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Tenure Security and Demand for Land Tenure Regularization in Nigeria

Empirical Evidence from Ondo and Kano States

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I. INTRODUCTION

In line with the conventional view that customary land rights impede agricultural development, the traditional tenure system in Nigeria has been perceived to obstruct the achievement of efficient development and agricultural transformation. This led to the Land Use Act (LUA) of 1978. As a remedial measure to the perceived inadequacy of the traditional tenure system, the act nationalized the control of all land, empowering state governors and local governments with administration and management of land.¹ The act conferred on state governors the custodian right to provide use rights (i.e., the 'right of occupancy') for land users in their state, dissolving any possessory (freehold) rights to land which were granted by the customary system.

Under the 1978 LUA, the administration of urban and rural land is distinguished with the control and management of urban land vested in the state governors, while local governments exercise the power of rural land management. Accordingly, the form of use rights ('rights of occupancy') governing the land administration system in Nigeria are of dualistic nature, namely: (1) statutory rights of occupancy, referring to the use rights of urban landholders; and (2) customary rights of occupancy, referring to the use rights of rural landholders.

Partly due to lack of strong political will and poor technical capacity, in particular cadastral capacity, less than 3 per cent of the land in Nigeria is formally registered with proof of right of occupancy, the Certificate of Occupancy (C of O). This leaves the vast majority of the population to deal with tenure insecurity and its attendant negative implications on land related investment and agricultural productivity. Even where the C of O has been obtained, any subsequent land transaction of such land requires the consent of the state governor and local governments. Such a decree provides governors and local officials with undue discretionary power over the land allocation and alienation rights of landholders, impeding the development of efficient land markets and, in urban areas, housing development.

Furthermore, the vagueness of the terms stipulated in the LUA that empower state governors and local governments to revoke any rights of occupancy for "over-riding public interest" cause rent-seeking and corruption, thereby eroding tenure security and access to credit for landholders. As a consequence, there is an increasing reluctance by banks to accept the C of O as conclusive evidence of title for the landholder. Against this backdrop, issues like tenure security, access to and equitable distribution of land, land transfer rights, and land disputes have long been points of serious controversy surrounding the Nigerian land tenure system since the LUA was promulgated in 1978.

In response to these issues and other hindrances to efficient land administration, the Nigerian Federal Government established a Presidential Technical Committee for Land Reform (PTCLR) on 02 April 2009 primarily to undertake systematic land registration nationally and to make recommendations that will ensure effective, simplified, sustainable, and successful land administration in Nigeria. The titling program is expected to revitalize land markets in Nigeria, increase investment opportunities, encourage mortgage lending, assure security of livelihoods and property, and reduce transaction costs for transfers of property rights. Building on successful local experience and experiences elsewhere in Africa, the PTCLR is undertaking pilot programs for systematic low-cost land registration.

I.1. Objectives of research

To proceed with the planned pilot land registration programs in Kano and Ondo states, more knowledge was required on customary or statutory legal provisions regarding household's land rights, the types of ownership or use and management rights of households, and the way in which these rights are acquired, enforced, lost, or transmitted across generations. The objectives of the research described in this report are to:

- provide general field information on physical, social, and institutional conditions in the pilot areas that can be used to assess existing land tenure policy in Nigeria,
- assess the differentiated effect of existing land laws and practices on men and women in terms of access to, control over, and distribution of land by collecting gender-disaggregated data,
- contribute to better understanding of the magnitude, scope, and severity of tenure insecurity in the context of existing land laws and land policies,
- assess the efficiency of land-administration related service delivery by the public sector (e.g., dispute resolution mechanisms),

¹ Nigeria has a federal system. The hierarchy of administrative units, starting from the top, are: the federation, states (of which there are 36, and one federal capital territory), local government areas or LGAs (of which there are 774), and villages. The state governor is the political head of a state.

- analyse the perceived costs for households that are associated with obtaining these services (e.g. direct financial costs incurred in accessing public land related services, including informal costs), and obtain preliminary insights on what determines the willingness of landholders to pay for formalization of land rights,
- identify the differing profiles of tenure systems in terms of plot and household characteristics,
- determine how the method of land acquisition impacts on the extent of rights for households,
- examine how rights to land, especially transfer rights, differ between men and women and how these are protected, enforced, or harmed,
- analyze how land rights vary by method of acquisition and type of tenure,
- assess how the types of disputes over land ownership or use vary by method of acquisition and type of tenure, and
- examine how types and levels of investments on land vary by method of acquisition and type of tenure.

As any affirmative outcomes in terms of cost effectiveness and sustainability of such reform programs hinge on proper implementation and adequate technical capacity, research outputs from the current study will provide technical inputs both for the monitoring and evaluation of the pilot programs of PTCLR and for the design of a comprehensive national land administration and registration system. The findings will therefore:

- help develop immediate monitoring indicators for the pilot program using data from the baseline surveys;
- help identify complementary policy actions (e.g., sensitization and paralegal support on the rights of vulnerable groups such as women) and design improvements that will enhance the effectiveness of the proposed program ahead of the national roll-out; and
- provide critical information relevant to designing a technically and financially sustainable land registry system. For example, a reliable estimate on the nature and magnitude of land transactions would help in developing a viable process to register any subsequent transactions and keep the registry system up-to-date and fully functional.

2. DEFINITIONS AND METHODS

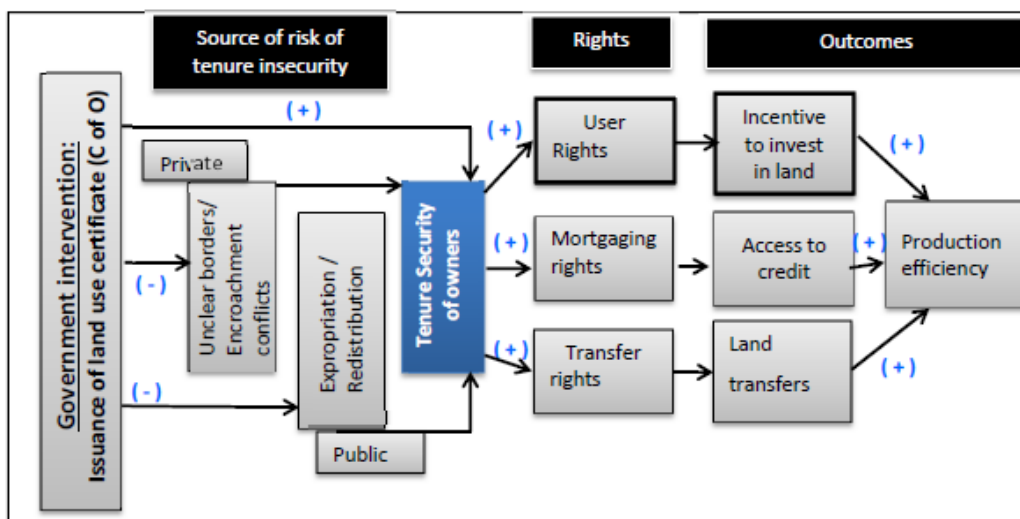
2.1. Conceptual framework: Importance of formalization of property rights to land

The rationale for land titling programs ultimately rests on property rights theories that link secure land tenure to investment incentives. Farm households' investment in agricultural practices that enhance the long-term viability of agricultural production hinges significantly on the breadth of rights (use, transfer, and exclusion rights) on land and expectations regarding the length of time over which the farmer might enjoy the future benefits from his or her investment on land. These expectations depend on the perceived security of tenure. Insecurity over the farmer's tenure of the land can arise from land ownership or use-rights disputes (private), eviction, or expropriation by the government (public).

Much of the existing literature hypothesizes that tenure insecurity has a negative impact on the propensity to invest in land improvements (Hayes et al. 1997). Several studies of investment impacts of land titling in Latin America (Alston et al. 1995; Deininger and Chamorro 2004; Lopes 1997) and Asia (Feder 1988; Do and Iyer 2002) have demonstrated positive impacts. Based on theory and the empirical literature, a simple conceptual model is outlined in Figure 1 for why government interventions in the form of land registration and certification is justified and how tenure insecurity may affect land rights and, thereby, land use and production.

Government intervention in the form of land titling or registration confers ownership or use-rights that are officially documented and verified. Theory predicts that with formal documentation of one's interest in the land, the sense of tenure security for landholders will be enhanced. Therefore, government intervention in the form of land registration will boost incentives to invest in practices that enhance long-term sustainability of agricultural production, such as land improvements, conservation practices, and adoption of new farming technologies (Atwood 1990; Feder and Feeny 1991; Besley 1995; Gavian and Fafchamps 1996; Hayes et al. 1997; Gebremedhin and Swinton 2003; Deininger and Jin 2006; Deininger et al. 2008; Holden et al. 2009).

Figure 1—Conceptual framework for source of tenure insecurity, effects on land use and production, and relationship between low-cost land registration and its implication on agricultural productivity



In addition to its agricultural investment enhancing effects, formalization of land rights through land titling is also thought to influence agricultural productivity through transaction or tradability effects by facilitating the smooth functioning of land markets. Imperfections in such markets arising from transaction costs and ownership uncertainties can be more severe when agents in the market lack formal land rights. Better property rights to land could, therefore, reduce land transaction costs and increase land values, thereby directing land use towards more economically efficient activities. Likewise, by turning land into a transferable commodity, theory predicts land titling will stimulate investments as farmers can use land as collateral to access agricultural or other forms of credit needed for productivity-enhancing investments.

In our conceptual framework on how government might act to increase the propensity for landholders to make productivity-enhancing investments, we assume that government intervention – for instance, the issuance of a Certificate of Occupancy (C of O) to the land holder – enhances property rights and, thereby reduces or eliminates the risk of insecurity of tenure either by: (1) reducing or avoiding incidence of parcel boundary or encroachment conflicts (shown in Figure 1 by the negative effect of land related dispute with private entities or individuals); or (2) uncompensated confiscation or expropriation of one’s land by public authorities (shown in Figure 1 by the negative effect of land expropriation by the government on households perceived risk).

Thus, the proposed pilot land registration and certification programs are expected to help: (a) increase farmer access to formal agricultural credit and, especially in urban areas, nonfarm credit; (b) stimulate long term agricultural and commercial investments that will increase productivity and employment; (c) promote more efficient land markets, and (d) promote the use of the official land registry to facilitate land transactions and reduce the volume and frequency of land related disputes.

3. THE HISTORICAL CONTEXT OF LAND LAW AND LAND TENURE REFORMS IN NIGERIA

3.1. The customary land tenure system and some salient issues

Historically, Nigeria had a traditional landownership system in which family and individuals had rights to land. These rights were either inherited (e.g., sons will receive rights from their fathers) or given to people (e.g., migrants were given the right to plant food crops). Under a communal system, the landholding group is the family, clan, village, or community. A member of these groups is entitled to a block of land for cultivation. Members have common rights to possess and use parts of the land (Ike 1984; Famoriyo 1984). In terms of local sovereignties in land, they may be exercised by a traditional authority such as an Emir, an Oba, an Obi, a chief, or a district head (Famoriyo 1984).

