

**URBAN LAND MANAGEMENT PROBLEMS AND LOW INCOME  
HOUSING: CASE STUDY OF THE KANO METROPOLITAN AREA**

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## ABSTRACT

Urban areas throughout the developing world are experiencing a serious shortfall in the supply of serviced land for housing. A major contributing factor to the shortfall is the ineffectiveness and inappropriateness of existing land management systems in urban areas.

The paper noting that in Kano land supply has been found to be inadequate in supply, investigates the issues and problems that have hindered the adequate supply of land in the city. Existing land policies and practices are reviewed and the issues and problems hindering the adequate supply of land are identified. The paper concludes that actions are necessary to address the issues and problems. Suggestions for policy reform are made.

## INTRODUCTION

Urban areas throughout the developing world are experiencing a problem in the supply of adequate and affordable serviced land to meet the housing needs of their rapidly expanding urban populations. As a result, low income groups who are mostly denied access to land as a result of the shortfall in supply are forced to either seek for residential land through illegal means or to crowd into existing low income settlements, creating slum conditions. In most developing countries, the shortfall in land supply arises not from the lack of virgin land but partly from the lack of resources and capacity to service the lands and make them ripe for development and also partly from the use of ineffective and inappropriate land and land use policies and practices.

In Kano Nigeria several studies have found land to be inadequate in supply (Odunlami, 1989; Frishman 1988; Aboesh, 1982). The inadequate supply of land has led to a rise in the level of squatting and in speculation in the limited land that is supplied for development. This paper presents the result of a study carried out into the issues and problems hindering the adequate supply of land especially to low income groups in the city. The paper is divided into three parts. The first part presents the existing land policies and practices in Kano. The second part identifies the issues and problems inhibiting land supply in the city. The last part presents suggestions for policy reform.

## LAND POLICIES AND PRACTICES IN KANO

### **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 objective of the Land Use Decree is to protect the right of all Nigerians to use and enjoy land. The decree, closely modelled after the 1916 Land and Native right ordinance of Northern Nigeria, vests all land within the territory of each state of the country in the governor of the state. It also vests the control and management of land in the urban areas in the governor. Other powers conferred on the governor by the decree include the right to designate urban areas, to grant statutory rights of occupancy (not exceeding half a hectare to individuals), to demand rent for land granted, to revise such rents from time to time, and to impose penal rent for the breach of any covenant in a certificate of occupancy.

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 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.

The Town and Country Planning law was formulated with the objective of controlling the development and use of land in planning areas. 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. The legislation allows the governor to before the coming into effect of a scheme enact an interim development order to guide development in a 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. The Planning law allows for the establishment of a planning authority to oversee land use regulation and control in planning areas.

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. The duties of the Land and Survey Division includes; Land assembly and the payment of land compensations; the processing of applications for matters related to land including allocation, permission for alienation, valuation of property, transfer of land grant, land regrant, land subdivision, lease, and change of use; the Collection of land rents; and the keeping a register of land ownership. The agency usually publishes a handbook, which spells out its duties in relation to land and the procedures applying to any land matter that is within its jurisdiction. The handbook also provides information on the currently applicable land rents.

Among the functions of the Kano State Urban Planning and Environmental Protection Agency established under an edict of the same name in 1989 are; the preparation and review of land development plans; the control of the development and use of land in all urban areas; the ensurance of an effective and continuous sanitation as well as general cleanliness of the state; the administration of any laws controlling and regulating the construction of any building; the preservation of buildings or other objects of architectural, historic, and artistic interest and beauty; the design and provision of industrial, commercial and residential layouts; the planning, design and provision of its own housing estates; the provision and maintenance of proper infrastructure for urban development in the state; and the carrying into effect of any approved scheme in respect of urban areas.

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

Land is usually developed in Kano by the Land and Survey division in response to request from a large land developer or as a result of pressure of demand from the public. 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. The subdivision of land for allocation is carried out by the planning agency.

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. 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. Two master plans have so far been prepared for the urban area; the Travallion master plan of 1966, and the Metropolitan Kano Master Plan (1980-2000). Also, Eighty-four residential layouts have so far been prepared for the urban area, providing a total of almost 40,000 low- to high-density plots.

Landuse regulations and control measures are in practice administered in the city 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 used to assess land use development proposals for all purposes from the planning point of view and sanction them for approval or otherwise (Mousa-Booth, 1987:174). This enables the planning authority to administer the broad master plan for the city and rectify any shortcomings.

The second form of control is through the building approval process. The Planning Agency uses this activity to ensure that building proposals conform to standards relating to health, security and social welfare. The most important tool in the building approval process is the building regulations. The regulation in force, the Kano State Urban Planning and Development (Building) Regulations was enacted in 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 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.

