

# Land Administration Reform in Lagos State: An Evaluation of the Effectiveness of the Electronic Document Management System

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## **Abstract**

*The land registration system is a necessary element to be considered in a developing market economy, as land is most effectively used and exchanged when the underlying rights are registered. This chapter assesses procedures for land titling and registration in the study location, identifying problems critical to land registration reform and assessing the impact of the Electronic Document Management System (EDMS) on title registration in Lagos State. The population for the study includes practising firms of lawyers and estate surveyors and valuers out of which the sample size was systematically drawn. Land bureau officials were also interviewed. The study employed both qualitative and quantitative data while mean item score, t-test and factor analysis were used to isolate critical factors affecting land titling and registration. The paper outlines the challenges of land registration and titling as lack of an effective institutional framework, existence of an ambiguous legal framework, high land taxes and charges and inadequacy of technical skills/competent staff in the study area. Furthermore, it posits that EDMS has not aided land dispute reduction or increased the number of applications processed substantially. Finally, systematic land titling and registration (SLTR) is recommended as a prerequisite for social cohesion and economic development of the land market in Lagos State.*

**Keywords:** EDMS, Land Administration, Land Reform, Lagos, Registration

## **Introduction**

Land as a natural resource supports all human economic, social, spiritual and other activities; therefore, it must be judiciously and efficiently managed in a sustainable manner for the use and good of all and for effective land governance and management (Atilola, 2010; Chimhowu, 2019). Land administration in most parts of Africa, and especially land registration, is often associated with tedious searches and handling of tattered, poorly kept maps and deeds, as well as involving unnecessarily time-consuming processes and poor service delivery, delays in obtaining information, continual frustration of registry staff and opaque official procedures (Pienaar, 2009). Nigeria is not an exception to this. Therefore,

since land is a central issue in the development process and secure land rights underpin sustainable development and long-term investment (Arnot and Meadow, 2006), it is necessary to assess the challenges of land titling and registration in Lagos as an emerging megacity.

With increasing population and people's strong desire to own landed property for various purposes, a well-coordinated land market is inevitable to enhance the operations of the property market and boost security of tenure, among others. According to Arnot and Meadow (2006), uncertainty regarding the status of land documentation and delays in the process has slowed the development of land and property markets in Nigeria and made the development of the mortgage system difficult to advance or sustain. This lack of modern land registration and cadastral systems constitute a serious challenge to the creation and trading of complex commodities, resulting in a lack of land information to spatially enable not only government but also the society in general. As such, it is essential to promote credible and secure land transactions. This study therefore identifies the challenges confronting land titling and registration in the study area.

The aim of this study is to assess the ongoing reform process of land titling and registration in Lagos State in order to identify problems in the process. Its specific objectives include assessing procedures for land titling and registration in the study location and assessing the Electronic Document Management System (EDMS) set up to improve the system. This is done with a view to contributing to the evolution of a better electronic data management system and land management policies that will enhance sustainable land development in Lagos.

### **Literature Review**

The land registration system, according to Griffith-Charles (2004), Atilola (2010) and Chimhowu (2019), is a necessary element in a developing market economy, as land is the most effectively used and exchanged commodity when the rights to it are registered. Title registration carries the additional guarantee of not only those rights but also of the legal validity of the transactions by virtue of the recording process. Moreover, subsequent transactions in land must be recorded in the registration system to ensure their legal validity and to have legal priority over unregistered transactions (Williamson, Enemark, Wallace & Rajabifard, 2009). The Department of International Development (DFID, 2010) affirms that effective land administration may reduce poverty by giving people guaranteed, protected land rights that serve as a source of personal wealth and provides opportunities for economic independence. Furthermore, efficient land

administration systems serve to protect land transactions, allowing citizens to buy and sell land securely. Moreover, when land-related court cases and conflicts are taken into account, the lack of an effective land administration system can represent a significant financial burden upon both state and federal governments. This is why efficient land registration can also have a positive impact on access to justice.

