

The Relevance of Cadastre Working Tools and its Engagement for Land Administration Challenges in Delta State of Nigeria

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Key words: Cadastre Working Tools, Challenges, Engagement

SUMMARY

The relevance of cadastre working tools in a developing economy is immeasurable. Land Administration has many challenges; cadastre working tools application is to harness the spatial data for land administration and good governance.

Automation and Integration of the tools with holistic approach in Land Administration is the pathway to positive achievements and enhancements.

The objective of this paper is to identify the readily available Cadastre Working Tools (CWL) with possible applications to our challenges resolutions; to showcase the need for paradigm shift from absolute dependency on government budgeting and inadequate funding with viable and possible Public, Private, Partnership (PPP).

The problem of funding with budget discipline; political will with land and cultural attachment to it; corruption and political instability; lack of will to break from bureaucracy and tendency of high cost of land administration using old and outdated tools are all major challenges here in Delta State. The significance of this paper is to showcase engagement of holistic approach that will be working by using Public, Private, Partnership (PPP) at little or no cost to government particularly for an economy where cost of governance is prohibitively high to the detriment of other basic infrastructures and other developmental needs of the populace.

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1. INTRODUCTION

Land Administration in Delta State of Nigeria is purely and absolute state government affairs. It is of relevance at this start off point to demarcate and state that Land and the Administration of Land are different entities.

Land definition by the existence and essence of it in Delta State of Nigeria is looked upon as the nucleus of man's livelihood and survival as it provides the physical base for all human activities. It is the essential base of all social, commercial interactions. A recurring urge of man nature being a desire to have a stake in a particular society and roots in a particular place which is manifested in a yearning to own immovable property, land or a house or both. (Adefi 2011).

Lands Administration is systemic and by design; it is desirable to engage it for the provision of basic infrastructure for implementing land – related policies and land management strategies with the aim of ensuring social equity, economic growth, and environmental protection. A system may involve an advanced conceptual framework supported by sophisticated information and communications technology (ICT) models as in many developed countries, or it may rely on very fragmented and basically analog or manual approaches that are found in less developed countries. (Ian Williamson et al 2010). Integrated Land Administration is a framework of infrastructure provisions which are usually made via land related policies and land management strategies.

Land and the administration as earlier stated are clear cut entities. All land definitions and the administrations in Delta State are of legal framework called Land Use Act of 1999 as amended. In most cases customary laws and procedures for land administration is very common and most of the times can override the potency of the Land Use Act of 1999 as amended. This is a critical challenge for Land Administration for good governance in Delta State.

2. CADASTRE WORKING TOOLS

Delta State is one of the 36 federation states of Nigeria; it is a state with geographical location of having its boundaries to make it look like an enclosure by the coastline of Atlantic Ocean and River Niger Delta drainage system. The state has 25 Local Government Areas. By the physical situation of the state; the land mass is easily divided into:

- LAND.

- SWAMP.
- MARINE.

The effects of this classification have not been accommodated in the cadastre data management and development in Delta State. Cadastre Activities and Land Administrations relationship in any place is like living cell and its nucleus.

Cadastre Working Tools in Delta State can be defined as rudimentary, manual and evolving. Using Toolbox Approach System of Ian William et al 2010. The readily available Cadastre working tools in the state can be listed and captioned as shown in the Table 1: which is culled from Land Administration for Sustainable Development co authored by Ian Williamson, Stig Enemark, Jude Wallace and Abbas Rajabifard (2010)

Tools as they are in all life endeavors: its availability and utility are relative to the societal evolution and developmental level of the users. The choice of right tools for a particular task are limited, or even restricted by the human capacity building and further development.

TABLE 1: TOOLBOX APPROACH

GENERAL TOOLS	<ol style="list-style-type: none"> 1. Land policy tools. 2. Governance and legal framework tools. 3. Land Market tools. 4. Marine Administration tools. 5. Land – use, land development, and valuation tools. 6. ICT, SDI, and land information tools. 7. Capacity and institution – building tools. 8. Project management monitoring and evaluation tools. 9. Business models, risk management, and funding tools.
PROFESSIONAL TOOLS	<ol style="list-style-type: none"> 1. Tenure tools. 2. Registration system tools. 3. Titling and adjudication tools. 4. Land unit tools. 5. Boundary tools. 6. Cadastral surveying and mapping tools. 7. Building title tools.
EMERGING TOOLS	<ol style="list-style-type: none"> 1. Pro – poor land management tools. 2. Non cadastral approaches and tools. 3. Gender equity tools. 4. Human – rights tools.

2.1 TOOLS APPLICATION

In Delta State of Nigeria, tools application has the challenges of conflicts of state legal framework and the customary land tenure system, poor land related policies and land management strategies due to difficulty of implementing legislative reforms, inter and intra professionalism jealousies, silo mentalities, a fascination with the latest technologies with little knowledge of it, and desire to replicate an inappropriate system found in a more developed country even when there are no initial adaptability impact assessment or feasibility studies.