As a member of the community which owned the land, families would have the right to use the land perpetually. In such cases, families received the right to use the land through inheritance. Families could also receive temporary land use rights which are given to a non-member of the community. While the entire family has proprietary rights, the individual

grantee is held to possess the rights to use portions of land granted to him. Individuals also acquire “unconditional or unlimited rights or rights of alienation through gifts among living persons, pioneer clearing of virgin forests or through partition of family landed property” (Famoriyo 1984). Rights acquired in any of these ways become proprietary rights, the owner being free to dispose of such rights without any consultation (Famoriyo 1984).

A corollary principle of land ownership among most groups in Nigeria is that the entire family has rights over land. The tradition regarded land as the property of the ruler of each town and village. The ruler would give each patriarchal lineage rights over land. In this way agricultural land, for example, was distributed among lineage members (Ademola 1994). Each member was allocated land in proportion to the number of family members in the household (Aluko and Amidu 2006).

In the case of plots with houses built on them, such as in urban areas, the tenure of the house would continue as long as the member assigned to it maintained the house and inhabited it. House plots with abandoned or collapsed houses that were not immediately rebuilt would go back to the original patrilineal member (e.g., from son back to father) (Renne 1995).

In the past, nothing in cash or kind was generally given among patrilineal family members, although sometimes gifts of kola nuts were acceptable payments. Another form of land transaction was through appeal to members of another patrilineal group to allow nonfamily members use of a plot. In general, these types of transactions did not involve cash, but they did involve other expenses. Land owners required ‘goods’ such as a bag of salt or a goat, which represented payments to obtain land rights. In addition to the expenses, those seeking to obtain land rights had to extensively negotiate with owners to transfer this right. Any changes to the original plots would require additional ‘gifts’ (e.g., building a new room). In case non-family members abandoned their plots, the rights reverted to the original grantee of the rights (ibid).

LAND TENURE DIFFERENCES BY REGIONS

The traditional land system was complicated with different customary principles which varied by region and linguistic groups. There is a particularly marked difference between the North and South of Nigeria.

Historically, northern Nigeria had a system of Muslim emirates with complete written legal codes, courts, and administrative structures (Berry 1992). By 1916, all land in northern Nigeria was in the hands of traditional rulers who were protected by the colonial Land and Native Rights Proclamation that was designed to preserve existing socio-economic controls and prevent European and southern Nigerian interests from acquiring land for commercial purposes (Francis 2008).

Before 1978, land holdings in the northern states were governed by the Land Tenure Law of 1962 and were 'under the control and subject to the disposition of the Governor', and 'held and administered for the use and common benefit of the natives of northern Nigeria'. Under the traditional code, the Governor was given the power to grant and revoke such rights of occupancy and to demand rents (Francis 2008). In northern Nigeria, including Kano state, land tenure is based on three factors: Muslim Sharia law, local custom and politics, and the discretionary power of the ruler (Aluko and Amidu 2006).

In contrast to the North, in southern Nigeria in both the colonial period and since independence there was little interference from the government or ruling power in traditional land tenure systems. Thus, the Land Use Decree had no legislative precedent (Francis 2008; Williams 1992). In the southern states, a dual system with customary land tenure and land tenure under the received English law (sometimes called statutory land tenure system) was enacted (Ebeku 2001). The traditional tenure system was “common ownership” which was either within the family or community (Famoriyo 1984).

LAND RIGHTS OF WOMEN

In customary landholding systems, community level decisions about land were taken by chiefs or rulers on behalf of families or communities. Authority was generally ascribed to a patriarchal lineage, and most major decisions were and continue to be taken by men. Women claims to land within customary systems were generally obtained through their husbands or male kin and, hence, may be considered ‘secondary’ rights. However, as with all other issues with land tenure, women’s rights under customary law were not uniform across the country. Women’s rights depended on the group, religion, or region.

The Land Use Act intended to nationalize all lands and to some extent promote free access of women and men to land. However, land still continues to change hands in accordance to native law and customs of the people, which generally does not promote equality of access to land to men and to women (Aluko and Amidu 2006).

Community decisions are usually made without explicit reference to women's knowledge or priorities. Although women have found alternatives to bring their views to the attention of land management institutions, they do not have significant decision-making power. In the case of inheritance, women are discriminated against. While limited inheritance rights may exist for wives or daughters, customary law favoring male family members still prevail. Unmarried daughters usually do not receive any inheritance. When there are issues of compensation for land expropriation, the head or leader of the family or community is the one who manages the rights in land according to the LUA. In these cases, women's rights are almost non-existent because they have limited rights and limited participation in customary land management institutions (Aluko and Amidu 2006). In Nigeria, more opportunities for women are needed to enable them to purchase land on their own account, to have it registered in their own name, and to enable it to be inherited by their descendants.

Land tenure reforms also are needed to help more women obtain and keep their land rights. In addition, most women in rural areas require access to credit and investment in production and machinery. However, women often do not have the right to borrow money. When farmers in Nigeria acquire land use right, certificates are usually given to men, because they are assumed to be the heads of families (Ademola 1994). In urban areas, when women have access to land rights, which is usually the case in cash transaction to acquire land rights, Renne (1995) found that 33 percent of houses with tenants had a female head of household (Renne 1995). This land ownership provides a source of income for these women.

MIGRANTS LAND RIGHTS

Cocoa cultivation created incentives for migration from the northern part of the country to the cocoa growing areas of the south and to some extent facilitated the commoditization of land tenure in the country (Francis 2008; Otite 1979). In addition, palm tree production also attracted migrants to the palm growing states in the forest zones of the south. When immigrants go to palm growing areas and obtain land, they have to pay an initial fee and a lease price every year to the local ethnic group. Moreover, they do not enjoy exclusive right over the oil palm trees growing wild. With the new land act, an important obstacle continues to be lack of "dual nature local citizenship". For instance, immigrants in Ika land, while regarded as Nigerians, were not considered citizens of the local areas (Otite 1979).

3.2. The Land Use Act of 1978

Fabiyi (1984) pointed out that before 1978 Nigeria did not have a national policy that was harmonized to encourage general economic development. Land tenure was mostly an uncoordinated conflicting dual system of customary and statutory rules that regulated land allocation, use, and control. There was no system to resolve conflicts generated by land transactions or any system to make sure there were no compulsory acquisitions of land (Fabiyi 1984). The need for promulgating the 1978 Land Use Act (LUA) was borne out of the necessity to harmonize the land tenure system in the country, to tackle the problem of land speculation, to address the difficulty of government (and the individual) in obtaining land for development purposes, and to put a stop to fragmentation of rural land arising from allocation through traditional principles of inheritance (Fabiyi 1984; Ebeku 2001; Olayiwola and Adeleye 2006; Otubu 2010).

The main purposes of the legislation were to improve economic productivity, land use planning, and equal access to land resources for all citizens. In order to accomplish these objectives, the LUA established the following principles: all proprietary rights to land are vested in the state; the state grants users rights to individuals; and the state uses the administrative system rather than the market in the allocation of land rights (Fabiyi 1984; Famoriyo 1984; Olayiwola and Adeleye 2006). Some of the advantages of the decree included a "common legal system for the acquisition of land in the country; the prevention of the fragmentation of land; the socialization of mineral resources; and the assurance of more steady control of land" (Agbola 1987).

However, after passing the 1978 Land Use Act, land tenure issues and conflicts did not decrease. Since its beginning, the LUA has been plagued with many issues. The following sections elaborate on some of the issues surrounding the structure and implementation of the LUA.

EXCESSIVE POWER TO LOCAL GOVERNMENT AND GOVERNORS

Several analysts have mentioned as problematic the issue of excessive power that the LUA gives to local government and governors. However, it is unclear from the literature how exactly this power is applied, and whether it stems from landholders not knowing about the proper application of the law.

While before, tribal, kinship, family, or community groups held property rights with members of those groups obtaining use rights in consequence, under the new decree the concept of Nigerian citizenship to access land use rights was established. This meant that a person from any community, as long as he or she is a Nigerian citizen, can now in theory have access to land use rights. With the LUA, all Nigerians have the same rights to land, and it abolished political and economic power that once was associated with “natural” or traditional rulers. The main objective was to eliminate the ownership and property control rights traditional authorities exercised on behalf of the communities, and, thus, eliminate both the burdens and the privileges attached to the ownership rights exercised by the traditional authorities (such as custodian and administrative responsibilities) (Agbosu 1988). However, some argue that, while it abolished the power over land once held by traditional rulers, it just gave more power to government and other new authorities. Some critics of the LUA denounced that the Act was “a nationalization instrument which took away the right of ownership and management of land from the citizens and vested it in the state” (Fabiya 1984; Ebeku 2001; Otubu; Kalu 2010; Olayiwola and Adeleye 2006).

CONFUSION DEFINING OWNERSHIP OF LAND RIGHTS

The LUA created some confusion defining ownership of land or whether there was any kind of ownership of land still existing (Ebeku 2001). Although the State is supposed to be the “only owner of the land”, the application of the LUA seems to be particularly confusing when it comes to defining who owned land that was allocated through the customary system previously. One of the main issues with not knowing who owns the right to land is when there are competing “claims of rights”. Critics of the LUA pointed out that the law has done little to clarify this issue. Issues of ownership also became problematic when the Federal Government acquired land for non-agricultural uses, such as for military or for oil exploitation purposes (Famoriyo 1980).

DURATION OF LAND RIGHTS

The LUA is not clear about the duration of the right a landholder has to occupy the land. In rural areas, since the local government only register the holders whenever they decide to obtain a certificate, it is hard to control who receives the rights and for how long. If holders have a C of O, the act does not provide for renewal. Rather, it is up to the discretion of the governor to grant an extension to the C of O. In urban areas, people can hold certificates for a certain period of time (e.g., 99 years). However, it is not clear what happens when the rights associated with the C of O expire (Otubu).

LACK OF INSTITUTIONAL CAPACITY

Famoriyo (1984) cited the shortage of trained personnel as a significant constraint to effective implementation of the LUA. In his study he found that the shortage of qualified personnel made it hard to do site inspections for verifications of claims.

There is also the issue of dishonesty among officials and the general public. For example, many of the declarations made by applicants were found to be false. Traditional rulers in many parts of southern Nigeria have argued that they are in control of all lands within their jurisdiction. The wealthy ones have also at one time or the other spoken against the Act. There were also allegations of bribery to secure application forms for a C of O (Famoriyo 1984).

The process of receiving a C of O is complicated, constraining the process of regularizing land ownership broadly, and creating space for illegal land holdings (Francis 2008). Although the LUA does not allow sales of land without authorization, this practice still continues. In some cases, documents confirming transfers are fraudulently backdated to appear legal. This situation also encourages a market for illegal certificates and raises the price of land (Francis 2008).

URBAN LAND PROBLEMS

Urban land problems in Nigeria are formidable. Many of the main urban centers in Nigeria – Lagos, Kaduna, Ibadan, Benin City, and Kano – are overcrowded. The result has been deterioration in the environment and the emergence of shantytowns and slums. There was no urban land policy prior to the promulgation of the LUA. The most pervasive problems that pertain to urban land are speculation and the inability of migrants to the cities to secure housing. One of the problems the LUA was designed to address was that urban land speculators accumulate large tracts of land, but often do not develop it (Famoriyo 1984). The LUA intended to address these issues by limiting the possession of undeveloped land under private ownership. In addition, the LUA established that holders of title to urban properties had to convert the titles to new statutory certificates of occupancy which obligates holders to pay rent to the state (Olayiwola and Adeleye 2006).

