

# LAND MANAGEMENT STRATEGIES FOR EFFECTIVE URBAN MASS HOUSING IN NIGERIA

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### **ABSTRACT**

The inadequate supply of and inequitable access to serviced land in urban areas of developing countries is the most important factor militating against the supply of housing to urban low income households. Inadequate supply and inequitable access stems, in most countries, from the use of poor and inappropriate frameworks for the management of urban land.

The aim of the paper is to review the shortcomings of existing land management policies and practices in the country and to present some suggestions for reform, which may help in improving both the management of land and its supply and access to it.

The paper concludes that unless concerted efforts are made to address the land issue, some Nigerian cities may in the nearest future be facing chaos.

## INTRODUCTION

Going through the list of subject areas that papers are supposed to be presented on for this conference, we noticed a conspicuous absence of land as an issue. This was a major oversight, because land is at the center of housing problems in most third world cities, and increasingly so in Nigeria. "Land because of its scarcity and high cost in urban areas is the major obstacle to the adequate provision of affordable urban housing in developing countries (Garba,1992:11)." Access to land has generally been shown to ensure access to housing for even the poorest household in urban areas of developing countries (Asiama,1990:240). This situation is so, because indigenous materials and traditional construction systems makes shelter units affordable (Laquain, 1982:77). The ability to use the "brick by brick" capitalization process thereby building according to the availability of resources, or to lower standards to affordable levels are contributing factors in reduction of the cost of shelter units. Thus as the cost and standard of shelter units in urban areas is reduced to suit the income levels of the various groups that make up the urban population, the responsibility of professionals in the construction industry is also affected, as it changes from that of prescribing for higher income groups to that of advising for the lowest income groups.

Land problems in urban areas of developing countries arise because of several factors. The first is the rapid increase in urban populations. Between 1950 and 1980, urban population in third world countries increased from 267 million to 972 million. It is expected to reach 1971 million by the end of this century. The highest rate of increase occurs in the largest cities such as Lagos, Mexico city, Delhi, Bombay, Kuala Lumpur etc. The increase in population means an increase in demand for land for productive activities, and a competitive demand for land between agriculture, needed to feed the extra population, and for other productive uses.

Land has certain characteristic which, however, influences its supply and market. The quantity of available land is fixed. The supply of land can only be increased by converting fringe land to urban uses. Land location is also specific. Increase in demand means a competition for land in the most suitable and accessible location. The result is price increases. Natural constraints such as mountains, gullies, and rivers all contribute in limiting the supply of available land for use.

The ability of most countries to also convert rural land to urban uses and to effectively manage the existing stock of land is severely limited. There is a severe limitation of financial capacity which is a product of both the scale of the land and housing problem, and of limitations in revenue earning potential. Limitations in revenue means that land cannot be acquired and serviced in enough quantity to meet the needs of growing urban populations. Inappropriate policies and legal instruments, coupled with severe limitation in both managerial and institutional capacity means that even the limited stock that is made available is mismanaged, thereby distorting access and encouraging speculative activities.

In all restrictions on land supply reduces the access of low income households to land. Usually, the restriction results in speculative activities which pushes up the value of land in the open market and

makes it unaffordable to low income households. In areas where there is a restriction on the free transfer of landed property, a black market in land ensues. The high prices of land resulting from speculation is already evident in cities in Nigeria such as Lagos, Kaduna and Abuja. This is despite the provisions of the land use decree. In some developing countries, land accounts for up to two thirds of the cost of housing provision (Laquain, 1982:77).

Because the poor have been mostly denied access to legal land through the formal process, they have been forced in most countries to adopt extra-legal means of acquiring building plots; ie through squatting, illegal subdivision, and slum creation. in Lagos, Cairo, Bangkok, Bombay, and Delhi, more than a million people live in illegally developed settlements (McAuslan,1987:11). In Kano, a report by Frischman (1988) shows squatting to be on the increase. Illegal occupation and development of land are both a manifestation and a result of the inadequate supply of land to low income households in urban areas.

There are several ways that the urban land issue of developing countries can be addressed. One is through population control policies. Another is through an increase in investment in land development, and in the efficiency of urban land management. The aim of the paper is to look at the second alternative. The paper reviews the problem of urban land management in Nigeria with the aim of presenting some suggestions for policy reform, which might improve the availability and accessibility of land to urban low income households. The paper is divided into 3 sections. The first section reviews the instruments and requirements for an efficient land management system. The second section looks at land management policies and practices in Nigeria and identifies some of the problems with the system, and the last part puts forward some suggestions for policy reform.

## INSTRUMENTS AND REQUIREMENTS FOR AN EFFICIENT LAND MANAGEMENT SYSTEM

The wide variety of factors influencing the formulation of land policies and the establishment of a land management system makes it impossible to develop a prescription or have a perfect recipe for an effective land management system. There appears, however, to be a consensus in most literature on land on the instruments and requirements for an effective and efficient system. These instruments and requirements are generally used to achieve the following broad objectives of land policies; Dunkerley (1983) and Hallet (1988) have, however, identified some of the objectives generally put forward for creation of an effective system. The objectives include:the provision of an adequate supply of land for urban productive activities, including the provision of basic services;the facilitation of good planning that minimizes the use of resources relative to social and economic benefit;the achievement of greater equity in wealth and income, including access by low income families to land and shelter; and a spatial distribution of population and activities at regional and national levels consistent with general national priorities.

### **Urban Land Policy measures**

**Land Ownership and Tenure** :Public control over land ownership is used to ensure efficiency in the use of private land, to ensure equity in access to land, and to ensure the availability of land for

the provision of public services. Control over land ownership takes several forms. Land ownership can be controlled through a redefinition of land ownership rights in tenure policies. Tenure reform can be used to restrict the rights of private land owners in order to ensure efficiency in the use of land, and to ensure that it is subject to public management. One way that this is achieved is by making private land subject to land use regulations and controls. Some countries go further and completely separate land ownership rights from development rights, with the public sector controlling the latter. Another way of restricting land ownership rights is by making private land subject to expropriation for public uses. McAuslan notes that:

Almost all countries have powers of compulsory land acquisition. In centrally planned economies where urban land is already owned by the state, governments can reacquire the use of land (so called 'resumption') (1985:86).

Expropriation laws specify the method and procedures for acquiring land, and for determining compensation for the acquired land. Expropriation laws enable the public sector to acquire land needed for the provision of public services.

Land ownership can also be controlled by controlling the pattern of land holdings. This is usually achieved by legislation limiting the amount of land holdings (McAuslan, 1985:33). Examples of such legislation are found in India, Nigeria, Bolivia, and Libya.

