

Agricultural Lands Cadastre Provisions and Management: A Suitable Means for Poverty Eradication and Youths Empowerment in Delta State of Nigeria

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Key words: Agricultural Lands Cadastre; Poverty Eradication; Youths Empowerment.

SUMMARY

Agricultural Lands Cadastre (ALC) in Delta State of Nigeria is not well articulated and defined in General Cadastre Land Administration System (GCLADS) spectrum. Presently, GCLADS is basically focused on parcels titling and land ownership for residential and commercial purposes. Certificate of Occupancy (C of O) for farmlands are restricted and uncommon particularly within low income group of farmers. Agricultural Lands Cadastre is within the purview of native land law and custom for the peasant farmers and individual plantation ownerships. Due to lack of serious commitment by government for ALC, documentation in terms of boundaries delineations on Survey Plans to be used as schedules for titles and rights are not popular among the poor and peasant farmers. Corporate and big time farmers relatively enjoy government supports with easy access to land since the Land Use Act vested state land under the care of the State Governor. Compensations for acquisitions from the peasants by government are usually poor, cumbersome and corruption laden.

The aim of this paper is to discuss the needs for creation of Agricultural Lands Cadastre System (ALCS); which will holistically encompass the provisions and management of the Agricultural Lands titling and ownership as a veritable means for poverty eradication and youths' empowerment. Delta State Government (DTSG) is capable and this initiative is feasible using integrated management system for the State's Ministry of Environment, Ministry of Agriculture and Natural Resources (MANR) and Ministry of Lands, Survey and Urban Development (MLSUD). There is need for viable inter play between the State Ministries; the Federal Ministries; the communal societies; farmers and youths associations with other stakeholders for this initiative to have positive impact on all and sundry.

1. INTRODUCTION

Land Administration System (LAS) in Delta State of Nigeria is purely and absolute state government affairs. Delta State is one of the 36 federation states of Nigeria in the southern edge of the country; it is a state with geographical location of having its boundaries to make it look like an enclosed island by the coastline of Atlantic Ocean and River Niger Delta drainage system. The state has 25 Local Government Areas. By the physical situation of the state; the land mass can be easily divided into: LAND, SWAMP and MARINE. These three geographical entities as physical environments have not been accommodated in any cadastre data management and development in Delta State. Cadastre Activities and Land

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Administrations relationship in any place is like living cell and its nucleus. Cadastre Working Tools in Delta State can be defined as rudimentary, manual and evolving. (Dabiri 2014).



Figure 1: Delta State of Nigeria Emblem.

ALCS in terms of the Provisions and Management can be administratively linked with the States' Ministry of Environment, Ministry of Agriculture and Natural Resources and Ministry of Lands, Survey and Urban Development. The three ministries are not integrated for any cadastre purpose. It is relevant to state that the State Government has in place several other policies in place for poverty eradication and youths' empowerment. Those ones the government runs now are Small and Medium Entrepreneurs Loan Scheme for artisans and cooperatives with political undertones and exigencies. Private bodies like Rotary International, Oil Companies, Politicians, Foundations, Missionaries, World Bank and others have their massive contributions to poverty eradication and youths' empowerment in the state running to millions of US Dollars with little or no impact on the targets. The dilapidating effect of poor management and lack of focus for holistic approach can be the major factor for the poor results and positive impact on the people.

1.1 PROVISIONS AND MANAGEMENT

Hernando de Soto, an author and Peruvian economist extols the value of empowering the poor through property ownership. Poverty reduction, gender equality, and social justice are important for sustainable growth. The philosopher author also shows how securing Land Tenure and managing the use of Land can transform society for good (Dangermond 2010).



Figure 2: A Sign board showing WORLD BANK Assisted Project in Patani Local Government Area of Delta State of Nigeria with little or no ALCS Provisions and Management.

Jack Dangermond, President of ESRI opined that Land is not just the earth that people walk on. It is fundamentally the way people think about place. Thus, land administration is not just about land – it is about people. *Land Administration for Sustainable Development* explores why it is imperative for society to build the capacity to manage land for the public good. It presents ten principles of land administration, along with a toolbox of best practices for realizing the land management paradigm of land tenure, land value, land use, and land development. Finally, it points the way toward meeting the challenges that land administration systems face to ensure the vision of economic development, social justice, environmental protection, and good governance.

