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SITE ACQUISITION FOR TELECOM BASE STATIONS IN NIGERIA: CONCERNS, CHALLENGES & PROSPECTS

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ABSTRACT

Owing to the revolution in the telecom landscape, the need for space to house GSM equipment so as to provide satisfactory network coverage for the Nation has intensified. Site acquisition activities have deepened due to competition and need to increase market share by individual network operators. But these telecom operators continually encounter various degrees of problems when acquiring these sites which results in several implications. The study aims to ascertain and observe the conspicuous issues and challenges associated with acquiring sites for telecom base stations in Nigeria, and also evaluate their occurrence rate and establish the implications of these evident site acquisition difficulties. Site acquisition operatives and consultants of the telecom service providers were sampled; mailed questionnaire and personal interview were employed. From the analysis of data based on 400 telecom base stations, 11 distinctive site acquisition problems were identified, and further analysis revealed that restive attitudes of community youths, burdensome financial terms by public departments and uncooperative attitudes of host community heads (and adjoining landowners) are the top-ranked issues. The study, however, suggests certain practicable initiatives and viewpoints to better manage these barriers.

Keywords: Site Acquisition, Global System for Mobile Communications, Base Stations

INTRODUCTION

Land is the platform for all human activities and an essential tool for human development (Adisa, 2007). In Nigeria, land remains a crucial factor of production, a capital asset and a productive economic factor that defines the social, economic

and political relations in the society and serves as an unlimited reservoir of sustenance for the man who has the use and enjoyment of a useable portion of it. Land, according to Iseh (2007), encompasses all the necessities for life to exist - not just basic to life, but it remains a scarce resource that its demand is continuously on the increase for varying degree of uses. This demand has forced the available supply of land to be put into competing uses – including positioning of telecom base stations - based on the utility derived from its use either in the form of rental or capital gains.

The positioning of telecom base stations has added to the number of competing uses of land in Nigeria; these telecom base stations are required by the telecom operators to facilitate voice and data coverage across territories within the country. The advent of Global System for Mobile Communications (GSM) in the Nation has indeed afforded new opportunities and frontiers across business, social, economic and political settings. The infrastructure and facilities provided for the telecom base stations have had a tremendous impact on the lives of individuals and establishments where the services are rolled out (Ojo, 2011; Okafor, 2011; Nwankwo, Jibiri, Dada, Onugba & Ushie, 2013). Their rollout and development have increased over the years due largely to competition and the need to increase market share of the individual operators (ALTON, 2010). Over 27,000 telecom base stations have been built nationwide by the operating GSM service providers with a target of 60,000 by 2018 (Nigerian Pilot, 2013).

The telecom operators normally require land (sites) for the construction of their base stations to deliver and enhance voice and data services around specific positions for its network based on some certain technical and marketing criteria. Yet, as laudable as the spate of aggressive base station rollout is, it has been stalled by site acquisition delays which have resulted in loss of revenue and increased cost to the whole process (Vanguard, 2011).

In the light of the foregoing, this study has deemed it important to explore the site acquisition related barriers militating against stress-free positioning of telecom base stations in Nigeria.

LITERATURE REVIEW

Evolution of Global System for Mobile Communications in Nigeria

The history of Global System for Mobile Communications (GSM) in Nigeria is traceable to the deregulation of the telecommunication industry which gave birth to the GSM revolution in the year 2001 under the then civilian administration of President Olusegun Obasanjo (Stephen, 2012). Ever since, the telecommunication industry has witnessed a phenomenal growth in the number of subscribers from 400,000 to over a 127 million subscribers (Nigerian Communications Commission, 2014).

Before the advent of Global System for Mobile Communications, the Nigerian Telecommunication Limited (NITEL) was saddled with the responsibility of providing means of communication basically the landlines which was bedevilled by gross inefficiency and corruption (Stephen, 2012). The first GSM network providers that came on board were Econet Wireless (now Airtel) and MTN Nigeria – both were formally launched in August 2001. Two years later, in 2003, Globacom another GSM operator was given licence to commence operation. Another round of licences was issued to Etisalat and Aliheri Engineering to commence GSM operation in 2007 (Ndukwe, 2009).

