

Delta State Government of Nigeria Good Cadastre Initiative And Poor Cadastre Infrastructure: A Weak Foundation For Good Governance and Good Citizenship

Oluseye Thomas DABIRI, Nigeria

ABSTRACT

Delta State of Nigeria is a major oil and agricultural producing state of Nigeria, situated in the Western Flank of Niger Delta; with a Population of 4,098,291 (Males: 2,674,306; Females: 2,024,085). The estimated area of the state is 16,842 square kilometers. (Sources: www.deltastate.gov.ng)

Nigeria and her geo – political units of 36states with one Federal Capital Territory relegated taxation base of the Internally Generated Revenue (IGR) in the past simply due to easy and readily available and accessible free oil revenue. After the General Election of 2015; the Federal Government of Nigeria and most of the components states became insolvent due to the following:

- Collapse of oil prices in the world market.
- Vandals bombing of oil facilities for political relevance and mostly criminality.

The drop in production volume and fall of the per barrel oil price made governance difficult and these jolted the governments at all levels the need to shift attention to taxation based governance.

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1.0 INTRODUCTION

Internally Generated Revenue is a composite taxation system for the Nigerian State Governments. Delta State was highly affected with the oil crisis cash flow problem; the government of the state quickly tapped into the CADASTRE INITIATIVE of Certificate of Occupancy Issuance for Landed Properties via taxation through Land Rents, Stamp Duties, Personal Income Tax and Tenement Rates with valuations based on the size of the land parcels.

On the 31st of March 2016, Delta State Government launched the Cadastre Initiative they named “FASTTRACK 90” with fun fare but with weak cadastre infrastructures. This paper will assess the FASTTRACK 90 in terms of the political will, available cadastre infrastructure; the weakness and the need for improvement; its sustainability; the associated problems and possible solutions.

2.0 FASTTRACK 90 OVERVIEW AND MISSION STATEMENT

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Figure 1: Showing Field Vehicle for FastTrack 90. (Dabiri 2017)

“ Subject to the provisions of the Land Use Act, all land comprised in the territory of each state in the Federation are vested in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of Nigerians in accordance with the provision of this Act. As a result of this Act, it is an advantage for every Landlord to have a Certificate of Occupancy which serves as a protection from Government’s acquisition and other modification. Today, the process of documentation is long, expensive and leaves individuals unsatisfied.”

THE REMEDY IS FASTTRACK 90... SO THE GOVERNMENT PROMISED on the 31st of March 2016. FastTrack 90 was an opportunity introduced by Delta State Government, and it is open to every property owner to fast track the process of obtaining their Certificate of Occupancy maximum 90 days.

