

Reforming the Land Registration Process in Nigeria

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Key words: Millennium Declaration, land registration, sustainable development, pro-poor growth, poverty alleviation, good governance

SUMMARY

The UK Government's Department for International Development is supporting the reform of Nigeria's land registration processes under the auspices of its Security Justice and Growth Programme. The British Council supported by Her Majesty's Land Registry are providing both practical and technical assistance to a number of Nigeria's State Lands Bureaux in order to improve physical security of records and buildings, enhance organisational capacity, and encourage greater participation in land markets. The provision of such assistance is seen as a pre-requisite to promote greater confidence in land markets and assist with economic development. This paper provides information about actions that have been taken to date.

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1. CONTEXT AND INTRODUCTION

This paper considers some of the work undertaken as part of the Security Justice and Growth Programme (SJG) in Nigeria. The programme, funded by the UK Government's Department for International Development (DFID), started life as an Access to Justice (A2J) programme but after an inception review it was decided to extend the scope of activities to include pro-poor economic growth issues. The logic behind this change was that Justice reform issues by necessity needed to include an economic dimension because without the opportunity to obtain a livelihood what justice could exist. Furthermore, it was recognised in DFID's analysis of the "Drivers for Change" in Nigeria and their country plan for Nigeria that growth in the non-oil sector of the economy was essential if the Millennium Development Goals (MDGs) were to be achieved and if pro-poor growth was to be encouraged.

When the growth component of the programme was conceptualised it was considered that three particular foci should be addressed. Firstly, there was to be an attempt to strengthen the legal environment; secondly, there was to be an attempt to streamline the regulatory environment; finally, there was to be support for the anti-corruption institutions. The intention was that the net effect of these interventions should result in an enhanced enabling environment for pro-poor economic growth in the non-oil sector.

During the scoping visits, undertaken to establish the growth component, one area of consideration was the question of land registration and land administration. In Nigeria a number of specific issues emerged to form this focus. Firstly, the current system of registration after the years of military rule was in a somewhat parlous state. A number of the registries visited were insecure physically and could easily have been destroyed by water or fire damage or even insect attack.

Secondly, the registries were in some instances insecure from attack by unscrupulous individuals who wished to destroy, alter or simply steal documentation. Thirdly, a continual theme emerging from discussion was the lack of collateral available to potential economic actors.

Uncertainties regarding the status of land documentation and delays in the process slowed the development of land and property markets and made the development of lending difficult to advance or sustain. It was for these reasons that the growth component began to work with a number of registries. Our aim in the first instance was fairly modest – we wanted to support local administrators and state governments who had already recognised the necessity for reform and refurbishment and to assist them to reach their objectives. The rest of this paper considers the logic that lay behind this strategy and then considers a brief case study of Lagos state land registry.

2. WHY SUPPORT LAND REGISTRATION?

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 liquid 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 registration systems play an important part in the growth process.

A land registration 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.

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

A land registration system and campaigns to increase or encourage registration may also contribute to the “alleviation of poverty”

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

Land registration 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.

In summary a good 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 security for credit
- develop and monitor land markets
- protect State lands
- reduce land disputes
- improve urban planning and infrastructure development

- manage natural resources and support environmental management
- provide statistical data

3. REFORMING THE LAND REGISTRATION PROCESS

For the delivery of this element of the programme the British Council has been working with HM Land Registry, England and Wales to provide practical assistance and technical support to land registries in a number of Nigerian states together with the Federal Land Registry.

4. PRACTICAL INPUTS

HM Land Registry's input into the SJG programme began in November 2004 with a further investigation into issues associated with the process of land registration in the states of Lagos, Enugu, Benue and Jigawa. This exploratory work led to the development of a unified development path for the individual State Land Registries that took into account the widely differing levels of organisational capacity and modernisation.

Recognising the need for an over-arching national strategy to carry forward the individual State programmes regular interaction has also taken place with the Federal Ministry of Housing and Urban Development and the Federal Land Registry which has now resulted in a discreet intervention programme being established to facilitate improvements at the national level.

In respect of the support provided at a state level, Lagos has led the way. This is covered in the case study below. The following is a brief summary of the actions taken in the remaining states.

