TOWARDS ESTABLISHING GOOD
GOVERNANCE IN
LAND ADMINISTRATION IN NIGERIA:
AN OVERVIEW OF THE APPROACH BEING
ADOPTED BY THE
PRESIDENTIAL TECHNICAL COMMITTEE ON LAND
REFORM (PTCLR)

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Introduction

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- Next to humans, land is the most critical factor in the social, political and economic life of nations and an indispensable element in sustainable development.
- In Africa, it is a primary asset for survival and development as it supports the livelihood of most rural people. Specifically, in most of sub-Saharan Africa, it is not only the primary means of generating a livelihood but also often the main vehicle to invest, accumulate wealth, and transfer it between generations.
- Many nations, especially those in Africa, are not deriving commensurate benefits from their land resources (which has been characterised as 'dead asset'). The need for good governance in land administration has, in the last one decade become a recurring agenda of many international development agencies and regional organisations like the World Bank, FAO, United Kingdom's Department for International Development (DFID), UN-Habitat, African Union (AU), etc.
- In order to assist nations, especially developing countries, to deal with weak governance in land administration, a number of initiatives are being developed including "Framework and Guidelines on Land Policy in Africa (AUC-ECA-AfDB, 2010), Voluntary Guidelines on the Responsible Governance of Tenure (FAO, 2012) and the Land Governance Assessment Framework (LGAF) being propagated by the World Bank.
- In recognition of the underachievement of the existing land administration systems with its overlapping laws, absence of regulations, weak institutions, limited accountability, incomplete registration, etc, many countries in Africa have embarked on one form of land reform or the other. Nigeria is one of such countries (see figure 1).

Introduction (Cont'd)



Figure 1: Land Reform in Africa

Introduction (Cont'd)

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□ The Main Objective of this presentation is to:

- present an overview of the principle of governance, good governance and good governance in land administration;
- summarise the status of land governance situation in Nigeria, and;
- present the fit-for—purpose and participatory approach being adopted by the PTCLR in its desire to put in place a good governance in land administration in Nigeria.

Governance, Land Governance and Good Land Governance

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Governance:

- UNDP defines governance as "the exercise of economic, political, and administrative authority to manage a country's affairs at all levels and the means by which states promote social cohesion and integration, and ensure the well-being of their populations".
- Governance refers to all methods used to distribute power and manage public resources, and the organizations that shape government and the execution of policy.
- It encompasses the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and resolve their differences.

Good Governance

- Good governance has eight (8) major characteristics.
 - It is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law.
 - It assures that corruption is minimized, the views of minorities are taken into account and that the voices of the most vulnerable in society are heard in decision-making.
 - It is also responsive to the present and future needs of society.

Governance, Land Governance and Good Land Governance (Cont'd)

POA | 7

- □ Land Governance and Good Governance in Land Administration:
 - Land governance concerns the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed.
 - Good governance in land administration is characterised by principles of universality of tenure security, equitable participation, adherence to the rule of law, sustainability, and effectiveness and efficiency (Palmer et al, 2009). These principles include:
 - Access to land and natural resources should be equitable.
 - Security of tenure should be provided to all members of society.
 - Specific measures should be taken to ensure access to land for, and the security of land and property rights of, women.
 - Decision-making regarding land and natural resources should be transparent, with processes open to all members of society.
 - The rule of law should be applied to all.
 - Land administration should be decentralized based on the principle of subsidiarity, i.e. taken at the lowest appropriate level and based on accountability.
 - Effective and efficient land administration should be provided to all members of society.
 - Sustainability should be ensured by taking a long term perspective.

Land Governance Situation in Nigeria

- □ The LGAF Study in Nigeria revealed that land governance in Nigeria is very weak in all the thematic areas:
 - legal and institutional framework;
 - □land use planning, management and taxation;
 - management of public land;
 - public provision of land information; and
 - dispute resolution and conflict management.