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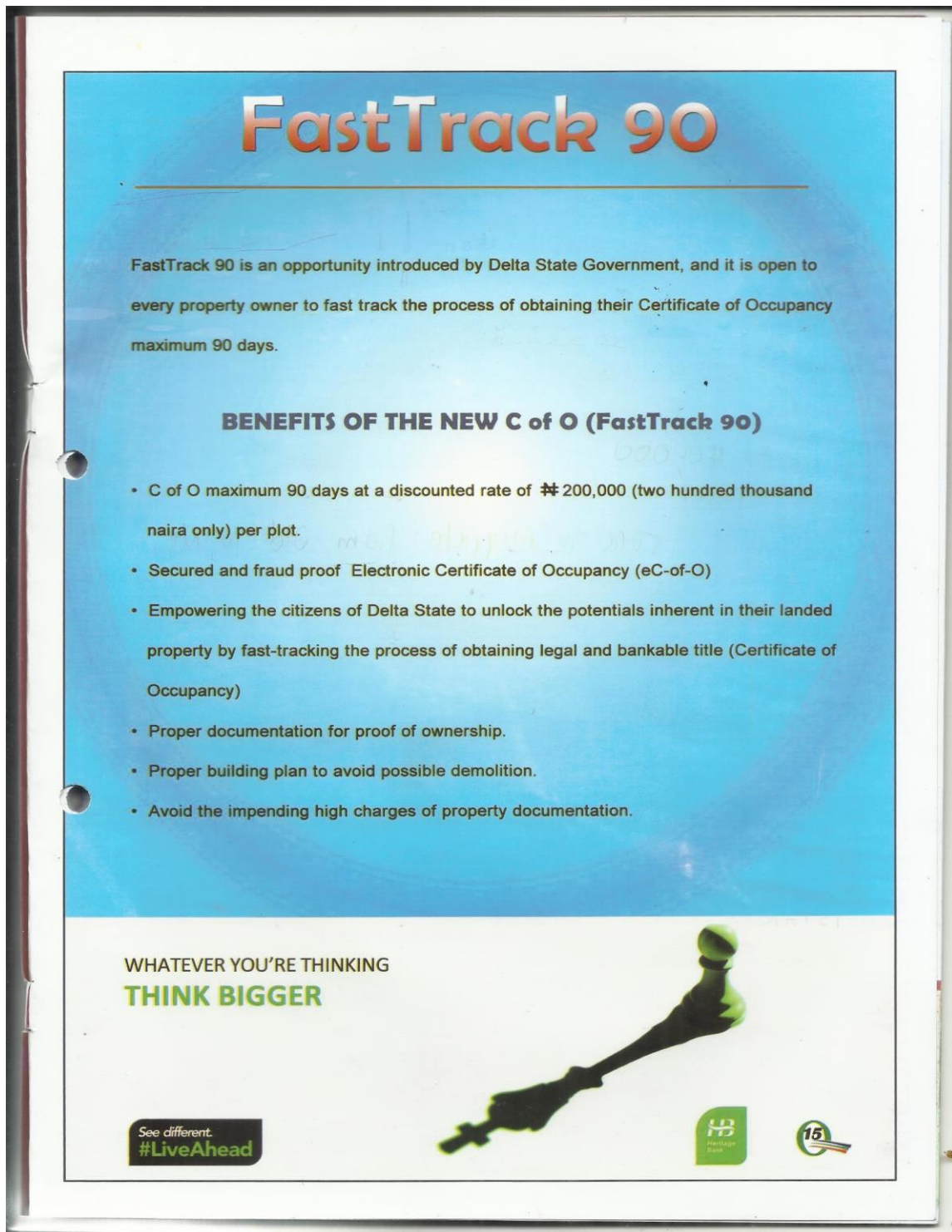


Figure 2: Showing the Outlay of FastTrack 90 Menu. (Sources: Delta State Government Library)

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2.1 Cadastre Data and Infrastructure Before Fast Track 90

Delta State became a geo – political unit of Nigeria in 1991. The geo political evolution of the state as stated has impacted positively on the Cadastre Data Development of the state; but with little Cadastre Infrastructural Development. Urbanization and general creation of states in Nigeria as a human development process is fundamental to the development of methods for the precise determination of property boundaries. Coupled with global trend of high technological growth in the field of survey in general; Cadastre Data Development has moved faster from visual and oral data development and storage to Computer based systems. Global Positioning System Technology incursion is an addendum for the faster pace of growth in the evolution of the data development in Delta State of Nigeria.

