Citizens’ Satisfaction on Land Titling Policy and Regularization in Ogun State, Nigeria

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ABSTRACT

Land title is the designation of an official certificate indicating the name of the individual in whom such ownership is vested. Thus any illegal acquisition of land lacks legal status, then land title regularization will be necessary. When designing and implementing land regularization, the citizen’s opinion is not usually taken into consideration. This study fills this gap by taking statistically representative samples of the opinion of home owners in Ogun State, Nigeria on their level of satisfaction with the latest land regularization policy of Ogun State government. We adopted a purposive sample technique, and we administered a Questionnaire survey to property owners in the study area. Data gathered were analyzed using descriptive method of statistics and the level of satisfaction of the respondents was evaluated based on relevant criteria adopting a 4 point Likert scale. We found that that none of the respondents acquired their through a formal source and none of the have the statutory certificate of occupancy for their land. We also measured the level of satisfaction of the respondents and we found that the property owners dissatisfied with the extent of high-handedness of the staff of the regularization agency and the level of transparency of the scheme. It was also found that home owners mostly dissatisfied with the amount paid for the application and the procedure for processing title documents. It is very important for the government to address dissatisfaction of the citizens with the scheme and to subsequently include sampling opinion of citizen’s level of satisfaction as an integral part of land regularization policies.

1. Introduction

Land regularization or title ratification can be defined as a legalization of interests on land which is acquired irregularly and thus lacking legal status. According to Section 26(2) of the Land Use Act of 1979 Law of Federal Republic of Nigeria, the legal title to a land within each state of the federation can be held by possessing Certificate of Occupancy (C of O) issued by state governors over land within their jurisdictions. Therefore, any interest in land contrary to possession of C of O is not recognized by law in Nigeria. Land title regularization is a mechanism that allows informal land to secure formal and legal recognition by the government. As a result of this, land title regularization policies are conceived and implemented to ensure that lands acquired irregularly are given legal recognition in order to promote security of land tenure and sustainable urban development. This has become an inevitable tool for solving future social and economic problems which can be associated with insecurity of land tenure (Besley and Burgess 1998).

Growth of informal settlements is a product of irreconcilable relationship between urbanization and land market. Increase in urban population exerts pressure on the land market by increasing demand for urban land (UN-HABITAT, 2010). The increase in demand for urban land leads to competition which makes informal and squatter settlements to flourish because the low income earners in the society who cannot access land through the formal or state recognized means resort to accessing land informally. Omirin (2002) asserted that land accessibility, affordability, availability and security of tenure are major components of sustainable urban land development. Deficit of any of these major components of sustainable urban land development, leads to growth in the informal land market.

Land regularization is a deliberate action of the government in recognizing the land title of those that accessed land from the informal land market so as to make land accessible, available, affordable and secured for the citizens. Omirin (2002) asserted that growth of informal settlements in developing countries is an evidence of income disparity in such countries. This was corroborated by Homes (2007) who asserted that governments in the developing world have been pressured by the electoral process into showing greater tolerance to their landless poor, allowing tenure regularization through intermediate forms of title, such as temporary occupation licenses, permits to occupy or certificate of comfort in the Caribbean. This assertion revealed that informal lands are common among the urban poor.

Rakodi and Leduka (2003) discovered that majority of urban residents,
especially the poor access proprietary rights through the informal land market as a result of urban growth. Nigeria is not an exemption of this trend, as Vision 2020 (2010) stated that only 20% of the lands in Nigeria are duly registered. This percentage shows that the proportion of land duly registered by the government is low and this really depicts that the proportion of those accessing land through the informal land market is high. As a result of this, deliberate action of the government is needed to regularize the informal lands so as to foster rapid economic development as postulated by Valely (1998) who posited that economic development can be engineered by regularizing the informal land.

Government of developing nations of the world had taken various steps to regularize lands in their respective countries. However, none of them considered it important to evaluate success of the land regularization schemes they implemented. It is necessary to evaluate the level of satisfaction of the citizens about the program designed to make them better off. Research has shown that evaluation of citizen’s level of satisfaction with land regularization is not considered as an integral part of conception, design and implementation of land regularization. This study aimed at filling this gap by evaluating the level of citizen’s satisfaction with land regularization of Ogun State government, Nigeria. This will be achieved by examining the source of land acquisition and citizen’s evidence of ownership before subscribing to the regularization scheme. Finally, by evaluating the level of citizen’s satisfaction based on relevant criteria to the scheme.