Land Governance Situation in Nigeria (Cont'd)

Table 1: Features of Good Land Governance and the Situation in Nigeria

Good governance values in land tenure and administration	Situation in Nigeria
Land administration systems should be efficient, effective, and competent.	The World Bank doing business database (World bank, 2013) reported that Land registration in Nigeria entails 13 steps/procedures, covering 86 days and costs 20.8% of the value of the land. With this, Nigeria was ranked 182 out of 185 countries on the ease of registering a property.
Land Policies that embody value judgements should be endorsed by elected politicians after consultation with interested and affected parties	having updated ones. Most of the few existing ones were also approved without
Land information is freely, available subject to the protection of privacy	Most land registers in Nigeria still operate using the analogue system which makes accessibility to land information difficult. Decisions on changes to land use are made entirely by the government. Tax rolls are generally not available.
available, well drafted in a participatory manner, responsive and consistent, and	The land law in Nigeria can be described as ineffective or ignored. This may be due to law (LUA, 1978) was enacted by the Military through a totally undemocratic process. It was also later entrenched in the constitution which makes its amendment difficult. Also, more than 35 years after its passage, none of the key pieces of regulation envisaged (in Section 3 and 46 in the law) for its implementation has been passed. This has seriously undermined good land governance as the law has not been effectively implemented.

Land Governance Situation in Nigeria (Cont'd)

POA[10	
Good governance values in land tenure and administration	Situation in Nigeria
independently audited and should	Land administration agencies are not independent as their revenue is dependent on the budgetary allocation to the Ministry of Lands, Housing and Urban Development. Their generated income also goes into the state government treasury.
provided for all without discrimination,	The LUA does not discriminate along gender, literacy, religious or ethnic lines, but informally, wide discrimination exists in the land administration processes possibly due to the ineffectiveness of the law. This may be related to the non-passage of the key regulation expected to be used for its implementation and the refusal to establish the LUAC and LAAC which are meant to advice the government on the management of land in the States and LGAs
Sustainable land development should be encouraged	The regulations for the enforcement of the LUA have not been passed.

Land Governance Situation in Nigeria (Cont'd)

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Good governance values in land tenure and administration	Situation in Nigeria
Land service should be provided close to the user	Land registries are not in existence in virtually all local government areas of Nigeria. Those in existence in the States are mostly mere appendages of the Land ministries and they operate through the paper-based analogue method. Land information accessibility is thus restricted to the state capitals.
should provide security of tenure for	Large scale insecurity of land rights is in existence. Multiple C of Os have been issued for the same land to different individuals. Unjust revocation of land with C of Os is prevalent. C of Os are increasingly being rejected by financia institutions as guarantee for loan.
· · · · · ·	Public avenues to report corrupt practices are in existence in the country. They can however be regarded as inefficient and ineffective because despite their presence large scale corrupt practices permeates the land administration sector of the country.

Land Governance Situation in Nigeria (Cont'd)

- □ Given the weak land governance situation in the country, most land owing Nigerians remain poor because they cannot use their land assets to obtain credit and invest in activities that generate income as financial institutions essentially rely on formally registered titles to secure loans.
- Mabogunje (2009), p 793) describes the situation in the country by stating that "... far too little emphasis is placed on the economic incapacitation of the population due to their having no recognizable property rights. Nigerian citizens thereby miss out on many economically empowering possibilities that such rights confer, including access to the collateral that is required to acquire credit from financial institutions".

Land Governance Situation in Nigeria (Cont'd)

POA|13

- Some points that should inform the design and implementation of any land reform in the country are listed below:
 - The land law is a creation of the military; hence its making was not participatory. This is against the principle of good land governance.
 - The LUA, a federal legislation, vests all land comprised in the territory of each state (except) land vested in the Federal Government or its agents) solely in the Governor of the State, who would hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individual residents in the State and to organisations for residential, agriculture, commercial and other purposes while similar powers with respect to non-urban areas are conferred on Local Government. Since a trust relationship is normally a voluntary act of its creator and is normally based on confidence and strict accountability, it ought not to have been assumed. The trustship was never negotiated with or agreed to by the people.
 - The LUA is embedded in the Nigerian Constitution and this makes its review/revision difficult. It is to be noted however that without the LUA, the body of the Nigerian Constitution does not contain any provision on land.

