Nigeria Agricultural Policy Project

**Subnational Variation in Policy Implementation:
The Case of Nigerian Land Governance Reform**

By

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ABSTRACT

When and why do policymakers implement land governance reforms? We address this question by focusing on differential implementation of Systematic Land Tenure Regularization (SLTR) across six states in Nigeria. Although improved land governance has many long-term benefits, including developed property and housing markets, increased agricultural investment, and an expanded source of revenue, the short-term outcomes are less visible to citizens. In theory, this would create low political incentives for implementation among policymakers. In practice, we observe higher levels of implementation in some states compared to others despite almost universally low public demand for SLTR. To explain this puzzle, we use a structured comparative analysis that draws on interviews with more than 90 federal and state-level stakeholders in Cross River, Jigawa, Kaduna, Kano, Katsina, and Ondo states. We find that the collective presence of bureaucratic autonomy, diversity of donor funding, and continuity in state government administrations are more likely to explain where SLTR implementation has progressed the most.

TABLE OF CONTENTS

LIST OF TABLES

List of ACRONYMS

APC	All Progressive Congress (political party)
CfO	Certificate of Occupancy
CRGIA	Cross River Geographical Information Agency
DfID	Department for International Development (aid agency of the government of the United Kingdom)
GEMS3	Growth and Employment in States program (DfID funded)
GIS	Geographic Information System
KADLAPS	Kaduna Land and Property System
KANGIS	Kano Geographic Information System
LGA	Local Government Authority (sub-state administrative unit)
LP	Labor Party (political party)
LRB	Land Records Bureau
LUA	Land Use Act
PDP	People's Democratic Party (political party)
PTCLR	President's Technical Committee on Land Reform
SLTR	Systematic Land Tenure Regularization
SOLA	Solution for Open Land Administration

1. INTRODUCTION

When and why do policymakers implement land governance reforms? Land governance is a multi-faceted concept referring to a broad range of factors integral to efficiently and effectively managing land issues. Palmer et al. (2009: 9) define it as "the rules, processes, and structures through which decisions are made implemented and enforced, the way that competing interests in land are managed." Dale and McLaughlin (2000) highlight four key components of land governance including functions that span the juridical (e.g., registering, allocating, delimiting, demarcating), regulatory (e.g., developing and enforcing restrictions on land use and transfer), fiscal (e.g., valuating land and collecting taxes), and information management (e.g., maintaining information systems that help with implementing and enforcing regulations and resolving disputes).

In developing countries, land governance is extremely critical to improving agricultural productivity, attracting investment, and raising government revenue. In sub-Saharan Africa in particular, poor land governance systems have long been identified as a key reason for the region's paradox of high land availability and low agricultural productivity (Deininger et al. 2012). Consequently, African heads of state assented in 2009 to the African Union's Declaration on Land Issues and Challenges in Africa. In doing so, they committed to the following vision: "African governments will seek to develop land policies in a manner that is inclusive and responsive to the needs of all end users" (AU 2009). This in turn meant, among other things, improving laws and land rights delivery systems (e.g., demarcation, registration, and documentation of land rights).

However, motivating politicians to improve land governance is often difficult. At best, they may be reluctant to allocate scarce resources to what Mani and Mukand (2007) would characterize as a "low visibility public good" rather than to invest in more visible outputs, such as roads, schools, or clinics. The benefits of land governance reform may not be immediately visible to broad shares of the population, and the effects of such reforms on changing smallholder investment decisions typically only manifest in the long-term. As best, it is difficult to build large-scale support for such reforms among potential beneficiaries. At worse, land governance reforms may involve upsetting powerful interest groups, such as traditional authorities, who may fear that legal or administrative reforms will alter their responsibilities and status within local communities. Nonetheless, land governance reforms have been implemented to different degrees across the region, with countries such as Rwanda demonstrating impressive gains, while others have moved at a more glacial pace (Ali et al. 2016).

This paper focuses on Nigeria's commitment to land governance reform and particularly examines state-level variations in progress towards policy implementation between 2009 and 2016.

In Nigeria, only three percent of the vast land resources are formally registered (Adenjyi 2013; Birner and Okumo 2012). Absence of clear title to land prevents farmers from using land as collateral or investing in improvements to land quality, leading many to depend on depleted lands and to fear expropriation by the state (Deininger and Xia 2014; Phillip et al. 2009). Furthermore, a lack of clear title has implications for land valuation and raising tax revenue that could support government expenditures on broader public goods and services, a diversification away from oil as the primary source for raising domestic revenue, and less dependence by states on intergovernmental transfers (Adenjyi 2013; Byamugisha 2013; Suberu 2015). Poor land governance also contributes to geographically-concentrated conflicts in the country. These include longstanding disputes in the Niger Delta linked to environmental degradation caused by the oil industry and conflicts over grazing rights between farmers and pastoralists in the Middle Belt.

As a federal system, addressing these constraints through improved land governance requires ceding authority to the country's 36 states, which have been allocated sole rights over surface land management by the Constitution and the 1978 Land Use Act. Given these circumstances, a subset of states began to pursue a modality of Systematic Land Tenure Registration (SLTR) from 2012 onwards. This paper focuses on six states across three of the country's geo-political zones: Cross River, Jigawa, Kaduna, Kano, Katsina, and Ondo. Based on six dimensions, the progress of these states towards implementation of the SLTR between 2012 and 2016 varied substantially, with Kano demonstrating the most progress and Katsina showing the least.

Methodologically, the paper combines process-tracing and comparative analysis across the six states based on semi-structured interviews conducted with more than 90 stakeholders between July and October 2016. The findings show that three main factors were jointly critical to Kano's higher levels of implementation compared with the other states: diversity of donor funding, increased autonomy for land bureaucrats, and continuity of political administration across elections.

The following section reviews common hypotheses related to policy implementation. Subsequently, the Nigeria case is introduced with a background on land governance at the federal level as well as in the six states chosen for comparison. The progress of the states is assessed based on an index of implementation consisting of six components. A comparative analysis identifies the subset of variables that facilitate greater implementation progress. The final section concludes.

2.   WHAT DRIVES POLICY IMPLEMENTATION?

Implementation refers to the translation of public policy goals and commitments, whether verbal or written, into clear, concrete operating actions (Mazmanian and Sabatier 1989). Although gaps between policy formulation and implementation are common everywhere (Pülzl and Treib 2007), lackluster policy implementation is an especially common challenge in developing countries. As Grindle (1980) noted, developing country governments often make rhetorical commitments to tackle a range of needs, including nutrition, employment, education, and health, but often lack the human or fiscal resources to proceed with implementation. The problem of non-implementation can be even more pronounced when there are few, if any, coalitions for changing the status quo among the public, thereby minimizing political will for reform, especially in democratic settings. For instance, scholars have shown how the level of implementation of structural adjustment programs in Africa or Poverty Reduction Strategy Papers often substantially deviated from intended policy statements (van de Walle 2001; Whitfield 2010). As Andrews et al. (2017) argue, vast amounts of time and money are invested in developing policies, programs, and projects, which then flounder when it is time for developing country governments to implement them. The following section details four main hypotheses related to explaining policy implementation.