2. Land Regularization in Ogun State (Home-owners Charter Scheme, HOCS)

The HOCS was an adhoc policy program designed and introduced by Ogun State government, Nigeria in September, 2013 to allow those that hold land illegally within the State to regularize their title and obtain a Certificate of Occupancy (C of O) and other land related documents. The scheme acknowledged illegality of such lands but does not revoke “ownership” from the illegal settlers but focuses majorly on ratifying title to landed property. The implementation of the title ratification is being handled by Ogun State Bureau of Lands and Survey in partnership with Pishonland Services Limited. Part of the benefit of the scheme is reduced associated cost and timing for the processing of the title document compared to the existing land registration process. The concern of the state government was the rate at which informal settlements were flourishing in the state without appropriate title documentation. However, this program was only restricted to habitable residential properties. Properties close to gas pipe lines, petroleum pipe lines and high voltage power lines are not eligible for this program.

The procedure involved in the title ratification scheme (Figure 1) starts with obtaining a N10,000 (USD64 as at September, 2014) application form, and a processing fee of N5,000 (USD32) (Central Bank of Nigeria, 2014). This figure is acclaimed to be just 25% of the amount that a property owner will normally pay to get all these documents under normal registration process. The filled application form will then be submitted with a copy of registered survey plan, building approval, land purchase receipt or other requirements if possessed to the nearest ad hoc HOCS office scattered across the state. The next stage of the process is the schedule of inspection and verification of the subject property by staff of Ogun State Bureau of Lands. The inspection will be conducted latest 4weeks from the date of submission of the application (according to the program time table). The staff will generate an assessment report of the property based on their observations during inspection. The assessment report will also indicate the amount payable by the property owner. This amount is determined by the nature of the existing document (survey plan, architectural drawings, approved building plan etc.) the property owner possesses.

However, it is only properties free of encumbrances that will be ratified. Encumbered properties according to the scheme are the properties in locations under government acquisition. The flat rate of obtaining all the necessary documents for un-encumbered property is N95,000 (USD513). After the prescribed amount has been paid, the applicant will be issued the Certificate of Occupancy and other documents.

3. Theoretical Background

3.1 Informal Settlements

Urbanization has been attributed as the major cause of informal settlement growth (Midheme, 2007). UN-Habitat (2004) posited that 80% of world population growths between 1990 and 2000 are in the urban areas. Also, rural-urban migration attributed for high urbanization rate in the urban areas and this consequently increase poverty rate of the urban areas (UNDP, 2005). The body posited further that the urbanization process happen against a backdrop of dwindling resources on the part of the urban authorities to finance the requisite urban services and infrastructure to accompany the growth in urban population. A consequential effect of these trends has been the inability of the formal channels of land supply in cities to cater for land demand. Therefore, citizens result to the informal land market for land acquisition.

In contrary, Fernandes (2006) posited that the process of informal access to urban land and housing results from a combination of still little understood reasons, and is itself one of the underlying bases for many other serious problems. The scholar posited further that the causes of informal access to urban land ranges from global, macroeconomic to local variables. He however emphasized that five of the causes deserve special attention. The five causes are: the lack of formal options resulting from the nature of land, urban, housing, and fiscal policies; the exclusionary dynamics of formal land markets that do not cater to the urban poor; the long-standing political manipulation of
the people living in informal settlements through renewed practices; the elitist and technocratic planning systems put in place by local administrations, which fail to take into account both the socioeconomic realities determining the conditions of access to urban land and housing, and the capacity of local administrations to act to implement urban legislation; and lastly, the obsolete nature of the legal and judicial systems prevailing in many developing and transitional countries. The scholar summed it up that more should be done locally to reduce the effect of informal settlements.

In another instance, Tsenkova et al. (2009) described informal settlements as settlements often characterized as “illegal” residential formations lacking basic infrastructure, security of tenure and adequate housing. The study also identified growth of informal settlements as a feature of urbanization. This assertion was corroborated by Ali and Suliman (2006) who posited that informal settlements are prevalent in developing nations due to limited capacity of government to address the negative impact of urbanization. Informal settlements are faced with the challenge of insecure tenure of housing. The study also discovered that informal settlements are faced with insufficient social and physical infrastructure and the lack of government involvement to improve the conditions in some informal housing settlements consequently contributes to extreme poverty, higher child mortality and deteriorating urban conditions.

Informal settlements are known to be illegal settlements not recognized by the government. However, they can be classified based on their peculiar features. Tsenkova et al. (2009) classified informal settlements as follows: Squatter settlements on public or private land; Settlements for refugees and vulnerable people; Upgraded squatter settlements; illegal sub-urban land division on legally owned private with illegal changing of land-use regulations, often on the urban fringe; overcrowded, dilapidated housing without adequate facilities in city centers or densely populated urban areas. The classified informal settlements have a common feature despite their differences. The common feature is that they are not recognized as an ideal settlement for human living by the state.