Another form of control over land ownership is achieved through public or collective ownership of land. This can be in a local, regional or national setting. Public ownership of land enables the public sector to maintain control over the use and distribution of land. In such a situation, private users of land acquire rights of use (usufructuary rights), and not the ownership of land from the government. The rights granted by the government do not preclude it from exercising acts of ownership by granting other rights that do not conflict with the rights already granted. The Habitat Conference recommends the public ownership of land as a means of controlling areas of urban expansion (Gertler, 1978:40).

**Land Use Regulation and Control:** Land use regulations and controls are used to restrict the rights of private land holders in the use of land. The regulations are used to protect public interest in the use of private land. The regulations stem from the need to provide public amenities, to increase the efficiency of land use, to limit urban sprawl and unnecessary encroachment on agricultural land, and to achieve economies of scale and least-cost production of public services (Courtney, 1983:153). The regulations are also used to ensure the availability of land to all groups, and to ensure that the benefits of development go to the community as a whole.

There are numerous ways through which land use is controlled and regulated. Land use planning is used in the allocation of space for different purposes in a local, regional, or national setting. Zoning regulations are used to specify permitted land uses, and to define norms (such as bulk, height, shape, etc.) for the different land use categories. Subdivision regulations are used to govern the parcelling of land for development. The regulations "prescribe standards for lot sizes and lay-out street improvements, procedures for dedicating private land for public purposes, and other requirements in far more detail than in the zoning plan" (Courtney, 1983:160). Building regulations are used to limit or define the way structures may be built or altered. They specify standards relating to materials of construction, and the assembly of buildings. The land use regulations are enforced through the use of permits and approvals by public agencies and institutions.

#### **Land Value and Fiscal Control**

Fiscal control measures provide another means for controlling the use of land. Such

measures are also used to control the value of land, to recoup the cost of public investment in land development, and to recapture unearned increments resulting from increases in land value.

A principal objective of land policy is to ensure that land is transferred at a just and fair value affordable to all income groups. The value of land is determined by the value of goods and services that can be produced on it. This value, as Nowlan observes, is not determined by the present use of land but by the potential use that could generate the highest value (1977:14). Both the potential use and the highest value of land are determined by two major factors: first is the level of demand for it, which is mostly a product of changes in urban population and the locational characteristic of land, and secondly by public actions such as the provision of services and infrastructure or changes in the intensity of land use, which influences the economic, social, and cultural value of the land.

The relationship of land values to planning policy stems from the fact that the actions that produce the highest land values are incidental and therefore unearned by land owners. The resulting high land values, if left unchecked, encourage the use of land for speculation, and affects the ordered developments of settlements. It also contribute to the creation of disparities in income distribution. Tax measures are used to recapture the land value increments, so that land development contributes to public revenue (Courtney, 1983:154). The Habitat Conference recommends that the unearned increments resulting from the rise in land value resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public bodies. (Gertler,1978:39)

Apart from unearned increments, other tax measures can also be used to penalize the use of land for speculation, thereby influencing its supply and controlling its value. Tax measures can also be used to control the use of land, by using taxes as incentives for a desired course of land use action, and as a penalty for undesired courses of action. Some of the common taxes applied include site value taxation, vacant land taxation, capital gains taxation, betterment levies, and the sale of development rights.

### **Direct Public Participation**

The public sector can improve the equity and efficiency in the allocation and use of land by participating directly in the land market. Direct public participation is also essential to ensure the availability of land for the provision of public services. Direct participation may be in the form of the provision of basic services. Government usually provides such services as roads, sewers and water lines, and treatment facilities. Some governments go farther in providing secondary services such as health centres, hospitals, and community facilities. The provision of these services can be used to make the areas more accessible and attractive for development. This enables control over the pattern of land development.

Government may also participate directly in the market through both the assembly and servicing of land, and in its supply for development. The assembly of land can be for a specific purpose or, as in land banking, to acquire land in areas of urban expansion so as to maintain effective control over developments. The participation of public bodies in land assembly and development is viewed as essential, in order to ensure equitable access to land and effective control over development (SCBR, 1983:33). The acquisition of land for public land development programmes can be done either through participation in the private land market, or by the use of compulsory

powers of acquisition. In some countries such as France and Sweden, legislation exists which compels land owners to notify the government of any intention to sell private land. The government then has the option of purchasing it.

Another means of direct participation by the public sector in the land market is through mixed public and private development programmes. Land pooling and land readjustments are examples of such participation. In land pooling, "a public authority acquires an area with many plots and many owners, consolidates and develops the holding and eventually reallocates the land in demarcated and serviced plots to its former owners in proportion to their original holdings" (McAuslan, 1985:89). The Cost of and returns on the investment are shared between the land owners and the public body. Sometimes, the public body gets a part of the land as its return.

Direct public participation may also take the form of urban renewal activities. In urban renewal, existing developments--usually derelict buildings, inadequate housing, or informal settlements--are removed from land, and the site is prepared for new uses. The renewal activities are, in most cases, undertaken in combination with resettlement programmes to rehouse those affected by the developments. Urban renewal activities can be used to increase efficiency in the utilization of land.

#### **1.24 Factors influencing the Effectiveness of Urban Land Policy Measures**

Dunkerley (1983), McAuslan (1985), and Darin-Drabkin (1977) have examined some of the factors that influence the effectiveness of urban land policy measures. The following sections outline some of these factors. The problems associated with land policies in developing countries are also pointed out in the appropriate places.

##### **Land Management Framework**

The framework established for the management of land is probably the most important factor in the successful formulation and implementation of land policies. Land is usually administered by a group of government departments, ministries, autonomous or semi autonomous government agencies, with each overseeing a specific aspect of land management. Some common aspects overseen by the agencies include the distribution of land rights, the regulation and monitoring of market processes, public lands, development planning and control, technical standards, and fiscal matters (Yahya, 1983:78).

The adequacy and effectiveness of a land management system affects the ability to implement all aspects of an urban land policy, and the achievement of the desired policy objectives. It affects the ability to plan and regulate the use of land, the ability to enforce regulations, and the ability of the public sector to successfully participate directly in the land market. The effectiveness of a land management system is a reflection of the collective effectiveness of the individual institutions overseeing the different aspects of land management. Among the factors that improve the effectiveness of land management institutions are: the availability of definite and unified policy guidance; the clear definition of institutional responsibilities; the degree of coordination between the different institutions; the capacity of the institutions in terms of manpower, resources, and equipments; the availability of adequate information on land; and the level of decentralization in decision making (McAuslan, 1985:112; SCBR, 1983:25-29).

Yahya has identified some specific problems faced by land management institutions in most developing countries (1983:81). The problems include: a general lack of policy guidance; overcentralization of decision making; inadequate planning and programming capability; inadequate data sources; manpower problems; insufficient resources; intra agency conflicts; and political

interference in land management.