Advocates

A long stream of scholarship emphasizes the importance of advocates in driving policy change. Much of this scholarship centers around the interrelated concepts of policy champions, policy entrepreneurs, and advocacy coalitions. For Sabatier and Jenkins-Smith (1993), "advocacy coalitions" consist of actors with core beliefs, including common problem perceptions and causal assumptions, who try to coordinate their actions to influence change in a particular policy domain. They depend on a range of resources that can range from

financial resources, leadership skills, authority to make decisions, and their ability to mobilize supporters on their behalf (Jenkins-Smith et al. 2017).

Yet, advocates do not necessarily need to be part of a coalition. For instance, Kingdon (1995) introduced the notion of public entrepreneurs in his multiple streams framework. Namely, a window of opportunity for change emerges in the political sphere ("political stream") and there is a concurrent recognition that a problem exists requiring attention ("problem stream") as well as a solution that might possibly address the problem ("policy stream"). Yet, while such a window of opportunity is necessary for policy change, it is not sufficient. Instead, skilled public entrepreneurs are necessary to recognize and take advantage of this convergence. Such individuals "couple" these different streams and act not only as advocates of their own positions but also as power brokers between interest groups and decisionmakers. Not surprisingly, the most successful policy entrepreneurs are those that have greater access to policymakers, possess more resources, and can strategically couple the streams (Zahariadis 2007). Such entrepreneurs can include politicians, with elected positions in government; executives who hold appointed positions in government; bureaucrats; and those who operate outside of government (Roberts and King 1991). As Shiffman (2007: 800) notes, such entrepreneurs require specific skills: "they are knowledgeable about the issue, they are persistent, they have excellent coalition building skills, they articulate vision amid complexity, they have a credibility that facilitates the generation of resources, they generate commitment by appealing to important social values, they are aware of the critical challenges in their environments, they infuse colleagues and subordinates with a sense of mission, and they are strong in rhetorical skills."

Historically, much of the scholarship tends to emphasize the role that advocates play in driving the policy agenda. However, more recent work on policy champions, particularly in the developing world, tends to place a greater emphasis on their role in sustaining commitment to an issue and facilitating implementation, which can be particularly important if principal-agent problems are a concern. For instance, based on a review of achievements in the field of nutrition, Pelletier et al. (2012: 28) find that "high-level policy champions may be the only actors capable of generating *system-wide commitment* on the part of midlevel ministry officials and staff, and the managers and implementers at regional, municipal, and local levels." As the nutrition field has shown, champions may be especially important to implementation in domains where benefits may only materialize in the long-run and therefore, where large-scale citizen pressure for change is largely absent (Gillespie et al. 2013).

Bureaucratic Autonomy
The job of most types of policy implementation primarily falls to bureaucrats, both administrators and professionals, who have specialist experience within the sector or ministry that they work. Consequently, there is a high potential for principal-agent problems, whereby bureaucrats may deviate from the intended policy aims of their political principals (Dixit 2002). The root of this problem can be linked to bureaucratic discretion, which refers to the extent of freedom that can be exercised in a particular context (Evans 2010). Lipsky's (1980) seminal work on street-level bureaucrats illustrated clearly the range of discretions that may be available to frontline implementers. Viewed negatively, discretion can imply that bureaucrats pursue their own private goals, including leisure, budget maximization, or shirking, and thereby undermine policy effectiveness on the ground (e.g., Brehm and Gates 1999; Kiewiet and McCubbins 1991; Strom et al. 2003). As Ellerman (2005) notes, a fundamental assumption in this literature is that bureaucrats will not perform their implementation responsibilities without sufficient interference by, and oversight from, the policymakers whom they serve.

Yet, an equally important school of thought posits that if bureaucrats are committed to their profession and the mission of their agencies – individuals whom Wilson (1980) terms as "careerists" – then they are less likely to shirk from their implementation responsibilities. Grindle (1997) notes that strong, intrinsic motivation and organizational settings that create a culture and norm of hard work can reduce incentives to shirk. Tummers and Bekkers (2014) further note that discretion increases "client meaningfulness," or the perception of bureaucrats that a particular policy has value for the citizens they serve, increasing their motivation and their willingness to actually implement the policy. As such, much of the literature on bureaucratic autonomy is based on the notion that bureaucrats need to be given space to best implement policies according to their specialized knowledge and awareness of local conditions, without excessive interference by politicians or multiple principals (Evans 1995; Hammond and Knott 1996). Even in Nigeria, Rasul and Rogger (2015) find that autonomy provides bureaucrats with a greater sense of motivation and flexibility to respond to implementation challenges when they arise. Alternatively, efforts to interfere or question bureaucratic expertise or purpose can lead to their resistance or even subversion of policy implementation.

Since the organizational setting is important for shaping discretion and how it is used, there has been a clear trend in developing countries of shifting the organizational setting to encourage better performance. Along with performance contracts, this has involved the creation of delivery units and establishing executive agencies, or "agentification." However, these efforts may not only duplicate existing government structures but also rely on recruiting more educated and even diaspora staff who receive higher salaries and benefits. This can undermine the motivation within the civil service as the latter implicitly perceive that their role and expertise is increasingly irrelevant (Ngowi 2008). When new agencies must still rely, either for logistical, regulatory, or legislative reasons, on the involvement of these civil servants for implementation, then creating parallel structures can have unintended negative consequences for service delivery.

Donor Diversity
A *sine qua non* of many, though not all, types of policy implementation is the availability of the actual fiscal resources to do so.[1] Allocating resources to a policy in the budget is one indication of a commitment to implementation. However, the actual disbursement of resources is a more fundamental and reliable indicator given that governments can become distracted by crises or other policy priorities, leading to a diversion of budgeted resources.

In developing countries, where internally generated tax revenues may be low due to widespread poverty and unemployment, international aid donors are more likely to influence whether and how policies are designed and implemented. However, the weight of donor preferences depends on how aid-dependent the country is (Levitsky and Way 2006), how united donors may be in their policy objectives, and the modality through which the assistance is delivered.

Since the 2005 Paris Declaration, donors have consciously tried to avoid donor fragmentation, or the allocation of small shares of aid to a sector by many donors. Donor fragmentation is deemed to increase transaction costs, divert policymakers' time to meeting with dozens of donors rather than delivering services to citizens, and create more opportunities for corruption (Acharya et al. 2006; Djankov et al. 2009; Fengler

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[1] Reforms such as "stroke of the pen" policies, such as the devaluation of currency or lifting a ban on exports may require fewer fiscal resources than implementing a cash transfer program or subsidy policies.

and Kharas 2010; Knack and Smets 2012). Knack and Rahman (2007) further hypothesize that too many donors can allow for one or more to shirk on their commitment to the broad development objectives of the recipient country in favor of their donor-specific goals. Thus, members of the Organization for Economic Cooperation (OECD) agreed to increase cooperation and pursue a division of labor based on their comparative advantage in either a specific country or sector. This agreement was reaffirmed in both the 2008 Accra Agenda for Action and the 2011 Busan High Level Forum on Aid Effectiveness. Of the many principles of the Paris Declaration, harmonization is deemed to have been pursued most successfully by the donor community (Bigsten and Tengstam 2015).