The GSM licensing and eventual operation by these GSM telecom operators (except Aliheri Engineering that never commenced operation) brought about enormous transformation in the telecommunication industry. The consequence of this decision by the then Government has impacted positively on the economy vis-à-vis enhanced range and quality of telecommunication services available to users (Ajakaiye, 2005; Leadership, 2014), level playing field to service providers (Ajakaiye, 2005), effective reduction in cost of acquiring and using the services (Ajakaiye, 2005; Okafor, 2011), improved quality of living and lifestyle (Okafor, 2011; Leadership, 2014) and creation of direct and indirect employment opportunities for skilled, semi-skilled and unskilled citizens (Ajakaiye, 2005; Ojo, 2011; Okafor, 2011; Thisday, 2014).

The Nigerian telecommunication industry is said to be the fastest growing telecommunication industry in Africa and the Middle East and second in the world after China (Pauli, 2012; Leadership, 2014), and it represents the largest provider of job opportunities for Nigeria teeming population (ALTON, 2010; Vanguard, 2011; Stephen, 2012). It is, however, worthy to note that the GSM is plagued with a number of concerns and challenges which is affecting optimum efficiency and performance. These GSM operators complained of poor infrastructural base as a key factor inhibiting their ability to meet the key performance indicators as prescribed by the Nigerian Communications Commission (NCC), the Nation's national regulatory authority (Stephen, 2012).

Access to Developable Sites

Land is a fundamental requirement in every economic endeavour whether in commerce, industry or technological undertakings. Every person requires land for his support, preservation and self-actualisation within the general ideals of the society. Omotola (1988), from a legal perspective, termed land as whatever is beneath, above, or attach to the earth surface and which individuals, groups and nations can exclusively exercise right of use, control and alienation; and it is a very important issue in the society that influences all activities of man. Besides, land is the most crucial element in property development process and it is inseparable from the concept of the society (Omirin, 2003).

Describing a developable plot of land, Babade (2003) referred to it as a site whose characteristics include suitability for the types of investment envisaged - as defined by location, size, terrain and topography; and acceptability - as defined by planning status and market prospects without any known serious dispute. He further defined access to land as the ability to procure and possess any developable plot; a stage when right to land is secured and unchallenged, *ceteris paribus*. For such land to be accessed, it must be available and affordable with well secure tenure which can also be transferred easily.

Moreover, Babade (2003) quoting Farvacque and McAuslan (1992) identified various forms of access to land; private to private, public to private, private to public to private, private or public to private and customary allocation. Private to private form of access is described as the transfer of ownership during private land transactions or by inheritance; public to private form of access happens when the government allocation process grants private individuals or corporate bodies access to government land; while private to public to private category of access to land occurs when private developable sites are pooled through a land banking scheme under close monitoring by government and later redistributed to private individuals or corporate organisations. Private or public to private form of access occurs when the public or private invades private lands – this sort of access is classified as informal and is common in many urban areas in the developing nations; and customary allocation is a category of access to land within the framework of customary law which is still applicable in many parts of Africa, Australasia and Asia.

Site Acquisition Process for GSM Base Station Purpose

There are diverse ways in which developable sites can be put; residential, commercial, religion, industrial, agricultural, recreational, institutional, and special purpose uses (Kuye, 2000). Thus, the use of land for the erection and positioning of GSM base stations could be grouped as special/commercial land use.

A GSM base station is often described as a fixed structure that houses the tower, base transceiver equipment, power supply set and related supplies that facilitate voice and data transmitting and receiving – designed and built to cover a particular circumference. In Nigeria, the GSM base stations are either positioned on the rooftops or greenfield sites, their designs could be regular and irregular in shape, and different sizes – but more importantly, positioning of these GSM base stations must adhere strictly to the guidelines and policies of the Nigerian Communications Commission as stated in the Nigerian Communications Act 2003 and the Guidelines on Technical Specifications for the Installation of Telecommunications Masts and Towers 2009.