## ISSUES AND PROBLEMS IN THE LAND POLICIES AND PRACTICES

The public ownership of land in Nigeria gives the public sector ultimate control over the supply and distribution of land for development. This should ideally make it easier for the sector to ensure the adequate supply of land. 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. These factors could be divided into three; problems with the policy framework, with the institutional framework and with existing landue practices.

### **Policy framework**

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 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 ensure the adequate development of land. There are even no defined strategies to ensure that the master plans prepared for the urban area are implemented. Apart from the lack of policy guidance, there is also no defined programme to ensure the continuous supply of land in the urban area. This is despite the public ownership of land.

Part of the reason for the complete lack of land policy statements or land development programmes in the city stems from the low priority given to land development by successive administration of the state. This lack of priority is evident from the meagre yearly allocation to the sector in the state budget, and from the fact that there is no separate sub head in the budget for land development. (Garba,1992:66)

The existing framework for land management in the state also appears to be inadequate. Neither of the two principal legislattions on land has comprehensive provisions for addressing the land needs of low income households. The landue decree appears to address the issue of land ownership and disposal as an end in itself and appears to be totally unrelated to the planning legislation. The planning legislation has not been the object of any review since its enactment and prescribes an inadequate and out of date prescription of what a plan should consist of. It also does

not specify a clear procedure for producing and implementing planning schemes and for controlling developments.

Existing building regulations are also vaguely phrased, leaving the planning authorities with wide powers of both interpreting and enforcing the regulation. This has led to the use of over control and to delay in land development project.

Kano state also has a centralised land management system, which restricts initiative and lead to delays in land development programmes. The over centralization is found in the decision making powers of both the governor, and the land management institutions who have their headquarters in Kano and are responsible for 29 other urban areas.

Standards in land and settlement development also appears to be very high in Kano. Examples of the high standard are found in subdivision regulations, and in the control of development activities. Subdivision regulation encourage the parcelling of plots in large lots thereby contributing to urban sprawl and inefficiency in the use of land, while the development control regulations specify very high standards leading to increases in the cost of both infrastructure and shelter units.

A comprehensive information about land 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.

Institutional framework.

The existing land management institutions in Kano State are characterized by a lack of adequate capacity. Both the Planning Agency and the Land and Survey division lack adequate staffing and operating equipments necessary for them to carry out their work. 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.

Another major problem with the existing institutional structure for land management in Kano is the conflicting mandate of the existing institutions. This conflict, which appears to have its root in the framework provided for land management by the land legislation, usually concerns the ownership of layouts and the enforcement of regulations. The land and survey division usually perceives layouts prepared in the city as its own and it therefore acts to subvert the planning effort of the planning agency in land allocation. On the other hand, the division believes that it is not responsible for the enforcement of covenants specified in certificates of occupancy, while the planning authority does not see it fit to enforce the covenants because it did not enforce them. This situation encourages the use of land for speculation.

### **Existing Practices**

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. 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.

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).

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.

There is also a high degree of inefficiency in the preparation of layouts by the planning authority. 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 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.

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.

#### SUGGESTIONS FOR POLICY REFORM

The increase in the level of squatting and in the use of land for speculation in Kano is an indication of the serious nature of the land problem in the city. The seriousness of the situation, makes it necessary for the government of the state for consider land policy reforms as an immediate necessary in order of avoid having to address an issue of urban chaos. The following provide suggestions which could aid the state in a land and settlement development policy reform.

##### Suggestions:

##### Land Policy and Management Framework reform

This will require the government to:

- a) formulate comprehensive land and settlement development policies;
- b) ensure that a process is established to monitor and review the polices 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.

The government should consider:

- a) devolving the existing institutions into smaller units in charge of specific aspects of land management;
- b) creating a framework for the coordination of the activities of the institutions; and

c) decentralizing the activities of the institutions to urban area and community levels; and

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;
- c) introduce fiscal measures such as taxes on vacant land, property taxes, and betterment levies as a check on land speculation;
- d) introduce a more open and equitable land allocation system, and consider decentralizing the allocation process to urban area levels;
- e) enforce stringently the existing limit of half a hectare of land per person in urban areas; and
- f) introduce a more appropriate subdivision legislation.

The government should improve the existing framework to:

- a) ensure that the process for the preparation and implementation of master plans;
- b) evolve a more flexible and continuous system of planning;
- 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;
- e) consider easing regulations in areas of rapid urban expansion;
- 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; and

Some actions that will be necessary include:

- a) a review of the land legislations to harmonize their provisions into a comprehensive legislative package; 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.

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