

ENHANCING LAND TITLING AND REGISTRATION IN NIGERIA

BY

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PRESENTATION OUTLINE

- **INTRODUCTION**
- **LAND REGISTRATION SYSTEM IN NIGERIA**
- **THE RATIONALE FOR CHANGE IN SYSTEM OF LAND REGISTRATION**
- **PILOT STUDY AREA**
- **METHODOLOGY**
- **DATA PRESENTATION AND ANALYSIS**
- **SUMMARY OF FINDINGS**
- **CONCLUSION**
- **RECOMMENDATION**
- **PROPOSED IMPLEMENTATION STRATEGIES**



INTRODUCTION

Land Registration can be seen as an aspect of Land administration. This facilitates titling, alienation and disposition. It can be regarded as a record, held by the Land Registry, which lists the registered owner of plots and whether there are any legal charges upon it.

Registration provides a safe and easy means of recording transactions on land since the bench mark of any transaction on land is security of title, which unregistered conveyance does not guarantee.

This paper aim to review the existing system of land titling, registration and disposition and to make appropriate recommendations that will enhance the system.

LAND REGISTRATION SYSTEM IN NIGERIA

Land registration system in Nigeria involves three principal systems of recording the rights/ownership to land. These include:

- i. Private conveyance
- ii. Registration of titles and
- iii. Registration of Deeds

The global interest now in that system of registration of title should aim at combining the following:


- i. Security
- ii. Simplicity
- iii. Accuracy
- iv. Cheapness
- v. Expenditure
- vi. Suitability

Modern techniques involves the use of GIS tools for land registration, data storage, information management, quick and easy data access, in addition to retrieval of land data and updated information.

THE RATIONALE FOR CHANGE IN SYSTEM OF LAND REGISTRATION

The objectives of the land registration reform according to Debrundashvili (2007) are:-

- Provision of security of ownership and tenure rights;
- Creation of a unified, modern, customer-oriented, one-stop-shop, transparent, corruption-free public registry system through comprehensive institutional, financial, technological and legislative reform;
- Capacity building of personnel;
- Coordination of donor organization activities;
- Computerization of the processes according to modern standard



Then the development strategy for the land registration reform involves six main areas:

- Institutional
- Legislative
- Technological
- Administrative
- Financial
- Donor coordination

The final analysis in land registration system globally is to introduce a framework for transparency; set service standards; improve in capacity building and in the development of a human resource policy; improve to systems and processes; secure financing, establish audits; make effective use of information technology and communications; include stakeholders and less positive experience as well as being effective, efficient and consensus-oriented.

PILOT STUDY AREA

Kongila neighbourhood, the sample study area is located within the Minna city centre. Minna is the capital of Niger State, one of the 36 states of Nigeria. Nigeria has a land area of approximately 923,768 sq.km (less the 3000 sq.km ceded to the Camerons in Bakassi), a population of approximately 140million, by 2006 national census and more than 250 ethnic groups. It is the most populous country in Africa with a growth rate of 2.4% per annum. It is accounting for about 47% of West Africa's population and is ranked the second largest economy in the sub-Saharan Africa.

METHODOLOGY

The data used in this study were collected from the targeted population basically the residents of Kongila in Minna, Niger State. Every questionnaire administered was to property owners of the area whether it is a commercial property or a residential property. Simple random sampling technique was adopted. The study area is already divided into four parts by the existing major tarred road networks that is James Bawa Pada Way crossing the Aminu Bello Way (Note: the street names used here are the new names given by the present Government 2009). All the questionnaires were shared randomly in all the parts, which amount to 45 questionnaires in total.

Relevant documents, past research works, seminar papers, textbooks, etc. were consulted. Below is the detail summary of the sample size, showing detail of questionnaires

Table 2.1: Field Work response rate

DESCRIPTION	NUMBER	PERCENT (%)
Total target population	50	100
Undelivered Survey (Questionnaires)	5	10
Total Survey Population	45	90
Total Responses	45	90
Unuseable Responses	5	10
Total coded samples	40	80
TOTAL USEABLE SAMPLES	40	80

Source: field analysis, 2009. Note: Total useable sample = 40 out of 50

DATA PRESENTATION AND ANALYSIS

The form of ownership of properties

The respondents were asked what form of ownership they have over the land and their responses are shown below.

Table 2.2: Form of Ownership of the Properties

FORM OF OWNERSHIP	NO. OF RESPONDENT	PERCENT (%)
Statutory	12	30
Customary	28	70
Total	40	100

Source: Field Survey, 2009.

This shows that majority of the respondents (70%) possess their lands under the customary form of ownership while few (30%) possess theirs under the statutory form of ownership. It is an indication that most of the lands in the study area are under the customary form of ownership.

