

Modelling of the Procedures of Land Titling in Port Harcourt Urban Area of Rivers State, Nigeria

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ABSTRACT

The deficiency of information on the procedures of land titling in Port Harcourt Urban of Rivers State of Nigeria has resulted to illegal rights to land use, tenure insecurity, and distortions in urban development and physical planning. The study is therefore aimed to model the procedures of land titling in Port Harcourt Urban area of Rivers State. The study adopted the pragmatic paradigm of data collection, quantitative and qualitative data were collected using the scientific method of enquiry and procedural observations. The research findings reveal that the cadastral survey plan, certificate of deposit and deed of conveyance/assignment are major requirements among other documentations required for land titling in the study area. The study also noted the process is tedious with duration of approximately 130 days, 25 days, and 18 days for fresh title, change of title and mortgage instrument respectively which is in variance with respect to the duration of 60 days, 10 days and 5 days for fresh title, change of title and mortgage instrument respectively as published by the Rivers State Ministry of Lands and Surveys. A review of the procedures is imperative to enable seamless land titling processes in the study area.

Keywords: Land Tilting, Parcel, Assignment, Mortgage, Land-use

1. Background of the study

Land titling as an aspect of land reform ensures that private individuals and families are given formal right to land use which they have hitherto occupied informally or used on the basis of customary land tenure [3]. Peruvian Economics; Hernando de Soto Polar, one of the renowned scholars in property rights posited that providing formal titles to land increases land tenure security, supports development of markets in land and allows better access to credit using land titles as collateral document [18]. This assertion is in line with the state of land administration in rivers state where land-holders can only access credit facilities from major financial institutions in the study area only when land title documents such as a Certificate of Occupancy (C-of-O) is provided, or well-registered assignment in similar case. Also, landed properties with C-of-O have better market value and tenure security in Port Harcourt. Land titling programme is been initiated all through developing and transition economies as part of poverty alleviation efforts [15].

Section 26 of the Nigeria Land Use Act 1978 provides that “any transaction or any instrument which purports to confer on or vest in any person any interest or right over land other than in accordance with the provisions of this Act shall be null and void”. Section 22 (1) of the act also provides that “It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sublease or otherwise howsoever without the consent of the Governor first had and obtained”

With respect to the provisions of the Land Use Act, the ideal thing is for all land holders in Port Harcourt Urban of Rivers State to obtain legal title to their landed properties.

This will enhance tenure security, regulate land use, increase market value of land, enhance access to credit facilities, and minimize land dispute, amongst others in the study areas.

Consequently, the deficiency of information about the procedures of land titling in Port Harcourt has resulted to unregulated land use and illegal processes of land alienation. There is also increased wrong perception of the procedures and requirements for land tilting by those seeking to obtain legal title to their landed properties, such as real estate investors, private and cooperate land holders, family and community land holders, amongst others in the study area. This prompted the need for the study which is aimed to model the procedures of land titling in Port Harcourt Urban of Rivers State of Nigeria.

Consent of alienation as provided in the land use act 1978 is given by the state Governor to use for residential, commercial, and industrial purposes, among others. It also means permission or concurrence of the Governor to alienate right of occupancy [14]. Governor's consent in Nigeria is absolutely necessary where the holder of a Customary Right or Certificate of Occupancy over a land or perhaps any other title decides to sell or alienate the land to someone else for a purpose different from the original land use contain in the title [14;7]. However, consent of alienation is obtained from the governor of Rivers State after the processes of land titling is concluded.

Land Titling process in Nigeria involves two systems which are deed recording and title registration of land ownership. While deed recording systems helps to give publicity to land transactions, that a claimed interest already exists on the land, and to establish priority against any subsequent claim to the same interest, title registration is an authentication of the ownership or legal interest in a land. The benefits of this systems is to prevent any form of concealed dealings.