As shown in Table 1, the readily available and adaptable tools can be easily seen in the table. The general professional and emerging tools as tabulated are abound in the state. There is virtually no one of the tools as shown that is not readily available and accessible in Delta State of Nigeria. However, the public and private sectors of Land Administration are not having a functional alignment for positive help to grow good governance and sustainable development for the good of the people.

The Delta State Government revenue intake is basically on OIL INDUSTRY BASED ALLOCATION FROM THE CENTRALISED FEDERAL GOVERNMENT ACCOUNT. Delta State is an oil producing state:

Location of Delta State in Nigeria

Coordinates:  5°30'N 6°00'E	
Country	Nigeria
Date created	27 August 1991
Capital	Asaba
Government	
• Governor (Name)	Emmanuel Uduaghan (PDP)
Area	
• Total	17,698 km ² (6,833 sq mi)
Area rank	23rd of 36
Population (1991 census)	
• Total	2,570,181
• Estimate (2005)	6,710,214
• Rank	9th of 36
• Density	150/km ² (380/sq mi)
GDP (PPP)	
• Year	2007
• Total	\$16.75 billion ^[1]
• Per capita	\$3,990 ^[1]
Time zone	WAT (UTC+01)
ISO 3166 code	NG-DE

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Delta State is made up of twenty-five Local Government Areas (shown with 2006 population figures.

Delta Central Senatorial District	1,575,738	Delta North Senatorial District	1,229,074	Delta South Senatorial District	1,293,282
Ethiope East	200,792	Aniocha North	104,711	Bomadi	86,644
Ethiope West	203,592	Aniocha South	140,604	Burutu	209,666
Okpe	130,029	Ika North East	183,657	Isoko North	144,155
Sapele	171,888	Ika South	162,594	Isoko South	227,712
Udu	143,361	Ndokwa East	103,171	Patani	67,707
Ughelli North	321,028	Ndokwa West	149,325	Warri North	137,300
Ughelli South	213,576	Oshimili North	115,316	Warri South	303,417
Uvwie	191,472	Oshimili South	149,306	Warri South West	116,681
		Ukwuani	120,390		

Sources: http://en.wikipedia.org/wiki/Delta_State.

BEYOND OIL is a laudable and popular slogan of the state government in the recent times. The beyond oil is a necessity that came to life due to allocations from the central federal government that are not usually sufficient and keep dwindling. It is desirable for the state government to move their revenue cursor lines from oil based to other Land Resources revenue drive. With this laudable vision of the state government; the imperative need for using cadastre working tool box for good Land Administration is inevitable.

2.2 CHALLENGES

The major challenges facing Land Administration in the state as earlier stated are funding; budget discipline; political will with land and cultural attachment to it; insecurity; corruption and political instability; lack of will to break from bureaucracy and tendency of high cost of land administration using old and outdated tools. Engagement of right tools to solve all these problems is mandatory for any meaningful development. Feasibility studies for the application of any tool to be engaged will be a preventive move for application of wrong tools and waste of scarce resources.

2.3 ENGAGEMENTS

Automated and Integrated Land Administration System can be engaged with abundant tools we readily have in Delta State. When one looks at the challenges as narrated; the bottom line of the challenges can be reduced to these:

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- FUNDING AND LACK OF FISCAL DISCIPLINE
- BUREAUCRACY AND POOR MANAGEMENT
- LEGAL FRAMEWORKS AND CONFLICTS THEREIN

The potential for a Partnership Model in Developing Economy like that of Delta State shall guide the engagements. Land Information is the soul of land administration; the registration system of land in any environment is expected to integrate with other information on tax, land case law, engineering, disaster management, policies formulations and monitoring, research and development.

In March 1988, the Government of Ontario created a joint government/private sector committee to investigate how the government and private sector could jointly participate in the implementation of the Province of Ontario Land Registration Information System (POLARIS). With the existing government structure and the private sector expertise: the COMBO saw the great opportunity and positive impact that POLARIS will have in Land Related Information System (LRIS). (Brian W. Cowan and Ronald A. Logan 1994). This bold undertaking was designed to be a “win-win” for each component of the COMBO. The government and private sector shares equal profits of 50% : 50% ratio.

The MANDATE of the COMBO was to:

1. Automate and enhance the Province of Ontario’s land registration system based on POLARIS technology developed by the provincial government (the province consists of more than 4 million properties which is backed up by more than 300million documents;
2. Develop an information utility to manage the land registration databases and other land related information, and serve as the communications gateway for remote access and the information highway; and
3. Market its expertise, systems and applications within Canada and internationally.