As is described in the Annexes to this report, there are between 25 and 35 steps to legally secure rights in a parcel of land. This process takes about one year to complete (Egbu, Olomolaiye, and Gameson 2008).

EFFECT OF THE LAND USE ACT ON RURAL AREAS

After the implementation of the 1978 Land Use Act, the regularization of rural land transfer became slower than before. Although it is expected that cash transactions to acquire land rights – which also implied surveying and demarcating land plots – would likely increase the documentation of properties, this does not seem to be the case in Nigeria so far, at least in some parts. People who receive cash for land transactions do not usually document the transaction mostly to avoid bureaucratic complications and extra payments. Land transfers and house plot subdivision for inheritance also remain unreported, because they are still considered to be undertaken within the framework of customary land practices. Finally, disputes over land are generally settled by the village king and his council of chiefs, rather than in local Customary Courts (Renne 1995).

With the LUA, traditional authorities lost their rights and powers over land and were unable to manage land disputes that arose. The disputes today are very serious issues in some parts of Nigeria. Some authors attribute the resultant often violent outcomes to these disputes to the fact that people have lost their land rights and they have not received just compensation for this loss (Ebeku 2001; Akpan 2010). According to Akpan (2010), the “dividends of democracy” are not equally accessible to the people whose land has oil. Currently, there is competition at all levels for political power that would enable those who access this power to benefit from oil exploitation, depriving the real owners of this land from accessing the benefits in oil from the land (Akpan 2010).

The oil boom also heightened issues with agricultural production, particularly with cocoa production. In some communities, a comparison of asset holdings between 1992 and 1997 showed how structural adjustments influenced some decline in the level of house and land ownership. When comparing different income strata during this time, people in the upper stratum were able to get more than their fair share of the farmland. The structural adjustments also created two groups: capitalist farmers, usually with political connections, and peasants without the political connections and power. People with political connections were able to access loans and were also able to access land rights after the LUA was in place. In contrast, ordinary farmers, including most cocoa producers, were not able to benefit from the LUA. On the positive side, with money from the oil revenues, farmers were able to access subsidized inputs through marketing organizations. Price incentives, tax removals and guaranteed minimum prices also were put in place as oil production began to dominate the Nigerian economy (Mustapha 1999).

3.3. Establishment of the Presidential Technical Committee on Land Reform

The LUA of 1978 is widely noted as being flawed in the areas of possessory rights and tenure security, Land owners and landholders remain vulnerable to the claims of other individuals who may succeed in obtaining statutory or even customary right of occupancy over the land they wrongly claimed. The Act also is blamed for preventing holders of traditional possessory rights from using their land as collateral for obtaining credit to enhance their economic capacity. In addition, the associated lack of information and the cost of bureaucratic procedures related to land registration have discouraged individuals with possessory rights, who constitute the majority of land owners in the country, from applying to the governor or to local government authorities for a formal statutory or customary C of O.

Before 2009, there were no serious efforts to correct these challenges associated with the LUA. In 2009 under the administration of late President Yar'Adua, concerted efforts were made to comprehensively review the LUA and make it more functional and development oriented. As part of this effort, the Presidency prepared 14 amendment clauses – referred as “Land Use Act (Amendment) Act 2009 or the Constitution (First Amendment) Act 2009). The main thrust of the bill in which these amendments were placed is to restrict the requirement of the governor’s consent in land transactions to land sales only and eliminates the requirement of the governor’s consent in case of subletting (renting or other form of short term land transfers). That is, the amendment seeks to render the governor’s consent unnecessary for mortgages, subleases, and other land transfer forms in order to make transactions in land less cumbersome and to facilitate economic development. The proposed bill also seeks to vest ownership of land in the hands of those with customary rights of ownership and to enable farmers to use land as collateral for loans for commercial farming to boost food production in the country. The bill, which involved expunging the Land Use Act from the constitution, however, is as yet to be passed by the National Assembly.

In addition to these legislative efforts, in order to realize the land reform program in Nigeria, the government of late President Yar'Adua also inaugurated the Presidential Technical Committee on Land Reform (PTCLR) in April 2009 with a seven point mandate.

- I. Collaborate with and provide technical assistance to states and local governments to develop a national cadastral land register;

- II. Determine individuals' "possessory" rights using best practices and the most appropriate technology to successfully complete the process of identification of locations and registration of title holdings;
- III. Ensure that cadastral boundaries and title holdings are demarcated in such a way that community, hamlet, village, village area, town, etc. will be recognizable;
- IV. Encourage and assist states and local governments to establish an arbitration mechanism for land ownership conflict resolution;
- V. Make recommendations for the establishment of a National Depository for Land Title Holdings and Records in all states and the Federal Capital Territory;
- VI. Make recommendations for the establishment of a mechanism for land valuation in both urban and rural areas in all parts of the Federation; and
- VII. Make any other recommendations that will ensure effective, simplified, sustained and successful land administration in Nigeria.

The Committee is currently working to ensure the realization of this set of mandates.

3.4. New policy direction on land reform: Pilot land titling program in Kano and Ondo states

The land legislation in place in Nigeria is confusing to the average citizen and is challenging for state and local authorities to administer. Consequently, there was a need to initiate land reforms that will ensure good governance in land administration and to create better access to tenure security for poor landholders, in particular. Among the many proposed reforms to land tenure administration is a pilot revised land titling and registration process. This is being implemented by the PTCLR. In order to have comprehensive data on land ownership that covers the entire country, PTCLR is to undertake an appropriate land use inventory and a comprehensive cadastral mapping of the whole country. These will show the land holdings of individuals or corporate bodies. The exercise is to be pursued by the PTCLR in collaboration with other relevant government agencies.

The pilot land titling program to be undertaken by the PTCLR involves a systematic registration process which includes a systematic approach to adjudicating, surveying, and registering land parcels on an area by area basis. This is expected to provide comprehensive land information within a set time frame. It will also give more people improved rights to the land that they hold more quickly, thus supporting the desired development impact of increased security of land ownership and reduced transaction costs. The program is to be carried out in two states – Kano in the North West geopolitical zone and Ondo in the South West zone. The pilot program is an exercise to understand best practices with regards to procedures, quality, and adequacy of institutional capacities required to administer and promote land transactions in the states, and which could be adopted in a scale-up exercise for the whole country. Specifically, the pilot program is being carried out in Fagge and Ungogo Local Government Areas (LGA) of Kano state, and Akure North, Akure South and Ifedore LGAs in Ondo state. In view of the complex and sensitive nature of land titling processes, the PTCLR had identified critical stakeholders (government officials, traditional institutions, private organizations, and civil society organizations and groups) to be engaged in the program to ensure its success.

4. DESCRIPTION OF THE EXISTING LAND REGISTRATION PROCESS AND PROCEDURES IN THE STUDY AREAS

4.1. Land allocation and the procedure for granting Certificates of Occupancy

The policies and procedures of land allocation for the two states are basically the same. The first step under the current systematic registration practice is for the applicant to purchase an allocation form. This is completed and returned to the Ministry with the applicant's tax clearance form for three years. The tax payments of the applicant over the past three years determine what sort of land parcel he or she is allocated. If the total tax paid for the three years is above a fixed amount, a plot in the low-density area will be allocated. If it falls within other categories, he or she will be entitled to a plot in a medium-density area. For those whose total tax paid over the past three years falls below a specific threshold, only plots in high-density areas are allocated.

When a plot is allocated to the individual, a deposit is made by the applicant for development fees to cover the costs of survey charges, roads, electricity, etc. However, if the land area is larger than 900 square meter, additional fees per square

meter are paid. After allocation, some incidental charges include preparation of the certificate, stamp duty, registration of the document, and the annual rent, which differs by density area.

The procedure for a landholder obtaining a C of O involves registering land on a case-by-case basis. This procedure has two advantages: first, it is less expensive in the short term than the systematic registration procedure described above, and, secondly, it tends to target the most economically active property. However, it has the disadvantage that it will take much longer to achieve complete coverage of all land parcels within a jurisdiction if Certificates of Occupancy are sought for all landholdings (FAO 2003).

Becoming familiar with the current processes and requirements for securing land titles by individuals, institutions or corporate investors, and government bodies is important for understanding adoption patterns of any systematic land titling programs. This section presents details on the current processes and requirements for land titling in the Kano and Ondo states. In Kano state, the general procedures for procuring land titles can be further sub-divided into three classes: i) Direct government allocation; ii) Conversion of customary rights to statutory rights, and iii) Grants to government, religious bodies, and non-profit organizations. More detail is provided here on the first two classes of procedures.

DIRECT GOVERNMENT ALLOCATION

Refers to land acquired from within government created land layouts. When government acquires land for a housing development, they create layouts and plots which are allocated to applicants. These plots are normally designated as low density, with plot sizes of 30m by 30m, high density plot size of 15m by 15m, and medium density plot size of 15m by 22m. The different plots sizes attract different cost of titling and registration. The procedure for registering land titles or procuring a statutory C of O for direct government allocation is relatively straight forward.

The Ministry of Land and Physical Planning receives applications from prospective applicants, and those who are found to be qualified are issued with a letter of grant. With the letter of grant, the applicant pays the prescribed fees and requests for a C of O. One major benefit of the direct government allocation is the reduction of administrative bottlenecks and governance issues in the processes of obtaining the C of O for the acquired land. There is a huge time and cost savings by applicants as the services of private surveyors to produce a survey plan are not required, because the survey plan is made available in advance by the cadastral department for the entire land area.

CONVERSION OF CUSTOMARY RIGHTS TO STATUTORY RIGHTS

Involves rural land parcels for which the local government has already issued a Right of Occupancy. The registration process takes a longer time to complete compared to direct allocation where letters of grant have been awarded and survey plans produced by the Ministry of Land and Physical Planning and the planning authority, respectively. The processes and procedures involved in the conversion of title depend on the land use types.

Case A: Conversion of land title from customary to statutory right. To achieve this, individuals have to go through a long process that involves around 30 stages (see Annex 1).

Case B: Industrial land titling and registration process. This refers to the procedure for the acquisition of land (C of O) for any commercial purpose. A case from Kumbotso LGA describing this process is given in Annex 2, showing the long procedure involved.

Case C: Residential land titling and registration process. As the title suggests this refers to the titling of residential land. A case study of titling of inherited land in Gwale LGA, an urban LGA in Kano state, is given in Annex 3. The specific case depicts 34 steps that an inheritor of a plot of land needs to pass through in order to register an inherited land parcel.

4.2. Urban land acquisition and building plan approval process

Town planning regulations in Nigeria stipulate that before a house or building may be erected in any urban area, it must have an approved building plan from the appropriate Local Planning Authority (LPA). After procuring the land survey plan, the prospective landlord or developer goes to the appropriate LPA to begin the often cumbersome and time-consuming process of plan approval. These processes typically take between 6 and 12 months to complete and sometimes longer.