Accordingly, the benefits of land registration as identified by Arnot and Meadow (2006), Griffith-Charles (2004) and UNECE (2005), include providing security not only for landowners but also for national and international investors and the finance sector; assisting the development of labour markets by easing labour mobility; assisting the development of financial markets by providing collateral security; assisting in the creation of new business entrants; providing government with a source of revenue that may be used for a variety of purposes; bringing transparency to the allocation, distribution and other transactions on land; providing information for land reform or land redistribution policies; providing access to a secure tradable commodity; providing access to formal services and rights; providing access to credit for investment in either business or human capital; and promoting good governance. However, Deininger and Binswanger (1994) assert that there are some exogenous economic and social factors that complicate the relationship between land titling and formal land markets, such as the nature of local land markets, which vary from region to region depending on local land market laws, policies and planning regulations. Van der Molen (2002) also added that the problems of land registration include granting of land title too slowly, granting land titles that hardly reflect what is on the ground and threatening the security of many customary right holders.

Furthermore, Kuntu-Mensah (2006) identifies institutional, technological and financial constraints as some of the challenges to an effective land registration system. The institutional issues revolve around lack of a comprehensive approach, as there are too many agencies involved in the registration process. For instance, the activities of surveying, conveyance and registration of land parcels are spread among different agencies, resulting in duplication of efforts. In the same vein, the processing of a Governor's Consent in Nigeria, for example, may involve the Survey Department, the Town and Country Planning Department, the Lands Commission and the Land Title Registry, each of these successively depending on the other. This generally causes delay, with a title registration taking on average between two and three months. Technological and resource constraints revolve around the available technologies and most agencies are unable to match the

current demand for land transactions, as many simple tasks take a long time because of the lack of appropriate tools and technology necessary to execute them. Another dimension to this problem is the need to train more personnel in information technology and computing procedures.

Typically, the registration fee does not generate enough revenue. Even so, the registration fee of 13% of the total land value seems too high for some landowners, hence their unwillingness to register their title, despite the rate being reduced to 3% in the first quarter of year 2015(Lagos Land Bureau, 2018). As things stand, it is uncertain if the registration system can support itself without government subsidy, hence the need for Systematic Land Titling and Registration (SLTR). Theoretically, SLTR is expected to help poorer groups confirm their claims to land and provide a sense of identity and belonging that goes far beyond and underpins the values of democracy and human freedom. Adeniyi (2018) further affirms that about 97% of the property rights in Nigeria are not formalised and thus cannot be used as security for mortgages and credits. Non-formalised property rights are mostly predominant in suburban areas. Previous studies have shown that property rights are a basic driver of development and economic growth since land is an economic asset. However, in practice, registration has often served to redistribute assets to the wealthier and better informed (Haile, Written, Abraha, Fissaha, Kebede, Kassa & Reda, 2005). This does not in any way nullify the need for an integrated land registration system, as it is the pivot for social and economic development. Moreover, the need for total inclusiveness is important through Systematic Land Title Registration (SLTR) procedures, as it is a crucial pivot for private investment and wealth accumulation in developing countries (Huber, Mithofer, Schar, Harvey & Mukasa, 2009).

### **The Integrated Land Administration and Automation System Reform (2017-2019)**

Upgrading and restructuring of the land registry, as well as reviewing its business processes, was the major aim of the Integrated Land Administration and Automation System Reform (2017-2019), also known as EGIS. The process involved redesigning the layout of the land registry to ensure a smooth flow of processes and transactions, reduction of the total processing time and boosting of private interactions between the land bureau agency and the public. The reform enhances a robust Geographic Information Systems (GIS) that enables owners and investors to access information about the land parcel and title. The EGIS provides a fully integrated end-to-end land administration platform for a sustainable and automated land administration environment. This is to effectively

reduce the silos of information that exist across departments and agencies while streamlining the entire workflow process. This intervention is designed to manage information and automate business activities related to property rights, registration, transacting and digital preservation of land-related documents.

The EGIS encompasses technology modules that conduct a rapid inventory of land rights, automate/manage land records, create and maintain integrated geographic data accurately and fairly value any property. The major aim of the automated land administration solution is to secure records, streamline processes and reduce organisational bottlenecks for a more effective land information system and cadastral map management. This innovation is intended to reduce the timeframe for obtaining a Certificate of Occupancy (from initiation to completion) to a maximum of 14 working days (Lagos Land Bureau, 2018). However, successfully measuring the effectiveness and efficiency of the EGIS will require more time. As such, this study evaluates the Electronic Document Management System for the period 2005-2014.