Yet, donor multiplicity can also have a number of benefits. A basic benefit is that there may be more resources for policy implementation in a particular sector. Frot and Santiso (2010) also argue that reducing fragmentation can lead to donor monopolies on a sector or country. This lack of competition can undermine recipient governments' ability to negotiate and can lead to an ineffective distribution of aid that reflects one particular donor's preferences. Based on the case of Cambodia, Sato et al. (2011) suggest that the government welcomed more non-traditional donors as a way of exposure to new ideas and to funding for sectors in which existing donors did not specialize. With a focus on the health sector across 110 low and middle-income countries from 1990 to 2010, Han and Koenig-Archibugi (2015) find that child health outcomes have proved stronger where there have been a moderate number of donors, compared to too few or too many. This corresponds to Munro's (2005) observation that neither excessive fragmentation and dispersion nor excessive focus and specialization among donors is ideal as each engenders its own set of problems for policy implementation.

Institutional and partisan determinants of political will
Political will is oft-deemed a necessary condition for policy reform, ranging from fisheries management (Carbonetti et al. 2014) to legislative oversight (Pelizzo and Stapenhurst 2014) to prioritizing agriculture in Africa (Poulton et al. 2014). Conversely, a lack of political will is the residual explanation when the need for policy change is rhetorically acknowledged but substantive actions, including legislative, financial, or administrative reforms, are not forthcoming. In fact, a report by the World Bank cites "political will" as one of the top ingredients required for improved land governance in Africa (Byamugisha 2013: 66). Post et al. (2010: 659) adds greater clarity to this somewhat vague concept by defining political will as consisting of "a sufficient set of decision makers, with a common understanding of a particular problem on the formal agenda," who are "committed to supporting a commonly perceived, potentially effective policy solution."
This definition suggests that political will on its own is a vacuous explanation without identifying the range of secondary factors that shape that will. One of these factors is the institutional and regulatory setting, which determines who are the "sufficient set of decision makers" within a particular policy domain. This will vary across parliamentary and presidential systems, as well as between unitary and federal ones. In the latter case, constitutional provisions that delineate concurrent and nonconcurrent powers often indicate which political actors hold the ultimate "veto power" (Tsebelis 2002) in ensuring that implementation actually occurs.

A second consideration is a politician's main constituents for the policy. In democracies, politicians, whether presidents, governors, legislators, or mayors, typically are motivated most by whether their actions will have electoral pay-offs (Downs 1997). Clearly, issues that receive the most support from a broad range of constituents will receive the greatest priority, while broad opposition to a policy typically diminishes a politician's appetite for implementation. Visible public goods that promise impact over the short-term are

most likely to be favored for support than those that are more difficult to attribute to a politicians' actions or whose impacts may only manifest later. This relates to a third contributor to political will, which is the time-horizon of a politician. If time horizons are short and elections are looming, then low visibility public goods are less likely to be favored. Consequently, politicians are more likely to pursue genuine implementation of such policies early on in their terms.

Nonetheless, time horizons can be lengthened under two conditions. One is when politicians are not motivated by votes but rather by serving citizens or by policy (Canes-Wrone et al. 2001). In this way, the objective is to change policies that are perceived to be sub-optimal, regardless of the electoral consequences. A second, and not entirely mutually distinct condition, is when politicians have strong partisan commitment and are more concerned with their party's political legacy rather than their individual one. Fong et al. (2017) distinguish between hard and soft political legacies. The former refers to concrete changes that occur during a party's tenure, such as ending an international conflict or reducing the national debt. These legacies may be driven by the party's ideological orientation or party platform and campaign promises. Soft political legacies are the accumulation of government actions on the collective memory of the public, such as a public scandal that engenders broad distrust of the government. If politicians are concerned about their party's legacy, they may be more inclined to pursue the provision of much-needed but little demanded public goods, such as land governance reform.[2]

3.   LAND GOVERNANCE IN NIGERIA: SUBNATIONAL CONTEXT

Land governance constitutes a quintessential low visibility public good. According to Mani and Mukand (2007), the visibility of public goods is due to two aspects. One is the intrinsic characteristics of certain public good outcomes that makes their quality very difficult to discern. A second determinant of visibility is whether public good outcomes depend on a complex interaction of factors and actors that hinders attribution to any one overriding variable. In both cases, public goods with short-term outcomes are seen to be more "visible" than those whose benefits manifest over the longer term (Rogoff 1990). While land tenure reforms on their own may only benefit a narrow group of individuals through a re-distribution of land ownership, land governance reforms promise a wide array of public goods. These include updated cadastres, spatial data infrastructure, land registries, and an array of regulation that allows for valuing and taxing land and properties and facilitates land use planning. Yet, for everyday citizens in developing countries where land governance tends to be weakest, land governance is a complex and intangible concept. Potential benefits in terms of improved agricultural productivity, reduced conflict, and increased revenue collection may only manifest over many years. Moreover, there are short-term costs, including regular payments of property taxes once land titles are registered.

For a variety of reasons, land governance has long been viewed as a major hindrance to Nigeria's growth and development potential (Ghebru et al. 2014; Resnick and Okumo 2016). The country's late president, Yar A'dua, made land governance reform one of his priorities in his 2007 Seven Point Agenda election campaign, noting that agricultural growth, food security, and economic modernization were largely intertwined with the country's inappropriate land laws. After being elected, he worked on two fronts. First, he attempted to amend the controversial Land Use Act (LUA), which had been passed in 1978 under a military government. The

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[2] Indeed, Rwanda's successful implementation of land governance reforms may be linked to the longer time horizons of its president, who can serve in his current role until 2034.

LUA essentially nationalized land ownership and accorded governors with the right to issue rights of statutory occupancy (but not ownership) to citizens. The LUA broadly is seen to have been abused by governors, who charge high fees for their signatures on certificates of occupancy (CfO) and who can revoke the right of occupancy at any time, therefore increasing the vulnerability of tenants (Adeniyi 2013; Mabogunje 2010). In doing so, they deter many from ever applying for individualized land tenure (Adeniyi 2013).

Secondly, in 2009, Yar A'dua established a nine-person President's Technical Committee on Land Reform (PTCLR), which was, among other responsibilities, charged with advising the government on a plan for registering landholdings (Ghebru et al. 2014). Sporadic titling has been the main approach for registering landholdings, meaning landholdings are only registered when an individual specifically requests a title. Yet, due to disincentives created by the LUA, only approximately three percent of land in Nigeria is registered with a CfO (Ghebru et al. 2014).

Consequently, many governors lack accurate information about the distribution and ownership of lands within their states. To correct this, the PTCLR recommended that a systematic land titling and registration (SLTR) approach be adopted in Nigeria after witnessing the success of this approach in countries such as Rwanda, South Africa, and Thailand.