### **Appropriateness of The Policy Measures**

Different countries and urban areas have different social, economic, political, and historical backgrounds. The effectiveness of land policy measures is determined by the appropriateness of the policy measures within the context of these backgrounds. As Dunkerley notes:

The wide variety of control systems reflect the varied development of social systems and ethics. In consequence, what is appropriate and works to the best public advantage in one city generally cannot be transferred with similar results to another city, even within the same country (1983:30).

Inappropriate land policies could be counter productive, and hinder the achievement of policy objectives.<sup>i</sup> In developing countries, inappropriate land policy measures are generally identified as major contributors to the inability of ensuring the adequate supply of land in urban areas. Land use regulations and control measures, for example, are reported by the World Bank to be a complete failure in most of the countries (McAuslan, 1985:64). The failure of these measures stem from the use of foreign and inappropriate instruments and models of control, which bear no relevance to the prevailing rapid rate of urbanization and limited administrative capacity in the developing countries. Building codes are also another example of inappropriate instruments of control in developing countries. Dunkerley points out that, they "have often been derived from codes in the developed world. They are generally out of date and inappropriate, not taking full account of local materials and above all, of the standards that be generally afforded" (1983:33).

### **Coordination of policy measures**

The vast array of policy measures used to achieve the interrelated and sometimes conflicting objectives of land policies create side effects due to interrelationships which could be counter-productive to the achievement of the policy objectives.<sup>ii</sup> The effectiveness of land policy measures, as Darin-Drabkin notes,

depends to a great extent on the coordination of policy measures in order to minimise the side effects due to the interrelationship between different policy measures. The results achieved by a particular policy measure is a function not only of its efficient implementation, but also the result of the effects provided by other, different measures (1977:185).

### **Availability of Information**

The availability of adequate information on land is a necessary prerequisite for the effective implementation of most land policy measures. As Rivkin points out:

Even the most unsophisticated and rudimentary effort to establish positive control requires information. At the very minimum, it is necessary to have records of existing land use, development density, and ownership, along with accurate information on soil characteristics, the location and capacity of existing utilities and services, and so on. For planning purposes, information on economic and social characteristics of the population and its activities are essential (1983:175).

The availability of adequate information determines the ability to control land ownership, control and regulate the use of land, and the ability to develop an effective taxation system. It also affects the ability to acquire land for public uses. The lack of information on land ownership is one of the major problems hindering effective control over development, and the creation of an effective taxation system in most developing countries (McAuslan, 1985:101).

### **Allocation of Adequate Resources**

The implementation of urban land policy programmes usually requires large financial resources, especially if the intention of the public sector is to intervene in the land market on a large scale. Financial resources are required to fund land-assembly programmes, provide services and infrastructure, implement land use plans, and ensure the availability of adequate institutional frameworks in terms of manpower and adequate operating equipments. The ability of the public sector to generate the necessary resources affects the outcomes of the implementation of land policy measures (Darin-Drabkin, 1977:185).

### **Administrative System**

The outcome in the implementation of land policy measures is also influenced by the level of harmony between the different levels of governments in the application of the policy measures, and by the political and administrative framework within which the measures operate (Darin-Drabkin, 1977:185; McAuslan, 1985:77). Conflicts between the different levels of governments may hamper the effective implementation of land policy measures. The effectiveness of the policy measures also reflects the effectiveness of the administrative system behind the policies, and the political philosophy of the state in which the policy measures operate. Where there is an efficient administrative system, and there is both an obligation on the part of the citizenry to obey regulations and a state willing to enforce them, then there is a tendency for the policy measures to be effective.

Land policy measures are also subject to subversive pressures from powerful political interests. Dunkerley points out that "the efficient implementation of controls on urban land depends not only on institutional capacity and political will, but also on the strength of the countervailing pressures and the account taken of them in the control system" (1983:31).

A major problem facing most developing countries in the implementation of land policies is the ineffectiveness of their administrative systems. Most of the countries have bureaucracies that are inefficient, sometimes corrupt and lacking in social discipline (McAuslan, 1985:77). These traits are reflected in the implementation of land policy measures.<sup>iii</sup>

Another aspect associated with the failure of the land policies in developing countries stems from the fundamental structure of their societies. McAuslan points out that the developing countries tend to be what has been referred to as "soft states"--states in which national governments require extraordinarily little of their citizens, and in which even those obligations that exist are inadequately enforced (1985:77).

## **PROBLEMS OF LAND MANAGEMENT IN NIGERIA**

### **2.21 Policy Framework for Land Ownership and Management**

The focus of the existing land policies in Kano is on the public ownership and allocation of land, and the control and regulation of land use. The framework for land management is established by two laws: the Land Use Decree of 1978, and the Town and Country Planning Law of 1946. The Land Use Decree's objective is the protection of the right of all Nigerians to use and enjoy land, while the objectives of the Town and Country Planning law are to control the development and use of land in planning areas, and to preserve buildings or other objects of architectural, historic or artistic interest.

#### **1978 Land Use Decree**

The Land Use Decree is closely modelled after the 1916 Land and Native right ordinance of Northern Nigeria. The decree vests all land within the territory of each state in the governor of the

state. It also vests the control and management of land in the urban areas in the governor. The control and management of land in the rural areas was vested in the local government within the area of jurisdiction in which the land is situated. The decree provides for the establishment of a land use allocation committee, which is to advise the governor on any matters connected with the management of land, including the resettlement of persons affected by revocations of rights of occupancy and disputes concerning compensation for land. There was also a provision in the decree for the setting up of a land allocation advisory committee to advise local governments on similar matters in connection with rural land.

Other powers conferred on the governor by the decree include the right to designate urban areas, to grant statutory rights of occupancy to any person for all purposes (not exceeding half a hectare to individuals), to demand rent for land granted to any person, to revise such rents from time to time, and to impose penal rent for the breach of any covenant in a certificate of occupancy. Local governments are also authorized to grant land for agricultural, residential and other purposes on a customary basis.

The decree empowers the governor to acquire land for overriding public interests, with the injunction that compensation be paid to those whose rights and interest in land are disturbed by such measures. The decree, in similar fashion with the Land and Native rights ordinance, also declares the alienation of land by assignment, mortgage, transfer of possession, sublease, or in any other form illegal without the consent of the governor.

### **3.12 Town and Country Planning Law**

The Town and Country Planning Law, first enacted in 1946, is closely modelled after the English Town and Country Planning Act of 1932 (McCoubrey, 1988:381). It has since its enactment been the object of several minor modifications, the last being by Edict Number 7 of 1972.

The principle of land use regulation in the legislation is based on the designation of a planning area, and the preparation and approval of a planning scheme according to specified procedures. Before the coming into effect of a planning scheme, the law empowers the governor to enact a general or specific interim development order to guide development in a designated planning area. The law specifies that no development may take place in a planning area except according to an approved scheme, or an interim development permission.