Fulfilling this mandate has included supplying the following information services:

- Land related information access through automation.
- Land related systems consulting and project management services.
- Land related systems integration.
- Land related data conversion.
- Land related database operation.

2.4 ADOPTION

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Adoption of Land Administration System (LAS) and the implementation without proper feasibility studies usually brings serious consequences of creating more problems and frustrations. When inappropriate tools have serious consequences: at best, poor and fragile LAS will result. At worst, the end result will compromise the system that existed at the start. Unfortunately, since 1975, cadastral, land titling, and land administration projects have produced more failures than the rare successes. The past decade has seen more successful implementations as the international community has come to better understand the complex issues involved in building LAS and their relationship with good governance in general. (Williams et al 2010). For any adoption or formulation of any format of PPP; the following differences in perspective and philosophy needed to be handled wisely. See Table 2. As formulated by Brian W. Cowan and Ronald A. Logan 1994.

In Delta State of Nigeria; the state government has little or no understanding that LAS is the heart beat of the BEYOND OIL policy. This Policy is a revenue drive to shift earnings from oil revenue allocations from Federal Government in Abuja to land based resources derived revenue. Land Ownership with the Rights, Restrictions and Responsibilities (RRRs) are not well defined. The only legal frame work in the state is Land Use Act of 1999 as amended and the inadequacy of this Act has earned it the most discussed legal framework in Nigeria. Presidential Land Reform Committee of Nigeria (PLRCN) as inaugurated for the past years still remained talk shop entity without any policy outlay for the federating units called states in Nigeria.

TABLE 2: PPP AND INHERENT DIFFERENCES

Free Enterprise		Government
Risk taking		Risk Averse
Proactive		Reactive
Entrepreneurship		Accountability
Enhanced service	V	Universal service
Access to information		Protection of privacy
Self regulation	E	Government regulation
Guidelines		Laws
Network	R	Hierarchy
Market responsive		Mandate fulfillment
Clients/customers	S	Public
Dividends		Consolidated revenue fund
Profits	U	Revenues
Creative financing		Budget constraints
Market rates	S	Cost recovery
Price increases		Tax hikes
The Bottom line		The public good
Equity financing		Debt financing
Prices		Taxes

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3.0 PARADIGM SHIFT

Land administration projects where the Private and Public Sectors will work together to bring good governance is not uncommon in Nigeria. Niger, Plateau, Kwara and few other states have traces of PPP for their Certificate of Occupancy (C of O) procurement data processing and management in terms of storage and retrieval. Under Nigerian Land Use Act of 1999; Certificate of Occupancy is leasehold and this remains the Document of Reference for any Land issue that has government related actions. For bank loans and other related activities: Certificate of Occupancy or Governor Consent is the only legal document that can be accepted. No other title is legally tenable for any form of bank credits and financial backings.

The state government uses Certificate of Occupancy as defined in Section 50 of the Land Use Act. Statutory right can be expressly granted by the Governor of the state; statutory right is usually for a definite term of 99 years. Urban lands as stipulated by the Act are to be by Governor's definition and by power vested on him or her; the Governor of state can issue a certificate of occupancy on such lands. But where land is outside urban area; it is under the control and management of Local Government within whose jurisdiction the land is located. Section 36 (3) recognizes that where land was not in an urban area but such land was held and occupied for agricultural purposes, the holder after 1978 became entitled to continue to hold the land as if the customary right of occupancy had been granted to him by the local government. (Adefi 2011). But in Delta State contrary to the existing law and without enactment of another one; to date; no Local Government in Delta State issues Customary Right of Occupancy. All rights are issued as Certificate of Occupancy or Consent.

Basically, the Document of Reference (DR) that can be used as fundamental units of Land Administration Project cannot be only Certificate of Occupancy or Consent. Titles outside the catchment of government are more than that captured by C of O or Consent. However; majority of them are defined with rudiments of survey that defines the relative positions of the properties on Coordinate System we called National ORIGIN.

4.0 PRIVATE PUBLIC PARTNERSHIP (PPP)

The Land Administration Project (LAP) we are planning for Delta State on the platform of Public Private Partnership (PPP) is a form of enhancement of the present pattern for good land administration and sustainability. This CADASTRE based LAP will definitely increase the revenue earnings of the government.

Ministry of Lands, Survey and Urban Development (MLSUD) is empowered to manage the Land Administration of the State. Inside the ministry: is the Office of State Surveyor General (OSSG); this Office manages all Cadastre Survey or any other survey related issues for the state government. MLSUD is pure civil service affairs that generate revenue for government

from C of O processing and related issues. Building Approval is also their responsibility; but mostly; buildings are put up without any approval and without any consequence.

