

# LGAF Nigeria

## Matrix of Policy Recommendations

November 2011

POLICY ISSUE	ACTION PLANS	MONITORING INDICATORS
<b>1. LEGAL AND INSTITUTIONAL FRAMEWORK</b>		
<ul style="list-style-type: none"> <li>▪ More than 30 years after its passage, none of the key pieces of regulation envisaged in the Land Use Act (LUA) (Sections 3 and 46) has been passed. This has seriously undermined good land governance and effective land use planning in the country.</li>   <li>▪ A high degree of vertical and horizontal overlap among land institutions creates confusion, high levels of transaction costs, and undermines good governance in the sector.</li> </ul>	<ul style="list-style-type: none"> <li>▪ To enable the National Council of States to pass needed regulations and to monitor land system performance on a regular basis, a National Land Commission as a technical body with representation from key actors needs to be established. Pending the establishment of the National Land Commission, the Presidential Technical Committee on Land Reform (PTCLR) should carry out the tasks below.</li>   <li>▪ Conduct and carefully evaluate pilot studies in relevant areas to provide evidence to inform the drafting of key regulations for land registration and survey/mapping in two states within one year.</li>   <li>▪ Carry out a study to identify horizontal and vertical overlaps in the land system and recommend solutions.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establishment of the Commission</li>   <li>▪ Evaluation of results of the pilots available</li>   <li>▪ Regulations drafted</li>   <li>▪ Provision of information and institutional arrangements to monitor outcomes.</li>   <li>▪ Study conducted and recommendations disseminated &amp; discussed.               <ul style="list-style-type: none"> <li>- % increase of land registration, leases and land transfers, C of Os</li> <li>- reduced boundary conflicts</li> <li>- reduction in transaction costs and time</li> <li>- reduction of vertical and horizontal overlaps</li> </ul> </li> </ul>

<b>2. LAND USE PLANNING, MANAGEMENT AND TAXATION</b>		
<ul style="list-style-type: none"> <li>▪ While land use plans are necessary to guide development in urban and rural areas, they are mostly unavailable leading to haphazard growth.</li> <li>▪ Absence of property tax administration, assessment and collection hinders decentralization and effective provision of local services.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Prepare strategic land use development plans with adequate implementation and enforcement regulations; sensitize the public on their existence, importance and use of the same.</li> <li>▪ Review planning standards, plot size, land use class, and adoption of model plans for public use.</li> <li>▪ Develop, disseminate, and help implement transparent systems for property tax administration, assessment, and collection for use by local governments at different sizes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Initial establishment of land use development plans.</li> <li>▪ Mechanism to monitor compliance with plans in place and results monitored/publicised.</li> <li>▪ Property tax guidelines available, explained to and understood by citizens, professionals (e.g. estate surveyors and valuers), and local governments.</li> <li>▪ Increase in property tax assessments and actual collection.</li> <li>▪ Number of states that have land use plans, land administration machinery and property tax rolls.</li> </ul>
<b>3. PUBLIC LAND MANAGEMENT</b>		
<ul style="list-style-type: none"> <li>▪ Lack of information on the location and extent of public land makes it impossible to properly manage and protect this critical asset.</li> <li>▪ A large number of acquisitions occurs without prompt and adequate compensation, thus leaving those losing land worse off, with no mechanism for independent appeal even though the land is often not utilized for a public purpose.</li> <li>▪ Divestiture of public land is less transparent and therefore does not generate revenues for the public sector.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Undertake a comprehensive inventory of land owned by all tiers of government.</li> <li>▪ Harmonize various legislations into a clear single simple process for acquisition of land by all government agencies to ensure due process for land acquisition by requiring publicity, adequate and prompt compensation in line with global best practice and ensure availability of independent avenues for appeal. Put in place sanctions for misbehaviour.</li> <li>▪ Ensure publicity of the detailed agreement, including schedules of applicable charges.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Inventory has been established and mechanisms to maintain it currently exist.</li> <li>▪ Legislation to regulate expropriation has been enacted and is effectively applied.</li> <li>▪ Share of allocations of government (public) land and transactions that are advertised.</li> </ul>

