

Informal Land Delivery Processes in Enugu, Nigeria

Summary of Findings and Policy Implications

Cosmas Uche Ikejiofor
with input from K.C.Nwogu and C.O.Nwanunobi



THE UNIVERSITY
OF BIRMINGHAM

International Development Department
School of Public Policy
The University of Birmingham
England

Federal Ministry of Works and Housing
Gusau
Zamfara State
Nigeria

Contents

Preface	1
Introduction	4
- Summary of policy implications	
Background	6
- Land in the pre-colonial and colonial eras – tenure and administration	
- Post-independence changes in tenure, land policy and legislation	
- The changing role of Enugu in the national space economy	
Making land available for urban use	10
- Suppliers, channels and alternative tenures	
- The case study residential settlements	
Can disadvantaged groups gain access to land in Enugu?	17
- Access to land by the poor	
- Women’s access to land	
Regulation	20
- Regulating land transactions: the strengths and weaknesses of informal institutions and formal rules	
- Customary institutions	
- Market institutions	
- State institutions	
- Land disputes and their resolution	
Policy implications	25
- Forms of tenure	
- Processes of subdivision and tenure registration	
- Provision of infrastructure and services	
- Direct roles of public sector organisations in land supply and development	
Conclusion	32
Appendix	33
Footnotes	35
Publications	37

International Development Department
School of Public Policy, J G Smith Building,
The University of Birmingham, Edgbaston, Birmingham B15 2TT, UK

Website: www.idd.bham.ac.uk

Preface

Informal land delivery processes in African cities

Why research informal land delivery processes?

The colonial powers in Africa introduced urban land administration systems that were modelled on the systems of their home countries. The extent to which indigenous tenure systems were understood, recognised and incorporated varied from colony to colony, but it was generally believed that only a formal system based on a European model could provide a framework for urban development and protect the rights of urban property owners (who at that time were expatriates). These land administration systems, which were inherited at independence, are governed by formal rules set out in legislation and administrative procedures. However, the legislative provisions and the administrative systems that were established to implement them proved quite unable to cope with the rapid urban growth that occurred after independence.

The state-led approaches to development favoured in the 1960s and 1970s were associated with large-scale public intervention in urban land delivery systems. However, the cost of implementation and compliance has been too high for low-income countries, cities and inhabitants. At their extreme, land and property markets were perceived as ineffective or exploitative. These views were translated into attempts to de-marketise land by nationalisation and/or government control over land market transactions. Whether or not the concepts on which such land policies were based were sound, limited capacity at national and municipal levels ensured their failure. Administered land supply has very rarely met demand and attempts to regulate and register all transactions in land and property have been universally unsuccessful. As a result, most land for urban development has been supplied through alternative channels.

In the early years of rapid rural-urban migration many households, including poor households, were

able to get access to land to manage the construction of their own houses for little or no payment, through ‘squatting’ or similar arrangements. Following research in the 1960s and 1970s, there was a feeling that the processes of ‘squatting’ and the allocation of customary land by legitimate rights holders were fairly well understood. Upgrading projects of the 1970s were designed and implemented on this basis.

Most countries have now reversed some of the most extreme versions of state intervention, but other components remain despite serious implementation failures. There is considerable doubt about whether recent attempts to improve land management will be any more successful than previous approaches. In part, pessimism about the prospects for efficient and equitable urban land management arises from the continued lack of resources and capacity in government, but it also stems from doubts about the appropriateness of the principles and concepts on which recent urban land policies have been based.

Much research on land and property in African towns and cities assumes that the state has both the duty and the capacity to take on a major interventionist role in land management. It concentrates on documenting and explaining the failures (and more rarely successes) of state interventions. Despite their significant role in providing land for urban development, there has been relatively little recent in-depth research on processes of informal land delivery or the institutions (rules and norms of behaviour) that enable them to operate and that govern the relationships between the actors involved. To improve policy and practice, a better understanding is needed of how formal and informal systems operate, interact and are evolving.

Aims of the research

The aim of the project was to improve understanding of informal land delivery processes in six African cities and their relationships with formal land administrative systems. It analysed the

characteristics of informal land markets and delivery systems

- to increase understanding of the institutions that underpin and regulate transactions and disputes in land
- to assess the strengths and weaknesses of alternative land delivery mechanisms, especially with respect to the extent to which they enable the poor and other vulnerable groups (especially women) to access land with secure tenure, and
- to identify and explore implications for policy.