Also these systems simply confirms transactions that confer the right to use and ownership of interest, when landed property is registered in the register, it serves as conclusive proof of title [1]. Some of the land title document valid in Port Harcourt Urban of Rivers State includes Certificate of Occupancy, Customary Right of Occupancy, Governors Consent, Letter of Administration, Survey plan, Excision and Gazette, Contract of sale, Court judgments, Grant of Probate, Land purchaser receipt, Power of attorney, Deed of mortgage, Deed of gift, Deed of assignment, Assent, and Proof of Land ownership.

Study Area Description

The present-day Port Harcourt Urban also known as Port Harcourt City encompasses Port Harcourt City and Obio/Akpor Local Government Areas with the Ikwerre Ethnic Group as predominant natives. The metropolitan and cosmopolitan nature of the city makes it one of the choice cities to reside and invest on [2; 16].

The study area lies approximately between geographical coordinates of longitude 6° 55' 0" and latitude 4° 35' 0" to longitude 7° 55' 0" and latitude 5° 10' 0" and bounded to the North by Ikwerre, Etche, and Omuma Local Government Areas, East by Oyigbo, Tai, and Eleme Local Government Areas, West by Emohua Local Government Area and South by Okrika and Degema Local Government Areas respectively as shown in figure 1. It has a lowland area and fairly flat terrain with an average elevation below 30m above sea level. Significant changes in the land use/ land cover in the area include changes in water bodies, built-up areas, and depletion of the mangrove vegetation along rivers and creeks shorelines, vegetation, and wetlands [6]. The study area is one of the maritime areas in the southern geopolitical region of the country; with inhabitants of 541,115 and 464,789 for Port Harcourt City and Obio/Akpor Local Government Areas respectively totaling a population of 1,005,904 for Port Harcourt Urban Areas (National Population Commission, 2006). The study area is influenced by industrialization and urban sprawl where small communities have now merged and formed megacities due to high influx of people resulting to rapid urban growth and population overtime.

It has a tropical hot monsoon climate due to its latitudinal position. The tropical monsoon climate is characterized by heavy rainfall within the months of April to October ranging from 2000 to 2500 mm with high temperatures all the year round and relatively constant humidity. The relief is largely lowland with an average of elevation between 20m and 30m above sea level [5].

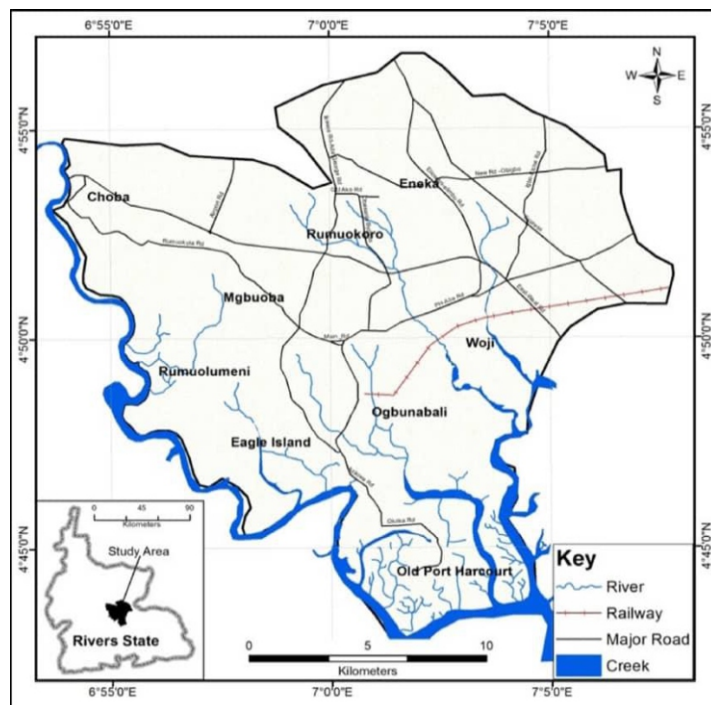
Table 1: Material, Software and Hardware selections

S/N	No. of Items	Description of Items
1	Writing materials	Notebooks, pen,
2	Camera	50 mega pixel Redmi 12 camera
3	Hardware selections	Dell Latitude E6540 Laptop, 8 Gig, 64 Bits Operating System (Intel CORE i7)
5	Software selections	Ms word 2013, Ms Excel, 2013
6	Toyota Corolla 2006	Transportation to relevant places

The study area is well drained with both fresh and salt water. Its annual rainfall ranges between 2100 mm-4600mm with a mean temperature that ranges between 30.0°C – 33.0°C [9].

