

# The Evolutionary Trend of Cadastre Data Development in Delta State of Nigeria

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**Key words:** Evolutionary Trend, Cadastre Data Development

## SUMMARY

The Evolutionary Trend of Cadastre Development as a process in Delta State of Nigeria is closely linked with the geo – political evolution of Nigeria as a developing country. Nigerian Geo – Political Evolutionary Process and Form can be divided into FIVE EPOCHS.

1 <sup>ST</sup> EPOCH (PRE COLONIAL)	=	FROM PRE HISTORIC TO 1914.
2 <sup>ND</sup> EPOCH (COLONIAL)	=	1914 TO 1960.
3 <sup>RD</sup> EPOCH (POST COLONIAL)	=	1960 TO 1978.
4 <sup>TH</sup> EPOCH (MILITARY)	=	1978 TO 1999.
5 <sup>TH</sup> EPOCH (CONTEMPORARY)	=	1999 TO DATE. (2012).

Cadastre plays huge roles in the development of society with the major aim of registering legality and rights associated with land. (Prooijen et al., 2011).

Land Surveying of 2D Cadastre Data development and presentation started with the colonial adventurism which was a mark of paradigm shift from cultural, oral and descriptive Cadastre Data development and usage.

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## 1. INTRODUCTION

Cadastre Data is a daily maintained record system which contains description of the physical location and extent of a parcel of land as related to the land and information on the land (Dashe, 1987). Cadastral Surveying is an aspect of Land Surveying; with special interest on the art and science of Cadastre related data acquisition, data collation; data analysis; data presentation; data management and general daily and periodic maintenance of the Databanks or Database. The evolutionary trend of Cadastre Data Development in Delta State started with what MR C. W. Cole a Senior District Officer of colonial days in 1952 wrote in his "Report on Land Tenure, Niger Province":- "As the farmers become more settled it is obvious that they must retain rights over fallow land. The "Communal Fallow" can only exist with the shifting cultivator. The danger, however lies in the fact that once this necessity for retaining individual fallows comes into being there starts the series of claims to "open bush" which culminate in the specious "ancestral" claims. The individual claims large tracts of "bush" as being his own preserve because some time in the past an ancestor of his – farming under the shifting cultivation system – had farmed those lands. In view of the fact that such an ancestor probably farmed new land every three or four years the absurdity of such a claim is obvious. Nevertheless they are made. The criteria, of course, are the effective and continuous occupation of the land and the subsequent abandonment. The imposition of these limits – as the people themselves have seen wise to introduce - enable these criteria to be enforced. But when limits are pushed up to fifteen – twenty – forty years or more, the troubles start"

The evolutionary trend of Cadastre Data in the beginning was qualitative and orally defined and maintained; using natural features like Rivers, Forest, Valleys and Moats in Delta State as boundary lines and limits. The advent of colonialism and the start of governance based on English Land Laws changed the pace of the trend. The colonial government was extremely conscious of the position and importance of Surveying in the colonialism process. Land Surveying in a documentary and scientific format started with the colonial adventurism. (Coker, 1984).

Cadastre Data in its meaning today is the database of the boundaries of land parcels and the rights to them. It is common to refer to three types of Cadastre:

- Fiscal for Assessment needs.
- Legal for Land Registration.
- Multi – Purpose Cadastre. (Srebro et al., 2009).

The aim of this paper is to define and trace the epochal evolutionary trend of the Cadastre Data Development in Delta State of Nigeria.

## 2. DELTA STATE: FROM COLONIAL DAYS TILL DATE

Delta State of Nigeria was part of the coastal strip of territory along the coast of the Gulf of Guinea where British traders established themselves from the 18<sup>th</sup> century. To this coastal strip there was added after the Treaty of Berlin (1885) a substantial hinterland (Barbour 1982). The political entity we know today as Nigeria came into being only in 1914. It was a British Colonial Creation; her largest and perhaps the most diverse in Black Africa (Ijagbemi 1982).

Delta State was part of one of the major three regions (Northern Region, Western Region and Eastern region) of the colonial days as at 1955.