#### **Land Titling/ Registration Processes and Requirements (2005-2014)**

The Land Registry Directorate in the Lagos State Lands Bureau has been described, as at present, the most developed Land Registry in Nigeria and indeed in West Africa (Lagos State Lands Bureau, 2014). As a result of the government's vision to revamp and computerise the land management system in the state, a viable, modern and efficient storage and tracking system of land titles was put in place. The Land Registry Directorate coordinates the storage of proper records of all land transactions in Lagos and the registration of instruments affecting land in the state. For a body that has existed since 1863, the volume of paperwork has been enormous. As such, the modernisation and improvement process was carried out through the Electronic Document Management System (EDMS).

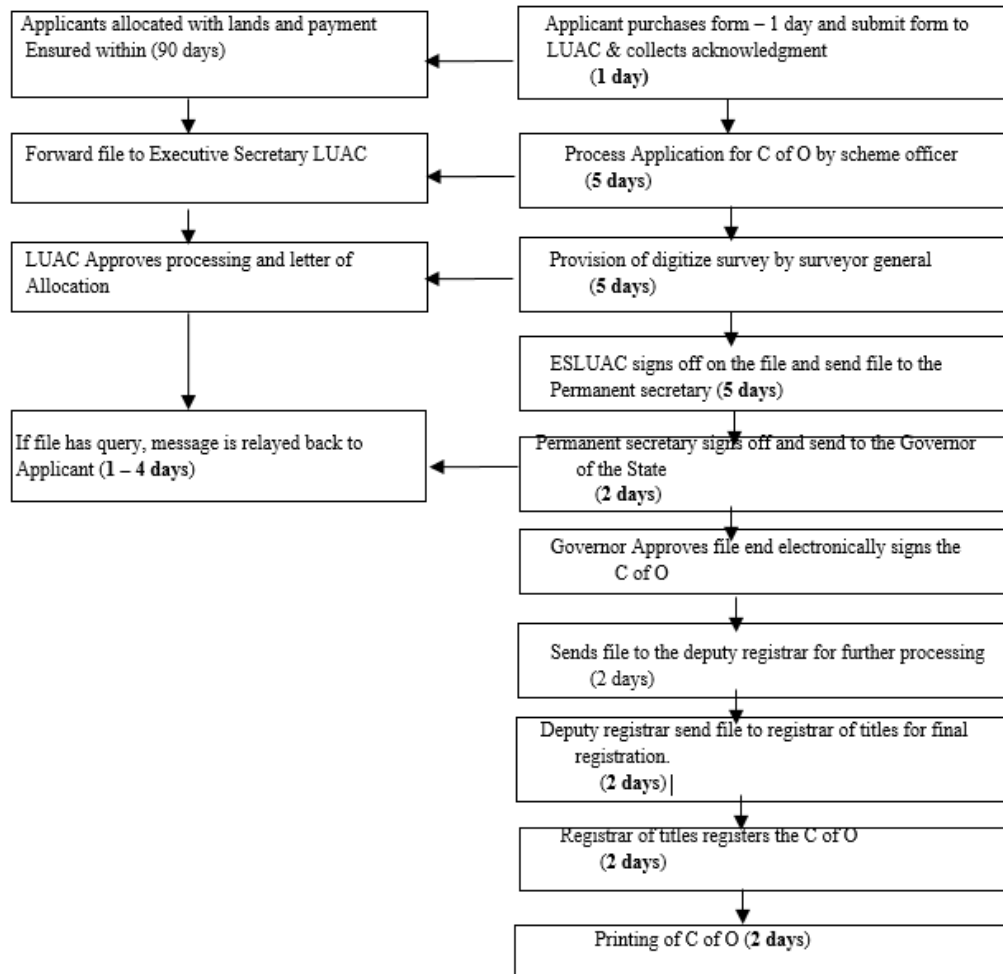
#### **Documents Required for Non-State Land Certificate of Occupancy**

Several documents required for the process are a formal letter addressed to the Executive Secretary Land Use and Allocation Committee at the Lands Bureau Secretariat, Alausa, Ikeja; a completed Certificate of Occupancy form with receipt; land information certificate with receipt; four original Survey Plans (2 in cloth form and 2 in paper form); four passport photographs with white background; a sketch map of the site/location; purchase receipt duly stamped; evidence of payment of income tax; and current development levy. (In case of a company, two directors' tax clearance certificates and evidence of payment of development levy). There must also be payment of the approved publication fee

of ₦10,000.00, the capital contribution fee subject to a minimum of ₦30,000.00; a building plan if the site is already developed and a copy of the tenement rate receipt (if occupied).