The comparative research project

Coordinated by Carole Rakodi of the University of Birmingham and Clement Leduka of the National University of Lesotho, studies were undertaken in six medium-sized cities in Anglophone Africa, in all of which informal land delivery systems are important, but which also typify different colonial and post-colonial policies, legal frameworks, governance arrangements and experiences. The cities and the local researchers were:

Eldoret, Kenya	Rose Musyoka, Department of Physical Planning, Government of Kenya
Enugu, Nigeria	Cosmas Uche Ikejiofor, Federal Ministry of Works and Housing, Gusau, Zamfara State, Nigeria
Gaborone, Botswana	Faustin Kalabamu, Department of Architecture and Planning, and Siamsang Morolong, Department of Law, University of Botswana
Kampala, Uganda	Emmanuel Nkurunziza, Department of Surveying, Makerere University
Lusaka, Zambia	Leonard Chileshe Mulenga, Institute for Social and Economic Research, University of Zambia
Maseru, Lesotho	Clement Leduka, Department of Geography, National University of Lesotho

The aims of the project and the methodological approach were jointly developed by the researchers. Findings and policy issues were discussed at workshops in each of the cities, to obtain feedback from relevant stakeholders and make a contribution to current debates about land policy and administration in each of the countries studied. The research teams generally identified some of the policy implications of their findings rather than making detailed recommendations, because the researchers all believe that policy formulation and legislative change should be negotiated processes involving all the stakeholders in land management.

The research was funded by the UK Department for International Development. DFID supports policies, programmes and projects to promote international development. It provided funds for this study as part of that objective but the views and opinions expressed are those of the authors alone.

The project in Enugu

Nigeria was included in the study as an example of a west African country, in particular one in which the British colonial administration had adopted a system of indirect rule. Although it had attempted far-reaching land reforms in the late 1970s, these have only been partially implemented and formal requirements related to tenure and development permission are widely evaded. Customary tenure continues to have an important role, although the characteristics of traditional authority structures and customary tenure systems differ between the north and south of the country, and conflicts between formal and customary tenure systems continue. Currently, the 1978 Land Use Decree and urban development policies are under review. Enugu was selected for study as a typical older and faster growing urban centre in the south of the country.

The research was carried out by Dr Cosmas U. Ikejiofor, with inputs from Mr. K.C. Nwogu of the Faculty of Law, Nnamdi Azikiwe University, Awka and Dr C.O. Nwanunobi, Department of Sociology and Anthropology, University of Nigeria, Nsukka. The contributions of F. Aguboshim (data analysis), O. Ubani (pilot surveys), B.C. Ugwuanyi (coordination of the household questionnaire survey) and P-J. Ezeh (organisation of the focus group

discussions) are warmly acknowledged. E. Abonyi, W. Okonkwo, I. Obi and A. Chukwu carried out many of the interviews. Finally, immense thanks to our numerous respondents and the participants in the policy workshop held at the Zodiac Hotel in Enugu on 6th February, 2004.

Following the workshop, a full report of the study was published: Ikejiofor, C.U. with input from K.C. Nwogu and C.O. Nwanunobi (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Enugu, Nigeria*, Birmingham: University of Birmingham, School of Public Policy, Informal Land Delivery Processes in African Cities Working Paper 2 (ISBN No. 0 7044 2243 3, see also www.idd.bham.ac.uk/research/researchprojs.htm)

For further information contact Dr C. U. Ikejiofor, Federal Ministry of Works and Housing, P.M.B. 1005, Gusau, Zamfara State, Nigeria, Tel. 234 (0) 63 204983, E-mail ikejioforcu@yahoo.com

Introduction

There has been little in-depth research on informal urban land delivery processes in Nigerian cities despite the inefficiency of formal systems and mounting evidence of the importance of secure access to land and housing to the livelihood strategies of poor urban households. The aim of this research, therefore, was to improve understanding of informal urban land delivery processes and whether they provide access to land for the poor in Enugu, Nigeria. Specifically, the objectives of the research were

- a) to analyse the magnitude and characteristics of informal land markets and delivery systems;
- b) to enhance understanding of the nature and dynamics of the institutions¹ that underpin and regulate urban land markets, especially those operating in informal land delivery systems;
- c) to assess the strengths and weaknesses of the alternative land delivery mechanisms, especially with respect to the extent to which they enable the poor and other vulnerable groups, especially women, to access land with secure tenure; and
- d) to identify and explore the implications for policy, with respect to provision of secure and affordable tenure, accommodating population growth, securing appropriate land use patterns and instituting suitable governance arrangements.

