

THE CHALLENGES OF THE TRADITIONAL LAND DELINEATION PRACTICES IN BONNY, NIGERIA

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ABSTRACT

This study had as its main objective, to identify the challenges posed by the traditional land delineation practices in Bonny, Nigeria, on property investment and development of the property market. The traditional land delineation practices involve the use of natural features such as rivers, streams, live trees, which are still in use as of 2018. The study adopted an exploratory research design. Surveys were conducted and a total of 450 structured questionnaires was administered to the Kings, Chiefs, Elders and opinion leaders with a 66.5% response rate. The study concentrated on six (6) out of 49 communities in Bonny using a non-probability purposive sampling technique. Simple percentage and a 5-point Likert Scale was used to assess their perceptions of the effects and challenges of traditional land delineation practice. Follow-up interviews were also conducted. The majority (75%) of the respondents consider the effects of traditional land delineation practices as undermining land effectiveness and sustainability; introducing limitations in the market for credit facilities; lowering land values; increasing household's engagement in costly land protection efforts; decreasing land-related investments; decreasing land market participation amongst others. More than 50% of the respondents, with a mean score ≥ 3.00 , agree that the challenges of traditional land delineation practices include fewer opportunities for development; absence of land; communication; variation in real estate pricing; insecurity in land tenure and rights; lack of efficiency in the land sector. The study concludes that traditional land delineation practices can be enhanced with the introduction of modern GIS methods of land delineation to provide incentives and ability strengthened the capabilities dealing with these challenges of traditional land delineation to achieve a truly competitive property market and improve real estate investment opportunities in Bonny.

KEYWORDS: *Boundaries, Land Delineation, Traditional Land Tenure, Practices*

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INTRODUCTION

Land use planning processes and land rights formalization increases the land tenure security, contradicting land policies and over-lapping property arrangements that are found to have diverse interpretations by different actors in many countries (Fairley, 2012). It means that land managers require better knowledge on how competing interests and actors interact with what determines the practical competitive outcomes as demand for land intensifies involving local and international actors regulating natural resources. Real estate consists of one or several land parcels which can be used for

investment purposes and as such need to be properly delineated. A system for recording land ownership, land values, land use and other data on land is required as a tool to improve real estate investment in a sustainable manner, in line with the industrializing nature of Bonny. In many countries, buildings or parts of buildings are registered as separate real estate, as well as structures under or above the surface of the earth. In Bonny, the existing and the predominant system of land delineation is the traditional method which employs the use of natural landmarks. This appears to limit opportunities for real estate investment through various disputes, conflicts and litigation on land as a result of the absence of fixed boundaries. Demarcation and survey of boundaries are a major element of the process of land titling and registration.

Bonny lacks a dependable Cadastre. The Cadastre is the primary means of providing information about land and tenure rights. A Cadastral system plays an important role in land reforms where there are changes in the tenure systems. These changes according to Steudler (2014), include:

- Formalization of documented traditional or customary tenure,
- Formalization of spontaneous settlement based occupancy, and
- Changes from one form of legislated tenure to another (communal rights to full ownership).

The informal system of land delineation poses challenges to real estate investment opportunities, and as such a formal system is necessary to register land and property and hence to improve secure ownership in land, investments and other private and public rights in real estate. With a formal land information system in place, existing traditional practices can be incorporated into the formal process since land ownership determines possession and the value of land and property, and to monitor and manage their use so that the value of these assets may be enhanced attracting investors. The study is necessary proposes that in order to improve real estate investment opportunities, integration of informal land rights and formal land rights is essential.

The main objectives of the study are to ascertain the challenges of traditional land delineation practices and its effect on property investment and development in 6 (six) communities in Bonny Local Government Area, Rivers State, Nigeria. The scope of this study is limited to traditional land delineation practices in Bonny Local Government Area of Rivers State based on the observed multiplicity of problems, disputes, and conflicts arising from moveable and improperly fixed boundaries, which is perceived to hinder real estate investment in the area. It should have been ideal that the study covers Bonny Local Government Area (LGA) which is one out of the 23 Local Government Areas in Rivers State. The study is confined to Bonny LGA which presents a clear picture of rapid industrialization and modernization across several sectors of the economy, while land delineation patterns remain ancient and in dire need of reforms.