Enugu State Land Registry: This land registry presented the polar opposite picture to that of Lagos. It is extremely underdeveloped and whilst the state authorities are well aware of the significance of land registration issues, budget constraints mean that it was unlikely that any development work would be undertaken without external impetus.

The problems of the registry can be easily enumerated:

- The physical infrastructure is both run-down and inappropriately configured
- The level of basic office equipment is inappropriate for the tasks
- The level of equipment for surveying sights is deficient
- The level of staff training was inadequate for the demands of modern service provision
- The registry has no vehicles to undertake site visits
- The registration system is totally paper based with all the attendant problems of physical decay and the possibilities for malpractice
- The strong (*sic*) room is inappropriate both for security purposes and provides an inappropriate environment for paper storage
- There is effectively no computerisation of any tasks
- There are deficiencies in the available maps of the state

As a consequence of the above the project decided to undertake a process of the complete refurbishment of the Enugu registry. To the extent that Enugu is more typical of current Nigerian land registries than Lagos it has acted as a useful pilot of the upgrading process, which the project is now repeating elsewhere. The combination of this experience plus that of Lagos has provided us with the methodology for future development.

5. OTHER INTERVENTIONS

Other work has been undertaken in Benue State and Jigawa State. Progress here has been slower, in part due to the practicalities of the programme implementation, but also because there is limited high level political awareness of the benefits of effective land administration. Raising such awareness will be the initial focus of future interventions.

A future project in Kano State to develop inter-state communication and co-operation, create a regional IT training centre and develop a model digital map creation methodology has been defined and incorporated into a second intervention phase that is expected to last until at least the end of 2006.

Key to the success of the overall programme has been relationship building with the various stakeholder groups, including senior staff at individual registries, ministers and presidential special advisors, designed to facilitate the necessary consent for reforms to take place. A direct correlation can be drawn between the degree of State Government support and the progress made.

6. LAGOS STATE LAND REGISTRY – CASE STUDY

6.1 Background

Lagos is Africa's largest city. According to the United Nations the population, estimated at 1.3 million in 1992 is likely to reach 20 million by 2010. The trend towards urbanisation of rural populations is an ongoing global phenomenon. Some time in 2006 half of the world's population will be urbanised. Specifically it has been estimated that within the next two decades more than half of the population of Africa will live in cities.¹

The challenge this poses for those institutions and organisations both public and private tasked with establishing and maintaining effective systems of land and resource management are formidable.

6.2 Overview of work programme

In response, the Lagos State Lands Bureau has been at the forefront of improving land registration processes in Nigeria. Since 2005, with the support of the SJG programme, the Bureau has been engaged in a programme aimed at upgrading facilities, modernising

¹ Source- The Economist -The World in 2006

operations and making information more accessible to customers. At the time of the pre-project field study Lagos was the most advanced in their plans for future activities. The system was at that time based on a paper process and was extremely cumbersome, time consuming and easily open to malpractice. Their objective was to computerise the land records and simultaneously obtain digital mapping of Lagos State. The registry was already beginning a process of upgrading financed by the state government and the project decided that our practical assistance in Lagos could potentially assist in the achievement of their objectives and raise the Lagos land registry to a model to be adopted or adapted by other states. Lagos State's experience was also thought to be useful to underpin our activities elsewhere. Their experience will be of direct benefit to other states, for example, in piloting software and hardware approaches. The staff from Lagos may also be employed as local consultants to assist our work elsewhere.

A further issue for consideration in Lagos was the question of advocacy and publicity campaigns to encourage further extension of land registration. There also remain issues concerning the broader legislative environment within which land registration takes place and a consideration of various approaches to the land question.

6.3 Electronic Document Management Solution (EDMS): The Lagos State Land Registry Experience

The main function of the Lagos State land registry is to keep proper records of all land transactions in Lagos state. The land registry in Lagos is currently the most developed land registry in Nigeria. The registration of instruments affecting land in Lagos dates back to 1863 when Lagos was then administered together with the Gold Coast now known as Ghana.