It was formally part of Western Region; but later became part of Mid - Western State of Nigeria when the Nigerian political landscape transformed to four regions in 1963.

Delta State of today became part of Bendel State of Nigeria when regions were carved into 19 states in 1976.

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



Figure 1. Showing Nigeria Territory in Africa (Sources: Google Earth)

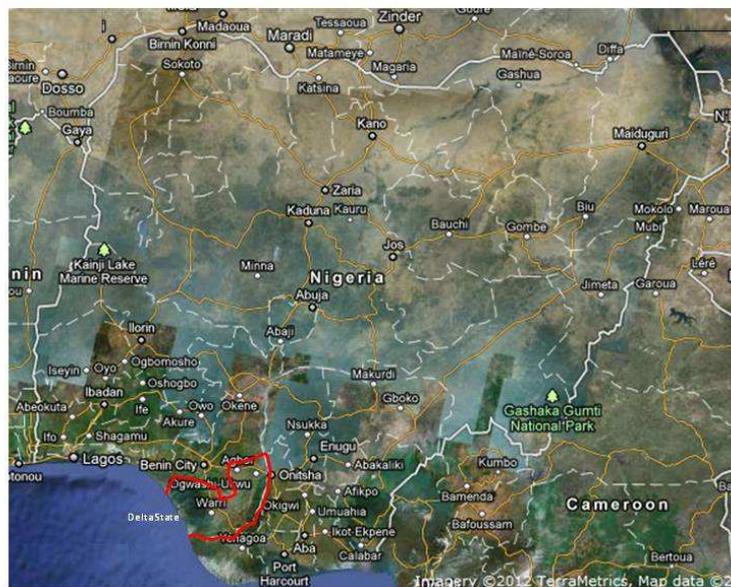


Figure 2. Showing Delta State in Nigeria. (Sources: Google Earth)