Mode of acquisition

The respondents were also asked on how they acquired the land, and their response is presented on the table below.

Table 2.3: Mode of acquisition of the properties.

MODE OF ACQUISITION	NO. OF RESPONDENTS	PERCENT (%)
First Settler	5	12.5
Inheritance	19	47.5
Purchase/Bought	14	35.0
Gift	2	5.0
Indifference	0	0.
Total	40	100

Source: Field Survey, 2009.

It could be deduced from table 2.3 that most of the present Landholders in this area got them through inheritance. However, from the interview during our data collection, those that inherited; purchased and those that got as gift, all traced the initial acquisition to be first settler. They all claimed that their forefathers settled there, and those who bought claimed they bought from either the first settlers or their children.

The Level of Compliance with Land registration

The table below shows the response of the respondent when asked if the land has been registered.

Table 2.4 : Level of compliance with Land registration

STATUS	NUMBER OF RESPONDENT	PERCENT (%)
Registered	33	82.5
Not Registered	7	17.5
Total	40	100

Source: field survey, 2009

This shows that majority (over 82%) of the respondents have their lands registered while very few (less than 18%) did not register theirs. The meaning is that most of the lands in Kongila area are registered but the question here is if they have complied with contemporary registration, have they done it at the right place – state or local government?

Payment of tax on the land

The level of compliance with taxation on land or building was investigated by asking if they pay any form of tax on their property. And their response is shown below.

Table 2.5: Payment of tax:

STATUS	NUMBER OF RESPONDENT	PERCENT (%)
Pays	8	20
Pays not	32	80
Total	40	100

Source: field survey, 2009

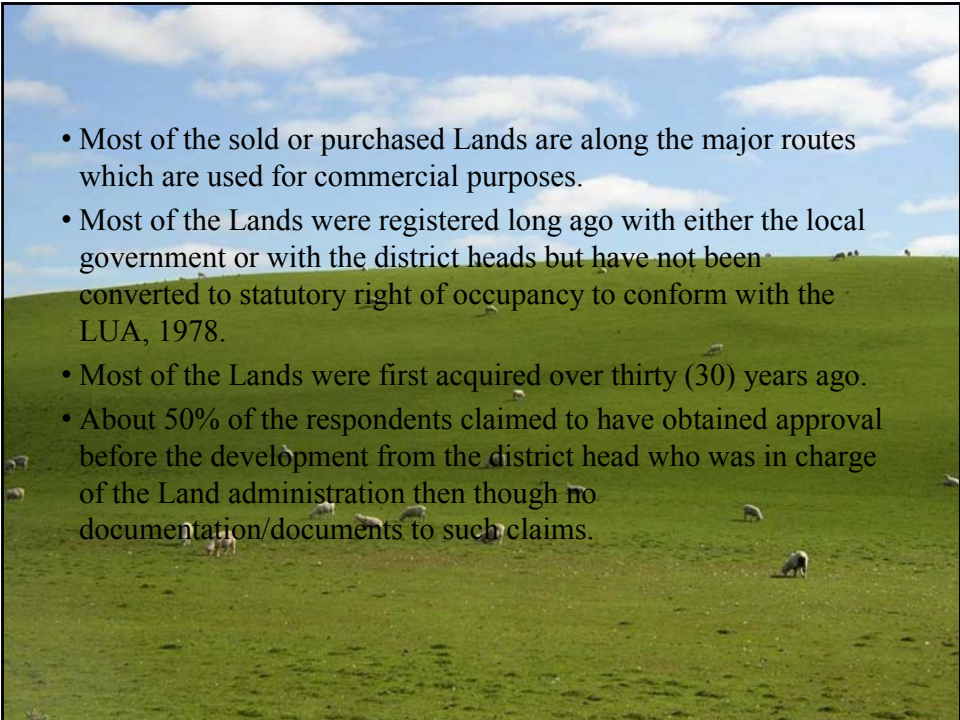
The response shows that only 20% of the properties are levied on, while 80% are not levied. This means that some revenue is being lost by the government. Those few who say they pay admitted not regularly defaulting in most occasions.



SUMMARY OF FINDINGS

From the pilot study area, the analysis of the data gotten from the survey, some issues were discovered, and these are that:

- Even though Kongila is an urban area and so should have statutory right of occupancy, most of the leaseholders there, still have customary right of occupancy.
- Most people claim ignorance of the provisions of Land Use Act which provides that Urban Lands should be controlled by the state government.
- Most of the Lands were acquired by first settlers of whom most are late thereby resulting to inheritance by their successors, though almost one-third of the Lands have been sold to fresh owners.