Land Governance Situation in Nigeria (Cont'd)

- The adopted approach up till date for land registration throughout the country is the non compulsory sporadic method. This method is expensive and cumbersome and therefore serves a disincentive to the average Nigerian. It therefore explains why only 3% of Nigerian landscape have been surveyed and registered since 1863 when formal registration was introduced in Nigeria. This approach has not been able to meet with global best practice for creating and registering titles in a timely and affordable manner.
- The authority to prescribe the appropriate regulations for the successful implementation of the land law is wisely left in the domain of the Council of States whose members include past and present Presidents of the country, the Chief Justice of the Federation and all the State Governors. Unfortunately, the required regulations have not been made since 1978 when the Act was made, thereby resulting in several operational gaps in land administration and management. There is no national organisation technically capable to assist the Council of State in developing the required regulations and in monitoring the implementation of the law.

Land Governance Situation in Nigeria (Cont'd)

POA|15

- The land law does not make any provisions for the resources required to implement it. Such resources include:
 - manpower development. Currently, Nigeria has less than 2, 500 licensed surveyors (i.e. about 1 licensed surveyor to 26, 800 Nigerians). The situation in 1978 could only be imagined. All land sector professions have inadequate requisite manpower;
 - basic infrastructure such as adequate geodetic stations, large scale maps, township maps, functional land registries, etc;
 - financial resources required at all government levels for capacity.
- Development of complimentary policies (e.g. National Mapping Policy)

The Mandate and Activities of PTCLR

POA|10

The Mandate of PTCLR

- collaborate and provide technical assistance to States and Local Governments to undertake land cadastral nationwide;
- determine individual's "possessory" rights using best practices and most appropriate technology to determine the process of identification of locations and registration of title holdings;
- ensure that land cadastral boundaries and title holdings are demarcated in such a way that community, hamlet, village, village area, town, etc, will be recognizable
- encourage and assist States and Local Governments to establish an arbitration mechanism for land ownership conflict resolution;
- make recommendations for the establishment of a National Depository for Land Title Holdings and Records in all states of the Federation and the Federal Capital Territory;
- make recommendations for the establishment of a mechanism for land valuation in both rural and urban areas in all parts of the Federation; and
- make any other recommendation that will ensure effective, simplified, sustained and successful land administration in Nigeria.

POA|17

- The achievement of the above mandate requires the Committee, among other things to:
 - Identify and remove the bottlenecks that are embedded in the current land titling and registration procedures and processes within the existing land delivery process.
 - Scale up the quality and adequacy of institutional capacities required to administer and promote land transactions.
 - Mainstream the best practices in the documentation of land transactions, land titling and registration processes and procedures.
 - Put in place a time defined process of clarification or adjudication of land disputes.
 - Install a nationwide land information infrastructure that is required for the efficient networking of databases of cadastral and land title records.
 - Undertake a comprehensive survey involving the mapping of the country on a scale large enough to show land holdings of individuals or group of individuals or corporate bodies.
 - Collaborate with State and Local Governments to provide technical assistance that will enhance their capacity for modern land administration.
 - Undertake a train the trainer programme for Field Officers and other technical personnel required for effective nationwide cadastral survey.

The Mandate and Activities of PTCLR (Cont'd)

POA|1

- □ The PTCLR Approach to Improving Land Governance in Line with its Mandate
 - Nationwide Consultation and Sensitization
 - Identification of Scoping Studies to be Carried Out

In order to provide evidence-based policies and regulations, a number of scoping studies has been identified. These include:

- Demand and Public Perception Study
- Socio-Economic Baseline Study
- Strategic Study into Valuation Mechanism
- Study of the Land Administration Delivery Service
- Search for Direction in Response to the Committee's Mandate on determination of individuals' possessory rights using best practices and most appropriate technology to determine the process of identification of locations and registration of title holding

After an extensive and intensive consultation, literature search and study visit to Rwanda, South Africa, Thailand and Indonesia, and the fact that most of all land titling and registration projects worldwide since the 1980s have adopted the Systematic Land Titling and Registration (SLTR) approach, the Committee decided to adopt it.