The first type of Land Instruments that came into operation were known as Crown Grants. At the Lagos State Registry there is a document registered as No 3 Page 1 in Volume 1 Crown Grant dated 12 June, 1863 and signed by Lt General John Hawley 'of the Island and Territories of Lagos.' Bearing in mind that documents at the registry go back as far as 1863, one can imagine the volume of paper work at the Registry. It therefore became essential to begin a paper elimination exercise so as to reduce the inefficiency often associated with a paper based system.

The first observation made was that there was inadequate provision of storage facilities (shelves and racks) and the files were literally spilling over onto the floor, while members of Staff were knee deep in files. This gave rise to a variety of problems:

- It was often impossible to locate files
- The system gave rise to poor service delivery
- The paper system was replete with tedious official processes
- This led to delays in obtaining information
- Users of the Registry expressed continual dissatisfaction
- Workers at the registry experienced continual frustration attempting to locate files
- Official procedures were opaque

- The nature of the system gave rise to rampant corruption
- Space was at a premium and there was massive shortage of storage facilities

Clearly this situation could not be allowed to continue and Lagos State Government under the leadership of His Excellency Governor Asiwaju Bola Ahmed Tinubu, had a vision for a more viable, modern, efficient and workable Land Management System. Thus it was decided to embark on a comprehensive project whereby all title documents kept at the Land Registry were to be archived onto a data base to enable easier access for users of the Registry. This led to the development of the Electronic Document Management Solution (EDMS) now in use at the land registry

The project itself began in January 2005 with the following objectives:

- To store all available data electronically
- To ensure proper indexing of documents
- To centralize and consolidate file storage
- To make information available in an on-line real time manner.
- To set up an on-line Document Search and Retrieval System at the Registry.

6.4 Steps Taken Towards Implementation of the EDMS

(1) Employment of external consultant to the project - Proposals from different consultants were assessed to evaluate and assess the solution best suited to the need of the Land Registry and Survey Directorates. The Company found to have offered the best solution was thus invited to commence the project. They moved to site in August 2004 and work commenced as follows:

- The physical sorting of files
- Purchase of file racks and shelves
- Installation of equipment
- Wiring of network
- Testing of the system
- Employment of staff
- Installation of software for scanning, managing, retrieval, searching of documents and for the database
- Testing of software on the network
- Commencement of the scanning of documents

(2) Total Refurbishment of the land registry - The whole registry was in a deplorable condition. There was need to create a better working environment to attract customers and lift staff morale. Offices were equipped with new air conditioners and office furniture.

(3) Purchase of Equipment – the new intended renewal of the registry required comprehensive re-equipping

- Computers were purchased for the new work stations to be set up at the registry and for senior members of staff. Our ultimate aim is to ensure that each of our offices has at least one computer work station.
- Shelves - New shelving units had to be provided to store the numerous files and ledgers kept at the registry.
- Photocopiers- had to be acquired to cope with large the large volumes of CTC applications received.
- Fire and Safety- was of paramount importance to protect the valuable documents kept at the Registry. We required an adequate Security and Fire Alarm System.
- Security monitors were also placed in strategic locations around the premises to monitor the movement of visitors to the Registry.

(4) Re-organization of Staff and Offices - a reorganization of staff and their roles needed to be undertaken, who was required and what for? The Registry was divided into the following sections - Investigation Section, Plan Section, Records Section, Administration Section, Litigation Section, Printing Section, Correspondence Section and Certificate of Occupancy Section. These sections were then populated with appropriate staff.

(5) Staff Training - in line with the above we realized the importance of staff training. We employed the services of external consultants to do this.

(6) 24 hour working pattern – the registry embarked on a 3 x 8hour daily work shift pattern to deal with the backlog of documents which required scanning. This has paid off and since February 2005 approximately 2.5 million pages of documents have been scanned.

(7) Setting up of EDMS Management Committee – a management committee comprising representatives of the external consultants managing the project, and senior staff from the Land Registry was established. The role of this committee is to monitor the progress being made in the computerization process as well as solve any/all operational problems which may arise.

6.5 Benefits of the EDMS at the Registry

The EDMS scans and captures data and allows an organization to control the production, storage, revision management and distribution of electronic documents, thereby yielding greater efficiencies in the ability to re-use information and control the flow of documents within an establishment. Scanning of documents began in February 2005 at the Registry. There is a continuous process as new documents are scanned, processed and filed on a daily basis. As noted above, currently 2.5 million pages of documents have been scanned.