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- Most of the sold or purchased Lands are along the major routes which are used for commercial purposes.
 - Most of the Lands were registered long ago with either the local government or with the district heads but have not been converted to statutory right of occupancy to conform with the LUA, 1978.
 - Most of the Lands were first acquired over thirty (30) years ago.
 - About 50% of the respondents claimed to have obtained approval before the development from the district head who was in charge of the Land administration then though no documentation/documents to such claims.

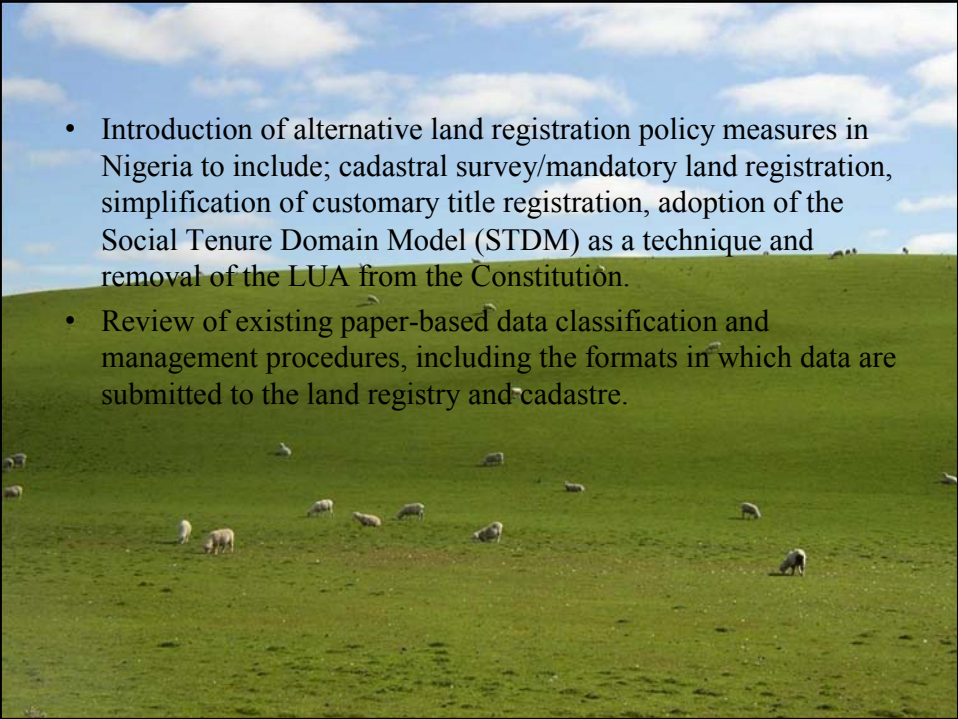
CONCLUSION

It should be noted that, registrable instrument that is not registered is inadmissible in evidence as proof of a transfer of an interest though it may be admitted as acknowledgement of payment. Where there is more than one instrument executed by the same grantor relating to the same land priority is determined by the date of registration where there are rival claimants. In all cases where registration of an instruments it required by status, the fact of such registration does not cure a defect in the title of the grantee. Thus, where such grantee had no valid title in law before registration of his title, it cannot be validated by registration. Enhanced land registration system will improve the socio-economic condition of the inhabitants since the system will incorporate the norms of best practices aimed at improving Nigerian land titling and registration. This will create land markets and enhances accessibility to credit facilities and hence eradicate poverty.

RECOMMENDATION

It is recommended that;

- Provision of new infrastructure; this will greatly create awareness for the people that government is really showing some interest in the development of the area.
- Government should try and educate the people in the area to create a clear understanding of Land policy. In particular, there individual responsibility, there right of ownership, how to register therein little and the benefit of Land title registration.
- Government should stimulate land title registration interest and conversion of customary titles to statutory right of occupancy at a very low rate with minimum delay.

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- Introduction of alternative land registration policy measures in Nigeria to include; cadastral survey/mandatory land registration, simplification of customary title registration, adoption of the Social Tenure Domain Model (STDM) as a technique and removal of the LUA from the Constitution.
 - Review of existing paper-based data classification and management procedures, including the formats in which data are submitted to the land registry and cadastre.

PROPOSED IMPLEMENTATION STRATEGIES

There are several steps through which the proposed guidelines can be implemented.

- Making available a free title registration in the first instance.
- Educating the people on need and benefit of land registration
- Setting up a coordinated team for Land registration in all the 36 state capitals of Nigeria.
- House to house registration and adoption of Social Tenure Domain Model (STDM) whereby land ownership will be captured.