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- The PTCLR Approach to Improving Land Governance in line with its Mandate (Cont'd)
 - SLTR is a method of bringing all parcels of land in a defined area/jurisdiction into the formal system of land registration through a single process of public education, adjudication of titles, surveying or other means of identifying the parcels, creating unique parcel numbers and issuing titles/certificates. By this approach, the boundaries of parcels of land in a given area and the possessory rights of individuals, families or corporate bodies are determined in the presence of all adjacent land holders of such parcels of land.
 - In view of the 'newness' of the approach in the country and coupled with cost and capacity considerations (personnel, equipment, infrastructure, etc), the Committee further decided to conduct pilot SLTR in two states one in the savannah region (Kano State) and the other in the forest zone (Ondo State). The pilot is planned to take place in both urban and rural Local Government Areas (LGAs). The five LGAs for the pilot are Fagge LGA (urban) and Ungogo LGA (rural) of Kano State and Akure South LGA (urban), Ifedore LGA (rural) and Akure North LGA (mix rural and urban) of Ondo State.
 - In designing and carrying out the preparatory work for the SLTR pilot, the assistance of international development partners including the World Bank, the Growth and Employment in States (GEMS 3) funded by the UK Department for International Development (DFID) and the UNFAO were sought and obtained.

The Mandate and Activities of PTCLR (Cont'd)

POA|20

Components of the Design

- Adopted principles for undertaking SLTR
- Establishing legal basis for SLTR
- Cadastral, spatial and IT infrastructure for the SLTR
- Tooklits for SLTR
- Personnel and their operational structure for SLTR
- Establishment of pilot offices
- Outline of the SLTR process

POA|21

Basic Principles adopted for undertaking SLTR

The following listed basic principles have been adopted for undertaking SLTR in the country:

- SLTR is planned and implemented in a systematic manner with the aim of investigating and adjudicating land rights for all land in declared SLTR areas.
- SLTR will be planned and managed in a partnership among the Federal, State and Local Governments, with
 - the Federal Government providing a national policy and a broad legislative framework, support for the acquisition of aerial photography/satellite imagery and base mapping, guidelines and tools (including procedures, manuals, training material, software tools, etc.) and funding for pilot activities:
 - the State Governments adopting the national and broad legislative framework and providing financial and other support so that the State can execute and scale-up the procedures and systems developed in the pilots; and
 - the Local Governments providing counterpart funding for SLTR, coordinating community mobilisation to support SLTR and establishing functional and efficient land registries that can hold data in a digital form that can readily be accessed at State and Federal levels.
- SLTR will be undertaken in a manner that is pro-poor in approach and built on gender equity and safeguards the interests of the marginalised and vulnerable in the community.

The Mandate and Activities of PTCLR (Cont'd)

POA|

Basic Principles adopted for undertaking SLTR (Cont'd)

- There will be intensive and extensive awareness building to ensure that stakeholders have a sense of ownership of SLTR.
- Adjudication is undertaken on the lot/parcel and will involve the claimant and neighbouring claimants in providing evidence and the local community providing general oversight.
- The undisputed claims resulting from the SLTR demarcation and adjudication will be publicly displayed as maps and a list of names in the community for a minimum specified period and a register established to record any requests for corrections and disputed claims.
- SLTR will be undertaken in a manner that gets the certificates issued to land holders as efficiently as possible and transfers the certificates as quickly as possible to an efficient local government land registry where land holders can register their subsequent dealings in their land holding.
- To complete SLTR throughout Nigeria and to ensure that the process is completed as quickly and cost-effectively as possible new technologies such as CORS and ortho-rectified imagery shall be used to record boundary information to reasonable accuracy.

POA|23

Establishing Legal Framework for SLTR

- In order to legitimize systematic land titling and registration in Nigeria, it became necessary and essential to examine its operations under the existing land law and related legislations in the country.
- A National Stakeholders Dialogue on Legitimizing SLTR in Nigeria was organised to address identified legal issues and other constraints that may arise in, or impede, the process of implementing the systematic land titling and registration in Nigeria within the context of the Land Use Act and to find acceptable solutions with a view to legitimizing the process and the outcome.
- Consensus Recommendations
 - The LUA is adequate as a legal framework for the take off of the SLTR, however the National Council of States (NCS) should stipulate through regulations, the implementation of all the resolutions reached at this Dialogue and also, more specifically, produce in documentary form the procedure for the operation of the SLTR.
 - All land in Nigeria, as a matter of necessity, should be duly documented using the Systematic Land Titling and Registration (SLTR) model.

