



Land Administration Reform

Administration, Registration and Regularisation



Security, Justice and Growth





A land administration system, and campaigns to encourage formal registration, can contribute to the “alleviation of poverty”

DFID Nigeria’s Security, Justice and Growth (SJG) programme worked to improve access to, and the quality of safety, security and justice for poor people and their livelihoods.

Through the SJG programme, the United Kingdom’s Department for International Development (DFID) and Nigerian partners were working to realise the values, principles and goals contained in the United Nations Millennium Summit Declaration: peace, security, development, poverty eradication, human rights, democracy, good governance, protecting the vulnerable and meeting the special needs of Africa.

The SJG programme was organised into three components: security, access to justice and growth. It was rights based, working to enhance all rights, but especially equality rights (gender), and was supporting those combating corruption. It promoted inter-agency and state civil society co-operations and sector-wide activities.

INTRODUCTION

to Land Administration, Registration and Regularisation

Land is a central issue in the development process and secure land rights underpin sustainable development by making it possible and attractive to undertake long term investment. The more accessible land and real estate assets become and the greater the possibility of their use as collateral for mortgage purposes, the more likely they are to contribute to the economic growth process and the alleviation of poverty.

In order to enable and stimulate the growth process, government needs to monitor and manage the ownership and value of land. It is for this reason that land administration systems play an important part in the growth process.

An effective land administration system is necessary to determine, record and disseminate information about the ownership, value and use of land. As such it also contributes to “good governance” objectives by:

- Giving government capacity to manage a valuable natural resource
- Sustaining the rule of law by regulating real estate and land markets
- Providing security for landowners but also for national and international investors and the finance sector
- Assisting the development of labour markets by easing labour mobility
- Assisting the development of financial markets by providing collateral security
- Assisting in the creation of new business entrants
- Providing government with a source of reve-

nue which may be used for a variety of purposes

- Bringing transparency to the allocation, distribution and other transactions with land

A land administration system and campaigns to encourage formal registration may also contribute to the “alleviation of poverty” by:

- Providing information for land reform or land redistribution policies
- Providing access to a secure tradable commodity
- Providing access to formal services and rights
- Providing access to credit for investment in either business or human capital

Effective land administration therefore, may reduce poverty by giving people guaranteed, protected land rights, which serve as a source of personal wealth and provide opportunities for economic independence. Accessible land administration systems can also serve to protect land transactions, allowing citizens to buy and sell land securely.

Public confidence in government is dependent upon transparency in governance and land administration is no exception. When land related court cases and conflicts are taken into account, the lack of an effective land administration system can represent a significant financial burden upon both state and federal governments alike. This is why efficient land administration also can have a positive impact on access to justice.

AIM: Supporting land administration and registration reform was seen as a medium to provide Nigerians with formal documents that could be used as collateral in order to further stimulate the process of economic growth.

Open and transparent land administration systems can help to reduce the need for court resolution in instances of dispute by simple, evidence based, administrative dispute resolution processes.

In many countries, a significant proportion of pending court cases relate to disputes over land and the volume of these cases can overwhelm fragile legal systems. Open and transparent land administration systems can help to reduce the need for court resolution in instances of dispute by simple, evidence based, administrative dispute resolution processes.

Resources applied to justice sector reform could therefore also be legitimately applied to the enhancement of land administration as a measure to address the cause, rather than the symptom, underlying many justice sector challenges.

Effective security for land rights can also bring unexpected benefits in other seemingly unrelated areas. For example, problems of soil erosion through lack of infrastructure development and unwillingness to improve soil quality

through fertiliser use can often directly be traced back to issues surrounding tenure insecurity.

In this instance, farmers are often reluctant to invest the significant amounts of labour and money to develop such environmentally sound practices without the possibility of being able to easily realise the capital improvement value at a later date through a secure transaction with a recognised form of title to their land.

An effective land administration system will:

- **Support governance and the rule of law**
- **Facilitate land reform and help to alleviate poverty**
- **Guarantee ownership and security of tenure**
- **Support land and property taxation**
- **Provide collateral that can be used to access credit for further economic activity**
- **Develop and monitor land markets**
- **Protect state lands**
- **Reduce land disputes and conflict**
- **Improve urban planning and infrastructure development, manage natural resources and support environmental management**
- **Provide a mechanism to realise medium and long term investment in environmental and agricultural improvement**
- **Provide statistical data to assess policy and strategy**

The Process of Land Administration Reform in Nigeria

SJG's participation in the reform process began in 2004. Initially the reform initiatives were focussed within states where the programme was already active, seeking to provide upgrading of registry facilities to ensure security of land records.

However, Nigeria's political structure meant that it became increasingly important to address the federal / state dynamic and produce an overarching national strategy to complement state-level activity and to ensure the creation of a country-wide enabling environment for future sustainability.

As the project has progressed, its scope has widened to incorporate direct assistance to the federal government to institutionalise a national process of sustainable reform and improvement in this important development sector.