The study focused on contemporary land delivery processes in Enugu through an in-depth study of three case study settlements. However, these have been influenced by the wider context in which they have evolved, including changing land tenure systems, governance and administration arrangements, the legislative framework and the economic history of the urban centre itself. In the next section, this background is presented. First relevant aspects of land tenure and administration in the colonial era are described, followed by a review of post-independence changes in tenure, policy and law relating to land. The historical development of

Enugu itself is then outlined. The main findings of this research, describing the channels of land delivery and assessing the characteristics of those who are able to gain access to land through them, are presented on pages 10-19. In the fourth section, the strengths and weaknesses of the institutions and rules that regulate land transactions and provide mechanisms to resolve disputes are reviewed. Finally, some policy implications are identified and summarised in the box opposite. Details of the methodological approach and data collection employed in the study are presented in the appendix.



Ogui, Nike

Policy implications

Forms of tenure

- The forms of tenure available to land holders should provide clear and certain rights of ownership and reliable procedures for transfers
- Land buyers should adapt their investment in property and expectations of returns on their capital to the length of leases sellers are prepared to offer
- Measures are needed to ensure that relatively poor urban households can obtain access to land, through arrangements such as shared ownership
- Public-private joint ventures should be encouraged as a way of reconciling customary tenure systems with the needs of contemporary urban development
- An improved land inventory or registration system is vital to provide a record of ownership of property and rights in land

Processes of subdivision and tenure registration

- The attempts of informal land subdividers, developers and community leaders to foster orderly layouts, register land transfers, develop guarantees of tenure security and service land should be encouraged
- Initiatives by local communities to plan and subdivide land should be supported by, for example, disseminating principles of good layout design and adopting flexible planning standards
- The registration of land acquired from customary or other private sources should be facilitated
- Initiatives by indigenous landowning communities to keep registers of alienated land should be encouraged and strengthened

Provision of infrastructure and services

- The proceeds of property tax and development levy should be used to fund infrastructure installation and maintenance (mainly roads and drainage) and to provide environmental health services (especially sanitation and solid waste collection), and transparency and accountability in their use improved

Direct public sector roles in land supply

- Government should assume a greater role in making suitably located land available for urban development by strategic investments in trunk infrastructure, so that local subdivision and development can be carried out by private sector actors
- The 1978 master plan provides a framework for future urban development, but should be reviewed and modified where necessary to reflect new realities
- The regulatory framework for local development should permit the initial installation of basic infrastructure and encourage its gradual upgrading
- To improve access to land by relatively poor non-indigenous urban households, the government should provide a significant volume of suitably located low-cost serviced land for sale to individuals or small-scale developers

Background

Land in the pre-colonial and colonial eras – tenure and administration

Traditionally, Nigeria did not have a uniform system of land tenure. The heterogeneity of its population was reflected in the many forms of land administration that existed. The local political structure determined to a large extent the ways of obtaining and holding land. In the northern parts of the country an Emirate system operated, with a hierarchical power structure. In these areas, all land rights resided in the highest authority who (or whose representative) could give out parcels following some cultural rules. In most parts of southern Nigeria, however, the tenure system adopted a general form, the dominant characteristic of which is that land belongs to the group or community (tribe, village, clan, kindred, lineage, family) and not the individual. The head of the group or community held the land in trust and administered it on behalf of its ancestors, its currently living members, and its members yet to be born². In the few urban centres that existed prior to colonialism, the customary system provided

- access to urban land for group members of widely varying economic status
- a means of administering the allocation and occupation of land, and
- a deterrent to the entry of land into the open market³.

The impact of colonialism on settlement patterns and processes of urban development varied with the identity and purposes of the colonizing power and the nature of the political economy on which external rule was imposed. Unlike the situation in many of the British colonial territories elsewhere in Africa, the British did not wish to stay for long in Nigeria. The colonialists learned early that the indigenous peoples could produce the raw materials needed by the Empire at a cheaper cost than could foreigners. This, together with strong existing states

in much of coastal West Africa, gave rise to the British policy of ‘indirect rule’ articulated in the principle of the ‘dual mandate’: to develop the agricultural resources of Nigeria through the agency of its inhabitants.

Thus much of West Africa, including Nigeria, was spared the massive alienation of land that the British embarked upon elsewhere in Africa. Instead, land policies were designed to reflect local realities, and to take into account the constraints imposed by inadequate staff and funds, as well as the size and diversity of the country⁴. A cardinal principle of indirect rule was minimal interference with traditional institutions. Thus, the colonialists did not embark on any major transformation related to land. In southern Nigeria, the system of communal ownership of land was allowed to continue because it enabled the colonial administration to increase the power of local (paramount) chiefs through whom they could rule indirectly⁵.