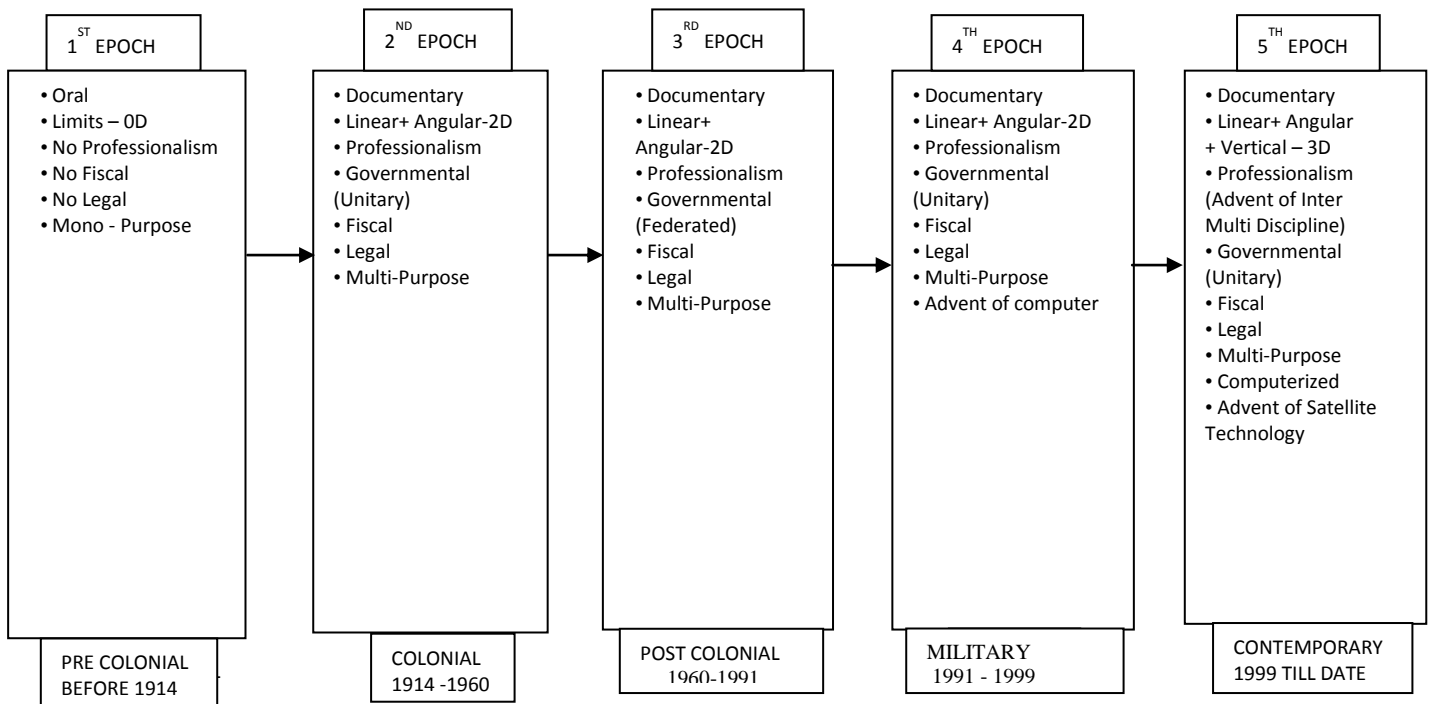


Figure 3: Delta State Epochal Cadastre Data and Infrastructural Development Evolutionary Trend Outlay. (Dabiri 2012)

As the geo – political development continues in Nigeria; the cadastre data content and its development grow positively. Population growth and the associated urban sprawl have made Cadastre Data and Infrastructural Development a necessity for the citizens and government. There are many varied interests in land, which may be owned by individuals or groups of individuals. These interests can be documented in instruments such as deeds, leases, wills, mortgages, exchange and gifts which are then recorded in special registers. (Dashe 1987)

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All these interests as stated are usually backed up with schedules of survey plans containing the survey beacons with numbers, survey plan number, names of the property owner, location of the property and the signature of the Registered Surveyor who produced the survey plan. Until 1972; the survey plan used to be counter signed by the Surveyor General of the state.

The Cadastre Data content started from oral presentation and definition from the beginning as the need be then. Cadastre Infrastructure is the bedrock on which the Cadastre Data can be built, used, managed, sustained and maintained.

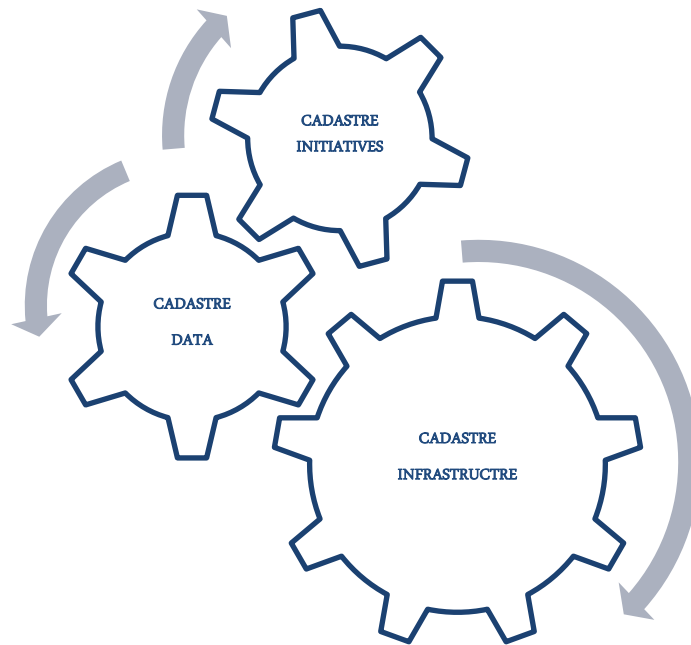


Figure 4: The Interplay of the Cadastre: Infrastructure, Data and Initiatives for good governance and citizenship.

3.0 CADASTRE INFRASTRUCTURE

Cadastre Infrastructure can easily be divided into three frameworks:

- Legal.
- Technical.
- Capacity Building.