LITERATURE REVIEW

United Nation (1996) stated that the concept of independent land ownership, value and use of land are interdependent in land delineation practice and each attribute of land needs to be carefully managed to ensure efficient land resource management. It maintains that a good land management system should provide order and stability in creating security to land owners and investors, protecting the interests of individual land owners as an instrument to support real estate investment. Health (1993) opines that the consequences of what influenced the allocation of insecure land rights are the basis of land conflicts and disputes in Africa. Land may be subject to adverse possession when occupied against the interest of the true owner; when the true owner cannot trace the boundary which is fixed boundaries as evidence on the ground to confirm over what is actually written down, resulting to cases or unwillingness to challenge the person in

occupation.

Land is often described as a communal, meaning that the land is owned by a kin-based or political group and that individuals acquire the right to utilize their membership in the group (Amanor, 2008). Udry (2011), states that claims to land and land resources commonly depend on the association in wider social groupings. The sweeping statement is feasible about the process through which people acquired land in such a wide range which is compromised and characterized by flexibility, complexity and negotiability in the land tenure system in Africa (Shipton and Goheen, 1992).

Besley (1995) explains that there are a number of economic mechanisms through which one would expect insecure property rights to reduce investment and productivity. This mechanism has received a huge deal of attention from policy makers as a direct link between secure property rights and increased investment running through the credit markets (secure land could be used as collateral); gains from trade (rent out land are more likely to investment); or balancing factors of production (tenure security permits economized labour (Udry, 2011)). From the colonial era until the present day, there have been frequent worries that the insecurity of land tenure in Africa has repressed productivity (Pande and Udry, 2006). These worries have been found principally on the simple economic reasoning that insecure land tenure would reduce investment in real estate. There is a proof that, these indirect mechanisms have a quantitative and significant impact on investment, (Pande and Udry, 2006).

Lack of clarity of institutional responsibilities on land could be exploited by powerful individuals and may have negative consequences for equity which the main determinants of land conflicts and estimated the impacts of such conflicts on inputs of its application (Yamaro and Deininger, 2005). According to Austin (2004), the huge effects of land tenure insecurity on the investment stand in difference to the considerable trends to find or only subtle the impacts of insecure land rights on investment behavior under customary land tenure in Africa. The resolution of the land delineation dilemma offers significant lessons about the needs for carefulness in generalizing about the economics of land tenure in Africa, while rights over land itself are somewhat tentative (Udry, 2011). There are significant business costs linked with any titling program and the cost of land titling seems to be a lot bigger than the advantage for most small-scale producers (Shipton and Goheen, 1992). So only a few (typically elite) urban landowners go through the procedure of obtaining title when it is provided. Additionally, the program of land registration and titling are often connected with exacerbated conflict over land and the uncertain social benefits of formalizing land rights in turn, provide little reason for considerable subsidies from the state to support a large-scale titling or registration process (Shipton and Goheen, 1992). The procedure of harmonizing prescribed legal land tenure with customary rights offers a potential opportunity to move away from state-run land surveys and formal titling of the individual to some form of community management and registration of customary rights (Aryeetey and Udry, 2010).

In the literature reviewed for this study, uncertain outcomes over land claims has intensified conflicts, deepened social rifts and expropriation of land consistent with land tenure insecurity. In Nigeria, there is a dearth of literature on the challenges of traditional land delineation practices. The literature review revealed that little is known about the challenges of traditional land delineation practices in Bonny, Rivers State, Nigeria. It is against this background that this study examined the challenges of traditional land delineation practices in Bonny.

RESEARCH METHODOLOGY

The study was conducted in six (6) purposively selected communities out of the 49 communities in Bonny Local

Government Areas of Rivers State, Nigeria. Rivers State is in South-South geopolitical zone of Nigeria. These six (6) communities are Akia-Ama, Abalamabie, Oguede, Bonny Town, Jumbo Ishileogono and Beresiri where the traditional land delineation practices have posed challenges to real estate investment.