**Procedure for Non-State Land Certificate of Occupancy**

Securing a non-state land certificate of occupancy involves several steps: submission of application and vital information form for Certificate of Occupancy (duly completed by applicant); compilation of applicants' names for publication, title search for previous registration and site inspection (21 days); Certificate of Occupancy engrossment (by LUAC); recommendation for execution of C of O (by Executive Secretary LUAC, SSA LANDS & PS Lands); execution of C of O (by His Excellency but delegated to commissioners); stamp duty (by Commissioner for Stamp Duties); registration of C of O (by Land Registry) and collection of executed and registered C of O (by Applicant through valid identity card).



**Figure I: Procedure for State Land Certificate of Occupancy (Cumulative number of days) = 30 days**

### Documents Required for Governor’s Consent

Applicants are expected to submit dated letter of application addressed to the Director of Land Services with address and telephone number of applicant; completed form 1c; certified true copy of grantor’s title document; grantor’s evidence of payment of income tax and development levy receipts; grantee’s evidence of payment of income tax and development levy receipts; four duly executed deeds of sublease, assignment, mortgage or power of attorney; chartable survey plans; evidence of payment for charting, endorsement and form 1c (₦10,500.00); evidence of payment of ground rent/land use charge with demand

notice; original letter of confirmation of payment of capital contribution in respect of Lekki Peninsula Scheme; building plan, photograph of the property and identification card of the applicant or his agent. The sequence of steps involved is as illustrated below in Figure 2. Altogether, the procedure takes 30 days.