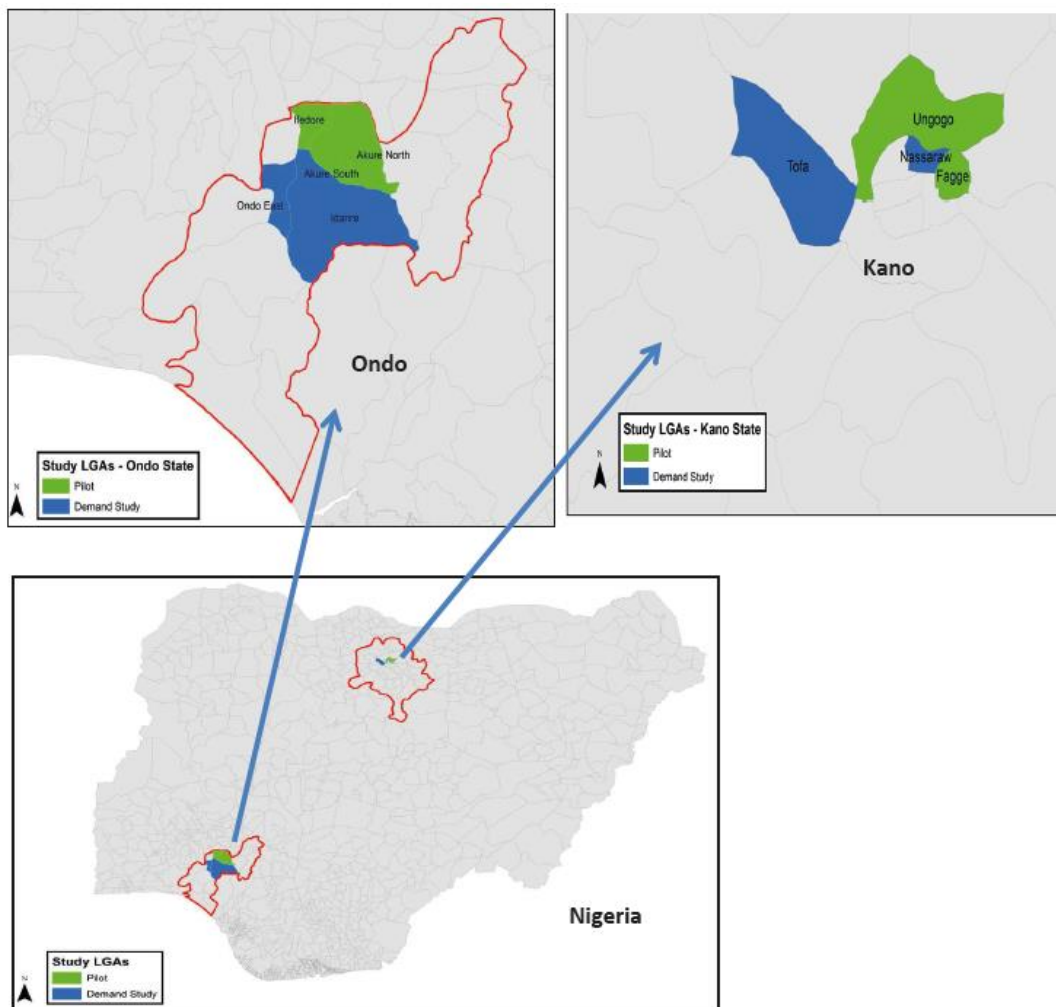
5. STUDY SAMPLE

In order to obtain more knowledge on customary or statutory legal provisions regarding household land rights, the types of land ownership or use and management of households, and the way in which these rights are acquired, enforced, lost, or transmitted across generations, surveys of landholders and investigations of the land registration process were carried out in two areas of Nigeria, Kano state in the North West zone and Ondo state in the South West zone. These are the states selected by the PTCLR for the pilot implementation of the Federal Government's land reform initiatives.

5.1. Sampling techniques

In Kano state, PTCLR identified one rural LGA, Fagge, and one urban LGA, Ungogo, in which the pilot systematic land registration exercise is to be conducted. In Ondo state, three LGAs were selected, Akure North and Akure South, which are both urban LGAs, and Ifedore, a rural LGA (Figure 2). In addition, one urban and one rural LGA in both Kano and Ondo states were selected. These areas were identified after an exploratory exercise to identify LGAs in each state with similar characteristics in terms of socio-economic, institutional and cultural setup with the other study LGAs, but in which the pilot land registration program would not be initially carried out. Accordingly, Nassarawa (urban) and Tofa (rural) in Kano and Ondo East (urban) and Idanre (rural) in Ondo were selected as a second set of study LGAs in with to administer the questionnaire for the study on demand for land registration services.

Figure 2—Maps of the study areas



Data for the study on demand for land registration services came from 600 household heads in the four LGAs in the second set of study LGAs in the two states: 300 households in Kano state and 300 in Ondo state equally divided between rural and urban LGAs. To sample the 300 household heads in each state, characteristics, such as the proportion of migrants

in the population, sources of livelihoods, number of female household heads, and settlement patterns, among others, were elicited during scoping visits. The characteristics were considered in the selection of study villages and wards.

In Kano state, based on these criteria, a total of twelve villages were selected from each of the urban and rural demand study LGAs and subsequently, one ward was randomly selected from each of the twelve villages. The number of survey household heads selected in each ward was proportional to population size. For each ward selected, sample lists of household heads were obtained from the Kano Agricultural Development Agency and the Kano state office of the National Bureau of Statistics. From the compiled list of household heads, systematic sampling with a random start was adopted to select a total of 300 household heads. Data collection was done with field staff recruited from the Federal University (Bayero University, Kano) within the state. The field staff interviewed in pairs (one male and one female), with each of six pairs of enumerators interviewing six household heads and their spouses in 21 wards.

In Ondo state, a total of nine villages in Ondo East LGA and eight villages in Idanre LGA were selected. Using the lists of households obtained from the Ondo State Agricultural Development Project office, a procedure of systematic sampling with a random start was adopted to select a total of 300 households (150 each from the two LGAs). The survey instruments were administered to these sample households.

The survey respondents in the two states were primarily household heads and their spouses who are resident member of the household. Personal administration of questionnaires to respondents was used to collect household demographic information, information on land and other household property, aspects of household understanding and willingness to pay for land certificates, information on land-related disputes and available resolution mechanisms, and the legal knowledge of respondents on land matters.

The main modules included in the questionnaire were:

- Socio-economic characteristics of the household: demographic information; credit and savings; ownership of agricultural and other productive assets; participation in non-farm enterprises,
- Plot inventory: plot size; distance of plot to household, nearest market, and nearest road; information about the plot manager and owner; year of plot acquisition,
- Land tenure: method of acquisition (i.e. how and from whom); main land use of plot (type of crops grown); rights with regard to use of plot,
- Land transactions: decisions regarding selling, renting, leasing, or sharecropping; types of crop grown, allocation of harvest (e.g. storing, selling, trading); processes of land inheritance, granting, or giving as gift,
- Intra-household difference between land ownership and use rights,
- Inheritance and land related disputes,
- Land titling and certification (gender-differentiated),
- Perceptions about land registration and certification,
- Participation in titling,
- Knowledge of land laws, and
- Willingness to pay for land parcel titling and other land services.

5.2. Summary of basic household characteristics

Data used for analysis of this study comes from stratified random sample of 600 households in both rural and urban wards in two LGAs from both Ondo and Kano states. Due to incomplete interviews or problems with data entry, only data from questionnaires administered to 565 households were used for analysis in this report. Data were entered using CSPro data entry software, with analysis done using the STATA statistical software package. This section presents the results of the preliminary analysis.

Table 1—Average major characteristics of sampled households – disaggregated by region and area of dwelling

Variables	Region			Signifi- cance of mean dif- ference	Location		Signifi- cance of mean dif- ference
	Total	Kano	Ondo		Rural	Urban	
Age of household head, yrs	48.9	48.5	49.2	ns	55.6	43.5	****
Household heads who are male, proportion	0.922	0.919	0.936	ns	0.931	0.912	ns
Household head is married – monogamous, prop.	0.698	0.681	0.710	ns	0.642	0.759	***
Household head is married – polygamous, prop.	0.254	0.246	0.261	ns	0.312	0.191	***
Head of the household is literate, proportion	0.914	0.890	0.933	*	0.904	0.926	ns
Household head born in this village or town, prop.	0.745	0.632	0.833	****	0.777	0.711	*
Origin of household is outside of the state, prop.	0.168	0.235	0.116	****	0.154	0.183	*
Family size, members	5.83	5.02	6.46	****	5.99	5.67	ns
Household head occupation is farming, prop.	0.397	0.572	0.260	****	0.531	0.254	****
Wage earners in household, number	0.11	0.05	0.15	**	0.13	0.08	ns
Permanent employees in household, number	0.31	0.28	0.34	ns	0.20	0.43	**
Self-employed workers in household, number	1.25	1.52	1.04	****	1.36	1.13	*
Spouse is self-employed, proportion	0.489	0.712	0.306	****	0.511	0.464	ns
Number of observations	565	318	247		292	273	

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent.

The summary statistics presented in Table 1 show limited systematic difference between the two states in key household characteristics. Similarly, there is little difference between the rural and urban areas with regard to gender and educational status of the household head.

Overall, the average age of the household heads included in our analysis was 48.9 years, and 92.2 percent of household heads are male. While monogamous households dominated our sample (69.8 percent), a quarter of the households included in our study were polygamous (about 25.4 percent). These figures are consistent with national level statistics from the 2010 National Household Survey that shows about 60.9 percent of households are monogamous, while 23.8 percent are polygamous. On average, heads of households from rural areas are significantly older (55.6 years) than those from urban areas (43.5 years). Polygamous family structures are significantly higher in rural areas (31.2 percent) than in urban areas (only 19.2 percent). The average family size in our sample is 5.8 individuals with 5.0 in Kano and 6.5 in Ondo, with no systematic difference observed between urban and rural areas.

Farming is an occupation for 39.7 percent of the household heads in our sample, with 57.2 percent in Kano and 26.0 percent in Ondo. As expected, farming is the main occupation for 53.1 percent of rural households in the study sample, compared to only 25.4 percent of study households from urban areas. The average number of wage earners in a household is 0.11, but this statistic varies significantly from 0.05 in Kano to 0.15 in Ondo. On the other hand, the proportion of self-employed spouses in Kano is significantly higher (71.2 percent) than in Ondo (30.6 percent). Expectedly, the average number of permanent employees in a household is twice as large in urban areas (0.43) as compared to the figure in the rural areas (0.20).

More relevant to our analysis of land rights and household access to land, the summary statistics shows that 25.5 percent of the respondents included in our sample were not born in the village in which they are now resident; with the figure being higher for Kano state (36.8 percent) compared to Ondo state (16.7 percent), and for urban areas (28.9 percent) compared to rural areas (26.3 percent). In line with these findings, about 16.8 percent of the households included in our study were non-indigenous households – households with origins from outside of the state – with significant difference when comparisons are made among households in Kano (23.5 percent) and Ondo (11.6 percent).