The project has:

- Supported the upgrading and refurbishment of the Lagos state land registry
- Provided survey equipment and technical assistance for the Lagos Directorate of Land Regularisation
- Rebuilt the land registries in Enugu, Jigawa and Benue states
- Provided equipment to Kano state land registry
- Provided technical assistance to Lagos, Kano, Enugu, Jigawa, Benue and Kano state land registries
- Provided technical assistance to the Federal Ministry of Housing and Urban Development

The following case studies illustrate how SJG has acted to support the reform of land administration in three specific contexts.



Lagos is projected to have a population of 20 million by 2010, placing ever increasing demands on land for both domestic and commercial use. To cope with this the Lagos State Lands Bureau has been at the forefront of improving land registration processes in Nigeria.



system. This innovation reduced access times for information and ensured the preservation of valuable existing land administration information.

The next step was to create a public access interface to the records which now allows external practitioners to undertake searches online – a key process in property transactions. Now property searches that previously took days can be completed in minutes and public confidence in the system has also increased as a result of this dynamic, computerised service.

Further consultancy input from SJG has enabled the lands bureau to continue to develop this resource to create a framework for recording and processing subsequent property transactions online, again increasing their potential to improve customer service. Having computerised the vast majority of their records by late 2005, the focus shifted to reducing application processing times. The result was a reduction in completion times from over a year in many cases to just thirty days for a correctly lodged application. By the end of 2006, the number of land transactions being handled at the Lands Bureau had doubled when compared to 2004.

This was also due to new transparency initiatives and simplification of the fee structure enabling ordinary citizens to calculate their own transaction costs reducing opportunities for rent seeking behaviour by property market

Since 2004, and from early 2005 with the support of the SJG programme, the bureau has been engaged in a programme of improvement and reform aimed at upgrading facilities, modernising operations and making information more accessible to citizens

At the outset their system was paper based and extremely cumbersome. Processes were time consuming and open to malpractice and abuse. Their objective was to computerise the land records and reduce the administrative burden to both the Lagos state government and the ordinary citizens transacting with land.

The land registry was already upgrading its operations, financed by the state government and SJG decided that it should assist the process and help to create a model of best practice that could be either adopted or adapted subsequently by other states.

Starting first with their deeds and file records, Lagos undertook a mass scanning exercise for all their land records culminating in the creation of an electronic document management



“Before it was ratification which was very cumbersome and took 3 years but regularisation is much simpler and can be achieved in 2-3 months.”

- Lagos land registry user

intermediaries. Further process analysis and consultancy input, supported by SJG, resulted in additional efficiencies, enabling the state government to lower overall fees and taxation by 50% whilst simultaneously increasing overall revenue due to the increased uptake of these services.

In fact, the rate of revenue generated by the land registry by 2008 was almost five times higher than in 2004 and is continuing to grow with steady, year on year increases across all categories of transactions.

The sustainability of reform in land administration requires a fiscal mechanism to enable reinvestment of revenue streams generated by state land bureaux and ministries. The ability of Lagos state government to implement this simple concept has been the key enabler for change and has enabled rapid improvements in both administrative infrastructure and customer service delivery within a very short time-frame.

Land administration activity is now the second highest source of revenue for Lagos state with only the Inland Revenue generating more funds.

As well as a more highly devolved budgetary system, key staff in the bureau were empowered directly by the state governor and were able, as a result, to make the important decisions necessary for the rapid improvements in public service.

Once the land administration system was functioning effectively, Lagos state began to recognise that the overall effectiveness of any land administration system is directly dependant upon the extent to which land is registered. The state realised that historically low levels of statutory titling, meant that many citizens still did not hold formal, legal titles and the increasing rate of urbanisation was adding to this problem on a daily basis.



If land administration was to play a pivotal role in promoting pro-poor economic growth in Lagos then a new strategy would be required.

Traditionally, allocation of land has been the primary means of increasing the volume of registered properties, but this process ignores the reality on the ground – that the overwhelming majority of land rights are implemented through customary and informal tenure systems.

Accordingly, a new Directorate of Land Regularisation was established to provide the means by which informal land rights holders are granted a statutorily recognised right or title and could therefore exercise their newly secured property rights in the legal marketplace. The directorate has been closely supported by SJG as a significant proof of concept in bridging the traditional gap between informal and statutory sectors.

From its inception in 2006 the new directorate has enabled over 6,000 ordinary Lagos citizens to regularise their property rights, helping to move them from the uncertainty of informal tenure into the realm of statutory titling providing them with security of tenure and access to a means to protect future transactions with the land. Lagos state has also benefited by this through increased property tax revenue and an increase in the overall scope of registration in the state.

“The workers are customer friendly and the computerisation has made everything faster.”

- Enugu land registry user

Land administration in Enugu was typical of many Nigerian states. Only a fraction of potential titles were registered in the Ministry of Lands and Survey, records lay neglected and the central deed store was insecure with many documents having been damaged or defaced. Unwieldy administrative processes and inappropriate accommodation also hindered what had become an inefficient manual process.