3.1 Legal Framework

In Delta State of Nigeria; the Land Tenure System was a form of freehold before 29th March 1978, the day Land Use decree was promulgated by the Military Government.

Before the advent of this decree; there was Compulsory Acquisition Law that made government acquire lands for development projects. But in this part of the country the freehold system have individuals, families, communities, etc. holding lands as private and personal properties. Even though, the Government could compulsorily acquire land and the improvements on it for public purpose, the fact that individuals own the land, whether vacant or developed, creates psychological constraints and it strains the relationship between Government and the individual who owned the land. (Dashe 1987)

The Federal Military Government attached so much importance to this Decree and when they handed over power in 1979 to a Democratic government; they put in place certain provisions in the 1979 and 1999 Nigerian Constitutions which made it so difficult to tamper with the Land Use Decree till date (2017).

The Cadastre data remain the same but the new title from Government called CERTIFICATE OF OCCUPANCY started to displace DEEDS that were based on the unwritten customary law of long usage giving a person or family or community lawful right to use or occupy a land. This customary law is still in use till date (2017) in Delta State; and it is common seeing people having the TITLE covered by Customary Law and having Certificate of Occupancy which is Leasehold of usually 99years on the same parcel of Land. Which I called ECLIPSE OF TITLES; The inherited Cadastre Data and other statutory books from the following Acts and Laws:

- The Land Registration Acts Number 36 of 1924.
- The Land Registration of Titles Number 13 of 1935.
- The Land Instruments Registration Law, Cap. 56 of 1959 of the Laws of Western Nigeria.

Were not maintained or developed to incorporate the Cadastre Data coming from the Land Use Act of 1978.

4.2 Technical Framework

The advent of computer technology has improved the process of documentation in terms of Deeds Preparations and Survey Plans Production, using Auto cads and Micro Stations.

The Cadastre Data Development and technical framework have not achieved the ultimate purpose of serving as a ready tool for good governance; effects of which have taken steam out of the engine of FASTTRACK 90.

The Data here in Delta State is not yet research design based upon exploratory case studies or factors like globalization, population, urbanization, good governance, climate change response,

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environmental management, 3D visualization/analysis technologies, wireless sensor networks, standardization and interoperability (Williamson et al., 2011).

Cadastre Data are still based on the:

- Intensive Manual Labor Paper File System.
- Information Cards System.
- Micro – Film Presentation of Survey Plans.
- Computer – Based without any network or websites.
- No Global Navigation Satellite System Applications in terms of RTK and CORS.
- No periodic satellite imageries Applications.

All these are as a result of:

- Lack of Adequate Resources – both human and capital.
- Poor governance and inadequate funding of technical frameworks.
- Lack of transparency in Land Matters.
- Poor Judicial System.
- Conflict of Land Use Decree with the primordial customary laws.
- Corruption induced Political and Bureaucratic Systems.

4.3 Capacity Building Framework

The term capacity building is relatively new, emerging in the 1980s. It has many different meanings and interpretations, depending on who uses it and in what context. It is generally accepted that capacity building as a concept related to education, training, and human resource development (HRD). When this conventional understanding broadened to a more holistic approach, societal, organizational, and individual aspects were clearly identified (UNDP1998; Enemark and Williamson 2004)

Capacity building in holistic approach should include Research and Development (R&D).

Capacity Building relates to three levels: These Levels relate to their application of capacity in society and have been identified as follows (UNDP, 1998):

- Society Level.
- Organizational Level.
- Individual Level.

The new approach to capacity building is also influenced by today's globalization of the acquisition of knowledge with little or no boundaries between professionals on Land Administrations.

See Table 1 below:

TABLE 1 – THE NEW CAPACITY – BUILDING APPROACH (ADAPTED FROM UNDP 2002)		
CHARACTERISTICS	CURRENT APPROACH	NEW APPROACH
Nature of Development	Improvement in economic and social conditions	Societal transformation, including building of “right capacities”
Conditions for effective development cooperation	Good policies that can be externally prescribed	Good policies that have to be homegrown
The asymmetric donor – recipient relationship	Should be countered generally through a spirit of partnership and mutual respect	Should be specifically addressed as a problem by taking countervailing measures
Capacity development	Human resources development combined with stronger institutions	Three cross – linked layers of capacity: societal, institutional, and individual
Acquisition of knowledge	Knowledge can be transferred	Knowledge can be acquired
Most important forms of knowledge	Knowledge developed in the North for export to the South	Local knowledge combined with knowledge acquired from other countries – in the South or the North

