

SUMMARY OF THE REPORT OF THE SYSTEMS STUDY AND REVIEW OF LAND ADMINISTRATION IN THE FEDERAL CAPITAL TERRITORY

PREFACE:

The Independent Corrupt Practices and Other Related Offences Commission (ICPC) was established by the Corrupt Practices and Other Related Offences Act 2000. The Act, in Section 6 (b) mandates the Commission to examine the practices, systems and procedures of public bodies and where, in the opinion of the Commission, such practices, systems or procedures aid or facilitate fraud or corruption, to direct and supervise a review of them.

In order to fulfil this mandate, the Commission conducts Systems Study and Review of Ministries, Departments, Agencies and Parastatals to determine corruption-prone areas and subsequently, direct a review of affected procedures.

The Commission has so far conducted systems studies and review in a number of agencies covering procedures such as recruitment, accounting, stores, procurement, etc. The studies usually reveal administrative bottlenecks, bureaucratic and policy challenges that hinder the smooth execution of duties and create room for corrupt practices.

In October 2010, with funding from the United Nations Development Programme (UNDP), the Commission contracted a consultant, Self-Help Development Facilitators (SEDFA) to conduct a Systems Study and Review of Lands Administration in the Federal Capital Territory (FCT) Administration. The choice of the FCT Lands Administration was informed by the importance of land to ordinary and corporate citizens for shelter and developmental purposes; and the huge impact that streamlined and transparent procedures would have on even-handed access to this critical resource.

To enrich the study and provide a window for citizen input into the exercise, a public hearing was held on 10th February 2011 to collate

opinions, concerns and recommendations from citizens on the issues surrounding land allocation in the FCT. In the course of the study as well, a training session was jointly held by ICPC and SEDFA to sensitize and empower staff of FCT Lands Administration Department against corruption. The forum was also used to share interim reports with the management.

This publication presents an abridged version of the findings and recommendations of the consultant at the completion of the study.

ABBREVIATIONS:

ACTU	-	Anti-Corruption and Transparency Monitoring Units
AGIS	-	Abuja Geographical Information System
AMAC	-	Abuja Municipal Area Council
AMMC	-	Abuja Metropolitan Management Council
COI	-	Corruption Opportunities Inventory
CRR	-	Corruption Resistance Review
CVA	-	Corruption Vulnerability Assessment
DMS	-	Document Management System
ES	-	Executive Secretary
FCDA	-	Federal Capital Development Authority
FCT	-	Federal Capital Territory
FCTA	-	Federal Capital Territory Administration
GIS	-	Geographical Information System
ICPC	-	Independent Corrupt Practices and Other Related Offences Commission
LIS	-	Land Information System
SEDFA	-	Self-Help Development Facilitators
UNDP	-	United Nations Development Programme
URPD	-	Urban and Regional Planning Department

1. INTRODUCTION

Objectives of the Systems Study of the Federal Capital Territory (FCT) Lands Administration:

Objectives of the study were to:

1. identify vulnerable areas that are prone to corruption;
2. identify corruption red flags;
3. design and facilitate the implementation of corruption fighting measures and policies;
4. empower staff to act individually and collectively against corruption;
5. promote awareness of the functions of ICPC's Anti-corruption and Transparency Monitoring Units (ACTUs).

Agencies in the FCTA involved in the Study:

The study captured the following departments and agencies of the FCTA:

- Abuja Geographic Information Service (AGIS)
- Survey and Mapping Department
- Urban and Regional Planning Department (URPD)
- Land Administration Department
- Department of Development Control
- Department of Resettlement and Compensation
- Department of Mass Housing
- Treasury Department
- FCT Audit Department
- Legal Secretariat
- Abuja Municipal Area Council (AMAC)

Commencement of Study:

SEDFA commenced the study on 22nd October, 2010 and examined the following components of land administration as they relate to the FCT viz:

- Land Legislation and Land Policy,
- Institutional Framework/Linkages and Administrative Procedures;
- Land Information Systems; and

- Dispute Resolution.

