



# HOW (NOT) TO BUY PROPERTY IN NIGERIA

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**Formal land rights are becoming more important in sub-Saharan Africa—but customary rights cannot be ignored**



*Photo courtesy of [Lingbeek](#).*

From past experience, I knew the smart play was to buy the gang of young men a goat—and let them slaughter and roast it on our property, for their enjoyment (and our peace of mind).

Perhaps we could supply a crate of beer too. After all, the young men plan to bless my wife's new house, which was about to rise up on land we had painstakingly purchased a year before in the town of Elele, a growing suburb of Port Harcourt, the oil capital of Nigeria. The goat-hungry men, however, declared no building could take place unless they supervised the slaughter—and then feasted on the meat.

My wife Chizo is Nigerian, and we live together in the United States. So we learned about the goat demand second-hand, from Chizo's sister, who lives near Elele. Having received the message from her sister over WhatsApp, Chizo proceeded to read it aloud to me. I voiced my generous reaction, and Chizo immediately disagreed.

Our argument reveals a deeper issue in African land ownership: the tension between customary forms of ownership and emerging forms of legal land title. While formal titling is on the rise, customary rights can't be ignored. Striking a balance is crucial, but how?

In this instance, Chizo insisted that goat slaughtering by a gang of freewheeling men of Elele might not be a required ritual in the case of home building. "Let's verify their claim first," she said.

Chizo's skepticism was rational. After all, rituals associated with purchasing property seemed unnecessary, at least according to my American sensibilities. In 2016, we had registered the land purchase with Elele authorities and with officials of Rivers, one of 36 states that comprise the Nigerian nation. We'd hired a surveyor to map the land, which was large enough to accommodate a strip mall in a U.S. city. We hoped the land would contain a collection of small houses for Chizo's parents and siblings, all of whom still lived in Nigeria. We'd hired a lawyer to draw up the relevant documents, converting what had been "customary land," controlled by an Elele family for generations, into titled property in the name of my wife. We'd also paid modest taxes to the town and to the state, in order to make the conversion official. We'd submitted construction plans to various officials who then handed out requisite permits in exchange for fees.

My wife had even flown to Port Harcourt from San Francisco, and then driven to Elele, to attend a gathering of elders for whom she provided plentiful supplies of local palm wine and kola nuts, chewed for flavor and to bring all involved good luck.

Confronted by unexpected demands from area men, Chizo telephoned her sister Gift and asked her to investigate. Gift checked, and the next day, she relayed her judgment: the men were telling the truth. The slaughtering of a goat was an essential step, at least in Elele town, before building can begin.

We now must pay to slaughter a goat, and not an inexpensive baby one.

Chizo and I quickly accepted her sister's verdict. We then asked Gift to video the goat slaughtering. And not for our entertainment either, but as proof—in case a competing gang of men ever asked to do the ritual again.

As the goat story suggests, buying land in Nigeria—and establishing private property rights over the land and the structures on it—is an adventure not for the gullible or the passive. Active engagement is required at all stages of the land-acquisition and building process. With the largest population in sub-Saharan Africa—roughly 175 million people, or about one in five black Africans—Nigeria is experiencing a quiet revolution in property rights. For centuries most land in the country wasn't owned by individuals but by communities or clans. "Customary" traditions, usually interpreted by elderly people in a community, "governed" who used land, how, and to what end. While the prime parts of large cities sometimes had formal land registration and private ownership and the sale of land occurred, in smaller cities, towns and rural areas, establishing individual property rights was difficult or impossible.

The push for private land ownership isn't motivated by ideology in Nigeria or in neighboring West African nations. Practicality is the chief reason. Driven partly by demographics—sharply rising population means intense pressure to gain control of land for housing—the new interest in private ownership reflects complex shifts in African society. Many people are moving from rural to urban spaces, and within burgeoning cities housing is radiating outward to the periphery, where until recently land was idle or used for farming. High birth rates also fuel demand. Half of all Nigerians are under the age of 18, so it seems urban land for housing will only rise in value in the coming decades.

Another factor is the Nigerian diaspora, folks such as my wife who have made a life elsewhere in the world and yet hunger for the means to retain their connection to their homeland, families, and friends. At least 2 million Nigerians live in the United States, Canada, and Britain, and many have accumulated resources they wish to invest back home. Some of these "overseas" Nigerians, my wife included, seek to invest in land and housing to benefit family members and to have a base for their own future activities or simply to have some place to retire.

Because of these factors, demand for land and qualified builders is high and rising fast; and so is the cost of a finished home. Even when only designed to local standards, homes approach a minimum of \$100,000. The cost for posh American-style homes in prime areas can be much higher—\$400,000 is not uncommon. With so much money at stake, buyers of land—and owners of existing homes—want protection in the form of land titles, registration, and the sort of permits that satisfy local governments.

Finding this protection, while of course desirable, is tricky, frustrating, at times torturous, and depressingly expensive. (Poured concrete, for instance, can cost six times as much as

in the United States, the consequence of Nigeria being home to an infamous “concrete cartel” that sustains ridiculous prices.)