The peculiarity of these classified informal settlements has been the major consideration of different government in solving the problems that are associated with informal settlements in their respective countries. There are different measures that have been taken by government of different developing countries to solve the problems of informal settlements. However, the most important measure is the implementation of land regularization policy to regularize title documents of informal housing and lands. In some instances, urban renewal and land regularization were implemented together as a measure to resolve the problems of informal settlement. The essence of implementing urban renewal was to clear city slums and not to formalize title to land. Land regularization is the state mechanism for recognizing illegally occupied lands.

3.2 Land Regularization

Land regularization refers to processes and procedures involving land use planning, cadastral surveying and land registration which include upgrading and land legalization processes of informal settlements (Amin, 1997). Land regularization or title ratification is the deliberate action of the government to legalize or formalize informal settlements or land with the aim of ensuring sustainable development. Advocates of land regularization predicts that its benefits begin with registered title, which they believe will lead not only to improve tenure security, increased incentives for land-attached investments, and access to formal credit but also to benefits society in the form of increased agricultural employment and demand for inputs (Deininger, 2003; Feder and Nishio, 1998). Despite the numerous benefits of land regularization, the policy is usually characterized with protests especially by the urban poor whenever they are not satisfied with the scheme. Mollet (2006, 2010) explored how Honduran rural women contested the acclaimed racialized and gendered influence that characterized land regularization in Honduras. The scholars discovered that the women were not pleased with the land regularization exercise in Honduras that was acclaimed to favor some tribes and the men.

Also, Gould (2014) revealed that the peasants were not ready to participate in land titling exercise in Northern- Guatemala because the associated cost for ratifying title document was based on the market value of the land and most peasants could not afford it. The land titling exercise was argued to paved way for land grabbing from the peasant by the rich elite. It has been established, that most land regularization policies implemented in developing nations are characterized by revolt from the poor due to one reason or the other. It is difficult, to achieve optimum success in regularizing informal title if the citizens are not cooperative. This assertion was substantiated by Monkkonen (2008) who conducted an empirical test on the level of success of land titling in 140 regularly developed neighborhoods where regularization was implemented in Mexico. He discovered that the land regularization exercise failed because most citizens saw the policy as a form of exploitation by the government. The citizens believed that the government is more concern with the income to be realized from the regularization project rather than execution of the project. Sincerity of purpose of government on the regularization exercise was in doubt.

As a result of the different criticism characterizing land regularization programs, integration of community participation was advocated by scholars. Armstrong (1987) and Majani (2000) advocated that local communities should be incorporated into land regularization projects in order to provide an alternative to the non-participatory land regularization which is more of a planning approach. The scholars buttressed that the non-participatory approach involve more of designing master plan for an informal settlement. The non-participatory approach was identified as the major cause of community’s condemnation of the land regularization project. Therefore, the need for carrying along communities in land regularization projects is imperative so as to have a sustainable land regularization exercise. This position was also corroborated by Kombe et al.,(1995) Alfonsin (1997) and De Soto (2000) who asserted that community involvement in land regularization has been perceived as a viable strategy to enhance security of land tenure in informal neighborhoods.

Furthermore, lack of government will to implement land regularization policies have been identified as another cause of failure of land regularization projects. Mahogunje (1992) and UNDP (1998) established that the haphazard and disjointed effort of government in implementing land regularization policy, contributed to continued informal settling, fears of landholder’s eviction, inadequate manpower and finance mobilization and political interference in rapid urbanizing cities. Having established the importance of community participation in land regularization exercise and the importance of government will to implement land regularization policy, it become imperative to examine the level of satisfaction of the citizens with land regularization, designed and implemented for their community.
### 3.3 Land Regularization and Citizen’s Satisfaction

Pressure for land title to be regularized, recognized and ratified is a common phenomenon in the developing nations of the world. However, evaluation or examination of the level of citizens’ satisfaction with land regularization policy after its implementation is rare. In the executive summary of the experience gained in land regularization in the Brazilian municipals compiled by the Institute of Brazilian Municipal Administration IBAM (2002), it was stated that the state and municipal governments were motivated by the positive assessment of previous experiences in Teresina, Belo Horizonte, Recife and Victoria and the negative assessment in Belem lowlands. The body also stated that growth in urban violence as in Rio de Janeiro and social exclusion in Santo Andre motivated the government to embrace mass municipal land regularization. However, the IBAM failed to reveal details of the evaluation conducted on land regularization in municipals in Brazil.