The research design adopted was an exploratory case study design. There are 49 communities across Bonny Local Government Area. The population of the study was the King, Chiefs and Elders in Bonny knowledgeable about the traditional land delineation practices. Purposive sampling technique was used to select six (6) communities and stratified random sampling techniques were used to select 75 households from each of the six (6) communities. The sample size of the study is 450 respondents, utilizing structured questionnaires and interviews to collect the primary data. A total of 450 questionnaires was administered to the Chiefs, Elders and opinion leaders and 300 were retrieved representing 66.5% response rate. The questionnaire used a 5 point Likert scale to measure the challenges of traditional land delineation practices; the rating on the scale is as follows:

1 = Not very significant,

2 = Not significant,

3 = Neutral,

4 = Significant, and

5 = Very significant

Simple percentages were used to assess the effects of traditional land delineation practices. Descriptive statistical tools were used to analyze data.

RESULTS AND DISCUSSIONS

The results of the study are presented below

Effects of Traditional Land Delineation Practices

Respondents were required to express their opinion regarding the effect of the traditional land delineation patterns on property investment. Their responses are presented in Table 1. Table 1 shows that 70% of the respondents agree that traditional land delineation practices undermine land effectiveness and sustainability, while 30% do not consider it so. The table shows that 81% of the respondents state the effects as limitations in the market for credit, while 19% objected to this opinion. 64.7% of the respondents agree that the traditional land delineation pattern lowers land values, while 32.3% disagreed. In the same vein, 74% of the respondents agree to the fact that its effect increase households' engagement in costly land right protection, while 26% disagree. The study further indicates that 62.7% of the respondents agree with the opinion that the effect decreases land-related investment, while 37.3% disagree with the assertion. The table showed that 76.7% of the respondents were agreeing with the statement of decreasing land market participation, while 23.3% disagree with the statement. Table 1 indicated that 72.7% of the respondents agree that the effect restrict the ability to transform "dead assets" into "living assets", while 27% do not agree. However, the table showed that 65.3% agree that its effect is ambiguous in identifying land ownership, while 34.7% disagree. Similarly, the table indicated that 56.3% of the respondents agree with being lacking asymmetric information to facilitate more efficient, while 43.7% disagree. The table showed that 79% of the respondents agree the effect of traditional land delineation practices lowers' benefits streaming from the land right transferred, while 21% disagree. Table 1 revealed that 66.7% of the respondents agree Thetis

affect land affordability and cost-effectiveness, while 33.3% disagree. The table showed that 59.3% of the respondents agree that there is variation in land scarcity, while 40.7% disagree. The implication of the study show that majority of the respondents strongly agree that traditional land delineation practices has significant impacts on real estate investment.

Table 1: Effects of Traditional Land Delineation Practices

S/N	Effects of Traditional Land Delineation Practices	Yes		No		Total	
		Freq.	%	Freq.	%	Freq.	%
1	Undermine land effectiveness and sustainability	210	70.0	90	30.0	300	100
2	Limitations in the market for credit	243	81.0	57	19.0	300	100
3	It lowers land values	194	64.7	706	32.3	300	100
4	Increase households' engagement in costly land right protection	222	74.0	78	26.0	300	100
5	Decreasing land-related investment	188	62.7	112	37.3	300	100
6	Decreased land market participation	230	76.7	70	23.3	300	100
7	Restricting the ability to transform "dead assets" into "living assets"	218	72.7	82	27.3	300	100
8	Ambiguity in identifying land ownership	196	65.3	104	34.7	300	100
9	Lack of asymmetric information to facilitate more efficiency	169	56.3	131	43.7	300	100
10	Lowers' benefits streaming form land rights transferred	237	79.0	63	21.0	300	100
11	Affordability and cost-effectiveness	200	66.7	100	33.3	300	100
12	Variation on land scarcity	178	59.3	122	40.7	300	100

Source: Researcher's Field Survey, 2018

In terms of ranking of the effects, Table 1.1 shows that the limitations on access to credit facilities ranks highest in the responses followed closely by a lowering of the perceived benefits accruing from land and a decrease in market participation.

Table 1.1: Ranking of the Effects of Traditional Land Delineation Practices

Effects of Traditional Land Delineation Practices	% Yes	Ranking
Limitations in the market for credit facilities	81.0	1
Lowers' benefits streaming form land rights transferred	79.0	2
Decreased land market participation	76.7	3
Increase households' engagement in costly land right protection	74.0	4
Restricting the ability to transform "dead assets" into "living assets"	72.7	5
Undermine land effectiveness and sustainability	70.0	6
Affordability and cost-effectiveness	66.7	7
Ambiguity in identifying land ownership	65.3	8
It lowers land values	64.7	9
Decreasing land-related investment	62.7	10
Variation on land scarcity	59.3	11
Lack of asymmetric information to facilitate more efficiency	56.3	12