<b>4. PUBLIC PROVISION OF LAND INFORMATION</b>		
<ul style="list-style-type: none"> <li>▪ The low level of registered parcels (less than 3% of the country covered) and the incomplete spatial reference of registry information fosters conflict, corruption, undermines investment, land market functioning, and housing finance.</li> <li>▪ Lack of processes for automatic updating undermines the value of the land registry as a tool for private sector development.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Establish software tools to manage textual and spatial data jointly and to link existing ones.</li> <li>▪ Building on the pilot study results, develop procedures for systematic expansion of registered areas.</li> <li>▪ Study and recommend processes and requirements to streamline and control different registration services and based on this, establish a registry service charter (including sanctions and avenue for appeal) that is publicly available and binding on both user and officials.</li> <li>▪ Design and implement awareness campaign as well as training programs for officials.</li> <li>▪ Make transparency issues more comprehensive by publishing list of all allottees upon or at allocation.</li> <li>▪ Ensure implementation of global best practice on access to public land information.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Share of registry records with textual and spatial information integrated.</li> <li>▪ Share of the land under private use that is registered and mapped.</li> <li>▪ Implementation of service charter leads to higher levels of customer satisfaction.</li> </ul>
<b>5. DISPUTE RESOLUTION AND CONFLICT MANAGEMENT</b>		
<ul style="list-style-type: none"> <li>▪ Lack of awareness of the rights and avenues to enforce them reduces the ability to access and properly utilize land especially for vulnerable groups.</li> <li>▪ High level of pending conflicts undermines investment and efficiency of land use.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Disseminate existing laws and sensitize different groups about their rights under the law and ways to enforce them.</li> <li>▪ Link spatial and textual data (see above) to reduce boundary disputes.</li> <li>▪ Mainstream traditional institutions and the Alternative Dispute Resolution (ADR) into the justice system to reduce backlogs and improve access to justice, especially for vulnerable groups.</li> <li>▪ Increase the ability of formal institutions to speedily resolve dispute by building capacity and rationalizing assignment of responsibilities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Knowledge of relevant legal provisions and avenues for enforcement in the population and specific groups (e.g. women).</li> <li>▪ Reduction of backlog of conflicts.</li> <li>▪ Number of new conflicts reaching the formal system decreases.</li> </ul>

## 6. LARGE SCALE LAND ACQUISITION

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| <ul style="list-style-type: none"><li>▪ Lack of clear and efficient procedures for large scale investment in land reduce Nigeria's ability to attract technically qualified investors.</li><li>▪ Realized investments often are technically, environmentally, and socially unsustainable.</li><li>▪ The need for government to expropriate land before it can be transferred to investors opens space for discretionary behaviour and, due to procedural weaknesses (see up), often undermines the livelihood of local people.</li><li>▪ Lack of local involvement, non-transparent contracts, and lack of monitoring undermine the scope for Foreign Direct Investment (FDI) potential to provide benefits to locals and contribute to development.</li></ul> | <ul style="list-style-type: none"><li>▪ Review and streamline regulations for land-related foreign investment. Create a one-stop shop/intervention and conduct publicity campaigns among potential investors.</li><li>▪ Adaptation of existing EIA and SIA mechanisms to the needs of land-related investment, mandatory publication of these documents, and increased efforts at enforcement. Review of other relevant procedures in light of international standards and best practice.</li><li>▪ Ensure those affected by large scale land acquisition have the choice of receiving compensation in kind and provide options for direct negotiation between investors and local communities.</li><li>▪ Ensure arrangements for large scale land transfer are negotiated and agreed upon by local land users, that mechanisms for benefit sharing and arbitration are specified, and that contract terms are publicly available to facilitate monitoring.</li></ul> | <ul style="list-style-type: none"><li>▪ Establishment of the one stop intervention for large scale land acquisition.</li><li>▪ Number of viable investment proposals increases.</li><li>▪ Number of failed projects due to technical, environmental, or social problems and conflict decreases.</li><li>▪ Living standards in areas affected by FDI improve.</li></ul> |
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