To oversee the planning and regulation of land use in the planning areas, the Town and Country Planning Law provides for the establishment of planning authorities for one or more of the planning areas. The planning authorities are empowered to purchase land in designated planning areas either compulsorily or by agreement, to charge betterment levies (of up to 75 percent of the increase in land value) on landowners as a result of increase in land value resulting from the action of the authorities, and to levy planning rates in either part or all of a planning area. The authorities are also empowered to provide housing to low-income groups who are displaced in the execution of any scheme under the provision of the legislation. The 1972 amendment to the legislation gives the authorities power to require any person to remove or pull down any building or work in any planning area, which has not been executed according to an approved scheme or an interim development permission. Where there is a failure to comply, the planning authorities are empowered to execute the removals and to recover the cost of doing it.

## **2.22 Land Management and Land Use Regulation and Control Practices**

### **Institutional Framework for Land Management**

Two agencies are responsible for the management of land and the control and regulation of

land use in Kano. The Land and Survey Division, an administrative arm of the governor's office, performs the functions of land management provided for by the 1978 Land Use Decree for the governor. The Kano State Urban Planning and Environmental Protection Agency is constituted as a planning authority for Kano State under the provisions of the Town and Country Planning Law.

Land is allocated by the agency on a 99-year leasehold basis, with a two year limit for effective development when at least 30 to 40 per cent of the value of the development must have been completed. Other covenants attached to land grants are specified in a certificate of occupancy issued by the division as a symbol of rights over a particular piece of land (see appendix 1 for a sample). The subdivision of land for allocation is carried out by the planning agency.

### **Land Allocation and Land Use Regulation and Control Practices**

Land use planning and development control derived from the provisions of the Town and Country Planning Law and the 1989 Edict are the two predominant instruments used in the regulation and control of land use in the Kano urban area.

#### **Land Use Planning**

Two types of schemes, master plans and lay-outs scheme, have evolved as major instruments of land use regulation from the application of the Town and Country Planning Law (Odunlami, 1989:43). The master plans often cover extensive areas, setting out the broad principles of land use and development and may cover either areas already under development, or undeveloped land. The layouts are often drawn at neighbourhood levels within the context of the master plans. The layouts are more detailed and specific on the development and use of each piece of land.

#### **Development Control**

The Town and Country planning legislation defines development as any building, or rebuilding operations and any use of land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used. Both the Town and Country Planning law and the Urban Planning and Environmental Protection Agency Edict require developers to obtain approvals for development activities. The Town and Country Planning Law specifies that development activities must be according to an approved land use scheme or a general development order. The Urban Planning and Environmental Protection Agency, as the planning authority for the state, has the responsibility of controlling developments and enforcing land use regulations. In practice, the regulations and control measures are administered in sequence with the land development process.

Three principal forms of controls are used in Kano. The first form of control is exercised by the grant of planning permission during the land allocation process. This aspect of control is, according to the planning agency, used to assess individual minor and detailed land use development proposals for all purposes from the planning point of view and sanction them for approval or otherwise (Mousa-Booth, 1987:174).

### **LAND DEVELOPMENT PROCESS**

Private or Public development  
agency makes a decision to carry out  
development.

Application is made to the  
governor for suitable land.  
Applicant pays an administrative fee.

V

The governor asks KSUPEPA  
where an existing scheme does  
not exist to prepare a scheme to  
guide land allocation.

V

If land is not already assembled,  
the land and survey division proceeds on  
behalf of the governor with land assembly  
where necessary, revoking existing rights  
of occupancy.

V

Steps are taken to ensure  
the provision of basic infrastructure  
on layout site.

V

The governor makes a direct  
grant of land and issues a  
certificate of occupancy specifying  
conditions attached to the land

V

Developer prepares building  
plans and submit same to the  
KSUPEPA for approval (private developers only).

V

Development commences, subject  
to monitoring by the KSUPEPA.

Source: adapted from Odunlami (1989:45)

Application for planning permission comes in the form of applications for right of occupancy from the land and survey division. The applications are assessed based on their conformity to planning norms and standards, and recommended to the state governor for the grant of a right of occupancy (Mousa-Booth, 1987:175). The land is granted on a 99-year leasehold, with specific covenants attached specifying the rights and obligations of the land holder in the use of the land (See appendix 1). The grant of planning permission enables the planning agency to administer the broad master

plans, rectify shortcomings in the plan, and decide on the right course of action where there are no predetermined planning schemes (Musa-Booth, 1987:174).

Once a land grant is obtained, the law requires all private developers to submit their building development plans for approval to the Urban Planning Agency. The Planning Agency uses this activity to ensure that building proposals conform to standards relating to health, security and social welfare and, according to the board, to "assist the general public to develop and improve the environment" (Mousa-Booth, 1987:175). The most important tool in the building approval process is the building regulations. The Township ordinance of 1940 was the first building regulations for the Kano urban area. This was reviewed and reenacted in the Kano State Urban Planning and Development (Building) Regulations of 1987. The regulations established the process for building approvals, and also specify standards relating to broad aspects of the development process, including level of plot utilization, minimum space standards, ventilation and lighting, sanitation and drainage, and minimum standards of building materials. The architectural section of the planning agency undertakes the evaluation of the building proposals.

The last form of control over development is undertaken through the control of building activities. The process is used to ensure that developments are executed according to approved schemes and to check against any illegal process of land development. Building control activities involve the inspections of developments during erection, and the grant of a certificate upon completion signifying a building's conformity to regulations. Where illegal developments occur, the Planning Agency undertakes demolition exercises especially when the dwellers of the area refuse an evacuation notice. Between 1976 and 1987, the Planning Agency had undertaken demolitions in Sabon Gari, Kawaje, Hausawa, Dakata, Gadon Kaya, and Bedawa, all in Metropolitan Kano.

### **3.20ISSUES AND PROBLEMS IN THE LAND POLICIES AND PRACTICES**

The public ownership of land in Nigeria gives the public sector ultimate control over the supply of land for development, and control over the distribution and use of land. This should ideally make it easier for the sector to ensure the adequate supply of land and the achievement of the main objective of the land use decree, that of ensuring access to land for all Nigerians. In Kano,

several interrelated factors associated with inadequacies in the existing land policy and management framework were found to be responsible for the inadequate supply of land. The following sections identify these factors, and examine their effects on land supply and its distribution in the urban area.

### **Lack of a defined land and settlement development policy**

A necessary requirement for an effective land management system is a defined policy guidance. This is usually in the form of land policy statements or a comprehensive settlement development policy. The policy statements identify the goals of the administration regarding land and settlement development, and identify the strategies for achieving these goals. Such policy statements also guide land management institutions in the performance of their duties, and provide a means for evaluating their performance.