Acquiring a site for the positioning of a GSM base station follows some specific processes, and these include the following steps:

- Initiation

- City Survey
- Preliminary Network Design (PND)
- Site Negotiation
- LOS Validation
- Legal Investigation
- Planning Permission
- Rent Payment/Outright Purchase and Formal Acquisition

• Initiation

Acquiring suitable sites for GSM base stations, to cover specified communities or neighbourhoods, are based on certain motives; intensifying sales and marketing, improving existing network coverage or and expanding network coverage.

• City Survey

Having explored and defined the bases for site acquisition, the next step is for telecom operator's cell site roll-out (site acquisition) team and the contracted site acquisition consultants to seek and identify suitable sites within the specified geographical zones. This survey is actually conducted to determine the technical suitability and commercial viability of the specified locations for the positioning of the proposed base stations.

• Preliminary Network Design (PND)

A Preliminary Network Design (PND) is a technical based task that is carried out by the technical partner assessing further the technical suitability of the proposed sites secured during the city survey. This PND exercise specifies the most suitable site(s) from the city survey, number of sites required within such locations, site codes, site configurations, nominal coordinates, projected traffic and other parameters.

• Site Negotiation

In determining the preferred site for acquisition, the following indicators are to be considered; nearness to nominal, space availability, accessibility, price, duration, title documents, soil quality and condition amongst others.

• LOS Validation

The preferred site, after negotiation, is sent to the technical partner for Line of Site (LOS) validation. This determines the transmission path, link direction and also specifies the height and frequency of the transmission equipment.

• Legal Investigation

The names, title papers, contacts and phone numbers of the landlords are forwarded to the telecom operator's legal department for legal validation.

- **Planning Permission**

This entails informing necessary government agencies in the specified locations of the proposed GSM base stations of the intended use of land. These government agencies require the submission of Environmental Impact Assessments (EIA) reports, Engineering and Architectural drawings among other documentation for the proposed locations.

- **Rent Payment/Outright Purchase and Formal Acquisition**

Once the legal search is successful and application for positioning permit is granted, then the preferred candidate is approached for formal acquisition by signing the contractual agreement, on agreed terms, either for lease or outright purchase, and eventual the exchange of bank cheque.

In Nigeria, the telecom personnel and stakeholders involved in the site acquisition process for GSM base station purpose comprise sales and marketing personnel, operations engineers, built environment specialists, legal personnel, site acquisition personnel and consultants, landowners, and community elders and youths. Others are the technical partners (including Alcatel Lucent, ZTE, Nokia, Siemens, Ericson, Huawei, and Ceragon), and the government agencies (e.g. Federal Ministries of Physical Planning and Environment, State Ministries of Physical Planning and Environment, National Environmental Standards and Regulations Enforcement Agency (NESREA), Nigerian Civil Aviation Agency (NCAA), Nigerian Communications Commission (NCC) and Urban Furniture Regulatory Unit (UFRU)).

It should, however, be noted that this site acquisition process is not an entirely sequential activity and the stages in the process often overlap or repeat.

Site Accessibility Constraints: Nature and Dimension

Consideration for site accessibility is vital to the effort to achieve efficient and sustainable development in our society, but the most problematic issue in the Nation still remains having access to developable sites for diverse real estate development purposes (Babade, 2003) - in spite of the promulgation of Land Use Act since 1978 which has made access to land for the government and its parastatal stress-free and low-cost while the individuals and corporate entities encounter even more difficulties than ever before.

From the viewpoint of Omirin (2003), access to land is a function of physical, economic, social, institutional, and contextual factors; and constraints to access developable sites emanate from any of these identified factors. The physical factors establish the quantity and quality of land available; economic factors influence the market conditions for acquisition, i.e. the demand and supply interface, price mechanism, extent of competition and availability of finance; and social factors influence the shaping of the land tenure system under which rights may be held and exercised. Institutional factors regulate the mechanisms for exchange, use

and development. Moreover, access to land fundamentally encompasses four elements and these include availability, affordability, security of tenure and ease of transaction. Availability is the ready supply of developable site; affordability is the ease with which the cost of the available land can be paid for devoid of unnecessary financial strain; security of tenure is the certainty of the right to the developable site, i.e. possessing, occupying, developing and using of the developable site without disturbance, conflicting claims and sudden loss while ease of transaction is acquiring site without facing unwarranted difficulties.