The metropolitan state of Port Harcourt Urban of Rivers State has resulted to occupants with occupation such as professionals in oil and gas sector, business men, politicians, and academicians, and has led to high demand and high cost for land alienation [9].

Study Area Map



2. Materials and Methods

Research Philosophy

This study adopted the pragmatic paradigm also known as the (mixed method) form of data collection. Quantitative and qualitative data were collected using scientific method of enquiry [11], which makes pragmatism a fitting paradigm for this study which is patient oriented.

Materials, Software and Hardware selections

The following materials, Hardware and Software were selected for data acquisition and processing in the course of this study:

Research Methods

This includes step wise approach used in data collection and analysis to achieve the objectives of this study.

Data Sources

The data sources for this study comprises of primary and secondary data and were collected from land professionals, ministry archive, publications, inquiry surveys and interviews.

Secondary Data Sources

The secondary data sources necessary for this study were obtain from a clients for whose land titles are processed for, land professionals and relevant government agencies. These data includes; the of Root of Title (The first land document issued to the principal land parcel holder), survey plans, deed of conveyance / deed of assignment, Certificate of Deposit (C-o-D), name, address, occupation, state of origin, country origin, four white background passport photographs, means of identification and next of kin of intending land title holder.

Primary Data Collection

Primary data sources includes data collected from enquiry surveys, unstructured interviews and procedural observations. The sequential primary data collection processes are as follows:

I. Enquiry Surveys and Interviews

One of the method adopted in this study is the scientific method of enquiry which is patient oriented as recommended in [11]. Various Government offices and agencies such as the office of the Surveyor General of Rivers State, Lands and Survey departments of Ministry of Lands and Survey, Rivers State Board of Internal Revenue, Rivers State Internal Revenue Services (RIRS) and Rivers State Ministry of Justice were visited to obtain information and publications on the locations of offices and departments, operational codes, payment codes, office codes, instrument codes, and contact codes. Others were cost requirements, documentation, procedures and duration for obtaining consent to Land parcel alienation in Port Harcourt Urban Areas of Rivers State of Nigeria. The present Land Officer was also interviewed about the possible duration of title and assignment registration, and some issues and challenges affecting the processes of land parcel alienation. Registration Offices / Departments names and location cum payments instruments codes were all noted as follows:

List of Departments in the Office of the Surveyor General of Rivers State

- i. Administrative department
- ii. Special Surveys Department
- iii. Field Survey Department
- iv. Geospatial Information System Laboratory
- v. Certificate of Deposit and Upload Department
- vi. Business Development Department

Plate 1 is a photograph taking during field data acquisition, the

information on the photograph indicates the government willingness to provide land titles to land holders in Rivers State and also caution the public on the dangers of buying land without the proper procedures.



Plate 1: Publication on land parcel Alienation in Port Harcourt Urban Area of Rivers State. Source: Author's Field Data, 2024. (Rivers State Ministry of Lands and Survey)

Table 2: Office Codes in Rivers State Ministry of Lands and Surveys

Office Codes	Office description	Building Floor Locations
LO	Land Officers	Ground Floor
DOME	RIVLANDS Data Center / Warehouse	1st Floor
SA	Office of the special Adviser	2nd Floor
DFA	Department of Finance and Accounts	2nd Floor
CR	Conference Room	2nd Floor
PS	Office of the Permanent Secretary	3rd Floor
DL	Director of Lands	3rd Floor
DR	Deed Registrar	3rd Floor
DA	Department Administration	3rd Floor
OR	Open Registry	3rd Floor
GIS	Geographic Information System Laboratory	3rd Floor
DLUA	Department of Land Use and Allocation	4th Floor
PRS	Department of Planning, Research and Statistic	4th Floor
DAVC	Department of Acquisition, Valuation and Compensation	4th Floor
DLE	Department of Litigation and Enforcement	4th Floor
CAFÉ	Billing Café / RIVLANDS Helpdesk	4th Floor
OSG	Office of the Surveyor General	Moscow Road