In Kano, apart from the limited and vague objectives in the land legislation, there is a complete lack of defined policy guidance with well-established goals, objectives, targets and defined strategies to ensure the adequate development of land in the urban area. There are even no defined strategies to ensure that the master plans prepared for the urban area are implemented. This lack of policy guidance backed by strategies and resources allocation has left the land management institutions powerless to effectively perform the broad duties allocated to them, or to ensure the adequate supply of land.

### **Inadequate priority given to land and settlement development**

The Kano State government gives a very low priority to land and settlement development programmes. This low priority, which is also responsible for the lack of a defined settlement development policy, is evident from the level of resource allocation to the sector.

There is no separate provision in the budget of the state for land and settlement development. Rather, funds for land development are provided haphazardly under the Housing and Town and Country Planning subhead. In 1988, only 1.7 million of the 17.1 million Naira budgeted under the two subheads for capital expenditure was for low-income housing and land development for the whole the state. This figure appears ridiculous when compared to the 2 million Naira budgeted for staff housing loans, and the 3 million Naira provision for compensation for land needed by the government.

The low priority given to the sector means that land and settlement development has to compete for resource allocation with more pressing political programmes of the government. This leads to long delays in getting funds for land and settlement development activities, and these delays translate into a growing land shortage in the urban area. Even when the funds are provided, it is usually inadequate and, according to Home (1986:234) and Odunlami (1989:54), cannot even provide the required services in the limited land that is developed.

### **Lack of an established land development programme**

Coupled with the lack of defined policies is also the lack of an established programme to ensure that serviced land is supplied in sufficient quantity to meet the residential needs of the urban population. This is despite the fact that public ownership of land gives the public sector a complete monopoly over land supply in the urban area. The Land and Survey Division, which performs the duties of the governor under the Land Use Decree, does not have any defined obligation to ensure that land is adequately supplied in the urban area. The Division only undertakes land assembly and development activities when the resources for it are made available by the government. The result is the inadequate supply and growing shortage of land in the urban area. The land shortage encourages the use of land for speculation, and the use of the informal process of housing by those who cannot get access to the limited land that is made available for development through the formal process.

Sometimes even the limited land development programmes undertaken by the division have been shown to contribute to worsening the land and housing situation of low income groups. Frishman reports that attempts to lay out new areas always result in the removal of poor people from land and the reallocation of the developed land to more influential people (1988:54).

### **Excessive subsidy in land allocation**

One major problems limiting the availability of resources for land development in the existing system is the high level of subsidy in land allocation. It cost the Land and Survey Division 99,000 Naira per hectare to develop land for residential purposes in 1988. The same land attracts only an annual rent of 2,500 Naira per hectare for low density developments<sup>iv</sup>, with about 500 Naira charges in allocation to cover the cost of survey fees, the processing of and preparation of certificate of occupancy, and the registration of the land (LSD, 1988:10&50-51). Appendix 2 shows a sample

of the land charges on allocation. This situation makes the replication of land development activities with the meagre resources allocated difficult and makes any land development activity solely dependent on government allocation.

### **Corruption in the land allocation process**

The high level of subsidy in land allocation coupled with the inefficiency in the bureaucracy has also encouraged corruption in the allocation process, reducing it to a form of patronage. An enquiry into the land development and allocation process in 1980 found it rife with numerous irregularities such as multiple assignment of the same plot, payment and bribes for land, confiscation of land without compensation, and allocation of land reserved for public uses (Frishman, 1988:114). Home also reports that a former governor of the state was jailed for corrupt land allocation practices (1988:231).

A staff member of the agency revealed that the allocation process "degenerated from a policy of allocation on a 'first come, first serve' basis, to allocation based on the 'Who is Who' in the political circle as land became scarce in the urban area."<sup>v</sup> The present beneficiaries of public land allocation are shown to be mostly top ranking military officers and bureaucrats, powerful business persons, and influential religious leaders. It is common, even as at december 1991 when the last case became public, to find a single individual with an allocation of up to ten Plots. The staff of the Division were even reported to have gone on "strike", because they were ignored in the allocation jamboree. They refused to open files for land allocation, or to take allottees to their land.

The corruption in the land allocation process encourages the use of land for speculative practices, and reinforces the trend toward higher prices and a resultant inaccessibility of land. This works against the needs of the low-income group who have neither the resources to participate in the open market, nor the influence to peddle for land allocation through the formal process.

### **Overcentralization of land management activities**

Kano State has an over centralized land management system. There is an over-centralization in decision making based on the provisions of the land legislations. The legislations confer absolute powers of control over land issues onto the governor of the states. This includes powers to designate urban and planning areas, appoint planning authorities, acquire and allocate land, fix rates for land

compensation, and appoint members of the land use and allocation committee, which arbitrates on land issues.

Land use regulation and control activities are also centralized in the state capital. From the capital in Kano, the two land management agencies, the Land and Survey Division and the Kano State Urban Planning and Environmental Protection Agency, oversee land assembly, servicing and allocation, and the regulation and control of land use in the 29 urban areas of the state, including Kano.

This management structure does not encourage the agencies to acquire an adequate knowledge and understanding of the problems of the urban areas that would enable them to take informed decisions and design appropriate measures and instruments of land use control for the urban areas. It also does not provide the necessary flexibility for the adaptation of the existing instruments to the particular situations of the urban areas. This encourages the use of inappropriate and ineffective measures of control, which contributes to restricting the supply of land. The centralized powers and responsibilities in land management makes abuse easy, especially since there are no appropriate institutional checks on the use of these powers. It thus encourages the corruption that is rampant in the system.

### **Low capacity of the land management institutions**

The existing land management institutions in Kano State are characterized by a lack of adequate capacity, such as staffing and operating equipments. The planning authority, with a staff of 350 and less than 30 trained planners and architects, is expected to oversee land use regulation and control in 29 urban areas including Kano. The agency has trailed behind rather than guided the development of settlements. The agency identifies its inadequate staffing and limited equipments, which has to be time-shared between its various operational units, as one of its most pressing problems (KSUDB, 1985:37).

The Land and Survey Division, also characterised by an inadequate staffing and a lack of equipments, has been unable to keep proper records of the land ownership or produce surveys of the land in the urban area. The division has been unable to ensure the collection of land rent due the government, or to put a check on the illegal sale of land in the urban area.

This inadequate capacity serves as a disincentive for the institutions in the performance of their duties. It also contributes to their inability to police land ownership, enforce land use regulations, or plan and regulate the use land in the urban area. Land owners are, as a result, encouraged to hold onto land and use it for speculative purposes.

### **Lack of data for planning and land management purposes**

A comprehensive information about land, as earlier noted, is a principal requirement for the effective and efficient management of land, and for the implementation of land policy measures and the achievement of policy objectives.