However, the existing tenure patterns and private interests rarely harmonise with social priorities. As a result, land may be physically available and yet not accessible owing to exclusivity of ownership rights. What matters then is not how much land is physically available at any given time, but how much of it is not available because of obstacles to development. Besides, available and affordable land may be legally insecure due to indeterminate titling arising from disputes over ownership or as a result of the threat of compulsory acquisition. Also, available and affordable land with good titles may be difficult to obtain because of transactional obstacles leading to undue delays or additional expense. Since these problems have persisted and intervention measures have had little or no influence, it is therefore imperative to address these challenges by concentrating on all of the four elements, rather than treating one element to the exclusion of all the others - all these four elements are interconnected and mutually dependent and should, therefore, not be tackled in seclusion (Omirin, 2003).

STUDY AREA

The study area is the Southwest Nigeria covering six states – Lagos, Ogun, Oyo, Osun, Ondo and Ekiti States – with a land mass of 76,852 sq.km and a population over 25.2 million. The region controls 60% of the country's industrial capacity, 44% of banking assets, 67% of insurance assets and is house to the nation's deep seaports and busiest international airport (Bello, 20__). The southwest region of Nigeria is a Yoruba speaking territory that offers a wide range of sights and experiences, and its weather conditions vary between two distinct seasons; the rainy season (March - November) and the dry season (November - February). More importantly, this region boasts of the huge presence of all the GSM telecom services in the country.

DATA AND METHODOLOGY

Primary data used for this study were gathered through the use of survey methods; questionnaire and personal interview. The study population represents all the GSM telecom service providers' site acquisition operatives and consultants in the study area. A quota of 10 respondents was given to each of the four GSM telecom

service providers and a total of 40 structured questionnaires were mailed in all to the respondents. 100% response rate was achieved. Each respondent was expected to supply information on 10 telecom base stations recently acquired between the period of January 2012 and March 2014. The samples were selected adopting purposive and convenience sampling techniques. Data collected were analysed using descriptive statistics. Also, personal interviews were conducted on selected site acquisition personnel and consultants of the telecom providers. Secondary data were collected from prior studies and relevant publications.

FINDINGS/DISCUSSIONS

Characteristics of Respondents

In an attempt to achieve the purpose of the study and find answers to what might be the outcome of the study, the entire selected respondents for the study were strictly telecom providers' site acquisition specialists currently working within the study area and with over five years working experience in site acquisition/infrastructure rollout of the telecommunication industry. Knowledge, it is often said, is a function of experience. Information provided in this section to a great extent afforded a clue as to the quality of information that was provided by the chosen respondents.

Issues and Challenges of Site Acquisition for GSM Base Station Purpose

Certain and common site acquisition concerns and challenges in respect of positioning telecom base stations have been identified to militating against effective and efficient site acquisition process. These identified barriers are eleven (11) in number, and they include:

- i. Non availability of suitable space due to complete use of available land space
- ii. Uncooperative attitudes of community heads/elders and adjoining landowners
- iii. Restive attitudes of neighbourhood/community youths
- iv. Hindrances posed by government guidelines and policies
- v. Perverse attitudes of regulatory authorities
- vi. Burdensome financial terms by host communities
- vii. Burdensome financial terms by telecommunication regulatory authorities
- viii. Lack of infrastructure to access suitable sites
- ix. Extortion by government agents
- x. Multiple claims to ownership of suitable sites
- xi. Challenges with other competitors

- ***Non availability of suitable space due to complete use of available land space***

In some instances, telecom operators' sales/marketing, operations engineers and site acquisition personnel might have identified that some neighbourhoods or communities require expansion in the network coverage and services, but it will be discovered during the city survey that there is barely any available space where the proposed base stations could be positioned due to lack of suitable land spaces. Impliedly, supposed suitable sites in such identified neighbourhoods or communities have been exhausted for other competing uses.

- ***Uncooperative attitudes of community heads/elders and adjoining landowners***

Oftentimes, community heads/elders of preferred localities and the adjoining landowners to proposed sites are the barriers to the success of the site acquisition process. Suitable spaces might have been identified by the city survey teams and the landowners or their representatives might have agreed to the intended use, but the host community leaders and immediate neighbours might go against the intended use raising various reasons why they will not allow the erection of base stations in their communities or close to their buildings.

