequency

X= observation (1-5)

To compute the mean of the various challenges under study, responses of participants in the study were scaled using a five-point Likert scale where 5 is strongly agree; 4 is agree;3 is strongly diasagree; 2 is disagree and 1 is neutral. The criterion mean was 3.0 hence any mean score below less than 3.0 was rejected as an important factor that affects the land administration system in the study area.

On the other hand, the two-way ANOVA was used to show variation in the factors that confront land administration system in the south south region. It is symbolically represented thus:

$$Tss = \Sigma\Sigma x^2 jk - (\Sigma\Sigma xjk)^2$$

$$css = \Sigma \frac{(\Sigma xjk)^2}{jkn} - \frac{(\Sigma\Sigma xjk)^2}{jkn}$$

Where:

TSS = the total sum of squares (within)

CSS = column sum of squares (between)

ESS = TSS- CSS

RESULTS AND DISCUSSION

The research output presented in Table 2 revealed that political interference, cultural practice, institutional frameworks, finance, existing laws, manpower and adoption of standards are all constraints in the land administration systems the in south-south region.

Table 2: Issues in Land Administration Systems in South-South Region

S/N	ITEMS	SCALE							
		Asaba	Benin	Calabar	Port Harcourt	Uyo	Yenagoa	Mean	Rank
1	Political Interference	4.5	3.0	4.1	3.3	2.6	3.3	3.47	2nd
2	Cultural Practise	3.9	3.4	3.0	2.6	4.3	3.2	3.40	3rd
3	Institutional Framework	3.2	3.3	3.9	2.9	2.7	3.1	3.18	6th
4	Finance	4.6	3.5	2.9	3.5	3.7	3.2	3.57	1st
5	Existing Laws	2.4	3.5	4.0	3.2	3.8	3.1	3.33	5th
6	Data Quality	3.8	3.5	3.4	2.9	2.5	3.0	3.18	6th
7	Manpower	3.9	2.5	3.2	2.9	2.7	2.6	2.97	7th
8	Adoption of standards	4.0	2.8	3.7	2.8	3.7	3.1	3.35	4th

Source: Researchers Computation, 2021

Among the factors above, finance has the highest mean score of 3.57 and it is therefore ranked first among other factors affecting land administration. Consequently, it can be inferred that the land administration system is most affected by finance. As argued by (van der Molen, 2008) land administration system is an investment that requires huge capital outlay. Its operation is dependent on the level of investment in hardware and software that is necessary for a functional land administration system. In many cities in Nigeria, there is massive underfunding of the statutory agencies that operate land cadastral hence the lack of land ownership, land market and transactions database. This finding agrees with Dada (2003) who alluded to the fact that land administration in Nigeria is challenged by poor funding of the relevant agencies that are concerned with cadastral mapping. This study, therefore, underscores previous studies that identified funding as a constraint to the land administration system. The second issue in the land administration system as revealed by the study is political interference. This is in tandem with Williams (2018) who maintained that land policies generally are usually aristocratic. In Nigeria, Dada (2003) noted that the land administration system is influenced by political considerations. However, the list issue that affects land administration is money.

Empirically, the study found that there is no significant difference in the challenges of land administration systems in the states since the p-value (0.372) is greater than the critical level of alpha (0.05). this finding implies that across the sampled states in the south-south geopolitical

region, the issues confronting land administration are essentially identical in nature. This finding apparently underscores the observation of Ogedegbe (2016).

Two Way ANOVA

Table 2: Tests of Between-Subjects Effects

Dependent Variable: Mean_Scores

Source		Type III Sum of Squares	df	Mean Square	F	Sig.
Intercept	Hypothesis	598.547	1	598.547	862.792	.000
	Error	3.478	5.013	.694[a]		
SouthSouthRegion	Hypothesis	3.377	5	.675	4.462	.003
	Error	5.298	35	.151[b]		
Challenges	Hypothesis	1.188	7	.170	1.121	.372
	Error	5.298	35	.151[b]		
SouthSouthRegion * Challenges	Hypothesis	5.298	35	.151	.	.
	Error	.000	0	.[c]		

Source: Researchers computation, 2021

a. MS(SouthSouthRegion) + MS(Challenges) - MS(SouthSouthRegion * Challenges)
b. MS (South South Region * Challenges)
c. MS(Error)

CONCLUSION AND RECOMMENDATIONS

Humans' use of land is dynamic and so the need for a dynamic land administration system that will respond to how land and its resources are used and managed. The importance of the land administration system has grown over the last few decades. It is now more important and useful to the government, professionals in the built industry and prospective land buyers than merely providing traditional support for the security of tenure and simple land trading. The land administration system is meant to drive and sustain an effective and efficient land market and to guarantee a reliable framework in the land use planning process. However, a functional land administration system is constrained by factors such as funding, institutional framework and political inference among other issues. This study, therefore, recommends that financial resources be made available to top agencies that are saddled with the responsibility of designing land administration systems. It is also recommended that the land administration system should be devoid of government bureaucracies in order to have a seamless system that will support land market transactions and land use planning.

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