In Kano not only is such a comprehensive information on land not available, but there is also a complete lack of current and accurate information on the size, or social and economic characteristics of the population, and a lack of information on the existing housing situation to aid in land use planning.

The lack of information leaves the land management system with no option but to rely on the use of ad hoc means of data collection for planning purposes. This accounts for the inconsistencies in the information on the urban population and the urban housing situation presented in the master plans prepared for the urban area.

The lack of information creates room for inaccuracies in the projection of the needs of the urban population. It also contributes to an inability to enforce land ownership ceilings and land use regulations, and makes the use of tax measures in land management almost impossible, thus contributing to the inability of ensuring the adequate supply of land.

### **Inadequate and inappropriate framework for land management**

The existing legislative framework for land management is a major contributor to both the inability to ensure the adequate supply and equitable distribution of land in Kano, and to the ineffectiveness of the land management system in the city.

Neither the Land Use Decree nor the Town and Country Planning Law has any provisions dealing specifically with the problems of low-income housing, except for a provision to relocate people affected by public land development activities. There is also no established control on

clearance or urban renewal activities in the two legislations regarding the criteria to be applied, or to the obligations of rehousing to be imposed consequent upon demolition of low-income housing.

Though the concept of public ownership of land is generally viewed as one of the best means of ensuring the adequate supply and equitable distribution of land, the success of public land allocation, as McAuslan has shown, depends on the integrity of the management system and the efficiency of the bureaucracy (1985:38). In Nigeria, there was no attempt in the adoption of the Land Use Decree to address these issues, or even to address the problems faced in the implementation of the Land and Native Rights Ordinance on which it was closely modelled.<sup>vi</sup> The Land Use Decree appears to address the issue of land ownership and disposal as an end in itself rather than as a means to the effective utilization of land and the promotion of more ordered settlement development. The legislation failed to address comprehensively the issues of planning and settlement development, and contained no tax measures to aid both in the management of land and in the recouping the cost of public participation in land development. There was also no attempt when the decree was formulated to tie its provisions to the Town and Country Planning Law.

The Town and Country Planning Law has, since its enactment in 1946, not been subjected to any comprehensive review. The law, as McAuslan has observed, prescribes an "inadequate and out of date prescription of what a plan should consist of" (1979:44). The legislation stresses physical layouts only and fails provide for a more comprehensive policy related to economic, social, and environmental factors. The law does not provide for the integration of more traditional aspects of planning such as transport, sewerage, water, and public services, nor does it provide any coordinating framework for the interaction of institutions responsible for the provision of these services and infrastructure.

The processes of planning and development control specified by the legislation are also unclear and appear authoritarian. There are no clear procedures for producing land use schemes, and no obligation in the preparation of land use plans for consultation with the residents of a planning area. In actual practice, the lack of a defined planning process leaves planners to undertake planning exercises in any way they can, and the master plans produced usually reflect the visions of the planners, rather than the actual needs of the urban residents. Even after the preparation of the plans

and layout schemes, there is no defined process to educate and provide information to the urban residents about the plan, or about how it affects them. This lack of communication encourages residents in the belief that traditional unregulated land practices are still a tenable and legal process of housing provision.

There are also no provisions in the planning system to ensure continuity in the planning process, or once the schemes are prepared and approved, to enable the adaptation of the land use plans to reflect changes in the needs of the urban areas. The plans so far produced for the urban area show marked differences in both the philosophies applied in planning, and in the structure of the urban area proposed.

In Kano, the unclear process of development control in the land legislation has in practice resulted in the evolution of development control procedures that do not differentiate between types and scale of developments. The control process stretches the limited capacity of the planning agency, and leads to long delays in the development approval process and to restrictions in land supply. The specification of slum clearance as a measure of development control appears inappropriate considering the existing land and housing shortages in the urban area.

The building regulations are another inappropriate instrument of land use control in the urban area. The regulations are vaguely phrased, leaving the planning authority with wide powers of not only enforcing the regulations, but also sometimes interpreting what is right or wrong within their context.<sup>vii</sup> The situation has created a tendency for excessive caution and over-control in the enforcement of the regulations, leading to restrictions on land supply. The building regulations also contribute to land use inefficiency by specifying high set-back standards and by limiting the level of plot utilization in comparison to levels common within the compact traditional settlements in the urban area.

### **High standards in settlement and shelter development**

The settlement and shelter development standards in Kano are excessively high and contribute to the exclusion of low-income groups from the formal process of land development. Two aspects of the land management system where the high standards are evident are in land

subdivision and in the control of development activities.

The building regulations specify plot sizes of at least 180, 330, and 900 square meters for high, medium and low density developments respectively. In practice, however, most of the residential areas have plots of between 350 and 450 square metres, with plots of up to 3600 square metres common in the low density areas of the city. These plot sizes are determined with little or no economic considerations and, as Home (1986:232) and Aboesh (1982:148) have shown, are excessively large and unrealistic. Lot sizes of 200, 260 to 270, and 375 to 400 square metres are pointed out by Home to be adequate for high, medium, and low density residential developments including provisions for the traditional courtyard and reception area ("Zaure").

The building regulations, though vaguely phrased, also specify high and unrealistic standards of space provision, servicing, and building materials in shelter development in comparison to practices common in the urban area. Expectations from the enforcement of the building regulations are very high, and bear no relevance to the capacity of low-income groups. An example of this expectation is seen in the sample certificate of occupancy in Appendix 1, which specifies development of a minimum of almost 116,000 Naira for a plot allocated in 1983. This is in comparison to estimates by Frishman that the cost of a moderate but simple mud brick building in 1980 is approximately 1000 Naira (1988:115).

The excessively large lots encourage the sprawl of the urban area, and restricts the amount of land that could be supplied if more appropriate subdivision standards were applied. The large plots make it difficult to levy affordable charges for land. It also encourages the subdivision of the plots by owners into smaller plots. Home reports that 20 percent of the plots in the Hausawa layout had been subdivided (1986:234). The high standard and cost of housing through the formal process completely excludes low-income households from using the process.

### **Inefficiency in layout preparation and settlement development**

Apart from the high standards in land subdivision, there is also a high degree of inefficiency in the preparation of layouts and in land use in the existing developed areas of the city. Insufficient attention, according to Home, is paid to infrastructure cost and land use efficiency in the preparation of layouts (1986:233). Roads, which are the main infrastructure cost, take up as much as 50 percent

of the land in layout schemes despite the low level of vehicular ownership; the layouts "also perform poorly when measured against such cost effectiveness indicators as plot per kilometre of estate road, ratios of internal and external road junctions, and proportions of plots with access on more than one frontage" (Home,1986:233). The layout plots also tend to be poorly proportioned, having wide frontages of between 15 and 60 metres, thereby increasing the cost of infrastructure provision and reducing the level of efficiency in its utilization.