The use of the EDMS has gradually improved efficiency and increased productivity in various aspects of services offered at the Land Registry. The registry has been transformed by the introduction of the EDMS and the associated changes which include the following:

- Documents have been archived onto a database for easy accessibility by users.

- Manual searching of documents has been eliminated and there exists in its place an on-line searching capability which makes searching of documents less time consuming. This is also easier to monitor and control.
- Purchase of industrial photocopiers which contain a back up system that can cope with large volumes of Certified True Copies of documents has increased the effectiveness and service delivery.
- De-centralization of information so that it is now easier to keep track of and to recall information.
- Transparency in all land dealings with due process and accountability being the key watch words. In line with this we have published and displayed fees charged for different services offered at the Registry.
- Simplified official procedures - we devised a faster and more effective way of moving files and totally discourage undue delays.
- Reduction in waiting times for obtaining information on land matters. The Registry has published a 'Registration Procedure Booklet' to convey the requirements for each of our Registration Procedures.
- Improved managerial efficiency and better administrative effectiveness has led to noticeable improvement in the work ethic of the registry.
- Installation of a state of the art security and fire alarm system with security monitors placed in strategic locations around the Registry has led to a higher level of confidence on the part of customers/users. All visitors are now expected to wear badges for easy identification.
- Setting up of a call centre for enquiries and complaints by users of the Registry.
- Alongside the establishment of the EDMS progress has been made in the production of digital base maps to provide accurate and up to date information.
- An ethos of staff training has been developed and computer training has been to the fore. External Consultants have given training in Customer Service, Change Management, Time Management, Project Management, Supervisory Management, and Systems Administration.
- Finally the land registry has established a website www.lasg.com

6.6 Future Expectations

- In the longer term there are still tasks that need to be completed and the registry eventually envisages an operation and service provision that will include:
- Complete computerization of all documents at the land registry
- Computerization of all registers kept at the land registry
- Archiving of land documents and survey maps into a searchable and interlinked database
- Continuous production of digital base maps to provide accurate and up to date land information
- Addressing “frequently asked questions” (FAQ’S) on-line to assist users of the land registry.
- Setting up Tele Kiosks in strategic locations to enable users to have easy access to information on land registration
- Computerization of the land registry court
- Continuous training of staff to include in-house training
- Increase in revenue generation

6.7 Benefits of an Efficient Land Registration System in Lagos

The improvement in land registry service delivery has a number of consequences for the population of Lagos State.

Firstly, proper registration of land is essential for all land proprietors. Land has great economic value and proper registration will give the proprietor a state guaranteed title which can be used to access bank loans for small business development. This will encourage business and commerce to flourish which may contribute to the alleviation of poverty in the state.

Secondly, it will improve the revenue generated for the state budget. This will have a direct impact on various sectors of state service delivery such as health, education and environmental protection. This is in line with the Lagos State Economic Empowerment and Development Strategy (SEEDS) which is the major strategy to reduce poverty and encourage sustainable economic growth in the state.

Thirdly, registration of documents means there is an up to date official record of the land owner and this makes conveyance work much simpler in the event of a sale by the land owner. Buyers can make an official search on-line before completing a purchase.

Finally, registration procedures are straight forward and efficiently carried out. We have actually produced a simple and easy to read Registration Procedures booklet which explains all our registration procedures and informs applicants of the requirements for our various processes. The booklet can be obtained free of charge at the registry and is a viable method of disseminating information to the public.

For Lagos State land registry this process of reform, refurbishment and transformation has been an intensive and demanding process but has led to a situation where Lagos is a pioneer in land registry development in Nigeria.

The table below illustrates the growth in both workload and revenue experienced by the Lagos State land registry over the past year. (They are produced as index numbers in order to preserve confidentiality).

	End 1 st Quarter	End 2 nd Quarter	End 3 rd Quarter
Assignments	100	243	461
Mortgages	100	183	294
Sublease	100	224	506
Searches	100	225	583
CTCs	100	239	344
C of Os	100	213	277
Revenue	100	123	198

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