The Mandate and Activities of PTCLR (Cont'd)

POA|24

Establishing Legal Framework for SLTR (Cont'd)

- In order to fast-track the process of delivering secure title to all landholders at reasonable cost, massive sensitization is required to enlist the buy-in of Nigerians.
- Adequate infrastructure and enhanced capacity should be put in place to drive the process.
- To ensure data capture, transfer, sharing and management, functional Land Registries should be established at the Federal, State and Local Government levels, the absence of which will impede the success of the SLTR.
- Community leaders, professionals in the built environment and legal practitioners should be included on the SLTR Adjudication Committee.
- The NCS should set in motion the machinery for the establishment of a National Land Reform Commission, the functions of which should be performed by the PTCLR in the interim.

POA|2

In line with the above recommendations, another stakeholders meeting was validate draft regulations. validated regulations are being worked upon by legal drafters after which the draft regulations will be the Council of States for approval in line with section 46(1) of the LUA. The draft regulations cover the following areas:

- Systematic Land Titling and Registration;
- Designation of Urban Areas;
- Land Registries;
- Certificates of Occupancy;
- Assignment of Rights;
- Lease Regulations;
- Devolution of Interest;
- Mortgage Regulations;
- Regulations for Revocation and Government Acquisition of Land;
- Land Advisory and Allocation Committee Regulations; and
- Sectional Titles Regulation

The Mandate and Activities of PTCLR (Cont'd)

- Cadastral, Spatial and IT Infrastructure
 - The current technology that will be deployed for the SLTR includes:
 - Installation of Continuously Operating Reference Stations (CORS)
 - A key cadastral infrastructure is the availability of geodetic stations. In order to provide a more accurate referencing system for SLTR, the Committee decided to install COR stations, first in the pilot states and subsequently in other states where such is not available. In this regard, the Committee has installed COR stations in Ondo, Kano, Katsina and Imo States.
 - The distribution of existing COR stations in Nigeria (including those provided by PTCLR) is shown in figure 2 below.



Figure 2: Location of COR stations in Nigeria

POA|27

Use of ortho-rectified imagery to facilitate the location and mapping of parcel boundaries speedily and at reasonable cost and permissible level of accuracy. This will be complemented by GPS and digital camera.



The Mandate and Activities of PTCLR (Cont'd)

POA|28

■ Development of Land Registration Software

- Introduction of appropriate and sustainable IT Systems for land registration and land administration is an innovation that has reduced corruption and other non-transparent and untimely land management practices. The adoption of IT into land registration and management has improved the structure and accessibility of records, shorten the processing time required, ensures transparency of transactions and facilitated knowledge sharing and dissemination.
- It is in the light of this that the Committee, through the assistance of the World Bank and GEMS3, has decided to explore the adoption and customization of FAO's Solutions for Open Land Administration System (SOLA). The FAO SOLA platform is an open source software development which aims at making computerised registration and other land administration activities more affordable and sustainable.
- The FAO SOLA software developers have also extended the SOLA system to provide additional software functionality required for systematic registration.

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Toolkits for SLTR

The toolkits for the implementation of SLTR include:

- SLTR Manual
 - The manual provides detailed information to enable field/office staff and management staff to implement SLTR procedures. It specifies the roles and responsibilities of the SLTR officers and others connected with SLTR implementation (see section 4.6). The manual also contains various forms including: Demarcation Form, Right Claims Forms, Claims Receipt Form, Correction Form, Public Announcement Form, Dispute Register Form, Dispute Form, etc as well as the SLTR processes.
 - The manual is a working document intended to be updated and elaborated upon in the light of experience and lessons learnt from pilot implementation.
- Training Material
 - In order to enhance the capacity of those who will implement SLTR in the States/LGAs, a training manual is being developed through the support of GEMS3. Two levels of training will be given, the first is 'Training the Trainers' and the second is the training of the field teams by the product of the first level training the trainers.