Then there is the problem of purchasing land from someone who does not own it. Even with all of my wife’s “insider” advantages, on our first attempt she bought land from someone who didn’t own it. The problem of establishing who has rights to sell land lies at the core of the problem with customary land rights and claims. Roughly 90 percent of sub-Saharan land isn’t covered by formal title. That creates uncertainty—and the ugly reality, as land-tenure expert Liz Alden Wily has [observed](#), that “lands held customarily in Africa have always been vulnerable to involuntary loss.”

Customary land rights, however flawed, continue to deliver benefits and possess the obvious advantage that most Africans, especially in rural areas, are used to them. As researchers Jean-Philippe Colin and Philip Woodhouse [concluded](#) in a 2010 article on African land markets, customary practices persist even as land sales grow: “Market transfers of land have indeed become more common in Africa,” despite the absence of formal titling requirements in most places. “The vast majority of sale and rental transactions are ‘informal,’” they write.

The lack of formal protection has some advantages. Landowners, lacking title, can’t pledge their property as collateral. But then they can’t lose their land to creditors either. The costs of titling, meanwhile, place burdens on poorer owners and thus discourage titling even when available. The persistence of customary rights, passed on through family relations and inheritance and enforced by community leaders and local standards, co-exists and co-evolves with sharply increasing sales of land and rental agreements. What’s emerged in parts of Africa, including my wife’s home country of Nigeria, is a hybrid model, where elements of customary or “vernacular” practices exist in uneasy relation with formal systems. Or as Woodhouse and coauthor Admos Chimhowu [argued](#) in a 2006 paper, “market-based access to land has been evident for more than a century within the framework of customary land tenure in Africa.” Wily essentially agrees with this assessment, [saying](#) she sees in the region “partial and contradictory tenure reform.” The situation, she insists, raises the prospect that “even in the absence of strong rule of law, fairer legal terms affecting customary land rights would make it less easy for governments to willfully remove lands from communities.”

The fuzziness, if not outright obscurity, surrounding who owns what land creates an invitation for dissembling and fraud or at least confusion and anxiety. There are no multiple listing services in Nigeria, or in any West African cities. Finding property for sale is itself challenging, and searching for it can often encourage pretenders to approach you

with attractive deals that are nothing more than phantoms. In the case of my wife Chizo, on her first attempt at purchasing land, she gave a down payment (a fraction of the \$15,000 price she had agreed) to a bogus owner. Worse, two weeks passed before she realized her error.

Under ordinary circumstances recovering her deposit would have been impossible. But my wife, while distraught, was not defeated. She had an ally, a man could powerfully advocate for her interests. He was the eldest son of an influential community leader who, as it happened, specialized in understanding and settling land disputes.

In an optimistic sign, the son's name was Go-Go. Nigerians often choose "aspirational" names, and Go-Go, as his name suggests, always faces the world with optimism and energy. And he had a big reason to help Chizo: he wants to marry her favorite sister. Ordinarily, Chizo would have welcomed Go-Go as a future brother-in-law (and ultimate property-rights guru) but for a simple problem: Go-Go was already married—to two other women!

In polygamous Nigeria, marrying multiple wives is legal, and Chizo's sister seriously considered Go-Go's entreaties to become his third wife. Chizo, however, was advising her sister to reject Go-Go; that is, until he agreed to help her get her money back from the fraudster.

Go-Go succeeded. Her money returned, Chizo found another property, and this time she took extra care (and Go-Go got directly involved) to establish that the owner did really own the land she was buying. The land seller turned out to be so honest he even helped along the titling process by submitting a surveyor's plan to town officials. Then he remained actively involved with Chizo until the title was completed. (After Chizo had her title, she loudly and successfully convinced her sister to reject Go-Go as a suitor.)

Once private property rights are documented and stand up for many months, the next steps are logical, if no less fraught:

1. Stage a public ceremony—a kind of elaborate party or gathering, of village leaders and their entourages. At the gathering, the leaders recognize, sanctify, and bless the land transfer and release it to sanction the shift from customary to legal registration. The public nature of the event encourages locals to make "submarine" claims on the land. If they don't, local leaders look unkindly on future claims.
2. Find a water source on your land, if the water source isn't established. In practice, you need a well. For new urban areas in West Africa, a centralized water delivery service

isn't likely. If municipal water is available, your own water supply is sensible as a backup and helpful during the home-construction phase.

3. Fence your land as part of establishing usage. This should help to ward off intruders, and squatters. Chizo went for a 12-foot-tall fence, perhaps influenced by watching so many Game of Thrones episodes. But lower fencing should send the same “keep out” message.
4. Gain permits for planned structures even if the permitting process is poorly justified and the price of these permits seems exorbitant. Proper permitting creates a firewall between you and future arbitrary requests for bribes from local officials.
5. Build your own feeder roads rather than wait for local government to do so. Besides getting your roads faster, you also get to christen them (in your image). Because my wife is paying for the road, which also will be used by neighbors, she plans to name the road after herself: Chizo Avenue.

Chizo has yet to decide whether her street-naming exercise is an empty victory or whether customary land rights, while raising the costs of her project, deliver some appealing living presence of her ethnic and regional traditions. While those formal property rights are on the rise and in demand, Chizo still must follow certain community norms and standards. Across Africa, formal rights and customary traditions are becoming more and more intertwined, co-evolving in surprising ways, making each approach a necessary but insufficient condition for land ownership.

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