Valey (1998) designed a model on how to execute an efficient land regularization. The study defined land regularization as a process of social integration of urban poor into the life of the city and also a process of political integration of urban poor into government recognized system. The research evaluated the level of satisfaction with land regularization in Mexico by assessing the level of satisfaction with land regularization in terms of political popularity. The author reported that the case of securing political votes by a government that implemented land regularization policy is the best means of accessing the level of satisfaction of citizens with a land regularization exercise. The author failed to consider the fact that there are numerous factors that can determine electoral victory apart from implementation of land regularization.

Mertins et al. (1998) classified squatter settlements into informal and semi-formal land. The research classified semi-formal land as land purchased from a legal source but not duly registered. The author stated that eradication of conflicts that generates from land in accessibility as the best means of accessing citizen’s satisfaction with land regularization. The authors asserted that the level of citizens’ satisfaction can best be measured when there is no more conflict in an area faced with conflict that arose from informal land. The study concludes that, peace in a community is the best means to measure citizen’s level of satisfaction with land regularization. However, like Valey (1998), the study did not take into cognizance that other factors can influence peace in an informal settlement where land regularization is implemented.

In addition, authors evaluating citizen’s level of satisfaction on land regularization policies failed to breakdown criteria for evaluation. Evaluation were mainly done based on societal reaction without knowing the criteria appreciated most in the regularization scheme by the citizens. This was revealed in the work of Valey (1998) where evaluation of land title regularization in Mexico was based on electoral victory. The author failed to evaluate based on relevant factor to the title regularization. This gap will be filled by this study. The level of satisfaction of respondents will be evaluated based on factors that can influence decisions of the citizens on the land title regularization policy.

Magigi and Majani (2006) emphasized the importance of feedback to the success of land regularization project. The scholars concluded that communities must be involved in the design and implementation of land regularization. Also, it was established that feedback mechanism on the level of success of land regularization exercise should be incorporated into land regularization projects. Furthermore, the study revealed that the integration of community participation in land regularization can only be successful if community leaders are carried along. The aim of land regularization is to increase land accessibility in order to foster sustainable land development.

However, in order to achieve land accessibility, different parameters had been suggested by different scholars. Omirin (2002) discussed the importance of reduced cost of land registration, tenure security, reduction in time of preparation, reduction in bureaucracy and citizen friendly process of preparation as necessary ingredients for an efficient land registration process. Also, Agunbiade, Rajahfarid and Bennett (2011) emphasized the essence of transparency, staff capability, government sincerity, and anti-corruption measures in land administration. All these important factors will be adopted in the evaluation of the land title regularization scheme.

### 4. Methodology

This study has adopted Ogun State, Nigeria as its case study. Ogun State is in the South-western part of Nigeria created in the year 1976 with a land size of 16,980 sq km. According to the 2006 National population census, the population of the state stood at 3,751,140 people and it was ranked 16th out of the 36 States in Nigeria in terms of population size (National Population Commission, 2006). It borders Lagos State in the South, Oyo and Osun States to the North, Ondo State to the east and Republic of Benin to the West.

The study populations for this study are the property owners that subscribed to the HOCS occupying properties in four communities in Sango and Ota area of Ogun State. The choice of Sango and Ota communities is as a result of their proximity to Lagos state which is the commercial nerve center of Nigeria. Questionnaires were designed and systematically administered to the respondents. In addition to questionnaires administration, some of the respondents were interviewed on their level of satisfaction with the HOCS. The level of satisfaction of the citizens on the HOCS was measured by adopting ordinal scale (Likert type) to determine the importance of the factors. This was adopted because the tool provides means for measuring respondents’ impression in an attitudinal study. This was used by Ogumba (2012) where he carried out a study on the factors responsible for the continuous use of rent areas assumptions in investment modeling. Also, Udoye (2012) measured opinion about study of plant and machinery valuation by undergraduate students. The data gathered was analyzed using the relative importance index (a form of weighted average ranking). Purposive method of sampling was employed due to the fact that not all the landed properties owners within the study area subscribed to the land title regularization scheme. Also, eligibility clause of the scheme that makes it exclusive for habitable landed property and exclusion of properties built on right of way yielded a sample size of 200. The data collected was analyzed using SPSS 17.0 software and descriptive methods of statistics were adopted to present the result.

### 5. Results and Discussions

Out of the 200 questionnaires administered, 179 were returned but only 170 questionnaires (representing 85%) were valid for analysis. This high retrieval rate can be attributed to respondents’ zeal of giving feedbacks on the land regularization exercise. The result of the survey is presented in Table 1.