SLTR involves verifying parcel use and boundary demarcations in a systematic manner so as to build a registry database of the distribution of ownership, rights, and boundaries of land parcels for the country. Dispute mechanisms are built-in ex-ante, because owners are confirmed via engagement with neighbors and community leaders are brought in to resolve problems when they emerge[3]. The intention is to ensure that no parcel is left without an identified owner (Ukaejiofo and Nnaemeka 2014). Using Continuously Operating Reference Stations to provide precise spatial positions, coordinates of the land are confirmed, then titled and registered. The approach requires using general boundaries, defined by natural features, rather than fixed boundaries that are measured more precisely by surveyors. As a result, the approach is less expensive and less timely than the more sporadic approach (e.g., Hanstad 1998; Zevenbergen 2004).

Since 2009, several Nigeria's 36 states have expressed interest in SLTR. Yet, actual implementation of the steps needed to roll out SLTR has varied considerably. We analyze variation in SLTR implementation sub-nationally in Nigeria. A subnational perspective on land governance reform is valuable for at least three reasons. First, as Snyder (2001) notes, subnational comparisons are more valid for processes that have heterogeneous impacts across geographies, and they allow for exploring the interconnections among different levels of a particular political system. Secondly, cross-country analyses are often hindered by the variation in land governance modalities that are pursued. For instance, while Nigeria along with Ethiopia and Rwanda have experimented with SLTR, other countries have pursued communal land demarcation and registration (e.g., Ghana, Mozambique, and Tanzania) or rural land use plans (e.g., Benin, Burkina Faso, and Côte d'Ivoire) (Byamugisha 2013). Moreover, one of our main independent variables discussed above, political will, can vary substantially depending on the regime type of the country – concerns over re-election and public opinion play a stronger role in shaping political will in democratic contexts than in more authoritarian ones. Third and more pragmatically, authority over surface land is deemed a non-concurrent power of the states in Nigeria,

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[3] Representative of the National Land Transparency Initiative, Abuja, Nigeria.

meaning that the states, rather than the federal government, theoretically have administrative autonomy to decide on land governance options (Resnick and Okumo 2016).

We focus on six states that span three of the country's geo-political zones, namely the South-South, South-West, and the North-West regions, as well as both forest and savannah agro-ecological zones[4]. The states also span a variety of land tenure systems. By drawing on interviews with more than 90 stakeholders (government, donor, traditional leaders, private sector, and civil society) between July and October 2016, we are able to use a structured subnational comparative method to uncover the main drivers of implementation across these six states.

4. ASSESSING IMPLEMENTATION PROGRESS ON SYSTEMATIC LAND TENURE REGULARIZATION

Undoubtedly, SLTR can address some major challenges in each of these states. For instance, in Jigawa state, the arrival of a number of investors was leading to massive land acquisitions, and displaced farmers were given minimal compensation because they had no official title to their land.[5] In Cross River state, there is a massive housing deficit problem that could be alleviated if formal land titles were granted to de-facto owners and could be sold to housing property developers.[6] In Kano, traditional authorities belonging to the Emirate Council devote a large portion of their time adjudicating land disputes, especially as lands have been continually, but informally, sub-divided over time.[7] In Ondo, land disputes are a common challenge; as the Oba, or chief, of the Akure LGA observes, "I have only been on the throne for two years, but I can tell you the major challenge is land disputes and citizens' complaints against the governor on non-compensation payment."[8]

Despite a broad need for reform across all six states, progress at implementation has unfolded to very different degrees. Table 4.1 provides a summary of six indicators for assessing the implementation status of SLTR thus far based on the semi-structured interviews. Higher levels of SLTR implementation are measured by whether a state has established the requisite technological and spatial data infrastructure, proceeded with the functional titling and uptake of CfOs, and demonstrated financial commitment by integrating SLTR into the state budget and actually disbursing fiscal resources towards it.

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[4] The three remaining zones not examined in this study are the South-East, North-Central, and North-East regions.
[5] Interview with the Director of Lands, Jigawa State.
[6] Despite the benefits of SLTR, there are some additional complications in Cross River State. Historically, it was an administrative state like the Federal Capital Territory of Abuja, and therefore experienced a great deal of inward migration. Consequently, a landlord-tenant (lessor-lessee) relationship has persisted in certain areas whereby traditional settlers lease lands to newly arrived migrants who in turn build permanent structures on the land. This causes confusion over who exactly should receive a land title.
[7] Interview with the Secretary to District Representative of Emirate Council, Fagge LGA, Kano State.
[8] Interview with His Royal Majesty Oba Aladetoyinbo Ogunlusi, Abure LGA, Ondo State.

Table 4.1. Status of Systematic Land Tenure Regularization implementation across select Nigerian states

Indicators of implementation	Cross River	Jigawa	Kaduna	Kano	Katsina	Ondo
GIS set up	Yes	Partially	Yes	Yes	No	No
Land records digitized	Yes	Partially	Yes	Yes	No	Yes
Certificates of Occupancy titled	Yes	Yes	Yes	Yes	No	Yes
Certificates of Occupancy issued	Yes	Yes	No	Yes	No	No[b]
Budget line for SLTR	Yes	Yes	No	Yes	No	No
Continued cash release for SLTR	No	Yes	No	Yes	No	No
SLTR still ongoing? [a]	Partially	Yes	No	Yes	No	No

Notes: [a] As of December 2016.
[b] Only three CfOs were issued in Ondo.

The table reveals that Kano and Jigawa have proceeded the furthest, followed by Cross River state. As one donor observed, "Kano is in the lead in Nigeria when it comes to SLTR implementation – this is manifested in the total number of CfOs produced, the awareness created, and the political buy-in by the State Government, you can also look at the capacity built and training for the staff as real-time achievements."[9] However, Kaduna, Ondo, and especially Katsina have faltered. Below, we explain these characterizations in more detail.

Cross River

Land administration in Cross River State historically until 2008 was a time-intensive and costly process that depended entirely on manual inputs and paper documents. Registration would take up to four years and cost upwards of $2000, creating a major disincentive (ThomsonReuters 2014). However, in mid-2009, Cross River was delisted by the Revenue Mobilization, Allocation, and Fiscal Commission as an oil producing state, which created the main impetus for improved land governance.[10] The delisting resulted in reduced financial allocations from the federal government. This revenue shortfall was a major impetus for Governor Liyel Imoke's modernization plan, which relied on bolstering investment and tax revenue by revamping land administration.

In the same year, the Cross River government initiated a Geographic Information System (GIS) to improve the collection of information by government stakeholders and facilitate information sharing by departments of land, surveys, and town planning. Funded entirely by the Cross River State government to the sum of approximately USD 6 million, this was transformed into the Cross River Geographical Information Agency (CRGIA) in 2012 (Edmead 2014). The CRGIA is an independent parastatal agency, that enables citizens to access land-related information and to conduct land transactions either online or in person. By streamlining the administrative processes, the intention was to both facilitate land planning and encourage more citizens to register land, thereby increasing tax revenues going to the state since ground rents are charged on all title

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[9] Interview with GEMS3 SLTR Advisor.
[10] Two events precipitated this decision. First, the International Court of Justice declared that the oil rich Bakassi Peninsula belonged to Cameroon. Secondly, the National Boundary Commission decided that the 67 oil wells that were in dispute between Cross River and Akwa Ibom states belonged to the latter.

properties (Edmead et al. 2013). The idea for the CRGIA was inspired by similar models in Lagos and Abuja states.