6. LAND RIGHTS AND WOMEN

Analysis of the survey findings from the two sample LGAs from Kano state (Nassarawa and Tofa) and the two sample LGAs from Ondo state (Idarne and Ondo East) is presented in sections 6 to 9. We simultaneously utilized both parcel and household level information to investigate property rights of households, gender-differentiated demand for land registration and

certification, perception about land rights and land related disputes, household’s awareness about the land law and regulations, and their opinion on the quality of land service delivery.

6.1. Gender-disaggregated property ownership and intra-household resource sharing

To investigate the nature of intra-household land ownership, households were asked who among the household members have rights of ownership over the parcels the household possess or the land the household operates or cultivates. Results from Table 2 show that sole ownership by the head of household is the most dominant type of land ownership, while the second most common type of ownership is collective ownership where more than two member of the household are reported to have ownership rights over the parcel. On the other hand, husband-wife joint ownership of land is reported to be the least-dominant type of land parcel ownership.

Table 2—Intra-household land ownership – disaggregated by region and location of residence (parcel level analysis), proportion of land parcels

Variables	Region			Significance of mean difference	Location		Significance of mean difference
	Total	Kano	Ondo		Rural	Urban	
Household head is sole owner of the land	0.623 (0.013)	0.698 (0.017)	0.525 (0.021)	****	0.649 (0.017)	0.589 (0.02)	**
Spouse sole owner of the land	0.007 (0.002)	0.012 (0.004)	0.002 (0.002)	**	0.006 (0.003)	0.008 (0.004)	ns
Land is owned jointly by spouse and head	0.084 (0.008)	0.030 (0.006)	0.155 (0.015)	****	0.065 (0.009)	0.110 (0.013)	***
Land is collectively owned by family	0.200 (0.011)	0.147 (0.013)	0.270 (0.018)	****	0.172 (0.014)	0.237 (0.018)	***
Land owned by female	0.132 (0.011)	0.118 (0.012)	0.361 (0.02)	****	0.133 (0.014)	0.293 (0.019)	****
Number of observations	1500	789	711		854	646	

Source: Author’s computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

As evidence of the possible pitfall of the traditional land tenure system in protecting land rights of women, either as sole owners or as joint owners of properties with partners, only 13.2 percent of parcels in our sample have female owners. However, there are significant differences in female land ownership between Ondo (36.1 percent) and Kano (11.8 percent), while the proportion of parcels owned by women is significantly higher in urban centers (29.3 percent) compared to rural areas (13.3 percent).

Comparing the various types of property ownership across the three dominant modes of land acquisition, our findings (Table 3) show that joint ownership of land is more common among parcels acquired via the market through purchase (11.8 percent) than among parcels acquired via gift (2.9 percent) or inheritance (8.0 percent). On the other hand, parcels that are solely owned by spouses are more common among parcels obtained via gift than via purchases or inheritance.

Table 3—Intra-household land parcel ownership by mode of acquisition – disaggregated by gender of head of household and family structure, proportion of land parcels

Variables	Total	Purchased	Inherited	Significance of mean difference between Inherited and Purchased	Gift	Significance of mean difference between Gift and Purchased
Spouse sole owner	0.007 (0.002)	0.003 (0.002)	0.004 (0.003)	ns	0.048 (0.021)	****
Jointly by spouse and head	0.084 (0.008)	0.118 (0.013)	0.080 (0.012)	**	0.029 (0.016)	***

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

6.2. Access to land and modes of land acquisition

Obtaining access to land through inheritance and gifts from family and friends are the dominant modes of land acquisition in our study areas. Results from Table 4 show that 48.4 percent of land parcels were inherited from relatives, while 42.8 percent and 8.6 percent were parcels from gift transfers and purchases, respectively. However, the dominance of access through inheritance is higher in Ondo than in Kano state and in urban areas than rural, while the dominance of access through gift is higher in Kano than in Ondo state and in rural areas than in urban areas.

Table 4—Modes of land acquisition – disaggregated by region and location, proportion of land parcels

Dominant mode of land acquisition	Region			Significance of mean difference	Location		Significance of mean difference
	Total	Kano	Ondo		Rural	Urban	
Parcel is acquired via inheritance	0.484 (0.014)	0.390 (0.019)	0.599 (0.021)	****	0.409 (0.019)	0.580 (0.021)	****
Parcel is acquired from gift	0.428 (0.014)	0.495 (0.019)	0.345 (0.02)	****	0.493 (0.019)	0.344 (0.02)	****
Parcel is acquired via purchase	0.086 (0.008)	0.114 (0.012)	0.051 (0.009)	ns	0.094 (0.011)	0.074 (0.011)	ns

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Regardless of the mode of land acquisition, respondents were also asked their main source of access to land with the options being family, government, friends, or non-relatives. Consistent with our findings from Table 4, 62.1 percent of the parcels were acquired from family, while 36.0 percent of the parcels were acquired from friends or other non-relatives. Only 2.0 percent of the land parcels of the study households were obtained from government. However, the dominance of acquisition from family is significantly higher in Kano (71.9 percent) than in Ondo state (49.9 percent) and in rural areas (68.8 percent) than in urban centers (53.3 percent), while the dominance of acquisition from friends and other non-relatives is higher in Ondo (49 percent) than in Kano state (25.3 percent).

Table 5—Nature of plot boundary demarcation and documentation for land rights - disaggregated by region and location of residence, proportion of land parcels

	Region			Signifi- cance of mean dif- ference	Location		Signifi- cance of mean dif- ference
	Total	Kano	Ondo		Rural	Urban	
Parcel has no boundary demarcation	0.299 (0.013)	0.462 (0.018)	0.091 (0.012)	****	0.347 (0.017)	0.237 (0.018)	****
Parcel has natural boundary demarcation	0.490 (0.014)	0.348 (0.018)	0.670 (0.02)	****	0.534 (0.018)	0.434 (0.021)	****
Parcel has artificial (man-made) boundary demarcation	0.212 (0.011)	0.190 (0.014)	0.239 (0.018)	**	0.120 (0.012)	0.330 (0.02)	****

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Consistent with our observations during the exploratory visits to the pilot intervention areas identified by the PTCLR, results in Table 5 show that a significant number (29.9 percent) of land parcels of the sampled households have no boundary marks. But, comparison of the two regions reveals that the proportion of parcels with no boundary marks is significantly higher in Kano than it is in Ondo state. Only 21.2 percent of the parcels have man-made boundary demarcation. The balance were reported to have natural boundary marks. Comparison of the urban and rural areas reveals that the proportion of parcels with man-made boundary marks is significantly lower in rural areas than it is in urban areas.

Perhaps as direct reflection of the trust-based traditional land tenure system in the country, the proportion of parcels with no boundary marks is significantly higher among parcels acquired via family gifts (48.6 percent) and inheritance (34.3 percent) as compared to parcels acquired via market purchase (26.6 percent). Consistently, the proportion of parcels with constructed (man-made) boundary marks is significantly larger (27.3 percent) among parcels acquired via purchase than for parcels acquired via inheritance (12.8 percent).

7. DEMAND AND WILLINGNESS TO PAY FOR FORMALIZATION OF LAND RIGHTS

The analysis of survey data on the willingness of sample households to pay for formal documentation of land rights aims to provide insights for addressing questions such as whether or not full cost recovery is a feasible in the planned provision of property rights documentation. This has direct implications for the design of the pilot land registration and demarcation program. Since the sustainability of such programs of land registration and certification hinges on cost recovery, we examined the demand for land rights formalization in the study areas by investigating residents' level of willingness to pay for land certificates – whether or not they would be willing to pay the full cost recovery price (tentatively set as Naira 20,000), a subsidized price (ranging from Naira 3,000 – 17,000) or would not be willing to pay anything at all. As household willingness to pay for securing their land rights depends on the perceived value of the land and perceived tenure (in)security of households. We tried to capture these effects by undertaking a parcel level analysis. Similarly, gender-disaggregated comparisons of responses were made between the two regions in our sample (Kano and Ondo) and between urban and rural dwellers.

Results show that only 5 percent of the households included in our sample have a C of O for any of their land parcels. This figure is higher than the national-level average of less than 3 percent (Adeniyi, 2011). To have a better understanding of what other documentation households might have to assert land ownership, households were asked if they possess any written evidence of the ownership of their land. The majority of the studied households (63.2 percent) are in possession of other documents as a proof of ownership or occupation of any of their land parcels. With regard to willingness to pay, 54.1 percent of the household heads are willing to pay at full cost, while 39 percent are willing to pay a subsidized price. Only 6.9 percent of the respondents said that they are not willing to pay any amount for a C of O.

7.1 Gender-differentiated demand and willingness to pay for Certificate of Occupancy

From gender disaggregated household level data, it is not possible to tell whether there is a difference in possession of the C of O and willingness to pay between female-headed and male-headed households. However, we see some differences between female and male-headed households in the proportion of households that are not willing to pay any amount; 19.5 percent of female-headed households are not willing to pay any amount for a C of O, as compared to 5.9 percent among male-headed households. Similarly, it is not possible to tell whether there is a difference in the possession of C of O and willingness to pay between monogamous and polygamous families based on the disaggregated family structure data, although we see some difference in the possession of other documents among monogamous (66.1 percent) and polygamous (53.8 percent) families.

Table 6—Household demand (willingness to pay) for Certificate of Occupancy – disaggregated by region and location of residence, proportion of households

	By region		Significance of mean difference	Location of residence		Significance of mean difference
	Kano	Ondo		Rural	Urban	
Household has a Certificate of Occupancy (C of O)	0.053 (0.014)	0.050 (0.012)	ns	0.034 (0.011)	0.070 (0.015)	**
The household has other documents as proof of occupancy/ownership	0.688 (0.031)	0.593 (0.028)	**	0.545 (0.031)	0.719 (0.027)	****
The household is willing to pay for C of O at full cost of Naira 20,000 per parcel	0.629 (0.032)	0.478 (0.028)	****	0.462 (0.031)	0.619 (0.03)	****
The household is willing to pay for C of O at subsidized cost (Naira 2,000-17,000 per parcel)	0.290 (0.03)	0.462 (0.028)	****	0.466 (0.031)	0.315 (0.028)	****
Household is not willing to pay any amount for C of O	0.080 (0.018)	0.061 (0.014)	ns	0.071 (0.016)	0.067 (0.015)	ns
Amount the head is willing to pay, Naira	15,756 (449)	12,441 (431)	****	12,822 (458)	14,729 (446)	***

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Results from Table 6 show that the issuance of the C of O is significantly higher in urban areas (7.0 percent) than in rural areas (3.4 percent) but there is no statistically significant difference in C of O possession between Kano and Ondo states. However, there are notable differences in the prevalence of possession of other documents as a proof of occupancy or ownership between Ondo and Kano states and between rural and urban areas. Similarly, there are notable differences in terms of willingness to pay for C of O between Ondo (where 47.8 percent said that they were willing to pay the full cost and 46.2 at subsidized cost) and Kano (where 62.9 percent said they were willing to pay the full cost and 29.0 percent at subsidized cost) and between rural (where 46.2 percent said they were willing to pay the full cost and 46.6 percent the subsidized cost) and urban areas (where 61.9 percent said that they would be willing to pay the full cost and 31.5 percent would pay the subsidized cost). Consistent with these findings, there are notable differences in terms of the average amount of willingness to pay for C of O between Ondo (Naira 12,441) and Kano (Naira 15,756) and between rural (Naira 12,822) and urban areas (Naira 14,729).