Source: Rivers State Ministry of Lands and Surveys

Table 3: Payment Codes in Rivers State Ministry of Lands and Surveys

Payment Codes	Description of Codes
TRA	Assignment
TRM	Mortgage
TRS	Sublease
TRN	Assent
TRC	Court Judgment
TRP	Probate Valuation
TRL	Letters of Administration
TRW	Power of Attorney
TRC	Gift / Grant
D	Deed Fees (C-of-O)
GR	Ground Rent
PR	Penal Rent
F	C-of-O Application Form
PA	Plot Allocation Fees
GF	Adhoc Fees
SEA	Property Search
CTC	Certified True Copy Fees
CAV	Caution / Caveat Fees

Source: Source: Rivers State Ministry of Lands and Surveys

Table: 2.4 Instruments Codes in Rivers State Ministry of Land and Surveys

Instrument Codes	Description of Codes
MOA	Memorandum of Agreement
DOV	Deed of Variation / Rectification
COO	Certificate of Occupancy
DOR	Deed of Release / Re-conveyance
SUV	Deed of Surrender
MOR	Deed of Legal / Equitable / Tripartite Mortgage
SUB	Deed of Sublease
ASN	Deed of Vesting Assent
ASG	Deed of Assignment / Gift / Grant
POW	Power of Attorney (Revocable / Irrevocable)
NOL	Native Occupation Lease
NEO	Non-European Occupation Lease
BL	Building Lease
CONV	Registered Deed of Conveyance
COT	Certificate of Title
MEX	Memorandum of Expunge
EOL	Exchange of Letters
LOA	Letter of Administration (without will)
DOD	Deed of Distribution
CJ	Court Judgment
COP	Certificate of Purchase
LEA	Deed of Lease (private lease)
TA	Tenancy Agreement

SA	Sales Agreement
NLAO	Native Lands Acquisition Ordinance
DAQ	Deed of Acquisition
SD	Subdivision (Part of Assignment)
PRB	Probate Valuation
OPL	Oil Pipeline License
ML	Mining Lease
PTS	Permit to Survey

Table 3 continue; Source: Source: Rivers State Ministry of Lands and Surveys

Procedural Observations

Practical observations on the procedures for parcel alienation in Port Harcourt Urban of Rivers State were followed. This includes charting of survey position and production of the Certificate of Deposit (C-of-D), the successful processing and signing of the C-of-D is critical and present a good beginning of the process, the next step is the uploading of survey position which is done to ascertain the position and orientation of the land parcel for alienation. The land parcel is overlaid on the aerial imagery of Rivers State, thereafter, the survey position is examined to be a true reflection of the ground position of the land parcel with respect to its representation on the survey plan as shown in figure 2. The technical staff in charge of upload usually ensure that the survey position is free from Government reserved land for public use, the survey position must not also fall on or within another position different from the one drawn, signed and sealed by the surveyor. After the whole processes, the upload of survey position was successful, this lead to the next step, which is the collection of application form for land parcel alienation from the Lands Department in the Rivers State Ministry of Lands and surveys.

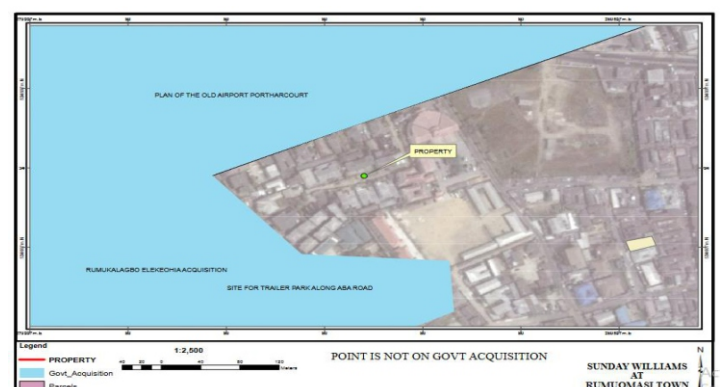


Figure 2: Sample of Survey Status Chart Report for Land Parcel Alienation
Source: Office of the Surveyor General of Rivers State of Nigeria

3. Results

The following models in figures 3 and 4 shows the procedures for land titling and assignment registration respectively in the land administration of Port Harcourt Urban of Rivers State of Nigeria.