Table 1 reveals the various sources by which the respondents acquired...
Respondents do possess some land title related documents other than C of O because the possession of such seems to give the property owner some claim of ownership over the land (even if not the recognized document in Nigeria) Table 2 depicts that 41.18% holds purchase receipt as a means of securing their title, 29.41% possess a legal agreement drafted by a legal practitioner. Also, 23.53% holds deed of assignment, and 4.70% possess a letter of will administration. Just 2 of the respondents representing 1.18% do not hold any documentary evidence as a title to land.

It can be deduced from Table 3 that the citizens are mostly satisfied with the associated cost of the regularization of their title because this factor ranked first among the nine factors. This implies that the associated cost is affordable, this buttress the fact that the government indicated that the processing cost under this scheme is 45% off the cost of the existing process. The process of preparation which is described in Fig.1 ranked second; the respondents indicated that it is appropriate and ideal. In addition, the attitude of the staff in charge of title ratification ranked third in terms of level of citizens satisfaction, this measures the attitude of all staff involved in the entire process from collection of form to issuance of C of O. The fourth ranked factor is the assurance that the title issued under the HOCS will secure their interest in their properties. These top four ranked factors encapsulate the reason why they subscribed to the scheme and they are pleased with these aspects of the policy implementation.

The other category of factors that the citizens are not pleased with are: sincerity of government that ranked 5th, period of preparation of C of O that ranked 6th, bureaucratic measures that ranked 7th, level of transparency of the scheme ranked 8th, and anti-corruption measures put in place to eradicate corruption which ranked 9th. It was revealed from interviews conducted with the respondents that the citizens believe that the government is not really sincere about the scheme, but introduced the policy in order to secure electoral votes in the next election coming up in 2015. Also, the citizens are not pleased with the time taken to issue the certificate of occupancy. The time taken to issue a C of O under this scheme is still the same as that of the conventional registration process. Furthermore, the citizens indicated that there is no difference in the bureaucratic measures involved in the scheme and the conventional title registration.
All these prove that the citizens are not totally pleased with the land regularization exercise. However, the land regularization policy is a welcome development.

6. Recommendations and Conclusions

This study has attempted to measure citizen’s level of satisfaction with the HOCS of the Ogun State government geared towards regularization of informal land title documents of properties within the states. The citizens indicated that the scheme is a welcome development because associated cost is affordable, the process is ideal, the attitude of the personnel involved in the process is tolerable and that the exercise will earn them security of tenure. However, the citizens are not pleased with the following factors: sincerity of government, period of preparation of C of O, bureaucratic measure, transparency of the scheme, and the anti-corruption measure put in place by the government.

Therefore, the government needs to address the factors that the citizens are not satisfied with, because without a total acceptance of the scheme, successful land title regularization cannot be achieved. Optimum success of land regularization brings about unprecedented development and also wealth creation for both the government and the citizens. In order to achieve well acceptable land regularization policy, this study recommends that government should always include evaluation of citizen’s opinion as an integral part of land regularization policy. This will give the government opportunity to get feedback on the implementation of land policy.

Government should set up a task force that will monitor activities of the civil servant charged with the exercise. By doing this, the citizens will see government to be sincere about the scheme. This is important because perception about government sincerity ranked 5th. Also, it is necessary for the government to see to the time taken in processing a certificate of occupancy as obtainable in the developed country. Furthermore, the bureaucratic measures or process involved should be reduced. Some of the processes should be made automated by adopting the necessary technology. This will make the whole process quicker. This will be able to change perception about time of preparation of C of O and bureaucracy that ranked 6th and 7th respectively.

In addition, Government should embrace the political will to prosecute any staff alleged collecting bribe or any form of inducement in order to serve as a deterrent to others. Land matters is always characterized with corruption due to its importance to the people, this is necessary because anti-corruption and level of transparency ranked 8th and 9th respectively in the study and if corruption and lack of transparency are not well addressed, it can render the whole program useless. Also, government should provide an avenue for citizens to give feedback on the running of land regularization process. This will give the government the privilege to address the areas where the scheme is not performing to expectation and to sustain areas where the scheme is performing well. In addition, there should be continuity in the program and indeed governance. Title ratification exercise should be a continuous program and should not be canceled by another regime. Also, other States governments within the Nation should also introduce this in their respective states, so that there will be an even national development in the country. Finally, governments of other developing nations of the world should ensure that evaluation of citizen’s satisfaction is an integral part land regularization schemes.

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