Table 7—Household willingness to pay for Certificate of Occupancy – disaggregated by region and location of residence (parcel level analysis), proportion of households

	Region			Significance of mean difference	Location		Significance of mean difference
	Total	Kano	Ondo		Rural	Urban	
Household head is willing to pay for C of O at 'full cost coverage price'	0.465 (0.013)	0.406 (0.019)	0.669 (0.021)	****	0.454 (0.019)	0.608 (0.022)	****
Household head is willing to pay for C of O at subsidized price	0.391 (0.013)	0.547 (0.019)	0.319 (0.021)	****	0.513 (0.019)	0.361 (0.022)	****
Household head is not willing to pay for C of O at all	0.144 (0.009)	0.047 (0.008)	0.012 (0.005)	***	0.033 (0.007)	0.031 (0.008)	ns

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Consistent with the findings of the household level analysis, findings at the land parcel level in Table 7 show that the proportion of parcels for which households are willing to pay the full cost of recovery price for the C of O on the parcel is higher in urban areas than in rural areas, while the proportion of parcels for which households are willing to pay at discounted price is higher in rural areas than in urban areas. Similarly, the proportion of parcels for which households are willing to pay at full cost of recovery price is higher in Ondo than in Kano state, while the proportion of parcels for which households are willing to pay at a discounted price for Kano is higher than for Ondo.

7.2 Correlates of household willingness to pay for Certificate of Occupancy

In this section, we address the question of what drives the demand for formalization of property rights. Understanding the factors driving household's willing to pay for documentation of their rights to a land parcel and analyzing the potential motives behind such a decision provides insights about the sustainability of the proposed intervention of the PTCLR to undertake systematic land registration nationally and will inform the design and targeting of such an intervention.

Results from Table 8 show that non-indigenous households, who originally are from outside of the state in which they are now residing, are over-represented among the groups that claimed they are willing to pay the full cost recovery prices for a C of O, while they are underrepresented among those that showed no interest of paying for a C of O. Consistent with this finding, household heads that were born in the village in which they are now residing are under-represented among the groups that claimed they are willing to pay the full cost recovery prices for a C of O, while they are over-represented among those that showed no interest of paying for a C of O. This likely is related to the higher tenure insecurity expected among non-indigenous households.

Table 8—Correlates of household willingness to pay for a Certificate of Occupancy

	Household willingness to pay for C of O			Significance of mean difference
	Total	Yes (full cost)	No (zero)	
Origin of the household is outside the state	0.168 (0.016)	0.193 (0.023)	0.091 (0.020)	***
Household head was born within the village	0.745 (0.018)	0.731 (0.026)	0.804 (0.028)	*
Spouse is self-employed	0.489 (0.027)	0.518 (0.036)	0.386 (0.043)	**

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Households with a self-employed spouse are over-represented among the groups that claimed they are willing to pay the full cost recovery prices for a C of O, while they are under-represented among those that showed no interest of paying for a C of O. These results show that willingness to pay for a C of O is relatively low for households with relative cash scarcity or lack of employment opportunities.

How does willingness to pay compare with the households' perceived tenure (in)security, that is, the risk of loss of the land? We took into account both the experience and perception about the risk of losing land and investigate whether or not there is a systematic difference in household's willingness to pay for a C of O.

Table 9—Household experience with and perception of land conflicts and willingness to pay for a Certificate of Occupancy

	Household willingness to pay for C of O			Significance of mean difference
	Total	Yes (full cost)	No (zero)	
Household has had disputes or disagreements with private or public party	0.043 (0.009)	0.062 (0.014)	0.019 (0.01)	**
Household fears land related disputes will arise in the future	0.030 (0.007)	0.051 (0.009)	0.014 (0.067)	****
Household fears losing 'property' due to government expropriation	0.430 (0.022)	0.472 (0.028)	0.368 (0.033)	**

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

As is seen in Table 9, the proportion of households who had experience of land related conflicts in the past and who fear future land-related disputes is less 5 percent. But, a significant proportion of the respondents (43 percent) fears the loss of their property due to expropriation by government, with such fear being higher in rural areas. These differences could be related to differences in relative abundance of land and growing interest in rural agricultural land by foreign companies. As expected, households who had experience of land-related conflicts in the past and who fear future land-related disputes and expropriation by government are over-represented among the groups that claimed they are willing to pay the full cost recovery prices for C of O, while they are under-represented among those that showed no interest of paying for C of O. These findings imply that there could be a benefit in prioritizing hot-spot areas experiencing land conflict during the rolling-out phases of the planned land registration intervention as results show that the effective demand for C of O is high in such areas.

Since household demand and level of willingness to pay for C of O may vary across parcels due to specific features of the parcels, households' willingness to pay for C of O for a parcel is examined based on the mode by which the parcel was acquired and whether there is any written proof of ownership or occupancy for the parcel.

Table 10—Mode of land acquisition and household willingness to pay for Certificate of Occupancy

	Total	Full cost	Discounted	Significance of mean difference between Full cost and Discounted	None	Significance of mean difference between Full cost and none
Dominant modes of land acquisition						
Parcel acquired via purchase	0.484 (0.014)	0.520 (0.021)	0.422 (0.023)	***	0.464 (0.096)	***
Parcel acquired from inheritance	0.428 (0.014)	0.392 (0.021)	0.485 (0.023)	***	0.464 (0.096)	***
Major sources of access to land ownership						
Parcel acquired from family	0.621 (0.014)	0.582 (0.021)	0.704 (0.021)	****	0.679 (0.090)	****
Parcel acquired from friends	0.235 (0.012)	0.280 (0.019)	0.160 (0.017)	****	0.286 (0.087)	****
Parcel acquired from government	0.020 (0.004)	0.005 (0.003)	0.027 (0.007)	***	0.000 (0.000)	***
Household has written proof of occupancy or ownership	0.546 (0.013)	0.567 (0.02)	0.494 (0.022)	**	0.486 (0.083)	****

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Results from Table 10 show that parcels acquired via purchase or from non-family members or friends are over-represented among the properties for which households are willing to pay the full cost recovery prices for a C of O, while they are underrepresented among the properties for which households are willing only to pay a discounted price. Consistently, parcels acquired via inheritance and from family members are under-represented among the properties for which households are willing to pay the full cost recovery prices for a C of O, while they are over-represented among the properties for which households are willing only to pay a discounted price.

Parcels that have written proof of occupancy or ownership are over-represented among the properties for which households are willing to pay the full cost recovery prices for a C of O, while they are under-represented among the properties for which households are willing only to pay a discounted price. The explanation for what seems a counter-intuitive result could be that household's earlier attempts to acquire the legal documents is a sign of willingness to back up their ownership or occupancy rights, and, therefore, they are willing to strengthen those rights, even by paying the full cost recovery prices for the C of O.

Table 11—Nature of boundary demarcations and household willingness to pay for a Certificate of Occupancy

	Total	Full cost	Discounted	Significance of mean difference between Full cost and Discounted	None	Significance of mean difference between Full cost and None
Parcel has no boundary demarcation	0.299 (0.013)	0.254 (0.018)	0.373 (0.021)	****	0.171 (0.065)	ns
Parcel has artificial (man-made) boundary demarcation	0.212 (0.011)	0.251 (0.018)	0.167 (0.017)	****	0.429 (0.085)	**

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Table 11 shows that parcels that have no boundary demarcation are under-represented among the properties for which households are willing to pay the full cost recovery prices for a C of O, while they are over-represented among the properties for which households are willing only to pay for a certificate at a discounted price. Consistently, parcels that have man-made boundary marks (such as walls, fences, or pillars) are over-represented among the properties for which households are willing to pay the full cost recovery prices for a C of O, while they are under-represented among the properties for which households are willing only to pay a discounted price. The explanation could be that household's investment in boundary demarcation is a sign of willingness to back up their ownership or occupancy; therefore, they are willing to strengthen their rights in those properties by paying the full cost recovery prices for the C of O.

When the perception of households about the benefits of land right documents were compared with their demand and level of willingness to pay for a C of O, the results (see Table 12) show the proportion of households that perceive positive benefits from having a survey plan – be it in terms of protecting against land-related disputes, eliminating or minimizing risk of future government expropriation, or enhancing the chance of compensation in case of land expropriation – is higher among those who are willing to pay for a C of O at full cost recovery price than among who are not willing to pay for such a certificate. Hence, complementing the planned land regularization intervention with knowledge-dissemination and awareness creation should help the sustainability and improve cost recovery of the planned program.

Table 12—Household perception about the importance of land rights documentation and willingness to pay for a Certificate of Occupancy

	Household willingness to pay for C of O			Significance of mean difference
	Total	Yes (full cost)	No (zero)	
Survey plan helps avoid land conflicts	0.949 (0.01)	0.972 (0.01)	0.788 (0.072)	****
Having survey plan enhances receiving compensation if land is expropriated	0.949 (0.01)	0.957 (0.012)	0.853 (0.062)	**
Having a survey plan protects against government expropriation of land	0.917 (0.012)	0.938 (0.014)	0.710 (0.083)	****

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

8. KNOWLEDGE OF THE LAND LAW AND REGULATION

Assessing the extent to which knowledge of the Land Use Act, 1978 has reached the general public is crucial, since it may have its own implications on the intended effect of the planned land reform, and the pilot land registration and demarcation program that is the first step of that reform. Given the dualistic nature of the rules that governs the land administration system (statutory and customary systems), widespread knowledge of these laws and regulations and the modalities of how the land administration system works are important for these rules and regulations to make a difference on the ground among Nigerian landholders. To investigate this, comparisons of the responses of survey participants by state and by rural or urban residence are made.

As shown in Table 13, less than half of the sampled heads of households claimed to be aware of the Certificate of Occupancy. Only 21.4 percent of the heads of households claimed to have some knowledge of the LUA. Comparing the level of legal knowledge about the law of respondents between the two regions, 74.5 percent of respondents from Kano and 27.5 percent of respondents from Ondo claimed that they were aware of the C of O. Consistently, knowledge about the LUA is higher in Kano than in Ondo. The proportion of households with knowledge of the land law and regulations also is higher in urban than in rural areas.

Table 13—Household knowledge of the land law and modalities of land service delivery

	Region			Significance of mean difference	Location		Significance of mean difference
	Total	Kano	Ondo		Rural	Urban	
Head of the household knows about Certificate of Occupancy	0.486 (0.021)	0.745 (0.028)	0.275 (0.026)	****	0.408 (0.029)	0.573 (0.031)	****
Head of the household knows about the Nigeria Land Use Act (LUA)	0.214 (0.021)	0.317 (0.034)	0.102 (0.023)	****	0.190 (0.027)	0.245 (0.035)	ns
Household knows which institution to visit to initiate process of acquiring new land from government.	0.235 (0.018)	0.350 (0.03)	0.142 (0.02)	****	0.251 (0.026)	0.218 (0.026)	ns
Household knows which institution to visit to initiate process of acquiring new land from individual or family	0.514 (0.021)	0.549 (0.032)	0.485 (0.029)	ns	0.510 (0.03)	0.517 (0.031)	ns
Government has the right to expropriate	0.404 (0.022)	0.308 (0.031)	0.485 (0.031)	****	0.398 (0.031)	0.410 (0.032)	ns

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

When it comes to knowledge of current land administration processes and practices, we asked household heads whether or not they know where to initiate a process of acquiring land from the government and from individuals. Results from Table 13 show that about half of the households in the sample were aware of where to initiate the process of acquiring new land from *individuals*. More interestingly, however, knowledge of the process to initiate new land acquisition from the *government* is known by only 23.5 percent the households, with a marked difference between respondents from Kano and

Ondo. Furthermore, 40.4 percent of the households asked know that the government has the legal right under the LUA to expropriate land. Here again, there is a marked difference between respondents from Kano and Ondo states.