SJG has helped halt decades of steady decline at the Ministry of Lands and Survey by providing a modern, fit for purpose, building as a focus for development and improvement. In addition, considerable conceptual and techni-

cal support has helped to guide the modernisation of the administration, ensuring the security of existing records and developing the data integrity through a financially self-sustaining revalidation and computerisation process.

Together, these initiatives are combining to promote a much higher level of public confidence in the work of the Ministry and trust in the records held there. In fact, the new revalidated Certificates of Occupancy are now the only form of title certificate that the banks will accept in Enugu due to the increased levels of confidence and security that the revalidation process brought to the secured loan marketplace.



“I am going to use the services of the registry to protect my land from 419 people....and to help my land be secured from my children even when I am dead.”

- Enugu land registry user

SJG has also supported, through technical consultancy and in co-operation with DFID's State and Local Government Programme, a critical process review, designed to streamline existing administrative processes and provide opportunities to increase levels of customer service without detriment to standards of accountability.

The Enugu state government has similarly played an active role in these reform initiatives, appointing a highly motivated commissioner to deliver the strategies, purchasing computer hardware, providing a financial incentive for reform to staff engaged in the change process and for the ministry as a whole through a mod-

est revenue re-investment agreement. Valuation tables were also revised and simplified, leading to a more transparent process that was easier for citizens to understand.

For the state government, developing a more efficient land administration process has meant that past rents have been easier to collect and instances of fraud or mismanagement have proved easily identifiable due to the increased transparency that an efficient, computer driven, process has delivered.

case study



National level

Land is an important national resource but, in general, land administration practice in Nigeria falls short of what is needed to maximise the potential development benefit. Currently, investment in land administration in many states is still minimal or even non-existent.

As a result, ground rents, often amounting to tens of millions of Naira, remain uncollected, documents decay and the ordinary citizens are forced into making informal arrangements regarding land, depriving them of statutory protection available under current legislation and promoting the potential for conflict.

Much work needed to be done across the country to raise the profile of effective land administration as a key enabler for effective governance, strategic resource planning and economic growth. SJG has acted to support activities that raise the profile and awareness of land administration issues, both within government and in the public domain.

Recognising that the federal government has a decisive leadership role to play in the development of land administration across Nigeria, SJG has been working with the federal Ministry of Housing and Urban Development to establish a **National Technical Development Forum (NTDF)**. The principal aim is to engender a sense of national common purpose through a network for mutual support and the open exchange of ideas in the field of land administration.



The NTDF (along with its constituent zonal fora) is the key institutional body that carries the benefits of the individual state reforms to the country at large. Its development is crucial to the sustainability, dissemination and eventual success of land administration reform. The objectives are to increase participation to include the whole country and to enable the opportunities for information exchange to be maximised.

The NTDF also seeks to agree and establish common technical conventions and standards to enable future interoperability across state boundaries and provide a uniform standard of service for all Nigerian citizens and provides a ready mechanism for the dissemination of best practice and lessons learnt, actively promoting a productive relationship between federal and state governments without compromising existing policy boundaries.

This initiative effectively extends the reach of the SJG programme to carry the benefits of reform to all states, not just those where the project makes direct interventions, on an extremely cost effective basis.

The inaugural NTDF meeting was held in Abuja in early 2006 and has been followed by two rounds of successful Zonal Fora supported by SJG and the programme continues to provide technical and strategic assistance to the NTDF process and to work with the Ministry of Housing and Urban Development to enhance the dissemination of best practice.





Conditions for Land Reform

Three key conditions for success in land administration improvement have emerged from the collective experience of the SJG programme.

For any reform to succeed there needs to be:

- A mechanism to retain revenue to re-invest and build on improvements in service delivery outside the normal budgetary arrangements of traditional civil service departments
- The devolved authority and ability to make business improvement decisions quickly within the organisation
- The desire, and a mechanism, to increase the scope of registration for the benefit of all citizens

Where those conditions are absent, or implemented in part, improvements are difficult and rates of development and service improvement are adversely affected.

Where those three conditions exist, there is rapid, sustainable progress.

Indicators of increased levels of activity:

- Lagos Land Registry increased its income by more than 4 times in as many years
- Lagos Department of Regularisation has now contracted 5 consultancy firms to further extend the regularisation process
- Between 2008 and 2009, Land Registry issuance of Certificates of Occupancy:
 - ◆ More than doubled in Jigawa
 - ◆ Grew by almost 50% in Enugu
 - ◆ Grew by almost one third in Kano

OUTCOME:

A more effective land administration has been established in five states in Nigeria, giving people guaranteed, protected land rights, which serve as a source of personal wealth and provide opportunities for economic independence and growth.



Launched in 2002, the SJG programme aimed to contribute to the achievement of the Millennium Development Goals:

- By promoting strong partnerships among governments, civil society organisations and the private sector in pursuit of security, justice, the rule of law, development and poverty eradication
- By promoting gender equality and the empowerment of women as effective ways to combat poverty and hunger
- By promoting a legal and regulatory framework that encouraged non-oil economic growth to give young people a real chance to find decent and productive work rather than become lost in a life of crime

The SJG programme, supported by DFID Nigeria and implemented by the British Council, successfully came to a close in 2010.