There is a high level of inefficiency in the use of land in the existing settlements. Public open spaces in the form of wide roads of up to 30 metres and the scattering of unnecessary and uncontrolled open spaces account for as much as 65 percent of the land in some residential areas. This contributes to urban sprawl, and limits the supply of land and the level of utilization of public services and infrastructure.

Inefficiency in the use of land increases the cost of servicing land. By raising the cost of land development, it ultimately limits the amount of land that could be supplied if a more efficient system were used. The wide frontages of the lots also increase the unit cost of servicing each plot. This makes the levying of affordable charges and cost recovery very difficult.

### **Conflicting institutional mandates and lack of framework for the coordination of land management**

Another major problem with the existing institutional structure for land management in Kano is the conflicting mandate of the existing institutions. This conflict appears to have its root in the framework provided for land management by the land legislations.

The Land and Native Right Ordinance and its reenactment in the Land Use Decree 1978 vested all lands in a state in the governor of the state. Rights and interest in land are acquired through leases granted by the governor. No one, not even public bodies, can own land under the decree. The 1946 Town and Country Planning Law, however, made provisions for planning authorities to acquire and own land, and to administer such lands in the execution of their duties of land use regulation and control.

In Kano, the later introduction of planning resulted in its interpretation as a means for land allocation. Traditionally, the planning authorities have functioned in preparing layouts to guide the

implementation agency of the Land and Native Rights Ordinance and the Land Use Decree in land allocation. This structure has created some fundamental problems in the management of land in the urban area.

One problem concerns the ownership of layouts. The Land and Survey Division usually perceives layouts as its own; it therefore, "sees a major role for itself in controlling both the structure and the contents of the layouts" (Odunlami, 1989:48). Because the division is, however, an administrative unit that is closer to the political arm of government, it is more exposed to external subversive pressures. This often leads to intervention during the preparation of layouts, with pressure on the planning authority to alter layouts to accommodate the wishes of interest groups. Sometimes, the layouts are altered during allocation without the knowledge of the planning authority, thus leaving it to perform its land use control and regulation duties in a blind and confused state. Odunlami reports an example of such a situation in the Sharada estate, where 46 additional plots were created on land reserved for recreation and open spaces by the Land and Survey Division during the allocation process (1988:48).

The Land and Survey Division is also responsible for specifying development covenants attached to land grants. The agency does not, however, see the enforcement of these regulations as part of its duties, and has never had a tradition of enforcing them. The planning authority, which is responsible for the enforcement of development regulations, does not see it fit to enforce these covenants because it did not specify them. This conflict in the enforcement of regulations has left land owners free to hold onto their plots without fear of challenge even when the land is clearly being held for speculative purposes. A survey by Odunlami of one official layout showed that only 21.5 percent of the respondent private developers had completed the development of their plots within the two years specified in the certificate of occupancy. Only a further 26 percent had commenced development within the same period (1989:57).

The conflict in the mandates of the institutions is further complicated by the existence of relics of colonial customary land practices. Emirs and Ward Heads who formed the bedrock of the colonial land management system in the native settlements are reported by Frishman to still be allocating land under customary titles in the city (1989:115). The process is held to account recently

for the provision of more than 1000 units of housing plots within the walled city.

The lack of clear and defined mandates, because of which the agencies do not enforce land use regulations, encourage the withholding of land from development, and its use for speculation. It therefore contributes to fuelling the trend toward higher land prices and the lack of access to land in the urban area. The actions of the Emirs and Ward Heads, while supplying the much needed land for development, contributes in undermining the ability to plan and control the growth of the urban area effectively.

## RECOMMENDATIONS

### **1.24 Strategies for Improving Urban Land Delivery**

Comprehensive strategies for improving urban land supply and its delivery to low income groups in developing countries have been put forward by SCBR (1983), Angels et. al. (1983), and Doebele (1987). The strategies fall into three broad categories: direct action, improved interaction between the public and the private sector, and a more efficient management of the existing land resources. An outline of their suggestions are presented below.

#### **Direct Public Action**

**Participation in aggressive programmes of land assembly and servicing.** An important step toward improving land delivery is for government to recognize that the ultimate key to solving housing problems is to increase, as rapidly as possible, the total supply of land accessible to low-income households. There should be a shift in the emphasis of housing policies from shelter provision to land delivery, with the public sector participating both in aggressive, continuous, and institutionalized programmes of land assembly and in the expansion of infrastructure to substantially increase the amount of new land coming into the market.

**Improved methods of cost recovery.** Public participation in land delivery requires the availability of adequate financial resources. Improved methods of cost recovery, such as the elimination of subsidy in land allocation, the recovery of the cost of supplying public services, and the recapture of unearned increments, will enable governments to generate the needed resources.

**Prevention of the destruction of informal settlements.** The destruction of existing

informal settlements contributes to worsening rather than improving the land and housing situation of the poor. The access of low-income groups to land can be improved by programmes of upgrading and tenure legalization. This keeps low-income households near known sources of employment, while facilitating the physical improvements of their housing and communities.

**Better legislation for compulsory acquisition.** The participation of the public sector in land assembly and development is viewed as critical and inevitable in the bid to improve both the supply of land and access to it. Governments can strengthen their ability to participate by enacting more appropriate and easily applicable expropriation legislation, which includes expropriation of land for low-income housing.

**Appropriation of surplus public land for development.** Public bodies sometimes hold vast amounts of vacant land, which is not available for planning or allocation. The supply of land can be increased by taking an inventory of all the land held by public bodies and corporations, and releasing surplus public land or under-utilized land for residential development.

### **Improved Interaction Between the Public and Private Sectors**

**Understanding and supporting informal systems.** Informal systems of land acquisition development are yet to be properly studied and understood. Encouraging more studies of the informal system of land acquisition will enable public programmes to be designed to facilitate and encourage the process. This can be done with the objective of harnessing the best qualities of informal systems, while limiting their less desirable qualities.

**Joint public and private developments.** Participating in joint public and private developments, such as land pooling or land readjustment schemes, can enable public bodies to acquire land, which could be supplied for residential development.

**Encouraging private sector developments.** The supply of land for low-income housing can be increased by using tax incentives to stimulate large private sector developers to participate in the development of land for housing. Large private sector developments can also be made contingent on the supply of land for low-income housing.

**Cooperative land development.** Groups of low-income households can be organized to settle on undeveloped land, and to gradually develop it into a settlement. Services and

infrastructures can be extended to the settlements according to the availability of resources. Community organizations can also be encouraged to participate in the provision of services and infrastructure.

