Survey Professional Ethics in Nigeria - On a Downward Spin?

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SUMMARY

Among other duties, a surveyor is obligated to promote the highest level of professional practice to the end of delivering high quality and efficient service to their clients. Founding fathers of the surveying profession in Nigeria, with less refined tools and many hurdles to surmount, painstakingly and religiously adhere to the rules and ethics of the profession, leaving in their wake monuments of professional significance.

In recent times, however, the character and status of the modern Nigerian surveyor is being questioned, especially in areas of cadastral concerns. It is not uncommon to see forged survey plans used in land registrations and approving building plans. Survey beacons demarcating parcel boundaries are seen with archaic identities, which is a tell-tale sign of foul play to the discerning eye. These, amongst many other anomalies, are perpetrated by unscrupulous elements that profit themselves on the ignorance of the populace.

This paper researches into the immediate and remote causes of this menace. It discusses a number of malpractices and ethical misconduct marring the image of the Nigerian Surveyor. It also outlines the roles shouldered on the surveyor, both individually and as a body, in order to redeem their image.

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1. INTRODUCTION

The professional practice of surveying in Nigeria is as old as the country itself. Its pioneer organizing body was instituted in 1934 as the "Licensed Surveyors Association" and was headed by the iconic leader and nationalist, Herbert Macaulay. At about the time the country gained independence, it metamorphosed into "Land Surveyors Association of Nigeria" and subsequently became "The Nigerian Institution of Surveyors", the name with which the professional body is still known.

The umbrella professional organization for all surveyors in Nigeria (NIS) is aimed at maintaining the integrity of the profession and enhancing its status, setting and maintaining the highest standards of professional conduct, ethics and discipline among its members, among several other objectives. However, the responsibility of regulating surveying activities in the country was done by the Licensing Board of the old Federal Surveys Department up to 1989. Being a government department, as it were, it was difficult for non-members of the department to become licensed. Hence, the agitation for a Surveyors Board of Nigeria and the subsequent establishment of the Surveyors Council of Nigeria by Decree 44 of 1989, now known as Cap 425 of the Laws of the Federation of Nigeria. (Atilola, 2010)

The council is expressly charged with the general duty of determining, and maintaining a register of, persons entitled to practice the profession. It regulates and controls the practice of the profession in all its ramifications and also maintains discipline within the profession. A Surveyor in Nigeria, therefore, is someone that is recognized by the Council as passing through all the processes that will make him fit to practice professionally. Such duly registered individuals are obligated to promote the highest level of professional practice to the end of delivering high quality and efficient service to their clients in adherence to the provisions of the overseeing bodies.

Doubtlessly, the early surveyors in the country held high the torch of integrity in the discharge of their duties; difficult terrains and personal discomfort notwithstanding. Given credence to this fact are professional monuments of high significance and unfading relevance. Examples of such monuments are the products of the first geodetic surveys of Nigeria performed by the British Royal Engineers in 1910-12. The geodetic (horizontal and vertical) networks started to be

observed in the late 1920s and most of the network was materialized between the late 1940s and early 1960s. Those networks have since been used and are still in use extensively in land management, urban development, physical planning, mineral exploration, road and water transportation, etc. Triangulated points of those networks can be seen on hard-to-access hilltops or high grounds such that one could only wonder how those early surveyors accessed those locations; what with large instruments to carry along. (Fajemirokun, 2006)

Impressive too is the accuracy and precision with which those early jobs are carried out as is evidence in their continued usage till date. Yet all they had were such crude equipment as Gunter chains, Invar tapes, and few precision equipment like geodetic theodolite. Also worthy of note is the volume of rigorous after-field processing involved in getting those jobs done.

Interestingly, those early survey works were carried out mainly by British personnel. Moreover, surveying education was one of the first professional training established in the country with the first survey school set up around 1908. With this, the image of the Nigerian surveyor began to improve. They became probably the most well-read group in the Nigerian society in the early years of colonial administration, and the first set of professionals in the country. Little wonder that Herbert Macaulay, one of the veteran nationalists, was a surveyor and an engineer. (Balogun, 1985)

Fig.1 Herbert Macaulay, the first Indigenous Surveyor in Nigeria, appears on the ₦1 currency in tribute to his outstanding intelligence and nationalism. (Culled from www.abiyamo.com)

With such rich background and professional history, one could expect the highest level of professional etiquette and strict adherence to ethics from the modern surveyor. However, this is hardly the case. In recent times, the character and status of the modern Nigerian surveyor is being

questioned, especially in areas of cadastral concerns. It is not uncommon to see forged survey plans used in land registrations and approving building plans. Survey beacons demarcating parcel boundaries are seen with archaic identities, which is a tell-tale sign of foul play to the discerning eye.