As shown in Table 14, many of the interviewed households believe that having a survey plan or legally recognized document of ownership enhance the chance of getting compensation for land parcels expropriated from them. However, again there are marked differences in this perception between the two study areas and between rural and urban areas. Only 22.6 percent of the households have awareness about the required process to mortgage land, while only 12.2 percent know the legally required process that must be followed in order to sell land.

Table 14—Household knowledge about land regularization and government expropriation of land

	Region			Signifi- cance of mean dif- ference	Location		Signifi- cance of mean dif- ference
	Total	Kano	Ondo		Rural	Urban	
Having a survey plan or legally recognized document of ownership or occupancy enhances chances of compensation for a parcel.	0.917 (0.012)	0.982 (0.009)	0.871 (0.019)	****	0.892 (0.019)	0.941 (0.014)	**
In case an individual plans to sell a parcel or part of it, it is required to get consent of the State Government.	0.122 (0.017)	0.098 (0.023)	0.142 (0.024)	ns	0.098 (0.022)	0.147 (0.026)	ns
In case an individual plans to mortgage a parcel or part of it, it is required to get consent of the State Government.	0.226 (0.022)	0.125 (0.023)	0.352 (0.038)	****	0.256 (0.033)	0.196 (0.003)	ns

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

9. PERCEPTIONS ABOUT PROPERTY RIGHTS AND TENURE SECURITY

With this low level of knowledge of the law and practices concerning rights in land, understanding perceptions or opinions of households and investigating to what extent these perceptions or opinions are consistent with legal provisions or requirements is equally important. Here we analyze the findings from our survey with respect to households' opinion about:

- joint title or certification of the land to husband and wife,
- land inheritance rights of the wife with or without children,
- future land-related conflicts and risk of government expropriation,
- confidence of survey respondents in obtaining proper compensation if land is expropriated by government,
- the relative ease or difficulty of the process and procedures to acquire land from the government, individuals, or families, and
- the impact of documentation of land rights and survey plans.

9.1. Perceptions about land rights of women

As it is seen in Table 15, only 17.2 percent of household heads favor joint titling and certification of land to the husband and the wife. The majority of respondents favor titling of the land to husbands only. In spite of 8 percent of sampled households being female headed, only 3.3 percent of respondents favor titling of the property in the wife's name only. This implies that many women in the sampled households favor either joint ownership or husband's ownership. During the exploratory visit it was witnessed that upon the death of a male head of household who owns land, generally the eldest son becomes the owner of the land, rather than his widow. The proportion of households that favors joint titling and certification of land is significantly higher among respondents from Kano than from Ondo. It also is higher in urban areas than in rural areas.

Table 15—Household perception about the land registration and certification process

Should the household decide to apply for a Certificate of Occupancy, whose name should go on the certificate?	Region			Significance of mean difference	Location		Significance of mean difference
	Total	Kano	Ondo		Rural	Urban	
Husband's name only	0.732 (0.019)	0.679 (0.030)	0.775 (0.024)	**	0.766 (0.025)	0.695 (0.029)	*
Wife's name only	0.033 (0.008)	0.049 (0.014)	0.020 (0.008)	*	0.038 (0.011)	0.027 (0.010)	ns
Both names of the husband and wife	0.172 (0.016)	0.256 (0.028)	0.103 (0.017)	****	0.143 (0.021)	0.202 (0.025)	*

Source: Author's computation – Nigeria demand for land certificate study (December 2012). n = 489 households.

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

The same is true with regard to the inheritance rights of wives upon the death of their husbands. Responses from heads of households show that 22.2 percent of the respondents believe that wives should not have any right to inherit the land upon the death of their husbands. The proportion of household heads that believe brother-in-laws have sole right to inherit the land upon the death of husbands is significantly higher among urban respondents (32.3 percent) and polygamy families (22.7 percent), in contrast to the rural respondents (12.5 percent) and monogamous families (14.7 percent). Perception about women's inheritance rights is even lower if the wife has no children from the deceased husband. Of the total respondents, 43.7 percent report that they believe the widow of the deceased should not have the right to inherit the land of the deceased husband if they had no children before his death. However, there were marked differences in opinion on this issue between Ondo (55.3 percent) and Kano (35.0 percent) states and between rural (47.4 percent) and urban (36.5 percent) areas.

9.2. Perceptions about access to land service delivery

When asked their opinion of how they rate the required process they need to go through in acquiring a new land parcel from the *government*, 20.2 percent of the respondents say it is very difficult, 37.9 percent difficult, 19.4 percent moderate, 8.1 percent easy and 14.5 percent very easy. There is a marked difference between respondents from Kano (50.6 percent) and Ondo (12.2 percent) that say the process is difficult. Similarly, there is a marked difference between respondents from Kano (3.6 percent) and Ondo (36.6 percent) and between respondents from urban areas (23.1 percent) and rural areas (8.3 percent) that say the process is very easy.

When asked their opinion on how they rate the required process they need to go through in acquiring a new parcel of land from an *individual*, 14.9 percent of the respondents say it is very difficult, 13.7 percent difficult, 21 percent moderate, 22.9 percent easy and 27.5 percent very easy. There is a marked difference between respondents from Kano (47 percent) and Ondo (14.3 percent), as well as between respondents from rural (19.9%) and urban (38.1 percent) areas in the proportion of respondents that say the process is either difficult or very difficult. Similarly, there is a marked difference between respondents from Kano (27 percent) and Ondo (68.9 percent) that say the process is either easy or very easy.

9.3. Perceptions about land rights and tenure security

When asked their opinion on how confident they are that they would get compensation from government if they lose a land parcel due to expropriation by government, 40.0 percent of the respondents say they are extremely confident, 34.1 percent very confident, 8.6 percent moderately confident, 6.8 percent slightly confident, and 10.5 percent say that they are not confident at all. There is a marked difference between respondents from Kano (84.2 percent) and from Ondo (66.4 percent) that say either they are extremely confident or very confident that government would compensate their loss of land.

Although very few households seem to have experienced land related disputes (4.3 percent) or anticipate any potential disputes in the future (3.0 percent), results show that a significant proportion (43 percent) of households included in our sample fears government expropriation of their land. Such perceived insecurity of tenure is significantly higher among rural residents (48.1 percent) than urban dwellers (38.1 percent).

Using this self-reported risk of losing land as an indicator for perceived tenure insecurity of households, Table 16 summarizes key household level feature that are correlated with the perceived fear of loss of land.

Table 16—Households perceived tenure insecurity

	Perceived tenure insecurity (fear of land expropriation)		Significance of mean difference
	Have fear	No fear	
Household fears having land related conflict with individuals	0.056 (0.004)	0.015 (0.013)	***
Household is willing to pay for the Certificate of Occupancy at full cost of Naira 20,000/parcel	0.601 (0.033)	0.507 (0.029)	**
Amount the head is willing to pay, Naira	14,642 (469.3)	13,144 (437.9)	**
Number of observations	228	302	

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

Our results shows that the proportion of households who have a willingness to pay for documents that strengthen tenure security (C of O) at full cost recovery price is significantly higher among households with self-reported risk of losing land due to expropriation (60.1 percent) than among those with no fear of land expropriation (50.7 percent). Though a few sample households (3.0 percent) reported that they are involved in land related disputes, the proportion of households that are reported to have fear of future land related dispute with another individual or household is significantly higher among households with self-reported risk of loss of land due to expropriation (5.6 percent) as compared to those with no fear of losing their rights via expropriation (1.5 percent) (Table 16). On average, the amount that households that are willing to pay for a C of O is significantly higher for those with self-reported risk of loss of land due to expropriation (Naira 14,642) than for those households with no fear of loss of a land due to expropriation (Naira 13,144).

10. CONCLUSION AND RECOMMENDATIONS

Data for this study came from a household survey administered to 567 household from two sample LGAs in Kano (Nassarawa and Tofa) and Ondo (Idanre and Ondo East) states. Both parcel level and household level information was utilized to investigate the land rights of households, gender-differentiated demand for land registration and certification, perception about land rights, land related disputes, household's awareness about the land law and regulations, and their opinion on the quality of land service delivery.

The study confirmed that most households acquired land through inheritance or gift from family or other relatives, while very few obtained land through purchase. Most of the households who obtained land through purchase were located in Ondo state. This could be related to the presence of relatively more migrants in Ondo than in Kano state. Disaggregated results about who owns the land revealed that women's ownership and access rights were significantly limited, as only 13 percent of the land owned by survey households in the study is owned by females. In those cases where female household members had acquired land, it was usually through the market purchase and not through traditional sources such as inheritance or family gifts. Most of the rural sample households claimed that the land acquisition process is easier if the land is obtained an individual rather than government. However, the reverse is the case for urban dwellers, according to survey respondents.

The study confirmed that land registration is an uncommon practice in both study states. Asked about their willingness to pay for a Certificate of Occupancy (C of O), the study revealed that a majority of households (regardless of the gender of the head or the family structure of the household) are willing to pay the hypothetical full registration cost recovery price for documentation to safeguard their rights over the land that they hold. Respondents would be more willing to pay for a C of O at the hypothetical full cost recovery price if the plot of land for which they are obtaining the certificate is purchased rather than inherited or acquired via a family gift. This could be due to the greater protection the customary tenure system provides to parcels acquired via traditional means (gift or inheritance) than it does for purchased parcels. Female-headed households dominated the group that indicated that they had no willingness to pay for a C of O, while there is no gender difference regarding the possession of the C of O. Respondents from urban areas generally had greater awareness of the possibility of registering their land than did rural respondents. Not surprisingly, the study also revealed that the willingness to pay for C of O is significantly higher for non-indigenous, immigrant households than it is for indigenous households. The fact that none of the wealth indicators included in our study revealed a significant difference in household's willingness to pay for a C of O based on household wealth levels (see annex 4) justifies the planned systematic approach to the pilot land registration and

certification program that treats all participants equally in terms of the nature of the procedures to allow them to secure rights in a land parcel and the amount to be paid for the certificate.

However, the proposed systematic approach to land registration and certification needs to be designed to accommodate within-household parcel level variations in the willingness to pay for the Certificates of Occupancy. Respondents are more willing to pay at the hypothetical full cost recovery price for purchased land than for inherited land or land acquired via family gift. In line with this, the study also revealed that the probability of willingness to pay at the hypothetical full cost recovery price is significantly higher for parcels owned by urban dweller and for parcels acquired from non-relatives than for land parcels of rural respondents or parcels acquired from family members or the government. The fact that households have higher willingness to pay for legal documentation on some types of land plots than for others implies that the planned pilot land registration and certification program should be designed in a sufficiently flexible manner to better recognize existing customary land rights. It should target parcels for which perceived tenure insecurity could be higher, such as parcels acquired via purchase.