### **More Efficient Management of Existing Supply**

**Appropriate standards.** Inappropriate subdivision standards lead to inefficiency of land use, encourage the sprawl of urban areas, and limit the effective utilization of public services and infrastructure. High standards of infrastructure provision increase the cost of land development, thereby limiting supply. High standards in building codes also encourage illegal developments, and inefficiency in land use. The formulation of more appropriate subdivision and infrastructure standards, and more appropriate building codes, will increase land supply by ensuring the effective use of existing resources.

**Use of community initiatives.** The use of community organizations and initiatives can facilitate public programmes of land delivery, thereby creating substantial savings in time and funds. This can quicken the pace of public land supply programmes, and ensure the protection of public investments. The use of such organizations can also improve the efficiency in land management by public bodies.

## **4.20 RECOMMENDATIONS.**

### **4.21 Land Policy and Management Framework**

The first requirement in the bid to improve the effectiveness of land policies in Kano is for the government to increase the priority given to land and shelter issues, and to address the existing need for policy guidance in the management system.

This will require the government to:

- a) formulate comprehensive land and settlement development policies with emphasis placed on the adequate provision of residential land to all income groups, and on the development of appropriate strategies for the implementation of the policies;
- b) ensure that a process is established to monitor and review the policies and strategies in order to reflect the changing needs of the urban area and the financial capacity of the government;

and

- c) ensure the budgeting of sufficient funds for the implementation of the policies and ensure that the capacity of the land management institutions is improved through adequate funding, staffing and the provision of adequate and modern operating equipments.

There is a need to reassess the existing land management structure and institutions with a view to eliminating inconsistencies in mandates and to improving the efficiency of the management system.

The government should consider:

- a) devolving the existing institutions into smaller units in charge of specific aspects of land management to inspire specialization in dealing with land problems, and also to facilitate the easier collection and management of information;
- b) creating a framework for the coordination of the activities of the institutions to ensure the pursuit of common goals and objectives;
- c) decentralizing the activities of the institutions to urban area and community levels to enable them to interact better with the urban areas, and also to enable them understand the problems and needs of the urban population; and
- d) encouraging the participation of community organizations in land management as a means of creating channels of communication with the communities and improving the ability to enforce regulations. This will also enable the institutions to collect more accurate information on the pattern of land ownership and use, as well as information on the urban population.

Public ownership of land and improvements in the land policy and management framework will only be meaningful in the state if it also involves steps to address the existing land shortage and inaccessibility in the urban area.

There is a need for the state government to:

- a) develop a programme, which seeks to assemble and supply serviced land continuously to meet the needs of the urban population;
- b) eliminate the existing subsidies in land allocation, especially to medium and higher income

- groups, and ensure that allocation to low-income groups is backed by a system of cross-subsidization to reduce the burden on the public sector;
- c) introduce fiscal measures such as taxes on vacant land, property taxes, and betterment levies as a check on land speculation, and to also raise the resources needed to fund land assembly and development programmes;
  - d) introduce a more open and equitable land allocation system, and consider decentralizing the allocation process to urban area levels rather than the existing centralized structure;
  - e) enforce stringently the existing limit of half a hectare of land per person in urban areas and ensure that land holdings more than this limit are acquired by the government, and the owners justly compensated; and
  - f) introduce a more appropriate subdivision legislation, which should specify practices based on economic considerations and the capacity of the urban population to pay for land without subsidy from the government.

#### **4.22 Land Use Regulation and Control Practices**

There is a need to review the existing land use control procedures, processes, instruments and measures, to make them clearer and more appropriate within the context of the existing social, political, and economic situation in the urban area.

The government should improve the existing framework to:

- a) ensure that the process for the preparation of master plans is clearly defined, and planners obligated to consult with the urban population;
- b) evolve a more flexible and continuous system of planning, which should enable the adaptation of plans to changes in the urban area;
- c) improve efficiency in the preparation of layouts and the development of settlements;
- d) create a simpler and faster process of approving and controlling developments, and consider the option of issuing development approvals in principle to low-income households whose schemes are prepared by the planning agency, or conform to schemes already approved by the agency;
- e) consider easing regulations in areas of rapid urban expansion to enable the laying out of plots and

- developments before the provision of services and infrastructure;
- f) review the existing building regulations to make their provisions clearer and to take into consideration the needs and capacity of low-income groups;
  - g) eliminate the use of slum clearance as an instrument of control, or obligate all agencies who want to apply such extreme measures to bear the full responsibility of rehousing the displaced households; and
  - h) provide a simple, accessible and binding process of appeal to check against the misuse of powers by the land management institutions.

#### **4.23 Legislative Framework.**

All of the above recommendations deal with issues which can be address by the state government through legislative changes and the use of direct action. In the long run, however, there will be a need to address some of these issues on a national scale.

Some actions that will be necessary include:

- a) a review of the land legislations to harmonize their provisions into a comprehensive legislative package aimed at addressing the issues of land and settlement development rather than specific aspects of land management;
- b) ensuring that the review considers all the issues and problems that have been highlighted in this report, and others that may be highlighted by similar studies of other urban areas;
- c) ensuring that the review pays special attention to the needs and problems of low-income groups; and
- d) ensuring that such a review provides a coordinating framework for the collection and management information on population growth trends and movement patterns, and the coordination of planning and the provision of infrastructure on a national or regional basis.

i. For example, high standards in the regulation and control of land use will increase the cost of land development and restrict the supply of land. Thus where land is inadequate in supply, or the public sector unable to bear the burden of the additional cost, such standards will be inappropriate.

ii. Among the side effects, for example, are the effects of tenure policies on the ability of the public sector to acquire land for the provision of services, and the pressure for the subversion of land use control measures created by acute land shortages.

iii. An example of the effect of administrative systems on the implementation of land policies is found in public land allocation. McAuslan (1985:77) has observed that, "Bureaucratic incompetence is often joined by corruption which in effect turns public (land) allocation (in developing countries) into market allocation. The highest payer gets the choicest land."

iv. A typical low density plot of 45 metres by 45 metres will attract a ground rent of only 506.25 Naira.

v. This information was provided by a former staff member of the Land and Survey Division now working with the Kano State Housing Authority.

vi. In Northern Nigeria before Independence, the lack of adequate staffing and operating equipments made it impossible to implement the provisions of the Land and Native Rights Ordinance. (Nwaka:1979:196) After independence, because of inefficiency and corruption in the civil service, the application of the ordinance resulted in the acquisition of extensive areas of land by civil servants and business men, displacing a lot of farmers in the process. (Nwaka:1979:202)

vii. An example of the obscure regulations is that dealing with foundations, which states that:

- "a) every building foundation shall be designed and constructed to carry dead or live loads of the building in a way to prevent settlement, heave or movement of the building: and
- b) the building shall be constructed with such materials and in such a way that the board may approve" (KSUDB,1988:B19).