These anomalies mentioned above, amongst many others make one wonder what becomes of the professionalism and integrity which serves as the basis of survey practice in Nigeria. Before discussing the menace, though, here is a brief overview of the general ethical expectations of any profession.

2. PROFESSIONAL ETHICS

Professional ethics encompass the personal, organizational and corporate standards of behavior expected of professionals. Professionals, and those working in acknowledged professions, exercise specialist knowledge and skill. How the use of this knowledge should be governed when providing a service to the public can be considered a moral issue and is termed professional ethics. (RIBA, 2005)

Some professional organizations define their ethical approach in terms of a number of discrete components. (RICS, 2014) Typically these include:

- Honesty
- Integrity
- Transparency
- Accountability
- Confidentiality
- Objectivity
- Respectfulness
- Obedience to the law
- Loyalty

Most professions have internally enforced codes of practice that members of the profession must follow to prevent exploitation of the client and to preserve the integrity of the profession. This is not only for the benefit of the client but also for the benefit of those belonging to the profession. Disciplinary codes allow the profession to define a standard of conduct and ensure that individual practitioners meet this standard, by disciplining them from the professional body if they do not practice accordingly. This allows those professionals who act with conscience to practice in the knowledge that they will not be undermined commercially by those who have fewer ethical

qualms. It also maintains the public's trust in the profession, encouraging the public to continue seeking their services.

In cases where professional bodies regulate their own ethics, there are possibilities for such bodies to become self-serving and to fail to follow their own ethical code when dealing with renegade members. This is because of the nature of professions in which they have almost a complete monopoly on a particular area of knowledge. However, in many countries, there are statutory regulations or laws safeguarding the ethical standards of most professions. Failure to comply with such standards can become a matter for the courts.

For example, a lay member of the public should not be held responsible for failing to act to save a car crash victim because they could not give an appropriate emergency treatment. This is because they do not have the relevant knowledge and experience. In contrast, a fully trained doctor (with the correct equipment) would be capable of making the correct diagnosis and carrying out appropriate procedures. Failure of a doctor to help in such a situation would generally be regarded as negligent and unethical. An untrained person would not be considered to be negligent for failing to act in such circumstances and might indeed be considered to be negligent for acting and potentially causing more damage and possible loss of life.

Another instance is when a business approaches a professional engineer to certify the safety of a project which is not safe. Whilst one engineer may refuse to certify the project on moral grounds, the business may find a less scrupulous engineer who will be prepared to certify the project for a bribe, thus saving the business the expense of redesigning.

Emphasizing and shedding more light on the importance of professional ethics, is another related term, "Code of Practice". In its 2007 International Good Practice Guidance, Defining and Developing an Effective Code of Conduct for Organizations, the International Federation of Accountants provided the following working definition: "Principles, values, standards, or rules of behavior that guide the decisions, procedures and systems of an organization in a way that (a) contributes to the welfare of its key stakeholders, and (b) respects the rights of all constituents affected by its operations."

A code of practice is adopted by a profession or by a governmental or non-governmental organization to regulate that profession. A code of practice may be styled as a code of professional responsibility, which will discuss difficult issues, difficult decisions that will often need to be made, and provide a clear account of what behavior is considered "ethical" or "correct" or "right" in the circumstances. In a membership context, failure to comply with a code of practice can result in expulsion from the professional organization.

In the surveying parlance in Nigeria, both the professional ethics and the code of practice governing the profession are laid down by the Nigerian Institution of Surveyors (NIS) and its supervisory body, the Surveyors Council of Nigeria (SURCON). How well, though, has the country's surveying profession been faring when adjudged by the current trend vis-à-vis the profession's code of ethics? A brief, but careful, look into the cadastral area of the profession would give an account of what is currently obtainable.

3. CADASTRAL SURVEYING IN NIGERIA

In its 2013 review of *Guidelines on Cadastral Survey Practice*, The Ogun State branch of the Nigerian Institution of Surveyors, render cadastral survey as "the survey of individual property which eventually leads to the production of deed plans which could be used for the registration of title documents and other purposes like planning, designing, etc." It further postulates that "nearly all known registered surveyors are engaged in cadastral survey practice. It is the most practiced type of survey through which the general public knows one as a surveyor."