ALCS Provisions as related to Delta State of Nigeria can easily be categorized into:

- The Humans in terms of their culture and customs.
- The Legal and Fiscal issues as provide by the constitutional Land Laws.
- And the Physical Environment.

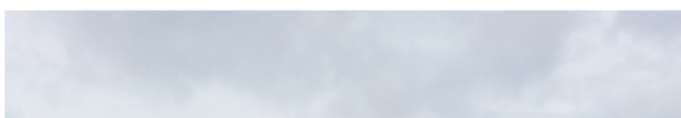


Figure 3: A picture of peasant female farmer and her children with stems of cassava for planting on their hand cart with drudgery and little return from farming; without any Agricultural Land Cadastre in terms of rights, ownership or title registration in Okpe Local Government Area of Delta State of Nigeria.

ALCS management can be applied from the pyramidal three groups of farmers in the state:

- CORPORATE FARMERS
- COMMERCIAL FARMERS
- PEASANT FARMERS

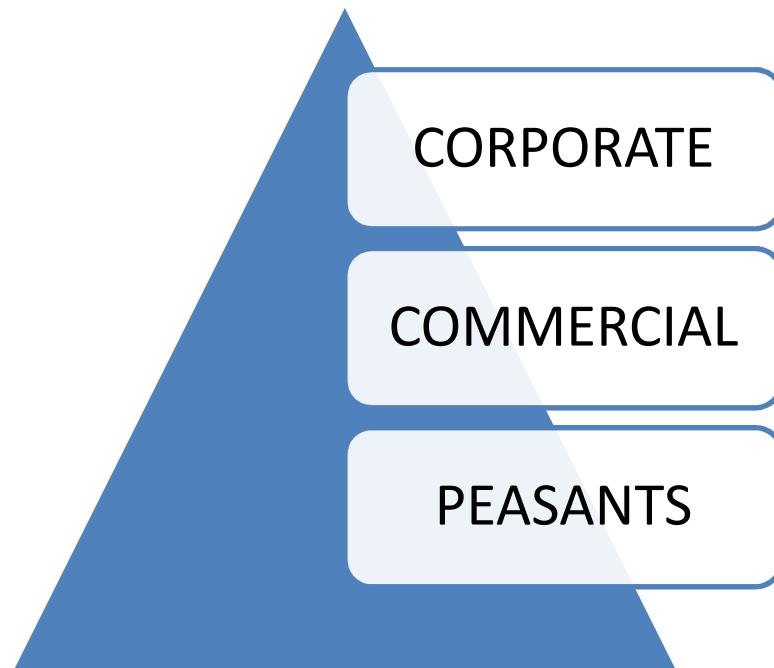


Figure 4: A pyramidal distribution where the base of pyramid is bigger with many peasants toiling daily to make little or nothing. The apex is where you have few corporate farmlands with more money and power over land.

Corporate farmers are the Limited Liability Agricultural Companies with hundreds of hectares of land; with multi million US Dollars capital base; with shares quoting in Capital Markets; with partnership with state government and legally backing land ownership. They are not many in the state; they deal mainly in monoculture cash crops like Rubber and Oil Palm. Some are also into poultry and cassava plantation.

Commercial Farmers are privately owned with tens of hectares of land; with small capital base of few thousands of US Dollars; with little or no legally backing land ownership; land ownership at this level can be customary and communal; with fisheries, poultries; piggeries and fruits plantation like pine apple, banana; in some cases rubber and Oil Palm plantations.

Peasant farmers are subsistence with little or no capital base; leaving from hand to mouth; with no legal title on the farmlands; workforce are usually women and children. In some cases, farmland can be destroyed by open grazing by cattle herdsman from northern part of the country or urbanization or any of the other two groups can take over such peasants lands in course of big farm business without adequate or no compensation.



Figure 5: A picture of cattle grazing across the country without any legal rights or restrictions. Herds of cattle graze by trekking over 1000kilometers across the country looking for green pastures and destroying peasant farmers' crops leading to bloody communal war and bloodbath.