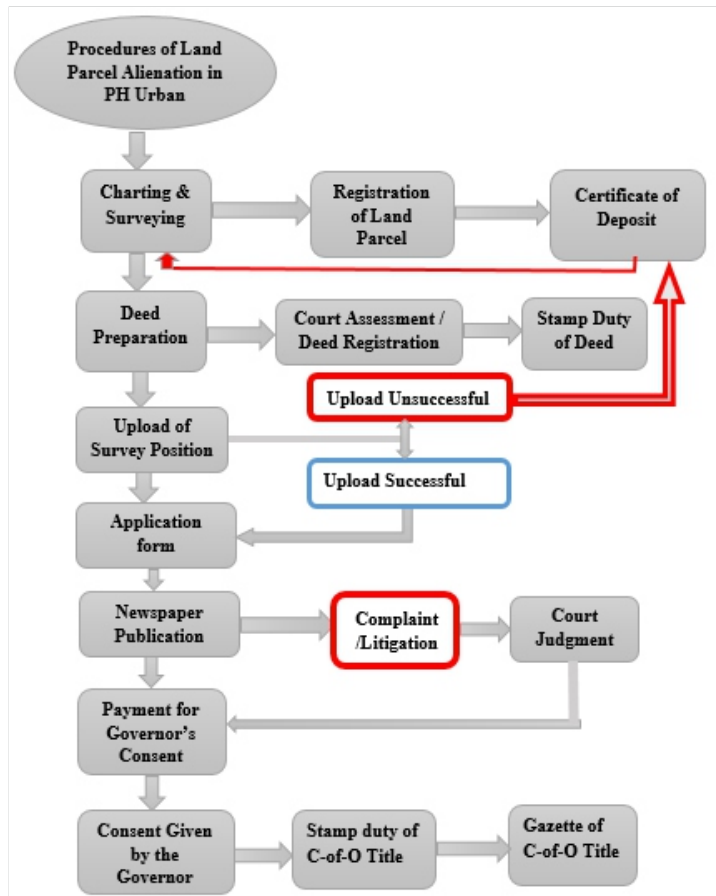


Figure 3: Model of Procedures for Land Titling in Port Harcourt Urban of Rivers State Source: Authors Field Result, 2024.

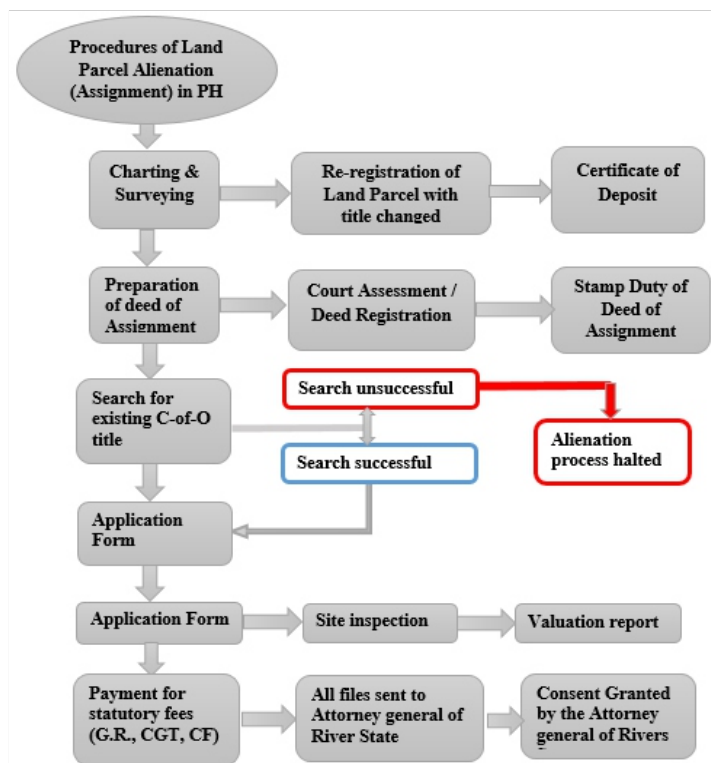


Figure 4. Model of Procedures for Assignment Registration in Port Harcourt Urban of Rivers State. Source: Authors Field Result, 2024.