Study Tools:

Study tools utilized include:

- Corruption Opportunities Inventory (COI)
- Corruption Resistance Review (CRR)
- Corruption Vulnerability Assessment (CVA)
- Client Surveys

2. THE FINAL PROJECT REPORT

The document is structured into 6 Chapters as follows:

- Introduction
- Achievement of Objective 1 of the project
- Achievement of Objective 2 of the project
- Achievement of Objective 3 of the project
- Achievement of Objective 4 of the project
- Achievement of Objective 5 of the project

2.1 Objective 1 - Vulnerable Areas Prone to Corruption in Lands

Administration in the FCTA: the study identified the following weaknesses as predisposing factors for corruption in lands administration in the FCT:

- The huge discretionary powers given the FCT Minister under the Land Use Act of 1978 and the FCT Act of 1976.
- Excessive discretional powers of the Director, Land Administration Department in determining which land applications are fully processed for Ministerial approval.
- Lack of policy documents and standardized procedures regarding land administration processes e.g.

Procedural Weaknesses	Affected Department/Agency
<ul style="list-style-type: none"> • No accounting manual • No procedural manual for uploading data into the Geographic Information System (GIS) and Land Administration System (LIS) 	<ul style="list-style-type: none"> • AGIS

<ul style="list-style-type: none"> • No customized departmental policy documents 	<ul style="list-style-type: none"> • Land Administration Department • URPD • Survey and Mapping Department
<ul style="list-style-type: none"> • Lack of a clear and effective line of authority and coordination of land –related establishments 	<ul style="list-style-type: none"> • Land Administration Department • AGIS • URPD • Survey and Mapping Department • Mass Housing Department • Development Control Department
<ul style="list-style-type: none"> • Weak financial management system (forgery and recycling of bank drafts for payment) 	<ul style="list-style-type: none"> • AGIS
<ul style="list-style-type: none"> • Lack of customized corruption prevention policies, guidelines and mechanisms 	<ul style="list-style-type: none"> • All FCT establishments involved in land administration
<ul style="list-style-type: none"> • Lack of customized code of conduct for staff 	<ul style="list-style-type: none"> • All FCT establishments involved in land administration
<ul style="list-style-type: none"> • Poor supervision of staff 	<ul style="list-style-type: none"> • All FCT establishments involved in land administration
<ul style="list-style-type: none"> • Weak internal control function 	<ul style="list-style-type: none"> • AGIS – Internal Audit is directly supervised by the Director, Admin & Finance rather than the GM who is the CEO of AGIS
<ul style="list-style-type: none"> • Low physical security of sensitive equipment and records 	<ul style="list-style-type: none"> • AGIS • Lands Administration Department
<ul style="list-style-type: none"> • Ignorance of the Public Service Rules, Regulations and procedures relating to land administration by staff 	<ul style="list-style-type: none"> • All FCT establishments involved in land administration

- iv. Lack of institutionalized independent audits of land records/inventory in the FCT.
- v. Lack of access to information by the public e.g. to inspect the records and inventory of land in the FCT to be able to monitor illegal land transactions.
- vi. Lack of speedy resolution of disputes, conflicts and corruption cases relating to land administration.
- vii. Lack of an effective complaint system for clients of land administration.
- viii. No defined time span for processing an application – from submission to outcome.
- ix. The inconclusive state of the Regularization of land titles previously issued by Area Councils of the FCT by AGIS/Land Administration Department.
- x. Inadequate public participation in the planning and implementation of land policies in the FCT.
- xi. Overlapping responsibilities of AGIS, URPD and the Survey and Mapping Department.
- xii. Inadequate technical capacity of staff involved in the computerization of land administration processes (particularly in the management cadre).
- xiii. Low development of satellite towns leading to high competition for land in developed areas.
- xiv. Relatively high Search fees that may discourage people from conducting searches and which may result in their being victims of fraudulent land deals.
- xv. Lack of protection against arbitrary redeployment/dismissal etc. for staff that resist inducement to circumvent laid-down procedures.
- xvi. Apathy of the Anti-corruption and Transparency Monitoring Units (ACTU) in the FCTA in overseeing the activities of FCTA establishments involved in land administration.
- xvii. Lack of a standardized policy document regarding land administration functions in all the establishments – what they

have available are handing-over notes and presentations to Probe Committees.