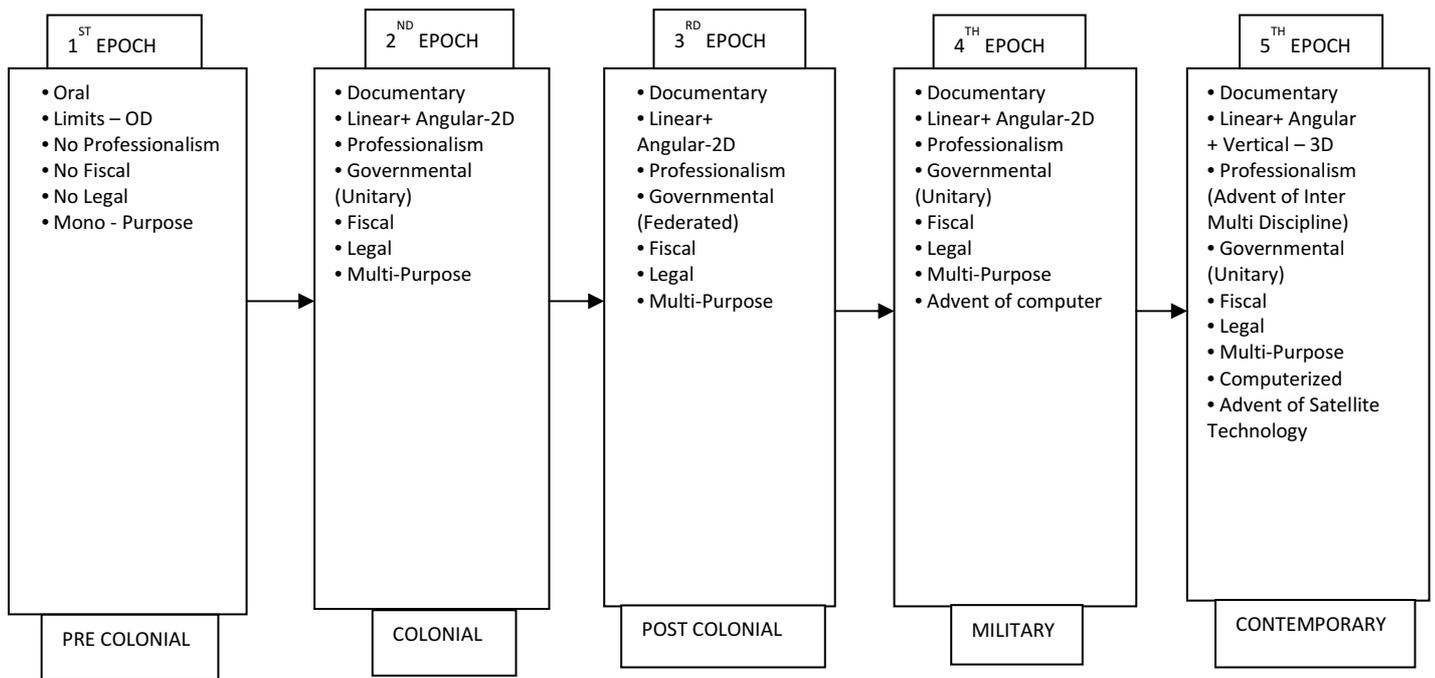


Figure 3: Epochal Cadastre Data Development Evolutionary Trend Outlay.

## 2.1 CADASTRE DATA CONTENT AND DEVELOPMENT

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

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

The Cadastre Data content started from oral presentation and definition from the beginning as the need be then.

## 3. THE LEGAL TREND OUTLAY AND THE EPOCHS INTERPLAY

The Legal Registration Acts of 1924 with the Registration of Titles Act of 1935 were the landmark legal foundations for the Cadastre Data Development. This was the clear cut beginning of modern cadastre data development and total deviation from oral cadastre data of pre - colonial era. The Legal Acts ensures: (Dashe, 1987).

- That the titles of every landowner as at then was thoroughly investigated once and for all and placed on the public register, a careful reading through which will give an interested party all the necessary information about previous dealings in the land.
- That the registration of a landowner's title is an insurance against any adverse claims by others, and is indispensable to the validity of all transactions relating to the land in question; and
- That those instruments are registered, not merely as documents executed between parties, but by reference to the land itself.

The Registration of Titles Act Number 13 of 1935 provided for the establishment of land registries for the registration of titles to land at such places as the Minister may direct. As at now such land registries manned by Registrars of Titles, Deputy Registrars, a number of assistants and operatives as specified by the law are no more operational in Delta State.

Land Instruments Registration Law, Cap. 56 of 1959 of the Laws of Western Nigeria was an adaptation of the Act Number 13 of 1935 of Federal Laws. This law (Cap. 56 of 1959) continued to give legal backings for the cadastre matters.

Here under listed are the cadastre data that are available for public inspection as kept by the land registry:-

1. A Register of Land.
2. A land Registry Map.
3. Parcel files containing instruments, filed plans and documents.
4. A presentation book in which all applications are recorded.
5. A mutation record, dealing with alterations of boundaries with the registrar's consent.
6. A nominal index recording names of proprietors of land, leases and charges in alphabetical order; and
7. A register of powers of attorney.

It is of relevance to state that all these were manually developed, stored and maintained.

### 3.1 LAND USE DECREE NUMBER 6 OF 1978: THE MILITARY EPOCH

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

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

The Federal Military Government attached so much importance to this Decree and when they handed over power in 1979 to a Democratic government; they put in place certain provisions in the 1979 Nigerian Constitution which made it so difficult to tamper with the Land Use Decree till date (2012).

The Cadastre data remain the same but the new title from Government called CERTIFICATE OF OCCUPANCY started to displace DEEDS that were based on the unwritten customary law of long usage giving a person or family or community lawful right to use or occupy a land. This customary law is still in use till date (2012) in Delta State; and it is common seeing people having the TITLE covered by Customary Law and having Certificate of Occupancy which is Leasehold of usually 99years on the same parcel of Land.

The inherited Cadastre Data and other statutory books from the following Acts and Laws:

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

Were not maintained or developed to incorporate the Cadastre Data coming from the Land Use Decree Number 6 of 1978.