According to Elujobade (2013), Cadastral surveying, which is also variously known as Property Survey, Boundary Survey, Demarcation Survey and in Nigerian local parlance "Four Corner Job", constitute about 70% of discrete survey activities in Nigeria. It is the only aspect of survey profession that has legal status as the practice is regulated by the laws of the country.

The Surveyors Council of Nigeria gives the number of principal and non-principal surveyors eligible to practice for 2013 as 1037 and 330 respectively. In addition, a list of persons enrolled into the council's register as at 6th December, 2012 as released by the council gives the number of pupil surveyors, survey technologists and survey technicians as 347, 48 and 7 respectively.

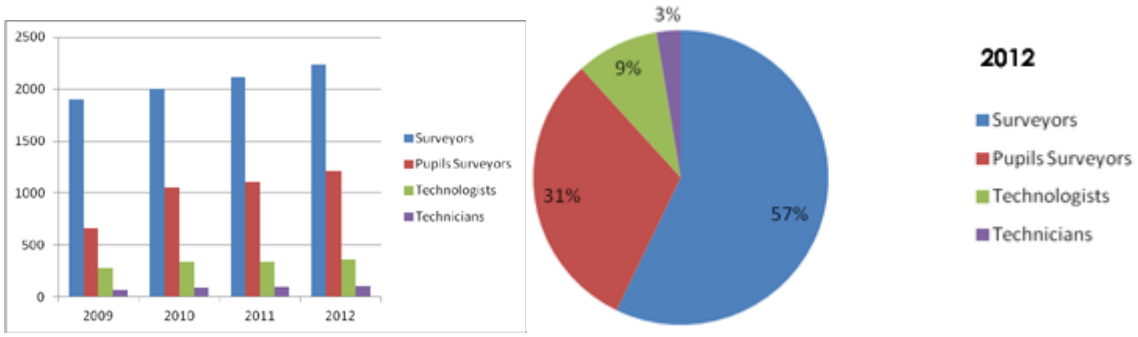

Fig. 2: Showing the number of surveyors in Nigeria in 2012 (SURCON)

Inferentially, the total number of surveyors eligible to practice and registered in the council's register are less than 3000. Needless to say, this quantity is grossly insufficient to cater for Nigeria's huge market for surveying services.

4. THE ETHICAL ISSUES

Nigeria, with a reputation of being the most populous country in Africa and the eighth most populous country in the world, has a population of about 168.8 million as at 2012. It is the largest country in West Africa and has an area of about 923,768km^2 of which the land area is about 910,768km^2 while the rest is water. The country also has a coastal line of about 853km. A comparison of these geographic facts against the number of certified surveyors available to cater for the country's enormous geographic needs betrays a large insufficiency in the profession. (NIS 2013)

How well though are these very few professionals being patronize? It is sad to note that the larger percentage of survey jobs is carried out by individuals locally known as 'quack surveyors'. Such individuals lack the proper and relevant training necessary to make them fit to practice professionally. As they do not qualify for membership of the supervisory bodies, their practice of the profession is criminal in nature.

Moreover, these quacks and unregistered practitioner parade themselves as genuine surveyors to their prospective unwitting client and, more often than not, collude actively with land fraudsters to cause mayhem. They distort survey plans, forge signatures, steal (Free from Acquisition) stamps, fabricate size of properties to make it look big but by the time they measure it its some hundred meters short, they fail to put the beacon numbers on the ground to reflect the points where the property starts and stops, they create fictitious existing roads and generally destroy the plan of the whole community.

An example of such frauds was as reported in one of the Nigerian newspapers, Daily Independent, on October 16, 2012. The paper reported that "a middle aged man has been sentenced to two years imprisonment with hard labor by a Magistrate Court in Osun state for forging the signature of one surveyor in the state".

According to the charge sheet, the man was accused of simulating the signature and stamp of the surveyor in order to legitimize a survey plan prepared by him. The police prosecutor stated that the convict through his action had committed an offence contrary to and punishable under section 516 and 465 of the criminal code Cap 34 vol. II laws of Osun State of Nigeria 2003. Found guilty of the said charges, the fraudster was sentenced to two years imprisonment with hard labor or pay an option of fine of ₦20000. Surely, nemesis caught up with one out of many. However, the

number of such falsified documents that is already in circulation could only be left to the imagination.