2.2 Objective 2: Identify corruption red flags

The following were identified as corruption red flags:

- i. Forgeries and Cloning of land documents
- ii. Allocation of plots of land made without the FCT Minister's approval
- iii. Presence (beyond regulated time of 2 years) of pockets of undeveloped plots of land in districts with engineering infrastructure
- iv. Missing of land documents in AGIS and Land Administration Department
- v. Existence of Land Syndicates and Speculators
- vi. Neglect of the guideline to set up a
- vii. Revocation of certain Land Titles without due process
- viii. Fake layouts and Fraudulent Allocations in Area Councils
- ix. Differences in land use in the records of AGIS and Urban and Regional Planning Department
- x. File scams in AGIS/ Land Administration Department
- xi. Delays in processing land documents
- xii. AGIS payment scam
- xiii. Complaints about 'pressures from well-connected individuals and groups' on staff to circumvent laid-down procedures/processes
- xiv. Presence of touts around the premises of AGIS/Land Administration Department and similar establishments.

Through the CRR tool served on AGIS, URPD, Land Administration Department and Department of Development Control, staff identified that the following negative acts have a high probability of occurrence in their operations:

- Abuse of power,
- Conflict of interest,
- Dishonesty,
- Favouritism,

- Bribery,
- Fraud,
- Influence peddling,
- Sharp practices,
- Insider trading and
- abuse of privileged information.

2.3 Objective 3: Design and Facilitate the Implementation of Corruption Fighting Measures and Policies

A. SHORT-TERM MEASURES (in 3 months)

S/N	RECOMMENDATION	AFFECTED AGENCY/DEPARTMENT
i.	Develop a customized Corruption Prevention Plan	<ul style="list-style-type: none"> • Survey and Mapping Department • Urban and Regional Planning Department • Land Administration Department • Abuja Geographic Information Service (AGIS) • Department of Development Control • Department of Resettlement and Compensation • Department of Mass Housing
ii.	Develop an Accounting Manual	<ul style="list-style-type: none"> • AGIS
iii.	Locate Internal Audit in the office of the GM, AGIS	<ul style="list-style-type: none"> • AGIS

iv.	Migration from bank draft system to direct bank payment	<ul style="list-style-type: none"> • AGIS (already commenced this in 2011)
v.	Assist FCT Audit Department to conduct Systems Study and Review to ensure conformity to public service regulations, Financial Regulations etc.	<ul style="list-style-type: none"> • ICPC
vi.	Liaise with the Ministerial Committee on Falsification /Forgeries of Land Titles within the FCT, to assist in prosecuting identified offenders	<ul style="list-style-type: none"> • ICPC

B. MEDIUM TERM MEASURES – in 6 months

S/N	RECOMMENDATION	AFFECTED AGENCY/DEPARTMENT
i.	Conduct Independent audit in these areas	<ul style="list-style-type: none"> • The Geographic Information System (GIS) of AGIS • The Land Information System of (LIS) of AGIS • The Document Management System (DMS) of AGIS • All land applications in the last 7 years to determine if all were processed appropriately.
ii.	Develop procedural manual for uploading data into the GIS and LIS.	- AGIS

iii.	Develop customized departmental policy documents	<ul style="list-style-type: none"> • AGIS • Land Administration Department • Urban and Regional Planning Department • Survey and Mapping Department
iv.	Institute Internet-based e-governance	<ul style="list-style-type: none"> • AGIS • Land Administration Department
v.	Place AGIS and Land Administration Department under Office of the ES, FCDA	<ul style="list-style-type: none"> • Office of the Minister, FCT
vi.	Review Search fee downward	<ul style="list-style-type: none"> • AGIS
vii.	Develop and implement Strategic Plan for effective handover from Julius Berger and capacity building of technical staff.	<ul style="list-style-type: none"> • AGIS
viii.	Determine specific duration of services and display information to guide the public.	<ul style="list-style-type: none"> • AGIS, • Department of Land Administration • Development Control
ix.	<ol style="list-style-type: none"> Install close-circuit television in premises and rooms with files & IT Infrastructure Incorporate alarm to warn when major changes are made to the GIS, LIS & DMS 	<ul style="list-style-type: none"> • AGIS, • Land Administration Department
x.	Distribute the GIS and LIS to the Survey and Mapping	<ul style="list-style-type: none"> • AGIS