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

### **3.2 THE CONTEMPORARY EPOCH AND THE REALITY**

The Cadastre Data Development and its evolutionary trend have not achieved the ultimate purpose of serving as a ready tool for good governance.

The Data here in Delta State is not yet research design based upon exploratory case studies or factors like globalization, population, urbanization, good governance, climate change response, environmental management, 3D visualization/analysis technologies, wireless sensor networks, standardization and interoperability (Williamson et al., 2011).

Cadastre Data are still based on the:

- Manual Labor Intensive File System.
- Information Cards System.
- Micro – Film Presentation of Survey Plans.
- Computer – Based without any network or websites..

All these are as a result of:

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

### 3.2 CADASTRE DATA DEVELOPMENT AND MANAGEMENT IN DELTA STATE

In Delta State of Nigeria; Cadastre Data Development and Management is under the control of Ministry of Lands, Survey and Urban Development (MLSUD). See the Figure 4: (The Organogram of the Ministry).

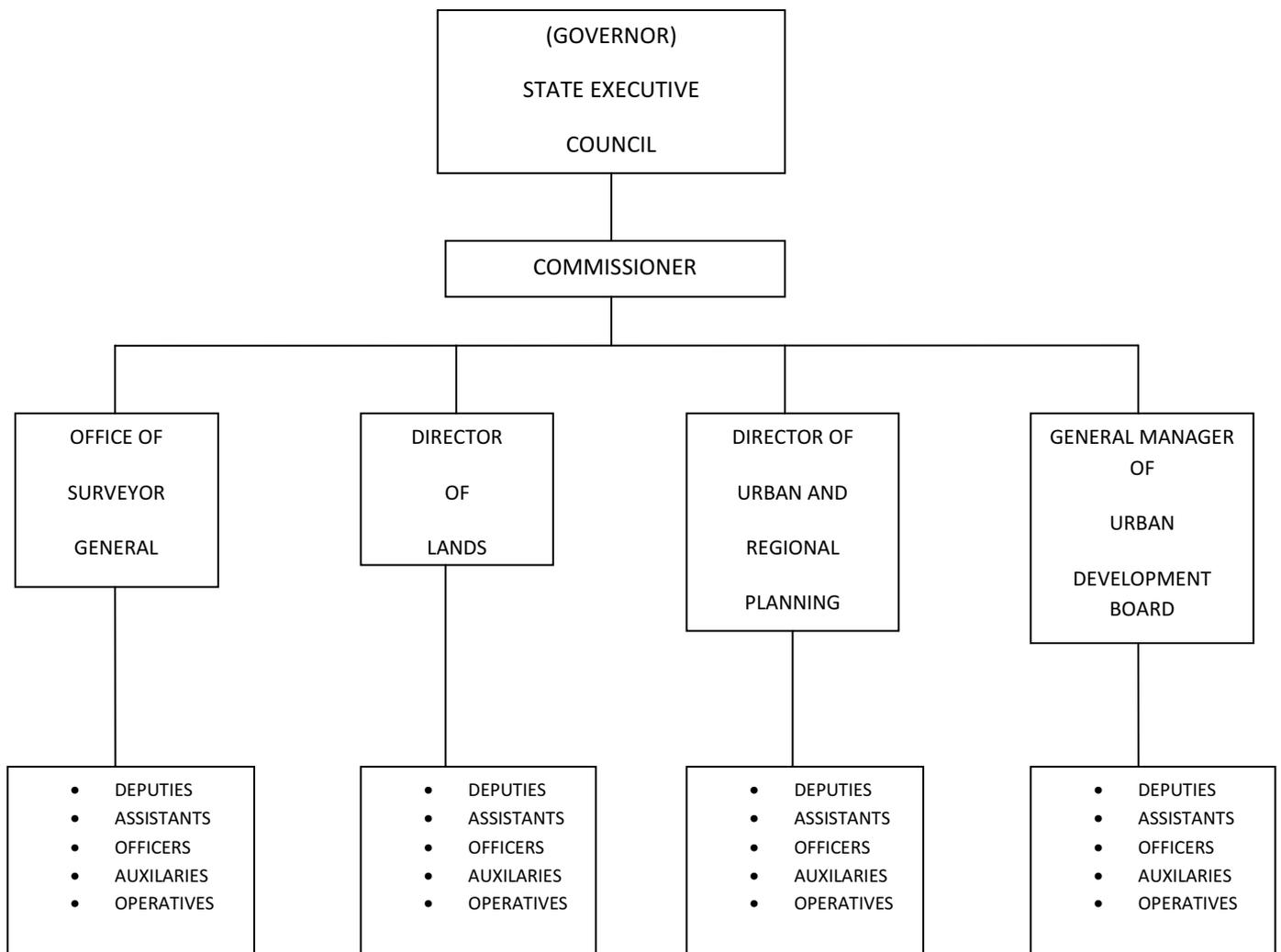


Figure 4. Delta State Ministry of Lands, Survey and Urban Development Organogram.

All Data are jointly developed and managed in general manual file system for the following activities:

- To verify data brought in for issuance of Certificate of Occupancy.
- To protect Government Acquired Land from encroachment.
- To Plan and Manage the Urban Centers.
- To control and approve buildings plans for the public.
- To Collect Revenue for government on approval fees and taxes.
- To carry out survey of the government lands and allocate same for the defined purposes.
- To give professional advices to the government.

Cadastre Data in Delta State are now:

- Deeds with Survey Plan as Schedule with Survey Beacon Numbers, Survey Plan Number, Date of Survey and the name and signature of the Surveyor that is registered with the Surveyors Council of Nigeria (SURCON) which was established by Decree 44 of 1989 to regulate all Survey activities in Nigeria.
- The Deed and Survey Plans are the basic requirement data for processing of Certificate of Occupancy.
- The Certificates of Occupancy are two types: the one that comes from deed prepared for a title derived from customary law. And the one that is issued directly by government from Government Reserve Areas Land Acquisition. They look alike the only difference is just the DEED and the attached SCHEDULE in form of the Survey Plan.