1.2 MANAGERS

The major challenges facing Land Administration System Managers in the state are lack of adequate funding; budgetary indiscipline; lack of political will; insecurity; corruption and political instability; lack of will to break from bureaucracy and tendency of high cost of land administration using old and outdated tools. (Dabiri 2014).

ALCS in view of the three categories of the farmers can be better managed when the governmental Ministries can work as partners and as a formidable team for sustainable governance. The THREE MINISTRIES we linked for the ALCS management are here under highlighted with their duties as spelt out by law of the state. Sources – www.deltastate.gov.ng

- **MINISTRY OF LANDS, SURVEY AND URBAN DEVELOPMENT (MLSUD)**

The ministry is given the task of taking up responsibility for all form of land policies within

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the state. It gives advices to the government on land tenure issues, and also manages government land and properties. The MLSUD is also tasked with administrative rights to land use decree, urban development, town planning, city and town rejuvenation.

Some of the **Parastatals** in the ministry include:

- Urban planning Board
- Land Use and Allocation Committee
- **Office of the Surveyor-General with responsibility for:**
- Boundary Surveys
- Mapping and Geo-Informatics
- Cadastral and Special Surveys

- **MINISTRY OF AGRICULTURE AND NATURAL RESOURCES (MANR)**

The state ministry of Agriculture and Natural Resources is tasked with the responsibility of all Agricultural services. It is posed with the duty to carry out inspections on produce been produced and all livestock matters. It has the obligation of carrying out veterinary services and fisheries and also undertakes special agricultural projects.

The several Parastatals existing within the Ministry are:

- Agricultural Development Programme;
- Delta Agricultural Procurement Agency;
- Tree Crop Unit;
- Tractor Hiring Unit;
- Communal Farms.



DELTA STATE
 MINISTRY OF LANDS, SURVEYS AND URBAN DEVELOPMENT
 P.M.B. 5017
 ASABA
 DELTA STATE OF NIGERIA

SPECIAL PUBLIC ANNOUNCEMENT

This is to notify the general public that the Delta State Government has introduced a new Certificate of Occupancy in line with its transformation agenda of Delta Beyond Oil. The old Certificate is being systematically phased out to pave way for the new one with effect from 1st September, 2014. Below is the Specimen of the old and new Certificates with their features;

The new Certificate of Occupancy is highly customized with special features which include;

- a. High Security Paper
- b. Bespoke central watermark running down each edge of the Certificate

- c. Delta State logo embedded in the middle
- d. Watermark track incorporating 1.2mm thermo text thread
- e. Visible and Invisible fibres that fluorescence under UV light blue and yellow
- f. Sensitized to acid and alkali, bleach, and non polar chemicals
- g. Securitext finish assisting with laser toner adhesion
- h. One paged document as against the previous seven-paged Certificate
- i. Enhanced aesthetic values
- j. Grantee's passport photograph is embossed and printed with the Certificate in order to eliminate mutilation and other abuses
- k. The survey plan is also embossed and printed with the Certificate of Occupancy

The New Certificate of Occupancy Front and Back

DELTA STATE OF NIGERIA
 SECOND SCHEDULE (SECTION 122)
 State Land Law (Cap S8 Laws of Delta State of Nigeria)
 CERTIFICATE OF OCCUPANCY No. D/SLR 138796
 (STATUTORY RIGHT OF OCCUPANCY)
 File No: LG/AS/897

THIS IS TO CERTIFY THAT MR. AMBROSE OJEH
 whose address is No. 15 Ojeha Kwole Road, Ojeha C/O. P. O. Box 2344 Ojeha in Ilesha North L. G.A (hereinafter called the holder/holders) have hereby granted a statutory right of occupancy in and over the land described in the schedule, and more particularly in the plan produced hereon for a term of 99 (Ninety nine) years commencing from the 7th day of July 2014 according to the true intent and meaning of the Land Use Act of 1978 and subject to the provisions thereof and to the following special terms and conditions:

- 1) To pay in advance without demand to the Governor of Delta State of Nigeria (hereinafter called the Executive) or other person appointed by him and at each point as may be directed:
 - a) the proportion of rent at the rate of ₦8000 per hectare per annum applicable to the period from the said date of commencement to the thirty-first day of December, 2014, within two months from the date of this certificate, and thereafter;
 - b) the yearly rent of ₦25,000.00 payable in advance on the first day of January each year; and
 - c) the revised rent as hereinafter provided.
- 2) Rention periods, every 5 (five) years.
- 3) To pay and discharge all rates (including additions), assessments and impositions, whatsoever which shall at any time be charged or imposed on the said land as any such tenement or any building thereon, or upon the occupier or occupiers thereof.
- 4) To pay forthwith without demand to the Governor or such other body or person appointed by him (if not sooner paid) all survey fees, and other charges due in respect of the programme, registration and transfer of the Certificate of Occupancy.
- 5) Within two years from the date of the commencement of the right of occupancy, to erect and complete on the said land the building(s) or other works specified in the schedule annexed to the Certificate of Occupancy or any other agreement to do so and to the satisfaction of the said Governor.
- 6) To maintain in good and substantial repair to the satisfaction of the Governor or any other officer appointed by him, all buildings on the said land (whether now erected or to be erected in pursuance of sub-clause (5) hereof).
- 7) To clear and keep clear the said land of stagnant water, long grass, reeds, weeds and high and accumulations and deposits of rubbish and other unsavoury matters, and to keep the same in all respects in a clean and sanitary condition, and any such works as the Governor or any officer authorized by him may reasonably require.
- 8) Not to erect or build or permit to be erected or built on the land, buildings other than those permitted to be erected by virtue of this Certificate of Occupancy nor to make or permit to be made any additions or alterations to the said building already erected on the land except in accordance with the plans and specifications approved by the appropriate authority.
- 9) The Governor or any other public officer duly authorized by him, shall have the power to enter upon and inspect the land comprised in any Statutory Right of Occupancy or any improvements effected thereon, at any reasonable hour during the day and the occupier shall permit and give free access to the Governor or any such officer to enter and inspect.
- 10) Not to alienate the Right of Occupancy hereby granted (or any part thereof) by sale, mortgage, mortgage, transfer of possession, sub-lease, lease, or otherwise however without the prior consent of the Governor.
- 11) To use the said land for RESIDENTIAL purposes.
- 12) Not to contravene any of the provisions of the State Land Law (Cap S8 of Laws of Delta State of Nigeria) and to conform and comply with all rules and regulations laid down from time to time by the Delta State Government.
- 13) For the purpose of the use to be had under this Certificate of Occupancy:
 - i) The term of the Right of Occupancy shall be divided into periods of five years, and the Governor may, at the expiration of each period of five years, review the rent and fix the rate which shall be payable for the next period of five years. If the Governor shall so review the rent, he shall cause a notice to be sent to the holder/holders and the rent so fixed or revised shall commence to be payable one calendar month from the date of such notice.
 - ii) If any rent for the said period payable in respect of the land or any part thereof shall be in arrears for the period of three months whether the same shall or shall not have been legally demanded or if the holder/holders become bankrupt or make a composition with creditors or cease any business, whether voluntarily or otherwise, or if there shall be any breach or non-compliance of any of the conditions or covenants or agreements herein contained, then, and in any of the said cases it shall be lawful for the Governor at any time thereafter to hold and enjoy the same as if the Right of Occupancy had not been granted but without prejudice to any Right of Action or remedy of the Governor for any antecedent breach of covenant by the holder/holders.

SCHEDULE
 (DESCRIPTION AND DIMENSION OF PARCEL TO WHICH ABOVE CERTIFICATE OF OCCUPANCY RELATES)

All that parcel of land known as State Lease to Mr. Ambrose Ojeh, lying and situated along Joseph Street, Ughelli in Ughelli North Local Government Area, Delta State of Nigeria, containing an area of approximately 964.186 square metres more particularly delineated in survey plan no. UG/ 84 attached to this present and bordered pink.