Table 4: Deliverables for Land Title (new title)

Delivered by	Description of Items	No. of Items
Practicing Surveyor	Survey status charting report	1 copy
Practicing Surveyor	Registered hard copies of survey plan	6 copies
Practicing Surveyor	Soft and hard copy of blue copy survey plan	1 each
Practicing Surveyor	Certificate of Deposit (C-of-D)	1 copy
Practicing Lawyer	Registered Deed of Conveyance	4 copies

Source: Author's Field Results, 2024

Table 5: Deliverables for Parcel Alienation (Assignment)

Delivered by	Description of Items	No. of Items
Practicing Surveyor	Survey status charting report	1 copy
Practicing Surveyor	Registered hard copies of survey plan with title changed	4 copies
Practicing Surveyor	Soft and hard copy of blue copy survey plan	1 each
Practicing Surveyor	Certificate of Deposit (C-o-D)	1 copy
Practicing Lawyer	Registered Deed of Assignment	2 Copies

Source: Author's Field Results, 2024.

Table 6: Documentations required for parcel registration in Port Harcourt Urban

S/N	Description of Documents	Number of Items
1	Root of Title	Original / copy
2	Registered Survey Plan / deed	4 copies each
3	White background passport photograph	4 copies
4	Tax receipts	Original / copies
5	Means of identification	Original / copies

Source: Author's field result, 2024

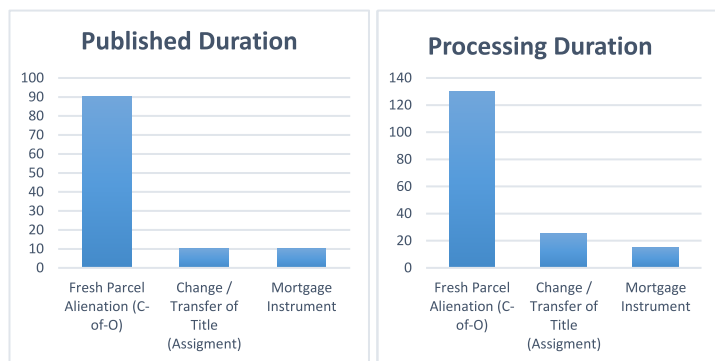


Figure 5: (A & B) Published Duration and Processing Duration for Title Documents

Source: Author's Field result, 2024.

4. Discussion of Findings

As shown in figures 3 and 4, the practical procedures for land titling in Port Harcourt Urban area is in two different cases. The first case shown in figure 3 is the procedures for fresh land title (C-of-O). The process starts with the consultation of land professionals / practitioners like a surveyor and a lawyer to chat and survey the land parcel, register and also provide the certificate of deposit, whereas the lawyer prepare the a deed for conveyancing purposes. The next step which is also critical to the process is the upload of survey plan to the Rivers State satellite imagery to examine and ensure that it is correctly drawn by the surveyor and free from government land and falls within the true ground position of the land parcel. Once upload of plan data is successful, the coast is then clear to obtain application form, thereafter; a one month newspaper publication is required to inform the public of the intention of the intended land title holder's request for consent of alienation, the process stops automatically if there is a court injunction stopping the process as a result of conflict, but the processes continuous with the payment of statutory fees to Government if there is no counter to the process. Once payment is completed, the C-of-O title document is sent to the Surveyor General / Permanent Secretary to append his signature after which consent is giving by the Governor of Rivers State for use within period of ninety-nine (99) years, with a live signature on the C-of-O title document. The title document is then sent for stamp duty, and the to the Land officer in the ministry of lands of survey for his live signature and issuance to the intended title holder. The title holder will be captured by way of a photograph for record purposes and the original copy is giving to the title holder whereas two copies will be file and kept in the ministry archive for re-issuance and search purposes.