Source: Researcher's Field Survey, 2018

Challenges Posed by Traditional Land Delineation Practices

The challenges posed by the traditional method of land delineation are summarized in Table 2. The findings indicate that all the respondents agree that there are challenges, although the ranking differs. More than the average of the respondents with a mean score of 3.10 agree with fewer opportunities for development being challenge posed by traditional land delineation practices, and with a mean value of 3.35 agree with absence of land acquisition registration as a significant

factor. The table also shows that more than the average of the respondents with a weighted value of 3.04 agrees with absence of accessibility and communication as one of the challenges posed by traditional land delineation practices.

Table 2: Challenges Posed by Traditional Land Delineation Practices

S/N	Challenges	Weights (N=300)					Sum	Mean	Decision
		5	4	3	2	1			
1	It has less opportunities for development	65	63	61	60	51	931	3.10	Agree
2	Absence of land acquisition and registration	60	107	57	49	33	1,006	3.35	Agree
3	Absence of accessibility and communication	55	57	80	58	51	912	3.04	Agree
4	Variation in real estate pricing	131	32	70	23	45	1,084	3.61	Agree
5	Increase in population growth	47	124	49	50	30	1,008	3.36	Agree
6	Lack of interest, government policies & poor economic growth	124	103	25	24	24	1,179	3.93	Agree
7	Disparities in increased rental value & consumer preference	49	120	60	40	31	1,016	3.38	Agree
8	Availability of vast un-surveyed land	74	54	59	52	61	928	3.09	Agree
9	It lacks clear and proper real estate legislation	46	135	40	39	40	1,100	3.67	Agree
10	It lacks awareness on registration of title deeds	60	60	80	50	50	932	3.11	Agree
11	Insecurity in land tenure and rights	88	115	50	23	24	1,120	3.73	Agree
12	Lack of land value and taxation policies	102	60	57	33	49	1,036	3.45	Agree
12	Individuals disputes	75	74	63	48	40	996	3.32	Agree
14	House (Family) disputes	48	108	60	40	44	976	3.32	Agree
15	Community disputes	73	91	45	50	41	1,005	3.35	Agree
16	Litigation	80	80	60	40	40	1,200	4.00	Agree
17	Loss of lives and properties	59	100	49	57	34	1,104	3.64	Agree
18	Un-development	107	70	62	30	31	1,092	3.64	Agree
19	Land rights, power structure and your social status in the society	59	74	54	61	52	927	3.09	Agree
21	It lacks the efficiency that will enhance land transfers	45	73	91	41	50	922	3.07	Agree
21	It reduces economic growth (investments on land)	59	67	64	50	60	915	3.05	Agree
22	Effort expended in increasing resource values	60	60	60	60	60	900	3.00	Agree
23	Cost of land protection is high	57	49	100	60	33	934	3.11	Agree

Legend: <3.00 = Disagree >3.00 = Agree.

Source: Researcher's field survey, 2018

Table 2 indicated that variation in real estate pricing weighted (3.61), increasing population growth (3.36), lack of interest rates, government policies and economic growth in the traditional methods (3.93), disparities in increasing rental value and consumer preference, availability of vast sum-surveyed land (3.38). The table also revealed that the traditional land delineation method lacks clear and proper real estate legislation weighted (3.09), lacks awareness on registration of title deeds (3.67), insecurity in land tenure and rights (3.11), lack of land value and taxation policies (3.73), individual disputes (3.45), house (family) disputes (3.32), and community disputes weighted (3.25). In the same vein, litigation weight 3.35, loss of lives and properties (4.00), un-development (3.68), land rights, power structure and social status in the

society (3.64), lack efficiency that will enhance transfer of land (3.09), it reduces economic (investment on land) growth (3.07), the effort expended on increased resource values (3.00 and the cost of land protection is high weighted (3.11). It implies that the majority of the respondents with a mean score >3.00 strongly agree that the listed factors in table 2 as shown posed by traditional land delineation practices to real estate investment is true.

Table 2.1 ranks the challenges posed by the traditional land delineation practices and shows that litigation and the lack of interest or government policies and poor economic growth. Also, insecurity in land tenure rights and transparency in real estate legislation is higher ranking than the other factors.