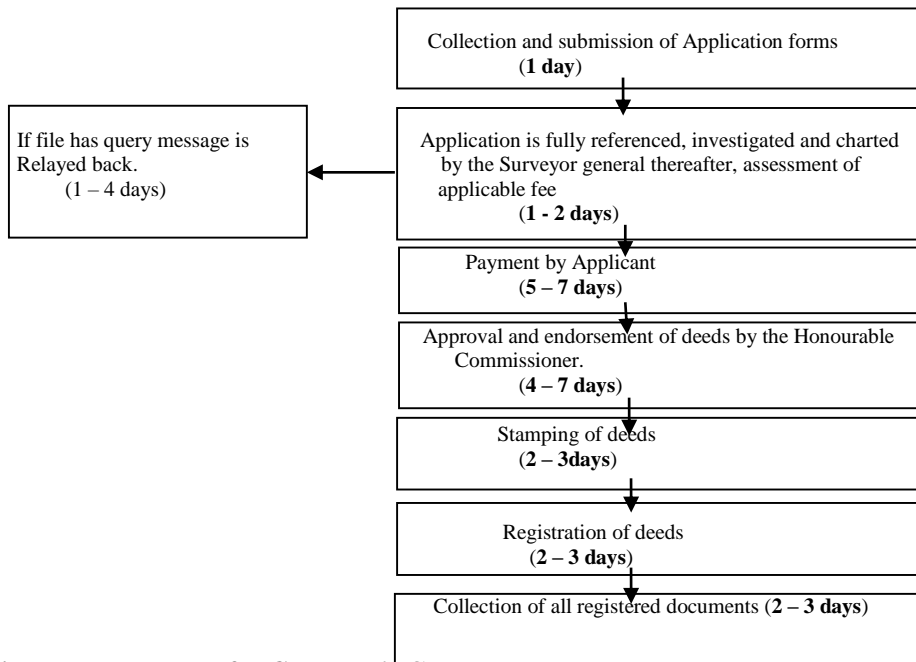
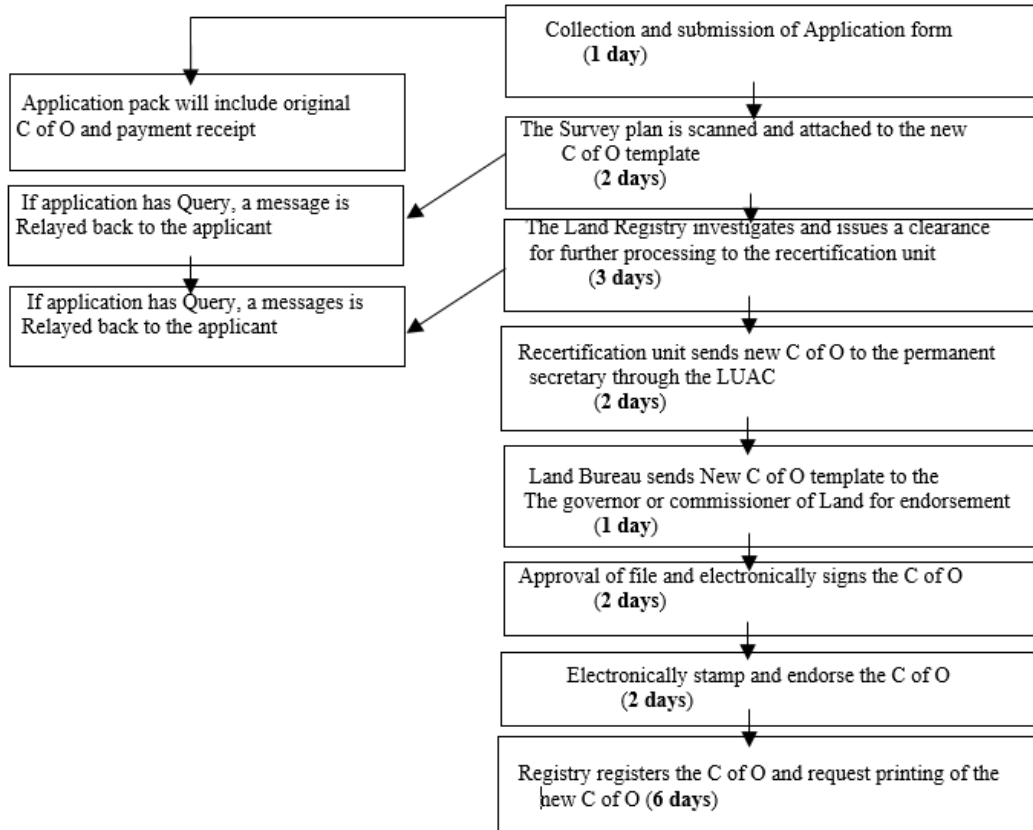


Figure II: Procedure for Governor's Consent

### The Recertification Unit

A recertification unit has been created under the Directorate of Land Regularisation. The main function of the recertification unit is to process and deliver “The New Lagos State Electronic Certificate of Occupancy Project”. The first phase of the project involves a recertification exercise, which is geared towards ensuring that all C’s of O in circulation are genuine and verifiable. The recertification unit has two sections – one section vets and uploads applications for recertification from members of the public and the other – located in the Lands Bureau, Directorate of Land Regularisation, The Secretariat, Alausa, Ikeja – processes and prints the recertified C of O. The second stage of the project is essentially the launch of the automated system of the day-to-day normal processing of electronic certificates of occupancy. This process takes a cumulative period of 25 days.





**Figure III: Procedure for Recertification of C of O**

**Procedure for Registration of e-Title**

The process here involves confirmation of all payment receipts (by Accounts Department); collection of form A13 from the office of Registrar of Titles by the applicant – **1 day**, submission of duly completed Form A13 with supporting documents by applicant to the office of the Registrar of Titles; issuance of a registration number and application number to a certified application – **1 day**; preparation of notices for interested parties’ signatures; receipt of reply to notice is received and preparation of draft entries prepared. Following this, an approved notice is e-mailed/posted by registered post to the applicant, and a copy is forwarded to Registrar of Titles for approval of issuance of notice to applicant. Further, there must be approval of draft entries, typing and binding of the title document and final indexing of the title. The file is then sent via the Deputy Registrar of titles to the Registrar of Titles for signature, after which the

registered title is delivered to the applicant. The cumulative duration of the process is 48 hours.