Signed, Sealed and Delivered by _____ Dated this _____ day of _____ 20____
 Given under my hand the day, month and year above written

In the presence of _____ In the presence of _____
 Governor of Delta State

Lands Officer _____ Director of Land _____
 This instrument is registered as No. _____ at Page _____ In Volume _____ of the Certificate of occupancy Register in the Ministry of Lands, Surveys and Urban Dev. Asaba, at _____ o'clock in the _____ day of _____ 20____

Dated Register _____ History Card No. _____ Property Identification No (PIN) 1790014

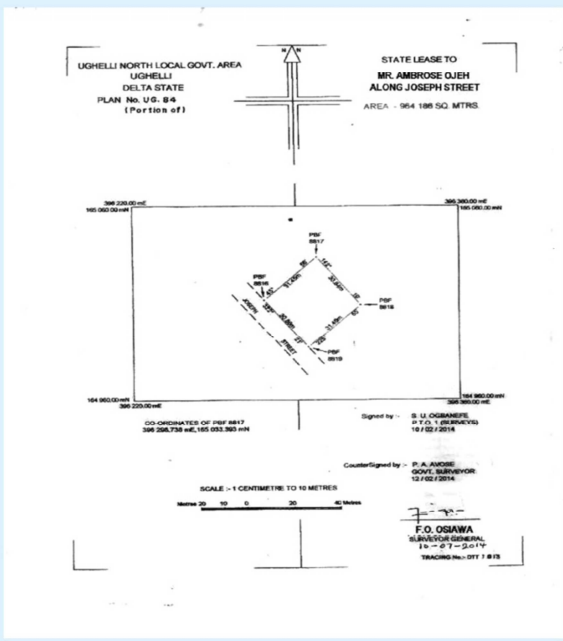


Figure 6: A Specimen copy and State Government advert for the advent and introduction of new Certificate of Occupancy with effect from 1st of September 2014.

• **MINISTRY OF ENVIRONMENT**

The Ministry of Environment was created in 2001 to handle pollution and related Matters that affect the living environment in Delta State. The State Government approved the assignment of responsibility for all matters relating to ecological problems to the Ministry of Environment.

It is charged with the obligation of developing and creating environmental policies, environmental protection and control, environmental technology including efficient implementation of Research and Development. The clearing of existing drainage systems to solve ecological or environmental problems, sewage or the construction of drainages as part of measures to control effluent discharge, Waste or environment degradation (Whether caused by flood and/or erosion) falls within the purview of the Ministry of Environment.

The ministry also carries out different task of Planning, Designing and Constructing of Ecological and environmental facilities, environmental sanitation and urban waste disposal and management and the Provision of Natural Preservation which includes Forestry, Conservations, Ecology, and Sanitation. It also supervises the activities of Delta State Environmental Protection Agency (DELSEPA), Waste Management Board and takes the responsibility for liaising with Oil Companies on Pollution and Environmental Matters.

The assigned responsibilities to the Ministry of Environment include:

1. Environmental Policies
2. Environmental Protection and Control
3. Environmental Technology including initiation of policy in relation to environmental research and technology
4. Environmental Sanitation and Urban Waste Disposal and Management
5. Planning designing and construction of ecological and environment facilities
6. Environmental Sanitation and Urban Waste Disposal and Management
7. Provision of Sanitary means of human disposal
8. Liaising with oil companies on pollution and Environmental Matters
9. Supervision of Delta State Environmental Protection Agency (DELSEPA)
10. Forestry
11. Soil and water conservation
12. Wild life Preservation
13. Botanical Gardens

2.0 INTEGRATED MINISTARIAL MANAGEMENT APPARISAL

ALCS in Delta State of Nigeria like any other part of the world is government based paradigm. It requires good policies formulations and executions with required stringent follow up for good target attainment. In a developing economy like ours as it is in other successful developed economy, isolation of various components, ministries, parastatals and departments is the major problem. This is generally known as the problem of “silos” (Williamson et al

2010. The National problem of Nigeria today after poverty induced insecurity is high rate of unemployment among the teeming youths. The level of hopelessness is so high and this has created insecurity at all levels of government. Using ALCS for poverty eradication and youths' empowerment in Delta State is achievable if state government can face these challenges as itemized hereunder and go at full blast to tackle all of them for the common good of the weak and poor in the society. (Dabiri 2014)