- ***Restive attitudes of neighbourhood youths***

It has become common trends amongst youths of host neighbourhoods and communities to take advantage of the situations whenever it is realised that telecom operators are planning to acquire sites within and around their localities. The neighbourhood youths often come in different groups to make different pecuniary demands which must be granted after breathtaking negotiations on the part of the telecom operators. Failure to honour the neighbourhood/community youths' demands could put an end to such acquisition exercise.

- ***Burdensome financial terms by host communities***

It has become the norms for host communities' elders and youths to demand onerous financial benefits as prerequisite to assess suitable sites for the positioning of telecom base stations in their districts. These financial demands are exclusive of the negotiated rents or outright purchase values with the landlords of the proposed suitable sites.

- ***Hindrances posed by government guidelines***

It has been realised that some notifications and guidelines by government agencies are impediments to the effective and efficient site acquisition process. Some government agencies have been observed to come out with notifications compelling telecom providers to adhere to some guidelines as against the provisions of the Nigerian Communications Act 2003. The 10 metres distance from adjoining buildings as provided by the National Environmental Standards and Regulations Enforcement Agency (NESREA) is a common instance that is conflicting with the 5 metres stipulated by the Nigerian Communications Act 2003. Though this NESREA guideline has been refuted by the National Communications Commission, but

some concerned state government bureaus have taken to accept the *NESREA* notification as prerequisite for approval of telecom base stations in their different states. Ogun State Housing Corporation is an example of such public department that is compelling telecom providers to follow such conflicting guideline.

• **Burdensome financial terms by public departments and bureaus**

Besides coping with the guidelines and policies of the telecommunication regulatory and allied agencies, some public departments and bureaus have been seen compelling telecom providers to use accredited government EIA consultants who charges exorbitant fees, imposition of taxes and other unjustified charges which the Nigerian Communications Commission has disapproved of and termed multiple taxation practice (Vanguard, 2011; Leadership, 2014). The Urban Furniture Regulatory Unit (*UFRU*) under the Lagos State Ministry of Physical Planning and Urban Development, Oyo State Bureau of Urban and Physical Planning, Lagos State Infrastructure Maintenance and Regulatory Agency (*LASIMRA*) and Ogun State Housing Corporation are good examples of such public departments and bureaus that are culpable of these acts.

• **Perverse attitudes of various public departments and parastatal**

Most of these concerned public departments and parastatal personnel constitute tailbacks to easy acquisition of sites; they make the process hostile and cumbersome by raising issues that are unwarranted and less important. They habitually prolong the process to frustrate the telecom operators, even the landowners and other stakeholders.

• **Challenges with other competitors**

Due to slow pace in decision making of some telecom operators, other competitors do get ahead of them to acquire potential sites by luring the landowners with better price, and juicier lease terms and benefits.

• **Lack of infrastructures to access suitable sites**

Some acquisition exercises have been halted due to lack of basic infrastructures within and around suitable communities that are to be provided with better GSM network coverage and services. Most of these infrastructures are supposed to be provided by the government, but they are never available. Such infrastructure includes accessible roads, good waterways, and secure jetty services. Waterways within Lagos, Ogun and Ondo States are some instances.

• **Extortion by government agents**

After incurring burdensome fees and charges which are directly deposited in designated public bank accounts, some personnel of the government agencies do extort money from the telecom operators. If these telecom providers fail to cooperate with these personnel in this regard, then the acquisition process could be prolonged or frustrated.

• **Multiple claims to ownership to suitable sites**

Another barrier to easy acquisition exercise is the issue of multiple claims to ownership or interest in suitable sites. This is common where suitable sites belong to multiple persons through the act of inheritance or gift.