Not surprisingly, Surv. Ganiyu Agunbiade, the president of the Surveyor's Council while speaking at the induction of newly registered surveyors in February 2014 appealed to the Federal Government of Nigeria to assist the council in stopping the unlawful activities of uncertified surveyors operating in the country. He asserted the Council's position "that the technicians and technologists to be used in the capturing of spatial data should be SURCON certified. There are 31 polytechnics distributed all over the country that are producing such manpower. The use of uncertified technicians will be against the law of the land since they are not certified by SURCON and would be rendering over 1,000 technicians and technologist that are produced yearly to be unemployed."

A more saddening aspect to this trend is the fact that many certified practitioners unwittingly collude with these unscrupulous individuals, an action which only serves to undermine the integrity of the profession in general. These quacks, usually with crude and approximate equipment like compass and handheld GPS, would claim to have properly survey a landed area and produce a plan therefrom. Such prepared plans would be taken to a certified surveyor to be signed, stamped and sealed in order to make it legit. In a case where the legitimate survey refuses to certify such survey plans on moral grounds, the quack-turned-client takes his business elsewhere.

Needless to say, most certified surveyors simply append the necessary items to legitimize those plans since it would mean quick pay. This unfortunate trend which has now become the norm for most surveyors makes one wonder whatever becomes of the code of ethics guiding the professional practice.

More disheartening is the scourge of using the wrong tools on the job. Many cadastral survey practitioners have resorted to the use of consumer/recreational grade Global Positioning System (GPS) devices which are meant for such outdoor activities as; hiking, biking, mountaineering, backpacking, etc. This grade of GPS positioning devices cannot log satellite positioning data for post processing which could have improve the accuracies of coordinates obtained through them or to do this, require further specialized hardware, software and knowledge.

Since handheld GPS devices cannot resolve coordinates better than two metres (2m), they are therefore not suitable for cadastral survey of land parcels of 15m X 30m which is what the practitioners do most of the time. Apart from not meeting the required accuracy, the use of these

handheld receivers is gradually eroding professionalism from cadastral survey practice which is the jewel in the crown of survey practice in Nigeria.

Most of the time, the coordinates obtained with the use of such crude equipment do not "jive" and the practitioners have to make such coordinates to "cooperate". This practice will lead to problems in future when such "forced coordinates" will be used to re-establish lost property beacons. Such plans produced therefrom would not survive a query by the Land Bureau registry since the properties represented would not occupy their true positions.

Another ethical concern is the laxity in the use of modern equipment. Many surveyors no longer see the need to perform rigorous checks on their field data in order to make such conform to acceptable standards; especially when such data are obtained using modern electronic equipment. Surely, the use of electronic total stations, for instance, made collection of data very rapid. In consequence, reserved time for data acquisition in the field is reduced, a great number of sources of error are decreased, results are obtained rapidly, and data quality is improved. However, these technological advancements do not nullify the need to perform checks and make necessary corrections, since no equipment could offer absolute accuracy.

For example, a traverse carried out using a theodolite and tape would require angular and linear corrections. Even though a total station would naturally not require such linear corrections as sag correction and tension corrections, both being corrections applicable to tape measurements, it is necessary to observe and calculate for atmospheric corrections and such corrections must be applied accordingly.

Moreover, many cadastral survey practitioners no longer give attention to the common sources of errors in modern equipment, an inaction which generally would affect the end-product of survey jobs produced therefrom. Even a rookie surveyor would know that heavy EDM equipment puts an added strain on tripods and instrument stands. Therefore, tripods used to support EDM equipment should be sturdy and in good condition, and the hinge and foot screws should be checked for tightness quite regularly. Errors accruable from disregarding such seemingly trivial procedures have no known corrections, being gross errors, and would have been easily avoidable if the surveyor had been diligent in his observations.

In light of the above considerations, it is necessary to discuss possible ways of curtailing this unbecoming trend and ameliorating the situation while there is still chance to do so. The following suggestions highlight practical steps to be taken by the modern surveyor, both individually and as a professional body in Nigeria.

5. SOLUTIONS

The plague of quack and fake surveyors could be ranked as foremost among the ethical concerns of this profession. In a bid to address this, the Lagos State Surveyor-general in 2013 proposed an introduction of electronic based computer survey verification system. Such a system would make use of modern facilities including Geospatial Information System and Digital Maps, and is expected to save prospective land buyers from purchasing government acquired or committed lands and will also expose quack surveyors, and fraudulent land speculators.