Perhaps more relevant to the sustainability of the planned land registration and certification program is the likelihood that households will be willing to pay more for a C of O if they believe it will provide them with added protection against land expropriation and buttress their case in any future land disputes. Hence, complementing the planned land administration regularization interventions with knowledge-dissemination and general awareness creation among the public should help the sustainability and cost recovery prospects for the planned program.

The study also registered low levels of knowledge of the relevant laws affecting land in Nigeria among both men and women. Respondents from Ondo state generally had more knowledge of the laws than did respondents from Kano. In addition, urban respondents were more aware of the contents of the laws, probably due to their greater access to and understanding of written documentation on the laws than respondents from rural areas. A significantly larger proportion of households know about the C of O than about the Land Use Act. Knowledge about the C of O is significantly higher in urban areas than rural. This may be due to the fact that the number of households with possession of a C of O is double in urban areas what it is in rural areas. The higher awareness of C of Os in urban areas could be due to successful awareness creation in the past or due to greater demand for tenure security in urban areas.

Our results confirmed that land related disputes were uncommon among households in all communities studied. Similarly, most households included in the sample reported that they do not fear that they will experience a dispute over land with other individuals. However, a significant proportion of the households from the study areas reported to fear losing their land due to government expropriation. Such fear of loss of land due to government expropriation dominated in rural areas, whereas there is no substantial difference between Ondo and Kano states as a whole. These differences could be related to differences in relative abundance of land and growing foreign interests in agricultural land; the rural area being the most land abundant area. However, the study confirmed that there is no difference among rural and urban respondents regarding their level of confidence in obtaining compensation from the government should their land be expropriated.

ANNEXES

Annex I: Procedures for converting customary rights to Certificate of Occupancy

The case study refers to a property owner in Kano state, referred to here as Mr. Bashir, who has a customary Right of Occupancy and intends to better secure the property through a Certificate of Occupancy. To achieve this, he has to go through these procedures.

1. Mr. Bashir purchases application form for conversion of title from the Ministry of Lands.
2. Mr. Bashir fills out the form and attaches 3 passport photos, his tax clearance for the past three years, his birth certificate, the sales agreement duly signed by the ward head, a copy of the customary certificate of occupancy, and a site plan sketch.
3. Ministry receives complete application package from Mr. Bashir.
4. Ministry writes to local government to verify and confirm the issuance of the customary Right of Occupancy.
5. LG Chairman sends letter to the Ward Head for verification.
6. LG Chairman sends verified letter endorsed by the LG chair and Ward Head (mai-ungwai) directly to the Commissioner for Lands.
7. Commissioner instructs Lands Department to carry out further action.
8. Lands Department requests cadastral report if the land is within the urban area of the local government; cadastral department seeks for approval from Kano State Urban Planning and Development Authority (KNUPDA).
9. KNUPDA sends decision (favorable or unfavorable) to Commissioner for Lands.
10. Commissioner forwards recommendations from KNUPDA to Lands Department.
11. Lands Department recommends letter of grant to the Commissioner.
12. Commissioner approves and sends back the letter of grant to Lands Department.
13. Director of Lands signs and forwards the letter of grant to applicant for collection.
14. Mr. Bashir contracts private registered surveyor to produce survey plan.
15. Surveyor sends survey plan for approval by Surveyor General.
16. Surveyor General sends approved survey plan to the applicant through the registered surveyor.
17. Mr. Bashir attaches letter of grant and payment receipt for letter of grant to original Right of Occupancy and the survey plan and submits to Lands Department.
18. Lands Department completes the typing of C of O and attaches the survey plan.
19. Lands Department forwards typed C of O to Cadastral Department for the preparation of Planning & Development Plan.
20. Cadastral Department sends the survey plan for Survey General's approval.
21. Survey General returns file to Cadastral Department.
22. Cadastral Department sends file to Deeds Department.
23. Deeds Department prepares the Bill balance.
24. Mr. Bashir pays Bill balance and return receipt of payment to Deeds Department.
25. Deeds Department forwards file to Lands Department.
26. Lands Department recommends C of O for Commissioner's approval.

27. Commissioner approves request and signs C of O and returns file to Lands Department.
28. Lands Department files the C of O in the Conversion Registry if Mr. Bashir is not available.
29. Sends approved C of O to Deed Registry for registration and final collection by Mr. Bashir.

Annex 2: Industrial land titling and registration process: Evidence from Kumbotso LGA

Kumbotso Local Government Area is an industrial and commercial district in Kano State. The following illustration shows the various procedures for the acquisition of land and obtaining a C of O for any commercial purpose.

In 2008, Jinhu Company needed a piece of land to build a shoe factory. The company gave Barrister Tunde, a specialist on land matters and who is familiar with the processes of obtaining C of O in the Ministry of Lands, the contract for a fee. Barrister Tunde, with the assistance of the traditional leadership, i.e. village and ward heads, was able to locate and purchase the land from locals within the LGA. These traditional heads play the role of both negotiating the purchase price and verification and confirmation of ownership of the parcel or parcels of land. In the presence of the traditional heads, a single purchase agreement which represents the evidence of sale for the parcels bought was prepared. To this document was attached a signed payment schedule for all land owners involved. The traditional heads receive compensation for their various roles played and Barrister Tunde also receives 10 percent of the purchase price as a service charge.

After the acquisition of the land, Barrister Tunde was also contracted to process the C of O for a fee. This fee includes official and unofficial, receipted and un-receipted payments involved from the inception to the completion of the processes of industrial land titling and registration. The land is located within an area delineated as urban in Kumbotso Local Government Area. Hence, Barrister Tunde started the process of obtaining the Certificate from the Local Government Area Council where he obtained the customary Right of Occupancy. At Local Government Area, he is expected to pay 10 percent of the purchase price before the certificate is issued. This is an entry point for corruption as the actual 10 percent is never paid because the final purchase price for the parcels is usually undervalued.

Annex 3: Residential land titling and registration process: Evidence from inherited land in Gwale LGA

This case study refers to Mr. Abdul who inherited a parcel of land from his father, Al-haji Gwarzo. The parcel is located in Gwale LGA, an urban local government area in Kano state. The procedures below depict the typical titling steps Mr. Abdul needs to follow in order to register the inherited parcel of land under the land registration process.

1. Al-haji Gwarzo willed a piece of land to his son, Abdul.
2. Mr. Abdul obtains a family letter of ownership proof.
3. He approaches the LG Chairman to obtain a document of customary Right of Occupancy.
4. LG Chairman requests verification by the Emirate Council of the ownership of the land parcel in question.
5. Mr. Abdul contracts a surveyor at Gwale LG to produce a site plan.
6. Mr. Abdul sends the site plan and proof of ownership that has been endorsed by the Village Head (Hakimi) to the Lands Registry for land assessment.
7. He pays 10 percent of the assessed value of the willed land to the LG Treasury
8. LGA Lands Registry types and forwards the customary Right of Occupancy for the signature and approval the LG Chairman.
9. Mr. Abdul collects the customary Right of Occupancy document.
10. Mr. Abdul contracts a private lawyer to process the C of O.
11. The private lawyer approaches the Ministry of Lands and Physical Planning to commission a file:

- a. The lawyer obtains conversion forms.
 - b. He attaches the site plan.
 - c. He pays applications fees.
12. Ministry of Lands and Physical Planning accepts the file and sends a request of confirmation to the LG Chairman.
 13. LG Chairman consults the Emirate Council (Hakimi and Mai-ungwna) and sends a signed letter of confirmation to the Lands Commissioner together with:
 - a. Three passport-size photos of Mr. Abdul.
 - b. Tax clearance for Mr. Abdul for the past three years.
 - c. Birth certificate of Mr. Abdul.
 14. Lands Commissioner forwards the confirmation to the Department of Lands for further processing.
 15. Department of Lands sends the file to the Cadastral Department for the preparation of a cadastral report. The report is to determine:
 - a. Whether the land is government acquired land.
 - b. If anyone else has started processing a C of O for the same land.
 - c. Whether a survey is necessary or not.
 16. The Cadastral report is sent to the Conversion Registry of the Department of Lands.
 17. The Conversion Registry documents the report and seeks the recommendation of the Kano State Urban Planning and Development Authority (KNUPDA). KNUPDA carries out the following:
 - a. Opens a shadow file containing all documents.
 - b. Requests a processing fee.
 - c. Invites Mr. Abdul for a site inspection.
 - d. If the land is suitable for the purpose, Mr. Abdul is requested to pay betterment fees.
 18. KNUPDA sends recommendation to the Commissioner of Lands.
 19. Commissioner of Lands forwards KNUPDA's recommendation to the Department of Lands for the preparation of letter of grant.
 20. Department of Lands prepares letter of grant and request Mr. Abdul to surrender all original documents relating to the land.
 21. Letter of grant is forwarded for approval of Commissioner of Lands.
 22. With approval secured, the file is returned to the Department of Lands for collection by Mr. Abdul.
 23. Mr. Abdul requested to pay the Ministry for the letter of grant.
 24. Mr. Abdul collects the letter of grant from the Department of Lands
 25. Mr. Abdul contacts a registered surveyor to survey the piece of land
 26. Surveyor carries out the survey, produces and returns surveyor plan to Mr. Abdul.
 27. Mr. Abdul submits the survey plan to the Department of Lands for onward transmission for the approval of the Survey General.
 28. Survey Department gives approval and sends file to Deeds Department for the calculation of bill balance.
 29. Mr. Abdul pays bill and submits receipt to Deed Department.

30. Deed Department forwards file and recommendation to Department of Lands for the preparation of C of O.
31. Department of Lands prepares C of O and forwards it to Commissioner of Lands for signing.
32. Commissioner of Lands return signed C of O to Director of Department of Lands.
33. Department of Lands forwards C of O to Deeds Registry for Mr. Abdul to collect.
34. Mr. Abdul or his representative collects C of O after paying ground rent.

Annex 4: Willingness to pay for Certificate of Occupancy and household welfare indicators

Welfare (wealth) indicators	Total	Full cost	Discounted	Significance of mean difference
Household head's primary occupation is trade	0.34 (0.02)	0.32 (0.028)	0.4 (0.034)	ns
Household head is a casual wage worker	0.05 (0.01)	0.04 (0.012)	0.07 (0.019)	ns
Household head is self-employed	0.66 (0.022)	0.66 (0.03)	0.66 (0.036)	ns
Household head is permanent salary worker	0.17 (0.017)	0.18 (0.024)	0.16 (0.026)	ns
Number of male adult laborers in household	1.63 (0.053)	1.69 (0.078)	1.66 (0.085)	ns
Number of female adult laborers in household	1.58 (0.051)	1.68 (0.076)	1.53 (0.08)	ns

Source: Author's computation – Nigeria demand for land certificate study (December 2012)

Note: ns – not significant; * significant at 10 percent; ** significant at 5 percent; *** significant at 1 percent; and **** significant at 0.1 percent. Standard errors in parentheses.

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