- Very porous and poor Legal Framework.
- Frustration of Legislations on Land Administration System.
- Poor and slow justice delivery system.
- Corruption and lack of will to change for good.
- Poor capacity building and unstable educational system.
- Land related Professionalism intra and inter jealousy.
- Land registration not of effect.
- Cadastral maps not in place.
- Poor mapping culture.
- Poor governmental Funding.
- Professional Institutions and Associations lack of vision.
- Government lack of awareness.
- Lack of transparency in Governance.
- Taxation and Apathy to pay tax due to poor governance.
- Over delayed Certificate of Occupancy processing: FIVE MONTHS and above.
- Cumbersome title and deed registration system.

The peasant farmers are usually the women who are caught up in the cobwebs of marital adventure and arrested by customary marital laws. Financial support from their husbands is usually meager; the women and their children use subsistence manual farming for survival. Governmental and Non Governmental institutions will eradicate poverty faster and easily if viable ALCS can be built and sustained for the good of the farmers. Dwindling Oil Prices is making revenue accrued to the state government from the centre to be dropping every day. The State Government can easily look inward and build a viable ALCS using the ministries integration and holistic approach devoid of high corruption and silo syndrome. The Appraisals shall be expected to focus on the abundant tools we readily have in Delta State. When one looks at the challenges as narrated; the bottom line of the challenges can be reduced to these: (Dabiri 2014)

- FUNDING AND LACK OF FISCAL DISCIPLINE
- BUREAUCRACY AND POOR MANAGEMENT
- POOR AND POROUS LEGAL FRAMEWORKS AND CONFLICTS THEREIN

3.0 CREATION OR ADOPTION

Creation or Adoption of any Land Administration System (LAS) like ALCS and the implementation of it without proper feasibility studies usually brings serious consequences of creating more problems and frustrations. When inappropriate tools have serious consequences: at best, poor and fragile LAS will result. At worst, the end result will compromise the system that existed at the start. Unfortunately, since 1975, cadastral, land titling, and land administration projects have produced more failures than the rare successes. The past decade has seen more successful implementations as the international community has come to better understand the complex issues involved in building LAS and their relationship with good governance in general. (Williams et al 2010).

Poverty eradication is a good attribute of any good governance and sustainability. One of the major and viable platforms to reach out to the poor is via good ALCS. Creation or adoption of a system has to be holistic and masses friendly. Land Ownership with the Rights, Restrictions and Responsibilities (RRRs) need to be well defined with good legal frame work. In Delta state: Land Use Act of 1999 as amended with its inadequacies can still be used when there is political will and sincerity on part of the government.

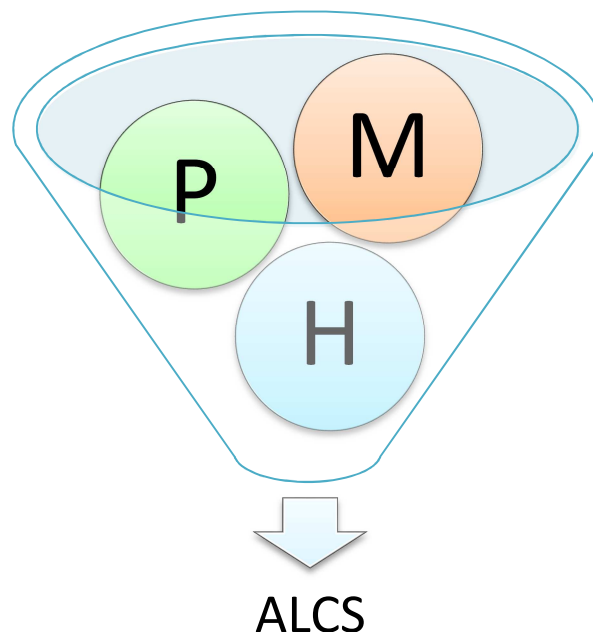


Figure 7: Please Note that P is Provision; M is Management and H is Holistic Approach: the figure is showing the need for proper funneling of the three parameters for a good ALCS creation.