On the other hand, the procedures for change of title (Assignment registration) to a new buyer as shown in figure 4 also begin with the consultation of land professionals / practitioners (Surveyors and Lawyer) to render professional services and provide first hand document such as the survey plan with title changed and a deed of assignment for registration purposes. The certificate of deposit is also provided by the surveyor but upload of survey position is not required since there is an existing title to the parcel of land been transferred. An application form for change and transfer of title to a new holder is obtained by the current title holder, thereafter, the site inspected is carried out by a Government valuer for valuation with respect to the current price of landed property in such location after which statutory fees are paid by the current title holder. The deed of assignment prepared by a lawyer and all statutory fees payment receipt is sent to the Attorney General of Rivers State who will then, give consent for use by the new title

holder for a the remaining period with respect to the ninety-nine (99) years given to the first title holder. It was also noted that land title such as the C-of-O is given for various land use. This includes residential, commercial, industrial, religious and agricultural use among others. .However, table 3 and 4 comprises of the deliverables and documentation necessary for the smooth process of land parcel alienation in Port Harcourt Urban, and satisfied parts of the objectives of this study. The results reveals that deliverables such as the cadastral survey plan, Certificate of Deposit (C-of-D) and a registered Deed of Conveyance / Deed of Assignment prepared and delivered by land professionals like the Practicing Surveyor and Lawyers are critical to the successful parcel alienation processes. Also other documents such as the root of title, stamp duty receipts, tax clearance receipts / certificate, passport photograph and valid identity card (driver's license, national identity card or international passport) are required before the collection of application form for land parcel alienation. The implication of this findings is such that the process of parcel alienation will be stalled if any deliverable and document is not provided. However, an affidavit can be swarm and evidence provided in the case of loss of document like the root of title.

Part of the challenges experience during the practical procedure for land parcel alienation is the issue of overlapping boundary experienced during upload of survey plan data, which is as a result of variations in parameters between coordinate system used by the office of Surveyor General of Rivers State and the coordinate system used by the surveyor for land parcel positioning. Other challenges includes variation from the duration stipulated for processing of each title document and the actual durations for a complete process as shown in figure 5 (A and B) respectively, the delay in the production and delivery of the certificate of deposit, delay in the upload of survey data and approval of the survey status. Others were the delay in newspaper publication, printing of title document cum signing of title documents.

5. Conclusion

The study findings justified the uniqueness of the scientific method of enquiry adopted during field data collection for this study. This study was patient oriented as proper attention was given to the whole process, all data were carefully collected and procedural observations assisted greatly in achieving the study objectives. The findings revealed the vital roles of land professionals such as the Surveyor, Lawyer and Estate Valuer in the process of land parcel alienation in Port Harcourt Urban of Rivers State of Nigeria. Conclusively, the present procedures of land title alienation in the study area time consuming and require huge finance, making the whole process a herculean task, all necessary measures should be taking to ensure a smooth process.

6. Recommendations

The following recommendations will be useful for affective land parcel alienation process in Port Harcourt Urban of Rivers State

- i. Institutional framework is needed in the land administrative domain model of Port Harcourt Urban, this will enable relevant institution / Professional Bodies and NON-Governmental Organizations like the Nigerian Institution of Surveyors, Nigerian Bar Association, Civil Society groups, Traditional institution and Stake holders in real estate development to participate fully in the system and reach out properly to the public on the important of proper parcel alienation as provided in the land use act, 1978.

ii. The cost of land parcel alienation is huge such that only the very rich can afford, hence; it should be drastically reduce so that it can be affordable to the low income citizens of the Rivers State.

iii. Policy document on the procedures of land parcel alienation should be made available to the public to prevent intending land title holders from been defrauded and victimized by unscrupulous agent acting as Government agents.

iv. The procedures for land parcel alienation is tedious and time consuming, it should therefore be automated for easy processing.

Acknowledgement

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