Starting in 2012, the Department for International Development's (DfID) Growth and Employment in States program in Nigeria, known as GEMS3, approached the Cross River government about the benefits of SLTR.[11] The SLTR approach was appealing because, even with the CRGIA, registering land still was cumbersome for citizens because, among other things, they needed to hire a private surveyor or lawyer, which added an additional 10 percent to the cost of the plot (Edmead et al. 2013). The idea was supported by the Surveyor-General for the state, as well as the governor and the Commissioner of Special Projects. Yet, while about 2,500 CfOs were titled and issued during the pilot stage of SLTR, the project has come to a halt. Although SLTR continues to be a budget item for Cross River state, there has not been any cash release for the project since early 2015.[12]

Jigawa

Jigawa was carved out of Kano state in 1991 and, as at the national level, only three percent of the state's surface land is formally registered.[13] Secure land titles were part of the state government's Comprehensive Development Framework to attract agribusiness investors, empower rural farmers, and raise revenue through fee charges.[14] In particular, the state government had pursued a policy of cluster farming to increase agricultural productivity, and this requires a clear demarcation of landholdings and the granting of titles that enable farmers to borrow money.

Unlike in Kano or Ondo, the PTCLR did not initially approach the state governor of the time, Sule Lamido, about SLTR. Instead, DfID/GEMS3 approached the governor about pursuing SLTR in 2013, using the success of the pilot program in Kano as a major motivation.[15] Civil servants in the Ministry of Lands, particularly the Permanent Secretary, were supportive, because many had come from the same ministry in Kano and therefore could see the transferability of the approach across states – the enthusiasm of the ministry was a key factor in convincing Governor Lamido about the value of SLTR. Interest by the Nigerian cement billionaire, Aliko Dangote, in investing in rice processing plants and sugar production in Jigawa created an additional impetus for considering alternative modes of land registration (Dangida 2015; Nsehe 2014).

After a long period of planning with GEMS3, SLTR began in March 2014 and was initially rolled out to one local government area (LGA), Dutse, and two rural wards before being expanded to five other LGAs (Ringim, Gumel, Birni Kudu, Hadeja, and Kazaure). As of 2016, there was no GIS office, and existing land records have only been partially digitized. A system known as JIGLIS automated manual records within the deeds registry for sporadic titling. A different program designed by the Food and Agriculture Organization (FAO) and known as the Solution for Open Land Administration (SOLA) system was used by GEMS3 for managing SLTR records. Yet, the two systems had not been integrated at the time of writing.

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[11] GEMS3 focuses specifically on improving the business enabling environment to facilitate doing business in Nigeria. Key areas of intervention include the tax system, land administration, and investment constraints. The program began in 2012 and expected to end in 2017 (Ecorys et al. 2017).
[12] Interview with DfID/GEMS3 representative, Cross River.
[13] Interview with Director of Land Deeds, Jigawa State.
[14] Interview with acting Permanent Secretary, Jigawa State.
[15] Interview with acting Permanent Secretary, Jigawa State.

The program, moreover, has had low uptake of CfOs in rural areas because SLTR occurred outside the harvest period and therefore, few farmers had money to purchase their CfO for their land. Of the 3,500 CfOs issued in the first year, less than 20 percent were collected. As such, there were plans to pivot to urban areas where residents may have a greater ability and willingness to pay for the CfOs. The new Governor, Badaru Abubakar, approved a budget line of N250 million for the Ministry of Lands to expand SLTR to urban areas in 2016.

Kaduna

As in other states, a general motivation for SLTR in Kaduna state was to improve revenue generation through land certification. As such, the government began in 2008 digitizing all existing title documents and records of the state through the Kaduna Land and Property System (KADLAPS) with the support of a private firm. In 2009, under the newly elected governor Arc Namadi Sambo, the Millennium City Master Plan was drafted which foresaw the development of a massive shopping, transport, and housing development. Towards this end, the government also began pursuing the services of another consultancy company to establish a GIS system, known as Kaduna GIS (KGIS), which was modeled after Abuja's GIS system.

In 2012, GEMS3 became a major supporter of KADLAPS and introduced SLTR to the government. Despite initial resistance by the Ministry of Lands, a presentation by GEMS3 to the state governor in early 2013 compelled the Ministry to proceed. Although approximately 4,600 CfOs were titled in the period up to end of 2016, no CfOs were ever issued to the public.[16]

Kano

In Kano, generating greater internal revenue was one motivation for improved land governance. Another was that a number of land owners, particularly civil servants who benefitted from government housing estates built in the early 1970s, paid their leases in full but did not possess a CfO.[17] In 2009, the Ministry of Lands therefore drafted a plan towards improved governance that was partially motivated by the need to establish a land regularization unit to grant titles to land owners. The state's Commissioner for Land at that time was the former Surveyor General for Nigeria, and he was strongly committed to modernizing land governance in the state.[18] Around the same time, the Ministry also established a one-stop shop to handle the conversion of Rights of Occupancy to CfOs. In 2012, a separate agency, called the Kano Geographic Information System (KANGIS) was established to, among other things, replace old CfOs with a modern, automated system, digitize land records, and manage geospatial databases of Kano state.

GEMS3, which was already working in Kano State on tax and investment issues, partnered with the PTCLR to approach Governor Rabiu Kwankaso about SLTR in 2012.[19] The PTCLR saw Kano as fulfilling one of its criteria for state selection, which was variation in geopolitical and topographical conditions.[20] The Commissioner for Lands was also a member of the PTCLR, and he encouraged the committee that Kano might be a viable state for piloting SLTR.[21] After two years of negotiations, a memorandum of understanding to begin SLTR implementation was signed in 2014 for a pilot in two LGAs, Dala and Nasarwa.[22] Around the

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[16] Interview with Director of Lands, Ministry of Lands, Survey, and Country Planning, Kaduna State.
[17] Interview with Director of KANGIS, Kano State.
[18] Ibid.
[19] GEMS3 SLTR advisor.
[20] Interview with Director of KANGIS, Kano State.
[21] Interview with Director of KANGIS, Kano State.
[22] Interview with Director of Land Services, Ministry of Lands, Kano State.

same time, the FAO helped establish the SOLA system to improve the issuing of CfOs.[23] The pilot resulted in the issuing of about 5,100 CfOs by the end of 2014. With the release of an additional GBP 3 million from DfID to GEMS3, the pilot was expanded to three additional LGAs (Tarauni, Fagge, and Ungogo) with the purpose of titling lands for Agro-Allied Industries.