The Mandate and Activities of PTCLR (Cont'd)

POA|30

Toolkits for SLTR

The toolkits for the implementation of SLTR (Cont'd):

- Sensitization Materials
 - The sensitization material which is to clearly inform the communities that will be affected by SLTR is designed to provide the following information:
 - reason behind the activities;
 - the activities that will be undertaken;
 - the importance of their participation in the activities; and
 - the expected outcomes from the activities, for both the local community and for wider Stakeholder groups.
 - A range of sensitization material is planned, including posters, leaflets, Q&A material, scripts for drama and songs, and Jingles. The IEC material is planned to be translated into Igbo, Hausa Yoruba and Pigin languages.

The Mandate and Activities of PTCLR (Cont'd) Personnel Required for SLTR Implementation at LGA Levels Based on the SLTR process, a field party structure reflecting the types of personnel required to perform various SLTR tasks has been designed as shown in figure 3. SLTR State Coordinator SLTR Officer Committee Land Use Allocation Committee (LUAC) and Land Allocation Advisory Committee (LAAC) StateOLGA Official Contract Staff Ad hoc Community Committee Figure 3: SLTR Field Party Organisation

The Mandate and Activities of PTCLR (Cont'd)

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- The duties and powers of the officials for the SLTR field party are detailed in the SLTR regulation as well as in the manual.
- As designed, the SLTR Officer, the Deputy SLTR Officer, the four Registration Officers and the two GIS Officers are expected to be permanent state or LGA officials who will be working on SLTR full-time. The three sensitization officer and the 21 staff on the field teams will be recruited from each LGA. The village/ward officials (village/ward heads or elders) and the community members appointed to the Land Adjudication Committee will be engaged on a part-time basis. In addition to these personnel, a state SLTR coordinator will be appointed to oversee and coordinate the implementation of the programme.

Establishment of LGA and State Offices

The implementation of SLTR generates many documents and maps within a short period; hence local offices are often required to manage and store all the records. For this reason, SLTR pilot offices will be established at the LGA and state levels. The offices will be established in existing land sector offices provided they have appropriate space. At the end of the SLTR pilot activities, the SLTR pilot offices, equipment and records will be transferred to the LGA and state land registries. The involvement of the state and LGA staff in the pilot activity is designed to facilitate the transfer of knowledge and strengthen land administration services and the scaling up of the process.

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SLTR Process

■ SLTR involves many activities including planning the whole process, pre-field, field and post-field activities. The key processes are detailed in figure 4 while the linkages between and among the activities are shown in figure 5.

Figure 4: Key Process in SLTR

The Mandate and Activities of PTCLR (Cont'd)

POA|34

Figure 5: Detailed SLTR Process Chart

■ The described process is to be tested in five pilot LGAs, two in Kano and three in Ondo States within the next six months. The pilot SLTR is expected to start in May 2013. Within that period, it is planned that about 25, 000 parcels (5, 000/pilot LGA) will be demarcated and registered.

POA|3

Key Outcome of the Pilot SLTR

- Revised and refined systematic registration procedures and supporting material
- Enhanced estimates of the metrics needed to plan and cost a scaled up activities
- Documented experience and materials that can be used to explain the approach to key stakeholders and serve as the basis for scaling up the systematic registration of rights in all the States of the Federation

Concluding Remark

- Alice in Wonderland says that If you don't know where you are going, all routes will take you there
 - Of course, this will be at the expense of time and money.
 - But Columbus knew where he was going, (the Orient) but ended somewhere else (North America) because he did not know the route to take.
 - It is therefore essential to know where you want to go as well as the route to take.
- □ The goal of a land reform is to achieve good governance in land administration.
 - How to achieve it is a matter of adopted approach.
- □ Land reform is a long term investment and it requires a permanent institution to drive it.
- Apart from permanent institution, there is a great need for capacity building in modern land administration as well as geo-information technology.

Concluding Remark (Cont'd)

- □ There is equally a need for attitudinal change by the political leadership and land sector professions.
 - How can those benefiting from the very weak system of land administration allow a change in the system?
- □ Strong need for resource mobilization
- □ Development of a National Mapping Policy (NMP) is imperative
- □ Development of Geospatial Information (GI) Policy is equally imperative
- □ However, governance by itself is nothing, approaches to governance is everything.
 - □ Thank you for your attention.