- Title Registration and Stamp Duty have been relegated.
- Building Plans and Approvals by the Planning Department of MLSUD. This is the opening end for 3D Cadastre Data Axis in Delta State; but not yet defined.

#### 4. CONCLUSION

Cadastre Data Development in Delta State of Nigeria is growing.

The global village effect is having a big positive impact on this process of growth.

The evolutionary trend has gone so far and so good. Manual Filing System of cadastre data is giving way to computerized and web based data.

Satellite Imagery and GNSS technology are new frontiers for the evolutionary trend of the cadastre data system. In Delta State of Nigeria; the office of Surveyor General whose office is the custodian of the bulk of the cadastre data is presently considering Private Public Partnership (PPP) to take the Cadastre Data Development EVOLUTIONARY TREND to a new EPOCH.

However, we need more commitment from government in terms of funding and proper planning for the population growth, urban sprawling, climate change and good governance in

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revenue and environmental management. There is a good correlation between good governance and good Cadastre Data Management. Millennium Development Goals shall remain a mirage until good investment and returns are achieved on the Cadastre Data Development and Management.

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## BIOGRAPHICAL NOTES

Oluseye Thomas DABIRI obtained Bsc in Geography from the Nigerian Premier University of Ibadan in 1987. He worked in Geography Department of University of Lagos as a Graduate Assistant on the Desertification Monitoring Project of Canadian Waterloo University support/exchange programme from 1987 to 1988. Obtained Post Graduate Diploma in Land Surveying from Federal School of Surveying in Oyo Town in Nigeria in 1990; became a Registered Surveyor under Decree 44 of 1989 in 1992. Started Private Practice in 1993 in General Cadastral Survey and Land Administration Consultancy Service in Delta State. Presently the Founder and Managing Director of Hydroark International Limited since 2001; one of the leading Survey Firms in Delta State and in Nigeria; member of Nigerian Institution of Survey since 1989; member National Geographic Society since 2002; immediate Past Vice

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