By the end of 2016, 40,000 CfOs were issued, and the Government planned to cover all 44 LGAs in the state.[24] This has been aided by the governor's decision to delegate authority for signing the CfOs from himself to the Commissioner of Lands. Moreover, instead of the governor needing to sign in person, the provision of a signature machine by GEMS3 enabled the volume of CfOs issued to be increased.[25] Of the 40,000 CfOs issued, approximately 10,000 were collected. This may be because the fee, pegged at N5,000 (about USD 13.9) for the CfO, may still be too high for poorer residents, even though it is much lower than it was previously.[26] In addition, traditional authorities suspect that some residents are averse to collecting their CfOs as they fear paying taxes on land to which they now hold an official title.[27]

Katsina
Katsina's implementation of SLTR is the least well-established, even though the benefits of it are well-recognized by government stakeholders. Specifically, land titling remains very expensive and out of reach of many of the poor, costing between N120,000 to N200,000 Naira (approximately USD 333 to 555).[28] Large scale land acquisitions are common, but the state continues to lack a clearly defined land policy.[29] The state largely continues to use a manual system of data processing and record keeping. Although FAO introduced its SOLA software to the state in 2015 and helped digitize about 500 existing CfOs, the assistance ended after a year without sufficient capacity development. As such, the Ministry of Lands, Housing, and Environment has returned to its original manual system of record keeping.[30] At the time of fieldwork, no GIS office had yet been established. Despite GEMS3 visiting the state to introduce SLTR, and visits by Ministry staff to neighboring Kano and Jigawa, the project never progressed beyond the discussion stage.

Ondo
Ondo was the first state to accept the PTCLR's proposal to pilot SLTR, followed by Kano. Reform of land administration was badly needed in the state, which had issued only 7,600 CfOs between 1976 and 2012. The main impetus for reform came from Governor Olusegun Mimiko, who was elected in 2009. As the former Minister of Lands, Housing, and Urban Development at the federal level, Mimiko recognized the importance of sound land administration for economic development. Thus, soon after being elected, he launched his 12-point "A CARING HEART" agenda whereby the last "A" represented "aggressive capitalization of land resources."[31] In doing so, Governor Mimiko created the Land Record Bureau (LRB) and transformed the erstwhile Ministry of Lands into the Ministry of Works and Housing.

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[23] Interview with GEMS3 Team Leader.
[24] Interview with Director of KANGIS, Kano State.
[25] Ibid.
[26] Ibid.
[27] Interview with the Secretary to District Representative of Emirate Council, Fagge LGA, Kano State.
[28] Interview with Deputy Surveyor General, Katsina State.
[29] Ibid.
[30] Interview with Director of Deeds, Ministry of Lands, Katsina State.
[31] Interview with Director General of the Land Records Bureau, Ondo State.

The PTCLR and the Ondo State Government signed an initial Memorandum of Understanding for a pilot period of six months during which the PTCLR, through GEMS3 support, would provide infrastructure, equipment, training, information and education materials, and some stipends to field staff as an additional motivation for a period of three months. The government, in turn, was responsible for providing offices and staff in the selected LGAs. A consulting company supported by FAO was involved in customizing the SOLA software within the LRB for sporadic land titling and developing a web interface for online applications and title searches.[32]

SLTR officially began in Akure South LGA in 2012 and continued in Ifedore and Akure North the following year. Over this period, 14,000 land records were titled, but the data collected in the field could not be converted into CfOs and ultimately, only 3 were actually issued.[33] Although the LRB had a budget of approximately N100 million for 2016, none of this money was specifically earmarked for SLTR.[34] This has led government officials involved in SLTR to note that the "project is in a coma" and that "SLTR is totally dead."[35]

5.   EXPLAINING DIFFERENTIAL IMPLEMENTATION OF SLTR

As seen in Table 4.2, SLTR preparations started approximately around the same year in each state, which leads us to discard the possibility that implementation is simply higher where the pursuit of SLTR occurred earlier. Moreover, the different levels of SLTR implementation that were discussed cannot be attributed to higher levels of public demand in some states than others. Indeed, a common trend across all the states has been relatively low uptake of CfOs even when they are issued, suggesting that SLTR has created the supply of a good for which high levels of demand have yet to be generated.

Table 4.2. Overview of Systematic Land Tenure Regularization by state

Indicator	Cross River	Jigawa	Kaduna	Kano	Katsina	Ondo
Year SLTR started	2013	2014	2013	2014	N/A	2012
Budgeted amount devoted to SLTR, 2016	N 30 million	N250 million	Not applicable	N 140 million	none	N100 million for Land Records Bureau
Number of CfOs issued	2,500	3,500	0	40,000	N/A	3
Number of CfOs collected	Not known	Less than 20 percent	0	10,000	N/A	Not known
Cost of CfOs	Not known	N 4,000	N 4,000	N 5,000	N/A	N25,000 in urban, N20,000 in peri-urban, and N15,000 in rural areas

Sources: Fieldwork interviews

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[32] Interview with Fifth World Inc, Ondo State.
[33] Interviews with Director of Lands, Director of Deeds, and the Surveyor General, LRB, Ondo State.
[34] Interview with Director of Lands, LRB, Ondo State.
[35] Interviews with the Surveyor General and Director of Lands, LRB, Ondo State.

In Cross River state, key civil society organizations focused on land governance, rural development, and environmental protection. Major real estate companies claimed they had never heard of SLTR and therefore could not assess its benefits.[36] A similar observation was made during interviews with civil society groups in Jigawa state.[37] In Ondo state, real estate developers were unaware of SLTR, but also acknowledged they have minimal lobbying power with the government and, therefore, would not have been able to influence SLTR implementation even if they understood the project.[38]

This is not to deny that sensitization campaigns by the PTCLR, GEMS3, and various state governments occurred with the public to create awareness of SLTR. However, in many cases, sensitization campaigns were targeted at traditional authorities (Obong, Oba, or Emirate Council). In places such as Kano and Jigawa, only citizens in the those LGAs where the pilot SLTR was being rolled out were targeted for information dissemination, rather than state residents at large.[39] In other words, instead of creating a broad public demand for policy implementation, the various donors and government actors focused on gaining public acceptance of a policy decision that was already made.

In addition, advocates have played an undeniably important role in advancing SLTR, but this has occurred haphazardly and mainly succeeded at getting SLTR on the government's agenda rather than with respect to implementation. Notably, the PTCLR has proven neither necessary nor sufficient. Cross River proceeded with SLTR implementation in the absence of pressure from the PTCLR. At the same time, Ondo was heavily influenced by the PTCLR but, implementation appears to have stalled there. The main reason is that the PTCLR lacks some of the key characteristics discussed earlier that make advocates more successful. Most notable is a lack of resources, since the PTCLR is a committee and not a commission and, therefore, does not have a defined budget to serve as a strong lobbying and technical body for SLTR.[40] Even if it was transformed into a commission with sufficient resources, it would still lack legitimacy since it is as a federally-created body. This characteristic creates suspicion among state-level policymakers who view control over surface land governance as one of their few exclusive powers. As one respondent noted, "I think it will be a disaster – the federal Government does not have land – the federal government cannot create a commission to manage what they don't have… Creating a commission is only a signal to the state governors that the federal government intends to expend federal control over state land as well."[41]

Nonetheless, advocates and policy champions have been critical to SLTR early in the policy process. This includes Governor Mimiko of Ondo state who had been the former federal Minister of Lands, Kano's Commissioner of Lands who had once been the Surveyor General for Nigeria, and the Surveyor General of Cross River state. Notably, though, as observed most clearly in Ondo, while such champions were critical to getting land governance and SLTR onto the policy agenda, they could not always ensure its implementation. This is particularly true as gubernatorial elections in 2015 led to a change of governors in most states and a

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[36] Interviews with Organization for Rural and Community Development, Rainforest Resources and Development Center, Green Concern for Development, and Petrobara International, Cross River State.