5.0 ASSESSMENT OF THE FASTTRACK 90

To assess the FASTTRACK 90 we have to look into these parameters: Political will, available cadastre infrastructure; the weakness and the need for improvement; its sustainability; the associated problems and possible solutions. See Table 2 Below:

TABLE 2 – THE ASSESSMENT OF FASTTRACK 90		
PARAMETERS	BEFORE FASTTRACK 90	NOW WITH FASTTRACK 90
Political Will to clean up the corruption laden Certificate of Occupancy Processing	It was very low; Certificate of Occupancy Processing can take longer time of minimum of six months to more than a year.	Little or no improvement
Cadastre Frameworks: Legal, Technical and Capacity Building	Potentials were there to tap into and open up Certificate of Occupancy issuance to the applicants for higher economic gains of poverty eradication and empowerment of women	Potentials remained un tapped. The Cadastre data and infrastructure were not considered for any improvement for good public confidence in good governance and citizenship
Sustainability of the Cadastre Initiative	Lack of Sustainability of vision for the good of the citizens and good land administration by government in terms of Private Public Partnership on the template of true spirit of partnership and mutual respect	Suppose to be the goal for the Sustainability of FASTTRACK 90; but was not made part of mission statement
The Need for Improvement and Sustainability	Certificate of Occupancy is a key for Delta State Drive for Good Governance and Good Citizenship in terms of per capita income, poverty eradication, job creation, youth empowerment, good land	FASTTRACK 90 vision and mission was not holistic: due to usual poor professional input at onset of the initiative, no transparency, undemocratic and corruption laden government policies with no room for linking past with

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	administrations and conflicts prevention and easy resolutions	present for future realignment of visions for the good of the citizens.
Problems	To process Certificate of Occupancy: <ul style="list-style-type: none"> • Time Consuming and man hour loss • No Clear guidelines for the professionals input from private sector • Usual Lack of transparency in corruption laden public service • No political will to tackle problem of corruption in Land Administration • Little or no investment in Cadastre Infrastructure • Cost of Processing Certificate of Occupancy is open ended due to corruption • Inter departmental and agencies frictions due to poor cadastre infrastructure • Private Public Partnership with no transparency and mutual respect for business ethics. 	All problems stated were not identified for possible solution in the Cadastre Initiative called FASTTRACK 90: which was a good vision that the Delta State Government launched as a SPATIAL DECISION SUPPORT SYSTEM to get Certificate of Occupancy for the Citizens within 90days. The cost of the processing was defined on single plot of 100ft by 100ft and in multiples of the plots. The initiative that was brought to fast track C of O processing un terms of cost and time for the citizens and more REVENUE for the government became hijacked back by the civil servants in the state government Ministry of Lands, Survey and Urban Development.
Solutions	FastTrack 90 was brought as a solution to the problems	But FastTrack 90 was poorly conceived due to narrow vision of targeting only HIGH REVENUE for government but without holistic consideration of the benefits and multiplier effect for good governance and good citizenship

6.0 CONCLUSION

FastTrack 90 from onset had a defined goal of increasing revenue for the state government. The fundamental importance of this laudable CADASTRE INITIATIVE (CI) to the economy of the state was not holistically considered at formative stage of the CI.

The cost of processing C of O and time of delivery remain the same; there is no appreciate change from the old way.

The problem of setting up Cadastre Initiative without putting in place good Cadastre Infrastructure manifested in this project. The Private Public Partnership that was put in place to run the system was not well linked with the Ministry of Lands, Survey and Urban Development. Government made good money from the CI but with little or no investment on Cadastre Infrastructure. Government

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will need to be advised by the stakeholders in Cadastre Business on the need to work on reducing cost of obtaining C of O. And the time should be as fast as matter of TWO WEEKS NOT 90DAYS targeted for the CI which is too long.

Institutional Governance Concepts of good governance and good citizenship provides the opportunity for maintain transparency, accountability and responsiveness for the management and sustainability of any INITIATIVE. Land Registration and cadastre should be seen as part of the operational level of Land Administration. (Marrakech Declaration 2004)

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BIOGRAPHICAL NOTES

Oluseye Thomas DABIRI obtained Bsc in Geography from the Nigerian Premier University of Ibadan in 1987. He worked in Geography 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. Obtained Post Graduate Diploma in Land Surveying from Federal School of Surveying in Oyo Town in Nigeria in 1990; became a Registered Surveyor under Decree 44 of 1989 in 1992. I started Private Practice in 1993 with special interest in General

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