	Department, URPD, and Development Control Department	
xi.	Link annual validation of ownership to payment of Annual Ground Rents by property owners.	<ul style="list-style-type: none"> • AGIS
xii.	Draw up roadmap and timeline for completing the regularization of Area Council-issued land titles.	<ul style="list-style-type: none"> • FCTA
xiii.	Develop customized Code of Conduct for staff that includes concrete examples of ethical scenarios.	<ul style="list-style-type: none"> • All the FCT establishments
xiv.	Compel the FCT and AMMC ACTU to rise to their functional responsibilities as contained in the Standing Orders for the Operation of ACTUs and organise an Integrity Assessment Forum at least once a year.	<ul style="list-style-type: none"> • ICPC
xv.	Strengthen the FCDA Department of Training and Establishment	<ul style="list-style-type: none"> •
xvi.	Organize Management Retreat between ICPC and FCTA to deepen the system review	<ul style="list-style-type: none"> • ICPC • FCTA
xvii.	Institute sustained public enlightenment on processes of land administration in the FCT.	<ul style="list-style-type: none"> • FCTA • National Orientation Agency
xviii.	Conduct regular Citizens'	<ul style="list-style-type: none"> • ICPC

Report Card on land administration services, jointly or independently.	<ul style="list-style-type: none"> • FCTA
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C. LONG TERM MEASURES - IN 12 MONTHS AND BEYOND

S/N	RECOMMENDATION	AFFECTED AGENCY/DEPARTMENT
1.	Share study findings with the Presidential Technical Committee on Land Reform & highlight the huge discretion under the Land Use Act.	<ul style="list-style-type: none"> • ICPC
2.	Arrange with the FCT Judiciary for speedy resolution of disputes and corruption cases on land administration	<ul style="list-style-type: none"> • ICPC
3.	Develop satellite towns in the FCT	<ul style="list-style-type: none"> • Office of the Minister, FCT
4.	<ul style="list-style-type: none"> i. Develop strategic plan for the resettlement of outstanding indigenes ii. Strengthen the Department of Resettlement and Compensation. 	<ul style="list-style-type: none"> • Office of the Minister, FCT
5.	Establish an FCT Service Commission to shield staff from political influences regarding recruitment, promotion, redeployment and dismissal.	<ul style="list-style-type: none"> • National Assembly

2.4 Objective 4: Empower staff to act individually and collectively against corruption)

Staff of the relevant FCT establishments were empowered individually and collectively to fight against corruption through the following five avenues:

- The Public Hearing organized by ICPC on February 10, 2011.
- The Corruption Prevention Forum organized by SEDFA on February 24, 2011.
- The Systems Study and Review Manual produced by SEDFA for the ACTUs of Federal Capital Territory and Abuja Metropolitan Management Council.
- Interactions between the project team and staff of the establishments over the course of the project
- The various recommendations of the project

2.5 Objective 5: To promote awareness of the functions of the ICPC's Anti-corruption and Transparency Monitoring Unit (ACTU)

The project team was able to:

- Draw attention of staff of the FCTA Establishment to the Standing Orders for the operation of ACTUs
- Educate the staff about the functions of ACTU
- Draw attention of staff to the need to report cases of corruption to the ACTU
- Draw attention of the clients of AGIS, Land Administration Department and Department of Development Control to the existence and functions of ACTU

However it was observed that the ACTU largely lacked the capacity to carry out its functions as contained in the Standing Orders for the operation of ACTUs, thus the following recommendations for strengthening and promoting the functions of the relevant ACTUs are proffered:

- ICPC to intensify its efforts at monitoring and coordinating activities of the FCT and AMMC ACTUs.
- ICPC to review the status, composition, appointment of members and funding of the ACTUs – **(on funding, SEDFA can assist ICPC in the short term on a resource mobilization**

consultancy assignment with international development agencies).

- ICPC to ensure a greater level of legal protection for ACTU members and informants.

CONCLUSION:

This report (Systems Study and Review of Lands Administration in the Federal Capital Territory Lands Administration) should serve as a wake-up call to all departments and agencies where lacuna or corruption red flags have been identified. Such departments/agencies need to buckle up and implement the various recommendations arrived at in order that the objectives of the study should be realized.

The Commission is not unaware that there might be difficulties and bottlenecks that might hinder the implementation of the recommendations. However, there is need for FCTA Management to show commitment to reducing corruption and entrenching transparency, accountability and integrity in Lands Administration.

In a couple of years, results of the implementation would be evaluated to ascertain the degree of conformity to the recommendations.