[37] Interviews with Access to Justice Programme, and Peace Initiative of Nigeria, Jigawa state.

[38] Interviews with Miczab Venture Property, Musi-Bello and Associate Property and Real Estate, and Perfectwall Facility and Property Managers, Ondo State.

[39] Interviews with the Secretary to District Representative of Emirate Council, Fagge LGA, Kano State, and District/Village/Ward Heads for Emirate Council, Jigawa state.

[40] Interview with Director of Lands & Housing Development, Federal Ministry of power, Works, and Housing, Abuja.

[41] Interview with the Director of the Lands Bureau, Ondo State.

disruption in momentum around SLTR in those states where interest and resources had begun to be mobilized.

Similarly, while political will and legacy concerns are certainly key for SLTR implementation, they are not necessarily shaped by partisan affinities. As seen in Table 4.3, the party of the governor who initiated the SLTR remained the same in three of the states after the 2015 elections: Cross River, Kano, and Ondo. In Kano, there was not only a continuation of party but also a continuation in administration since the new Governor, Danguje, had been the deputy of the previous Governor, Kwankwaso, since 2011. In this way, the momentum that had started under Kwankwaso could proceed uninterrupted, indicated by Danguje's interest in expanding SLTR: "There was no change in political party, which was good for continuity- the deputy Governor became the Governor. The current Governor wants SLTR to be implemented in all 44 LGAs."[42]

Table 4.3. Assessing key potential drivers of Systematic Land Tenure Regularization by state

Potential driver	Cross River	Jigawa	Kaduna	Kano	Katsina	Ondo
PTCLR initial advocate?	No	No	No	Yes	No	Yes
Existing land governance reforms before?	CRGIA	No	KADLAPS	Regularization Unit	No	No
High level policy champions?	Surveyor General of State, who is a member of Surveyors Council of Nigeria (SURCON)	Civil Servants in Ministry of Lands	None	Commissioner of Lands, who was previous Surveyor General of Nigeria	None	Former Governor Mimiko
Donors	DfID	DfID	DfID	DfID and European Union	FAO	DfID
Internally generated revenue as percentage share of expenditures (2015-2016)a	12	9	15	23	7	9
Governor (party) under start of SLTR	Liyel Imoke (PDP)	Sule Lamido (PDP)	Mukhtar Ramalan Yero (PDP)	Rabiu Kwankwaso (APC)a	Ibrahim Shema (PDP)	Olusegun Mimiko (LP/PDP)
Governor (party) after 2015 elections	Benedict Ayade (PDP)	Alhaji Badaru Abubakar (APC)	Mallam Nasir El-Rufai (APC)	Umar Danguje (APC)	Aminu Masari (APC)	Olusegun Mimiko (PDP)b
Bureaucratic interference and autonomy	SLTR implement-ation ceded to the new CRGIA rather than to the Ministry of Lands	Ministry of Lands, Housing, Urban Development & Regional Planning was the primary partner	Ministry of Lands dissolved and became a department within the Governor's Office	KANGIS originally run by consult-ants and headed by political appointment with poor coordination	NA	New Land Records Bureau established and initially overseen by consultants, instead of civil servants from former Ministry of Lands

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[42] Interview with GEMS3 Team Leader, Kano State.

		for implementation. Cross-ministerial committee established for coordination		with the Ministry. In 2015, consultants removed and better integration with Ministry of Lands		

Sources: Fieldwork interviews
Notes: PTCLR – President's Technical Committee on Land Reform; CRGIA – Cross River Geographical Information Agency; KADLAPS – Kaduna Land and Property System; APC – All Progressive Congress; PDP – People's Democratic Party; LP – Labor Party; KANGIS – Kano Geographic Information System.
a Calculated from the Nigerian Bureau of Statistics and http://yourbudgit.com/data/state/.
b Governor Kwankaso was originally elected on the PDP ticket but defected soon thereafter to the APC and was affiliated with that party when SLTR began.
c Elections in Ondo state did not occur until 2016.

Yet, the same correlations were not present elsewhere. In Cross River, Ben Ayade's electoral victory was initially challenged in court, creating a distraction for policy implementation. As one observer noted, there is a huge difference in political will and commitment to land governance reform as a result of changes in political administration. The Governor, whose electoral mandate is being challenged by the opposition party and other candidates in same party alike in the court, is not disposed to spending funds on less visible projects like SLTR and there are no champions, opinion leaders or lobbyist in his cabinet that strictly favors SLTR. As an implication since his assumption of power in May 2015, even when SLTR is a budget item, there has not been a single financial release.[43]

In Ondo, where gubernatorial elections did not occur in 2015, the incumbent, Mimiko, remained in office but, as discussed earlier, the SLTR nonetheless faltered. Collectively, this suggests that while not sufficient on its own, continuity of reform-minded government administrations is more likely to sustain long-term projects and minimize implementation delays than where electoral turnover occurs.

The exception is where turnover has resulted in a state government with even more enthusiasm than its predecessors. On the one hand, the switch from the PDP to the APC in Kaduna after the 2015 elections did halt progress because of reconsiderations of SLTR design modalities. For instance, the new governor, El-Rufai, decided to bring in different technical consultants and increase the price of CfOs, the latter of which is viewed as reason why none of the 4,600 CfOs that were titled were ever actually issued.[44] On the other hand, while the change in government in Jigawa did create a delay in SLTR, GEMS3 and the Ministry of Lands invested time in showing the new governor and his cabinet the benefits of the approach. Consequently, one observer notes,

Yes, there is a huge positive difference in political will and commitment to land governance reform as a result of changes in political administration. There was a change in political party in the state – the opposition party

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[43] Interview with GEMS3 State Project Manager, Cross River State.
[44] Interview with Director of Lands, Ministry of Lands, Survey and Country Planning, Kaduna State.

now becomes the ruling party. From the trend, it would have impossible for continuity with SLTR programme, but after a series of engagement it turned out this government is more committed and supportive of SLTR implementation. SLTR has been made a line item in the budget with funds allocated for 2016 and 2017, respectively."[45]

In addition to continuity in government administration, bureaucratic autonomy and preferences were respected more in Kano and Jigawa than in the states with poorer records of implementation. In those states where land ministries were closely involved with SLTR design and implementation, civil servants were less likely to feel that their mandates or technical expertise were being dismissed. This ultimately has important implications for the sustainability and institutionalization of SLTR within the states.