Land titling and registration reform is a critical requirement to reduce the administrative burden on the Lagos State Government as well as all stakeholders and ordinary citizens involved in land transactions. Where countries lack robust and tested land administration systems, significant dysfunctions can occur, such as weak land markets, conflict over ownership, social disharmony, reduction in yield and negative impacts on the environment. The overall effectiveness of any land administration system is directly dependent upon the extent to which land is registered. The state government realised that, historically, low levels of statutory titling, meant that many citizens still did not hold formal legal titles and the increasing rate of urbanisation was adding to this problem on a daily basis.

The essence of land registration, according to Williamson (2008), includes improving security of tenure, emergence of simplified and prudent land management practices, development of the land market, as well as establishing an efficient and sustainable system of land registration in local, state and federal constituencies. Furthermore, if land registration is to play a pivotal role in promoting economic growth in Lagos then a new strategy would be required. Traditionally, allocation of land has been the primary means of increasing the volume of registered properties but this process ignores the reality on the ground – that the overwhelming majority of land rights are implemented through customary and informal tenure systems. This is why the new Directorate of Land Regularisation was established to provide the means by which informal land rights holders are granted a statutorily recognised right or title and could therefore exercise their newly secured property rights in the legal marketplace. The directorate has been closely supported by the Security Justice and Growth programme (SJG) as a significant proof of concept in bridging the traditional gap between informal and statutory sectors.

From its inception in 2006, the new directorate has enabled over 6,000 ordinary Lagos citizens to regularise their property rights, helping to move them from the uncertainty of informal tenure into the realm of statutory titling and thus providing them with security of tenure and access to a means to protect future transactions with the land (DFID, 2010). Lagos State has also benefited from this through increased property tax revenue and an increase in the overall scope of registration in the state. However, the sustainability of reform in land registration requires a fiscal mechanism to enable reinvestment of revenue streams generated

by state land bureaus and ministries. The ability of the Lagos State Government to implement this simple EDMS concept has been the key enabler for change and has enabled rapid improvements in both administrative infrastructure and customer service delivery within a very short timeframe. For instance, the Governor's Consent, which used to take a minimum of 200 days to process, is now obtainable within 30 days.

### **Theoretical Framework: Integrated Land Registration System**

Van der Molen (2002) identifies three basic concepts of western land registry and cadastre: (a) that persons exercising real rights are unambiguously identified, whether as individualised right holders or as defined members of a legally recognised body; (b) that rights to land are unambiguously defined either by statutory law or customary law and (c) the notion that the object of exercise of rights is well defined and eligible for determination by geometrical processes which could either be individualised or mapped.

Land registration theory asserts that land activities support the economic, social and environmental development of a country (de Soto, 2000). Moreover, a good land registration system provides a country with the infrastructure to implement land-related policies and land management strategies. Land in modern administration includes embedded natural resources and buildings, including the land itself and all things on it, attached to it or under the surface. By implication, this includes the marine environment (UNECE, 2005). This exploration of the land registration system provides an integrated framework to aid decision-makers to make choices about improvement of systems. This is based on the organised systems used throughout modern western economies where the latest technologies are available, but it is also applicable to developing countries that struggle to build even rudimentary systems (Williamson, Enemark & Rajabifard, 2008). The improvement of integrated land administration involves using four basic ingredients in the design of any national approach: the **land management paradigm**, with its four core administration functions of land tenure, land use, land valuation and land development; **common processes** found in every system; a **toolbox approach**, offering tools and implementation options, and a **role** for land registration in supporting sustainable development.