Table 2.1: Ranking by Challenges Posed by Traditional Land Delineation Practices

Type of Challenge	Mean	Ranking
Litigation	4	1
Lack of interest, government, and policies & poor economic growth	3.93	2
Insecurity in land tenure and rights	3.73	3
It lacks clear and proper real estate legislation	3.67	4
Loss of lives and properties	3.64	5
Under development	3.64	6
Variation in real estate pricing	3.61	7
Lack of land value and taxation policies	3.45	8
Disparities in increased rental value & consumer preference	3.38	9
Increase in population growth	3.36	10
Absence of land acquisition and registration	3.35	11
Community disputes	3.35	12
Individual disputes	3.32	13
House (Family) disputes	3.32	14
It lacks awareness on registration of title deeds	3.11	15
Cost of land protection is high	3.11	16
It has less opportunities for development	3.10	17
Availability of vast un-surveyed land	3.09	18
Land rights, power structure and your social status in the society	3.09	19
It lacks the efficiency that will enhance land transfers	3.07	20
It reduces economic growth (investments on land	3.05	21
Absence of accessibility and communication	3.04	22
Effort expended in increasing resources values	3.00	23

Legend: <3.00 = Disagree >3.00 = Agree.

Source: Researcher’s field survey, 2018

CONCLUSIONS & RECOMMENDATIONS

The study examined the challenges of traditional land delineation practices of six (6) selected communities in Bonny Local Government Area of Rivers State. The findings revealed that cumulative of 70% of the respondents consider the practices as undermining land effectiveness and sustainability, limitations in the market for credit (81%), lowering land values (64.7%), increase households’ engagement in costly land protection (74%), decreases land related investment (62.7%), decreasing land market participation (76.7%), restrict the ability to transform “dead assets” into “living assets” (65.3%), lacking asymmetric information to facilitate more efficiency (56.3%), lowering benefits streaming form land right transferred (79%), lesson land affordability and lost effectiveness (66.7%) and variation in land scarcity as the post found factors affecting traditional land delineation practices.

The findings show the huge effects of land tenure insecurity on investment and productivity which tend to find no or subtle impact of securing property rights on investment behavior. Investment acts as a catalyst in economic development

and has the objective(s) of profit maximization, wealth maximization and/or social optimization because there are alternatives of owning which are normally motivated by the obvious durability of the real estate which allows ownership and the right of use to be separated. The successful fulfillment of the different tasks affecting land boundaries, it is essential to make data acquisition, create a decision support system for real estate investment during decision-making when spatial is needed, as GIS can give an indispensable assistance. Synergy occurs where integration of several data is based and different knowledge which can lead to more effective decisions and information raised can be achieved.

The findings indicate that more than half of the respondents with a mean score of >3.00 consider less opportunities for development, absence of land acquisition and registration, absence of accessibility and communication, variation in real estate pricing, increase in population growth, lack of interest rate, government policies and economic growth, disparities increased rental value and consumer preference, availability of vast un-surveyed land, lack of clear and proper real estate legislation, lack awareness on registration of title deeds, insecurity in land tenure and rights, lack of land value and tax policies, individual, family and community disputes, litigation, loss of lives and property, un-development, land rights, power structure and social status, lacks efficiency that will enhance land transfers, reduces values and cost of the land protection is high as the challenges posed by traditional land delineation to real estate investment opportunities.

The findings also reveal that indigenous land rights systems have suddenly evolved from systems of communal control towards individualized rights in response to increases in commercialization and population pressure. The study also shows that the incidence of land improvement and land yield provides limitations under indigenous law on the right to transfer land as a constraint of real estate investment. Land claims have intensified conflict, deepen social rifts making unique improvement when land rights are guaranteed, and in turn, their investment are enhanced using land as collateral as to obtain a loan from the investment.

The study thus recommends the need for a hybrid model which incorporates elements of the traditional land delineation practices with the modern methods of land delineation, thereby providing the incentives and the ability for the most appropriate way of strengthening the capacities dealing with challenges of traditional land delineation practices. The benefits of using GIS approaches are such that the plots when delineated have a global position that can be understood globally and not only by the natives. It opens up a new world of real estate transactions and dialogue over and above the current rather primitive and outdated system which poses challenges to the future development of Bonny LGA. It is important to develop and maintain a robust cadaster which will foster the meaningful development.

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