Specifically, in Jigawa, interviewees noted that they had a "strong" and "cordial" relationship with GEMS3 throughout the SLTR cycle.[46] The Director of Lands within the Ministry reviews the accuracy of the data collected through the field surveys conducted by the GEMS3 field teams, the Surveyor General approves the parcel plans, and the Deed Registry issues the CfOs. These are then forwarded to the Commissioner of Lands and the Governor for approval. In addition, a cross-ministerial committee was established between the Ministries of Lands, Agriculture and Rural Development, Environment, Women's Affairs, Budget and Planning, the Emirate Council, and GEMS3 to discuss activities, agree on forthcoming workplans, and design a budget to support SLTR.[47] In Kano, there initially were conflicts of interest between the Ministry of Lands and the director of KANGIS, who was a politically appointed consultant. This hindered integration between the two units, which otherwise need to work together for the SLTR process to work. In 2015, a harmonization committee was established among all the affected ministries to examine how to improve bottlenecks in the system and as a result, the KANGIS consultants were removed and a ministry bureaucrat was appointed as its director. According to the Director within the Ministry of Lands, "We are working together with well-defined roles and responsibilities. We now have a new road map to automate the workflow of land titling and registration in Kano---the Ministry carries out the administration function of land tenure, while KANGIS is responsible for quality checking and printing of the CfOs before the Commissioner completes the circle by approving and signing of the CfOs."[48]

By contrast, in Cross River State, technocrats in the Ministry were excluded from the SLTR planning process, and they viewed the newly established CRGIA, largely staffed by technical private sector consultants, as usurping their traditional functions.[49] Likewise, perhaps due to high level commitment by the Governor in Ondo to land governance reform, he and his cabinet decided to create a new, high profile entity, the LRB. This was done without consulting the existing Ministry of Lands, and it was initially staffed with consultants rather than civil servants.[50] As such, the Ministry of Lands was largely excluded from initial planning between the GEMS3 SLTR field teams and the LRB: "The Ministry of Land was left out until they found out that the credibility and knowledge lies within the traditional ministry civil servants."[51] By this time though, the consultants had predominantly received training on operationalizing the SOLA software for SLTR rather than

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[45] GEMS3 Project Team Leader, Jigawa State.
[46] Interviews with the Director Lands, Director of Deeds, and Surveyor General, Jigawa state.
[47] Interview with the Director of Lands, Ministry of Lands, Jigawa state.
[48] Interview with the Director of Lands, Ministry of Lands, Kano state.
[49] Interview with Permanent Secretary, Ministry of Lands, Cross River State.
[50] Surveyor General, Ondo State.
[51] Interview with the Director of Deeds, LRB, Ondo State.

the civil servants. When a decline in oil prices prevented the Ondo government from contributing its agreed financial share to SLTR as per its MoU, GEMS3 stopped its support to SLTR, and the bureaucrats from the Ministry who were ultimately integrated into LRB did not receive the needed software training.[52] In addition, the collected land ownership data from the field was then never transformed into the needed CfOs. In Kaduna state, the Ministry of Lands was subsumed as a department within the Office of the Governor, which severely undermined bureaucratic autonomy: "His Excellency controls everything, he has awarded the contract of land administration to private consultants with an Executive Director to head the Ministry – in short, the Ministry can be seen as privatized."[53]

Ultimately, SLTR is a very capital intensive, costly, and long-term investment. No state would have pursued it at all without being introduced to it by the donor community and receiving some donor funding. To ensure sustainability, GEMS3 largely required a commitment of resources from the state government before pursuing an MoU and where this was not possible, such as in Katsina state, SLTR never took off at all. The one year of support by FAO for the SOLA training in Katsina was largely stopped. Likewise, in Ondo, the inability of the government to continue supporting the initiative halted implementation. However, Kano state, with the largest population and highest internally generated revenue of the six states, has shown the most impressive implementation (Table 1). Moreover, it is the only one of the six states to have gained support from not just DfID through GEMS3 but also GBP 3 million from the European Union. This has contributed to paying the salaries of all the SLTR field staff and other logistics/procurement needed for the project. As one donor observers, "Kano has benefitted more than every other state when it comes to donor funding."[54] In other words, donor diversity rather than a donor monopoly provided Kano with additional resources to ensure the program could be scaled up.

6.   IMPLICATIONS FOR INVESTMENT PRIORITIES AND PROGRAM DESIGN FOR IMPROVED NUTRITION

The qualitative, comparative analysis presented in this paper tested four hypotheses related to differential implementation of one particular land governance reform, the SLTR. By using general boundaries instead of fixed boundaries, the process of SLTR can improve the pace of issuing land titles while also reducing the cost. The accompanying innovations with GIS and land digitization can enable governments to move away from fragile manual, paper-based systems and gain a better understanding of land ownership and distribution. There are many long-term benefits of implementing SLTR, from raising agricultural productivity by providing secure tenure, addressing housing shortages through property development, and augmenting internally generated revenue for service delivery from tax payments on land.

Nonetheless, demand for SLTR is rarely driven by the potential beneficiaries, which raises a question as to when and why governments pursue such a reform. The case studies presented here provide evidence that three collective factors are more likely to explain why some states have proceeded further with implementation than others. One includes respect for bureaucratic autonomy and expertise within Ministries of Land. Even if internal capacity is low, creating new agencies or ceding functions to consultants undermines the long-term sustainability of reforms such as SLTR. A second factor is the continuity of the political administration, not just continuity of the same party in office. As seen in Kano state, this lengthens the time horizons of politicians

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[52] Interviews with GEMS3 State Technical coordinator and Fifth World Consultants, Ondo State.
[53] Interview with Director of Lands, Ministry of Lands, Kaduna State.
[54] Interview with GEMS Advisor, Kano State.

involved in SLTR, giving them a bigger stake in its outcome. Thirdly, resources are an absolute prerequisite, both internally and from the donor community supporting SLTR and other land initiatives.

This latter point suggests that in a place as vast and politically fragmented as Nigeria, donors should not spread their resources so thin if sustainable implementation of land governance is their main objective. According to one interviewee, donors had supported almost 80 percent of the costs associated with Rwanda's SLTR implementation.[55] If donors had focused on a small number of states to expand SLTR in Nigeria, and if DfID/GEMS3 strategically sought other donors to spread the financial burden, more success stories could have emerged to encourage more donors to participate and enable further expansion in the country. Brown (2005) makes a similar observation when analyzing failed land reform implementation in Zambia, where the donors had made reform an element of donor conditionality, but then provided few resources for actual implementation.

In recent years, many international initiatives have emerged to address land governance challenges, including the FAO's Voluntary Guidelines (VGs) on the Responsible Governance of Tenure, the African Union's Land Policy Initiative (AULPI) and the World Bank's Land Governance Assessment Framework (LGAF). At the same time, strengthened land rights has been proposed as one of the United Nations' Sustainable Development Goals (SDGs). However, despite this international attention, little is still known regarding why African governments have had differential progress in implemented reforms. Using a subnational perspective, this paper begins to address this gap and hopefully show where mistakes can be avoided and where entry points can be found for institutionalizing sustainable land governance reforms in Nigeria and elsewhere.

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[55] Interview with Fifth World, Ondo State.

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