### **Methodology**

The study was designed as a longitudinal enquiry spanning ten years (2005-2014), covering the period over which Lagos State embarked on land registration reform. The enquiry is structured according to a series of questions that serve to

demonstrate the effectiveness of EDMS in land registration in the study area. Primary data about EDMS (Electronic Document Management System) in relation to land registration between 2005 and 2014 were obtained through questionnaires, interviews and observations. The sample frame used for the study are the 318 practising firms at present registered with The Nigerian Institution of Estate Surveyors and Valuers, Lagos State Branch and the 1,214 firms registered with the Nigeria Bar Association, Ikeja Branch, Lagos State. A random sampling technique was adopted in the sample selection in which every 10th firm on the registration list was drawn for the study. This gives a sample size of 153. Questionnaires were randomly distributed among the sampled firms while interviews were conducted among the members of staff of the Lands Bureau. Qualitative data were collected through open interviews with stakeholders, including the Land Bureau officials, while quantitative data were collected through structured questionnaire designed to examine the effectiveness of the achievement of EDMS objectives in relation to land registration in the study area. To complement the primary data collected, a thorough review of the historical documents, official reports, news articles and interviews with stakeholders was carried out to facilitate a detailed understanding of the present situation of the Lagos land registration system and its challenges.

### **Findings and Discussion**

According to the questionnaire served, the distribution of the respondents based on position within the organisation, indicates 32.8 percent of the respondents as chief executive officers/principal partners in their respective organisations. Others occupied positions of senior partners (13.1 per cent), partners (8.2 per cent) and junior officers (42.6 per cent). Based on the average involvement score, respondents affirmed that they are more involved with title registration of land and residential properties, which ranks first (4.59), than for any other property type, including industrial (3.57) and commercial (3.42). Others, such as protected forest reserves as well as recreational and religious properties, recorded less frequent involvement below that of agricultural (2.03), educational (2.11) and commercial (3.42) properties. The study also investigated respondents' regularity of involvement with transfer and change of ownership of property. According to the ranking, application for Governor's Consent is the most regular activity followed by application for change of ownership (3.75), application for C of O (3.32) and application for conveyance (3.31). Application for Deemed grant and re-certification are the least in the rank, with average scores of 2.61 and 2.73 respectively.

**Table I: Duration of Title Processing**

Duration of Title Processing	1-30days	31-60days	61-90days	91-120days	More than 120days
How long does it take to process C of O	2.4	1.2	7.2	34.9	54.2
How long does it take to process Governor's consent	-	6.5	3.3	43.5	46.7
How long does it take to process re-certification of C of O	-	20.0	30.0	2.2	47.8
How long does it take to process a deemed grant	-	29.2	2.2	4.5	64.0
In case of damage or loss how long does it take to re-process another C of O	3.2	3.2	21.5	25.8	46.2

Table I shows the duration it takes to complete activities related to processing and registration of land titles. These include processing of C of O, Governor's Consent, re-certification of C of O, processing of deemed grant and re-processing of another C of O. The analysis shows that for majority of the respondents it took more than 120 days to complete the processing of any of the aforementioned titles. In this category are 64% for deemed grant, 54.2% for C of O and 47.8% for re-certification of C of O. While no case was recorded of instances when processing of Governor's Consent, re-certification of C of O and deemed grant were completed within 30 days, 2.4% and 3.2% of the sample size managed to complete the process for C of O and re-process another C of O within 30 days as a result of damage or loss.

### Effects of the Current Land Registration Practice

The analysis examines the effects of the current land registration practice in Lagos State. One-sample t-test was used to delineate significant factors while mean score was used to rank the factors. From the analysis, six (6) factors – improved security of tenure, improved public confidence in transaction, centralised and consolidated file storage, availability of online document search and retrieval system at the registry, reduction in waiting time for obtaining information on land matters, and improved managerial efficiency – are considered most important on two grounds. First, they all yield a score above 4.00 units bound. Second, they are statistically different from a test value (benchmark) of 3.49;  $p < 0.05$ .

**Table II: Effects of the Current Land Registration Practice (EDMS)**

	Mean	t	df	Sig.
Improved security of tenure	4.60	4.532	4	0.011
Improved public confidence in transaction	4.50	4.517	5	0.006
Centralized and consolidate file storage	4.50	3.499	3	0.040
Availability of online document search and retrieval system at the registry	4.33	4.000	5	0.010
Reduction in waiting time for obtaining information on land matters	4.33	4.000	5	0.010
Improved managerial efficiency	4.17	4.060	5	0.010
Management of information and statistical data	4.00	NA	NA	NA
Noticeable improvement in the work ethics of the registry	4.00	NA	NA	NA
Better administrative effectiveness	4.00	1.975	5	0.105
Land disputes reduction	3.83	0.855	5	0.431
Improved number of application processed	3.83	2.060	5	0.094
Increased revenue generation	3.40	-0.177	4	0.868
Overall	4.11	8.242	5	0.000