Figure 8: Please Note that S is Source of System to be Adopted; D is the destination; ALCS is the Agricultural Lands Cadastre System: the figure is showing the need for proper gearing and continuous linkage of the gear teeth for effective and positive ALCS Adoption and Adaptation.

4.0 CROSSING THE THRESHOLD

Crossing the threshold is the start off point from the present state of things: the PAST, the PRESENT and the FUTURE of the people particularly the weak and the poor must fully considered in designing any form of system. The country just witnessed an uncommon historical and political change after the general election. CHANGE is the common political slogan in Nigeria now. All and sundry expectations are very high for good governance particularly after the general election of 28th of May 2015. ALCS is an important initiative that DTSG can easily embark upon for good governance sustainability.

No ALCS can be started off without putting in place CADASTRE ADMINISTRATION SYSTEM starting with the simple rudiments of cadastre data acquisition, collation, presentation, storage, adaptation and utility. The Investments on the CADASTRE is a fundamental issue and cannot be compromised. Poor Investment on CADASTRE translates to POOR GOVERNANCE and POOR PEOPLE.

When the Land Administration is not under proper management definitely the revenue earnings of the government will be limited and corrupted.

Cadastre Survey is the pivot of all Land Administration System all over the world and in Delta State of Nigeria; it is the centre of all actions on land matters. But our Cadastre Level

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Rating (CLR) is very low and it needs to be turned around for good.



Figure 9: The Cadastre Survey Record Copies heaped on bear floor and dust cupboards in the MLSUD. Manual and slow management of data need to be changed for creation or adoption of a good ALCS.

To have a good ALCS in place be it by creation or adoption: The following milestones have to be studied and work with (Dabiri 2014)

1. Automate and enhance the Delta State Cadastre Survey Plans Registration System based on the available survey laws and departmental instructions that Survey Plans are necessary article for production of all title in the state.
2. Develop an information utility to manage the survey plans registration databases starting with the certificates of occupancy in the MLSUD.
3. Develop Delta State Cadastre Map using Local Government Area as units of the map system.
4. Market cadastre products, systems and applications to other states and within the data users to serve as a base for research and development.

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Figure 10: Cadastre Data kept in cartons is inimical to any form of ALCS.

5.0 CONCLUSION

The contrast between rich and poor nations is readily apparent from a land administration perspective (De Soto 2000). Poor Countries need more, not less, comparative land management capacity. While titling land can retrieve the lost capital of the poor, integration of the land administration functions in organized Land Administration System is essential to accommodate planning and other issues experienced by poorer nations. (Williams et al 2010).

The view as opined above has been the fundamental components of any good governance. Delta State People and Delta State Government will need to work hard to provide and enhance ALCS for the good of the people that have high expectation with the wind of change blowing due to emergence of the country for a new political dispensation.

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BIOGRAPHICAL NOTES

DABIRI, Oluseye Thomas obtained Bsc Geography Science from the Nigerian Premier University of Ibadan in 1987. He served in Geography Arts Department of University of Lagos as a Graduate Assistant on the Desertification Monitoring Project of Canadian Waterloo University support/exchange project from 1987 to 1988. He obtained Post Graduate Diploma in Land Surveying and Applied Sciences from Federal School of Surveying in Oyo town of Nigeria in 1990. He became Registered Surveyor under Decree 44 of 1989 in 1992.

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Before then he has served as Projects Surveyor for major oil servicing companies in Niger Delta and beyond for Right of Ways and Oil facilities Engineering Survey support services. In 1993/1994 he started Private Practice as Principal Partner for Geocore Surveys: a personnel supplying contracting company to Chevron Nigeria Limited and Shell Petroleum Development Company of Nigeria. In 2001, he formed Hydroark International Limited. He is the Chairman and Managing Director of the company since then till date. Hydroark is one of the leading Survey company with wide diversity into hydrographic survey, property, cadastre management and investment monitoring; he is a viable member of FIG Commission 7; a Paul Haris Fellow of Rotary Club International; National Treasurer of Association of Private Practicing Surveyors of Nigeria (APPSN) since 2013 till date. He became FELLOW of Nigerian Institution of Surveyors 2015. Married with children

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