Issues and Challenges of Site Acquisition: Assessment of Extent of Occurrence

Issues and Challenges	Extent of Occurrence (n = 400)	%	Rank
Restive attitudes of neighbourhood youths	189	47.25	1
Burdensome financial terms by regulatory authorities	120	30.00	2
Uncooperative attitudes of host communities heads/elders and adjoining landowners	113	28.25	3
Burdensome financial terms by host communities	110	27.50	4
Perverse attitudes of regulatory authorities	96	24.00	5
Hindrances posed by government guidelines and policies	91	22.75	6
Extortion by government agents	39	17.50	7
Lack of infrastructures to access suitable sites	43	10.75	8
Non availability of suitable space due to complete use of available land space	39	9.75	9
Multiple claims to ownership of suitable sites	34	8.50	10
Challenges with other competitors	29	7.25	11

General Implications of Site Acquisition Concerns and Challenges

- i. The identified concerns and challenges come with diverse degrees of consequences, and these include:
- ii. Prolonged poor network coverage and services within and around the intended preferred localities
- iii. Inability of the GSM operator to achieve anticipated network coverage and services expansion
- iv. Inability of the GSM operator to achieve anticipated financial returns or profits from the identified environs

- v. Loss of revenue to the telecom company due to high level of expenses being incurred in the process
- vi. Loss of resources, both human and capital, due to overbearing bureaucratic practice of the telecom company
- vii. Incurring excessive costs in the provision of infrastructure to access the proposed suitable sites to position the base stations
- viii. Unwarranted sanctions from the Nigerian Communications Commission for poor network coverage and services

RECOMMENDATIONS

To curtail the barriers encountered in the acquisition process and their significant complications, this study suggests the following viewpoints and practicable initiatives:

- i. With the support of the Nigerian Communications Commission (NCC), the GSM operators and their consultants must be willing to engage in adequate and appropriate sensitization or enlightenment of prospective landowners, and host communities elders and youths on the purposes and derivable benefits that come with positioning of GSM base stations in their neighbourhoods and communities.
- ii. Telecom companies should be ready to *really get involved* in direct community development programmes and befitting corporate social responsibilities before these are influenced by the preferred communities or any other quarter.
- iii. Positioning of base station in a community should provide both direct and indirect job opportunities for the community youths, such as security, cleaning, and participation in the construction works of the base stations.
- iv. Site co-location plans should be strengthened amongst the telecom companies, and NCC, the chief regulatory agency, should enforce this.
- v. To the regulatory agencies including various concerned states government departments, all guidelines, policies, regulations and laws must be appropriate and relevant – in line with providing GSM network coverage and services to the general public.

CONCLUSION

Having acknowledged that positioning of telecom cell sites now forms parts of the urban (and peripheral) real estate market, the study has succeeded in ascertaining and examining the conspicuous issues and logjams associated with acquiring sites for telecom base stations in Nigeria, and also evaluate their occurrence rate and establish the implications of these evident site acquisition difficulties. Nonetheless, it has been able to spot that employing appropriate initiatives and plans, these barriers can be well managed and acquisition process can become stress-free.

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VALUERS ENLISTMENT AND FEES STANDARDIZATION PRACTICES IN NIGERIA BANKING INDUSTRY: IMPLICATION FOR REAL ESTATE PROFESSION

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Abstract

Recent development in Nigeria valuation market reveal that banks, notable end users of valuation services, now enlist (select) Estate surveying and valuation firms for credit based valuation jobs adopting divergent and unilaterally set basis. They also dictate fees payable to the retained Valuers adopting standardized threshold not properly aligned to the nature, purpose, location, magnitude of the job and sector fee scale. This study therefore, attempts an investigation into this enlistment and fee practices to ascertain the implication and the extent to which the act may affect the Estate Surveying and valuation profession in Nigeria. A survey was conducted in Lagos, using a purposive random sampling with a structured questionnaire to collect data from 121 respondents comprising 100 registered estate surveying firms and the 21 banks in Lagos metropolis. Data collected were captured with SPSS IBM Version 20 and analyses were done using descriptive and inferential statistics. The result however revealed that the enlistment policies are not broad based, criteria substantially opaque with a wide range of qualified practitioners excluded by this practice. It also creates black market fee structure, tight cost-fees ratio, creeping loss of interest by valuers in credit based valuations, low quality reports, and dwindled capacity of firms to engage and retain experienced valuers. It was further revealed that banks engage in this two-pronged practice predominantly as a cost saving strategy; to address mounting issues of connivance, compromise and corrupting influences; the need to promote retail/consumer banking and the unwieldy number/proliferation