In line with such proactive moves, survey departments in each states of the federation, should as a matter duty, take proactive steps to stem the tide of quackery in the profession by ensuring that survey plans are duly verified for their authenticity and correctness of what they claim to represent. The general public should also be sensitized to ensure that they hire the services of qualified and registered Surveyors for the survey of their lands. The departments should also make public a record of lands covered by government acquisitions or policies and should implore prospective land owners to investigate the status of the land in order to avoid being defrauded. Members of allied professions should also be alive to their professional, ethics and moral responsibilities by not making use of survey documents until the genuineness of such has been asserted.

A Nigerian proverb, when transliterated, says that "the holder of fake currency is a king until he comes across currency experts". Similarly, holders of fake survey documents wouldn't know otherwise until the long hands of the law catches up with them. Therefore, the general public should be made to realize the short and long term effects of fake survey documents and the criminality of having them in their possession. Such individuals should be encouraged to approach a certified practitioner with such false documents in order to get rid of same and get them replaced with legitimate documents at subsidized costs.

In order to curb the growth of quacks in the profession, an offer of amnesty should be extended to such illegal practitioners. The process of amnesty should involve series of trainings, seminars and workshops organized by stakeholders and regulatory bodies of the profession focused on such individuals. Given the fact that most of these quacks have served under many certified surveyors as labor hands and thus possess relevant experience to a certain degree, they should be encouraged to involve themselves in relevant qualifying procedures necessary to, at least, attain the level of a certified Technician. This process will also help make more certified surveyors to cater to the huge surveying needs of the country and help to forestall the proliferation of the profession by fake practitioners.

Additionally, periodic trainings should be organized regularly to update the surveyors with the ever-improving technologies in the field. Such trainings should emphasize the need to marry the use of modern technology with classical approach as the use of modern equipment does not automatically translate to accepted precision/accuracy if they are not technically manipulated by trained hands.

Ethics are standards of behavior and are rendered useless unless they are enforced. Therefore, effective policies and laws should be enforced by making scapegoats out of erring surveyors so as to serve as warning examples to other practitioners. Generally, the leadership of the profession should see ethics as one of their top responsibilities, and as an integral part of their stewardship and service to members of the profession. Individual survey organizations should implement strong ethics programs and provide an atmosphere that encourages strict adherence to such programs within their companies.

Today, very few licenses have been revoked as a result of unethical behavior and fewer numbers have been expelled from the association, a trend which serves to show the laxity in implementing and enforcing the professional code of ethics. Therefore, relevant bodies should ensure that offences against the code of ethics are treated with the same gravity as will offences against the law.

6. CONCLUSION

As a man of high ethical integrity, the apostle Paul in the Christian holy book said of himself: "As a wise director of works I laid a foundation, but someone else is building on it. But let each one keep watching how he is building on it ... *for* each one's work will become manifest, for the day will show it up, because it will be revealed by means of fire; and the fire itself will prove what sort of work each one's is." (1 Cor. 3:10-13) In the same vein, the forerunners of the profession had laid a foundation of high integrity and ethical responsibility. The modern Nigerian surveyor should therefore endeavor to build on the laid foundation by strictly adhering to the rules and regulations guiding the profession. The 'get rich quick' attitude of the society at large should not be allowed to rob on the profession as this portends a dark future for the nation.

Nigeria as a country is growing and so is the surveying profession. If and when individual members of the profession uphold the ethical codes guiding the practice, it robs off on the image of the profession in general. In the meantime, one could only anticipate that the time comes when all members of the profession in the country will be qualified individuals who are committed to continued professional development and are obliged to adhere to strict codes of ethics and standards. May that time come now!

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BIOGRAPHICAL NOTES

Surv. Akinola Gbade obtained his National Diploma (1989), Higher National Diploma (1992), and Professional Diploma (1996). He also received Master of Science degree in GIS from the University of Ibadan, Nigeria in 2011. He became a registered surveyor in 2004 and is currently Member of the Nigerian Institution of Surveyors where he serves in several committees. Surv. Akinola was lecturer with the Building Technology Department, Federal Polytechnic, Ede from 1998 till 2009 when he became the pioneer head for the Surveying & Geoinformatics department in the institution. He is currently a Senior Lecturer and still serves as the Head of the Department. He is the author of a textbook on Basic Principles of Surveying and other published articles.

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