Inland Government Revenue (IGR) as a BOARD coordinates the revenue from state government taxations and ground rents. The BOARD's target is higher revenue for government at lesser cost of collection. There is also Delta Development and Property Authority (DDPA) Board which oversees State Government Layouts and Estates for the public property development. The government also has Urban Development Board. The two boards suppose be ONE but this is all parts of the problem. And most often; there is no common interest or any inter relations for common good of governance.

Land Administration Project of Public Private Partnership of 1988 in Ontario was adopted in Czech Republic with feasibility studies that commenced in 1994.

Feasibility Studies carried out here in Delta State revealed that the PPP as applied in Ontario and Czech Republic cannot work in Delta State of Nigeria.

Reasons for this are found out to be:

- Very porous and poor Legal Framework.
- Frustration of Legislations on Land Administration System.
- Poor and slow justice delivery system.
- Corruption and lack of will to change for good.
- Poor capacity building and unstable educational system.
- Land related Professionalism intra and inter jealousy.
- Land registration not of effect.
- Cadastral maps not in place.
- Poor mapping culture.
- Poor governmental Funding.
- Professional Institutions and Associations lack of vision.
- Government lack of awareness.
- Lack of transparency in Governance.
- Taxation and Apathy to pay tax due to poor governance.
- Over delayed Certificate of Occupancy processing: FIVE MONTHS and above.
- Cumbersome title and deed registration system.

5.0 STARTING POINT

Under these burden as stated there up; the LAP as proposed shall have a start off point from the Office of State Surveyor General. Cadastre Survey is the pivot of all Land Administration System in the state. Cadastre Survey as it is in the state for now is the centre of all actions on land matters and shall be the starting point for the PPP LAP. We intend to use Office of the

State Surveyor General to collate the Cadastre Survey Plans in the Archive and convert them to soft copies to:

1. Automate and enhance the Delta State Cadastre Survey Plans Registration System based on the available departmental instructions that Survey Plans are necessary article for production of all title in the state.
2. Develop an information utility to manage the survey plans registration databases starting with the certificates of occupancy in the MLSUD.
3. Develop Delta State Cadastre Map using Local Government Area as units of the map system.
4. Market its products, systems and applications to other states and within the data users and to serve as a base for research and development.
5. By research and development; to explore more frontier to incorporate other Ministries Departments and Agencies of Delta State Government into the Automated and Integrated Land Administration System

Private Partner shall be Survey Firms of about FIVE in number; they will form consortium which will have paid up shares of about One Hundred Thousand US Dollars as a takeoff fund that will be used to set up office for the Delta State Cadastre Survey Plans Registration System. Public Partner shall be the Office of the State Surveyor General (OSSG). OSSG serve the state government and the same time has enabling law to control survey practice in the state in all ramifications. They will provide the office space in their office building in the state capital Asaba. And the work force from the Private Company Consortium shall work together with the Civil Servants; but there will be job training and re orientation courses for the civil servants that will be seconded to this LAP.

Products shall be Cadastre information and documents registrations that will attract basic fees payments. Profit sharing shall be 70% : 30% Ratio Private and Public respectively.

6.0 CONCLUSION

Millennium Development Goals has increased the need for good governance for development sustainability. Cadastre Survey has been the fundamental components of Land Administrations, the focus on CADASTRE SURVEY PLANS COLLATION for the starting of the PPP LAP was the composite need of survey for general development. Most important aim of this project is to kick start a journey for holistic land administration management. With a good start, this will attract the government attention for the need to engage the Cadastre Working Tools. Enhancement of Land Administration will bring to the state sustainable development.

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BIOGRAPHICAL NOTES

DABIRI, Oluseye Thomas obtained Bsc Geography Science from the Nigerian Premier University of Ibadan in 1987. He served in Geography Arts Department of University of Lagos as a Graduate Assistant on the Desertification Monitoring Project of Canadian Waterloo University support/exchange project from 1987 to 1988. He obtained Post Graduate Diploma in Land Surveying and Applied Sciences from Federal School of Surveying in Oyo town of Nigeria in 1990. He became Registered Surveyor under Decree 44 of 1989 in 1992. Before then he has served as Projects Surveyor for major oil servicing companies in Niger Delta and beyond for Right of Ways and Oil facilities Engineering Survey support services. In 1993/1994 he started Private Practice as Principal Partner for Geocore Surveys: a surveying personnel supplying contracting company to Chevron Nigeria Limited and Shell Petroleum Development Company of Nigeria. In 2001, he formed Hydroark International Limited. He is the Chairman and Managing Director of the company since then till date. Hydroark is a leading Survey company with wide diversity into hydrographic survey, property, cadastre management and investment monitoring; he is a viable member of FIG Commission 7; a Paul Harris Fellow of Rotary Club International; Corporate Member of Nigerian Institution of Surveyors (MNIS) and National Treasurer of Association of Private Practicing Surveyors of Nigeria (APPSN) since 2013.

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