This indicates that the Electronic Document Management System (EDMS) in Lagos State has improved land registration effectively. However, it has not aided land dispute reduction or increased the number of applications processed. To be sure, it has also not increased revenue generation, which is essential in land reform administration. Therefore, contrary to Arnot and Meadow’s (2006) finding that improvement in revenue generation for the State is one of the likely benefits of EDMS, this study is unable to state categorically that there has been any substantial improvement in revenue generation in the state, as shown in Table II.

**Challenges of Land Titling and Registration**

This study gives an idea of the problems experienced during the land registration process in the study location. The challenges are ranked using mean item scores (MIS) indicating relative degree of seriousness of the negative effect. All 17 of the challenges considered for evaluation were indicated with some relevant level of negative impact (that is, MIS > 0.5). However, high land taxes with 0.949 implied a very high perceived negative effect. The high cost of registration is also very significant and occupies the second position. The study found lack of transparency of the Directorate of Lands Bureau as an important challenge, in close relation to other relevant challenges in the registration process. Factors

perceived with least effect were political instability (0.666) and tenure encumbrances (0.626).

The study proceeded to conduct Principal Component Analysis (PCA) to explore critical challenges affecting land registration and titling in the study location. The data used for the study displays factorability potential based on Bartlett's test of sphericity. Initially, four components were identified and these together explained the 82.52 percent variance, with high impact emanating from first and second components as implied from percentage of variance. To further verify the number of problems critical to land titling and registration, the scree plot tool was employed. This shows a clear-cut at third brakes from the Scree plot, with three factors being extracted for rotation using the Varimax method. The three explored factors together explained the 75.59 percent variation compared to the 82.52 percent by un-rotated factors. The rotated component matrix indicates sufficient loading on three components. The main challenge on the first component is lack of an institutional framework, lack of legal backing and lack of supportive policy. These have a common theme around institutional factors. The second component displays an ambiguous legal framework, high land charges and high cost of registration having high loading factors. On the third component is inadequacy of technical skills/competent staff.

### **Conclusion**

Events leading to the emergence of the Electronic Document Management System (EDMS) in Lagos were analysed to evaluate whether or not the transformation of electronic services and its relevance to land administration is a necessary prerequisite for enhancement of property rights registration in the Lagos State. The EDMS was introduced in Lagos due to its usefulness as an enabling tool to increase effectiveness and enhance transparency. Included in the analysis were those features that impact on electronic data and land registration and titling. These wider contextual features were taken into consideration in analysing the present state of land administration systems and practice. Findings indicate that land registration and titling is invaluable, as it promotes poverty alleviation, improves the land market and security of tenure; improves management of state lands, provides access to a secure tradable commodity, ensures credit security, enhances land market stimulation, facilitates land reform and provides access to credit for investment, among others.

However, when there are challenges, they inhibit achievable benefits. This study identified lack of an effective institutional framework/ambiguous legal

framework, high land charges/cost of registration and inadequacy of technical skills/competent staff as critical challenges to land titling and registration in the study area. Therefore, there is need for all stakeholders in land administration to make concerted efforts towards surmounting the challenges of absence of an effective institutional framework/ambiguous legal framework, high land charges/cost of registration and inadequacy of technical skills/competent staff, as identified in the study area. Moreover, the identified challenges are some of the prerequisites of embarking on Systematic Land Titling and Registration (SLTR), which has been widely acclaimed to be efficient. The SLTR process involves collection of land data through section by section, block by block, parcel by parcel and the one-parcel-one-visit principle where all relevant information required for issuing a land title is to be captured on a single visit to the property through the use of GIS tools. However, this system is yet to be adopted in Lagos State due to bureaucratic bottlenecks, extensive funding requirements and the difficult political structure of the country, as affirmed by some of its officials. This study therefore recommends the adoption of the SLTR as a prerequisite for social cohesion and economic development of the land market in Lagos State.



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