Post-independence changes in tenure, land policy and legislation

National independence in 1960 did not bring about any fundamental changes in urban policy and planning. At independence, Nigeria inherited a dual system of land supply in which European notions of tenure, systems of land administration, and policies that embodied colonial aims and social relations coexisted uneasily with indigenous tenure and land administration that reflected the social and political relations of tribal society. Both systems had been dynamic. For instance, the structure of tribal society had changed under colonialism, with effects on both administrative systems and approaches to urban land. In particular, family interests in land had already become more dominant. In much of southern Nigeria today, not only are group claims to land being supplanted by family rights, but within families, an individualisation of rights is occurring. Long term vesting of land in families has both reduced the

control of chiefs and given rise to a tenure form that, according to Mabogunje, is more accurately described as ‘customary freehold’ than use rights or usufruct⁶.

Land transfers have normally occurred through allocation by the head of a land-owning family or community. The transfer may be in the form of a sale, lease, gift (to a friend or benefactor of a family or community) or pledge (in return for some kind of assistance to the family/community). However, sale of land has recently become the major method of land transfer, especially in urban areas. When an individual thus acquires land, he or she has a sort of ‘allodial’ title equivalent to the English freehold, implying ownership in perpetuity⁷.

As countries became independent and rural-urban migration resulted in rapid urban growth, the anomalies in the indigenous land tenure system became more apparent. Urban land reforms in Nigeria have been aimed primarily at addressing the dysfunctional aspects of the customary land tenure system. Some of the laws that have been enacted for this purpose include the Requisition and other Powers Decree of 1967; the State Lands (Compensation) Decree of 1968; the Public Lands (Miscellaneous Provisions) Decree of 1976; and the Land Use Decree of 1978, which is the land legislation operating in Nigeria at present.

The 1978 Land Use Decree was by far the most significant and far-reaching attempt to provide for secure title and socialising the holding and use of land in Nigeria. The objectives of the decree and the level of success it has achieved are well documented. The first step taken by the decree was the conversion of old forms of estate into rights of occupancy. Where a right of occupancy exists, a certificate of occupancy is to be issued by the appropriate authority: the State Governor where the land is urban and the local government chairman where it is rural⁸.

The changing role of Enugu in the national space economy

Enugu, which literally means hilltop, derives its name from its position among the Udi hills at an altitude of about 223 metres above mean sea level. It is an important administrative, industrial and commercial centre in the eastern part of southern Nigeria. It has served, at various times, as the headquarters of the Central, and later, Southern Provinces (1929) and Eastern Provinces (1939), and capital of the Eastern Region (1951), the East Central State (1967), Anambra State (1976) and Enugu State (1991). It should also be mentioned that in 1967, a series of political crises led to the secession of the Eastern Region from the rest of Nigeria and declaration of the independent state of Biafra, with Enugu as its capital. Civil war broke out and lasted for nearly three years, at the end of which Biafran resistance was crushed and Nigeria remained one. Enugu has therefore been a major administrative centre since colonial times. The area administered from the city has, however, continued to suffer territorial loss over the years as a result of the creation of nine states out of the former Eastern Region (Figure 1).

Figure 1: The location of Enugu in Nigeria



The origin of Enugu dates back to the discovery of a rich seam of coal in the area in 1909 by a geological exploration team led by a British mining engineer, Mr Kitson. According to Njoku, the colonial government persuaded the people of Ngwo and Ogui (the owners of the land where coal had been discovered) to freely and voluntarily cede ten square miles of their land to enable the administration to establish a colliery and a railway station⁹. Isichei reports, however, that the colonial administration paid compensation of 200 pounds sterling for this acquisition¹⁰. In 1914, another British mining Engineer arrived in Enugu with a group of labourers from Onitsha led by one Mr. Alfred Inoma, after whom the first miners' settlement, *Ugwu Alfred*, was named. In 1915, the first coal mine was opened at the Udi Siding. In that year, the district prison, formerly at Udi, was moved to Enugu and the prisoners were set to work in the mine. Bereft of mechanical devices, in its early days the industry relied mostly on manual labour. Most of the workers were recruited from the towns, villages and hamlets surrounding Enugu. Indeed, the muscles of the native people provided the power as well as the paid labour for the establishment and consolidation of colonial infrastructure and industries¹¹.

In 1917, the second coal mine, Iva mine, was opened. In that year too, Enugu attained second-class township status under Lord Lugard's Township Ordinance, with the name Enugu Ngwo. In 1928, Ngwo was dropped from the name to distinguish the township from Ngwo village. As the coal mine attracted more workers, a second settlement for indigenous workers was established on the southern side of Ogbete stream. This formed the nucleus of present day Coal Camp, otherwise known as Ogbete (Figure 2). Each of the events associated with the development of the mines added to the growth of Enugu. For instance, the population of miners grew rapidly and attracted other categories of migrants, such as service providers, to the city. Thus the commercial and administrative sectors

developed very fast. The importance of coal in the growth and development of Enugu earned for it the appellation 'coal city', which it has retained despite the diminished importance of coal in its economy.

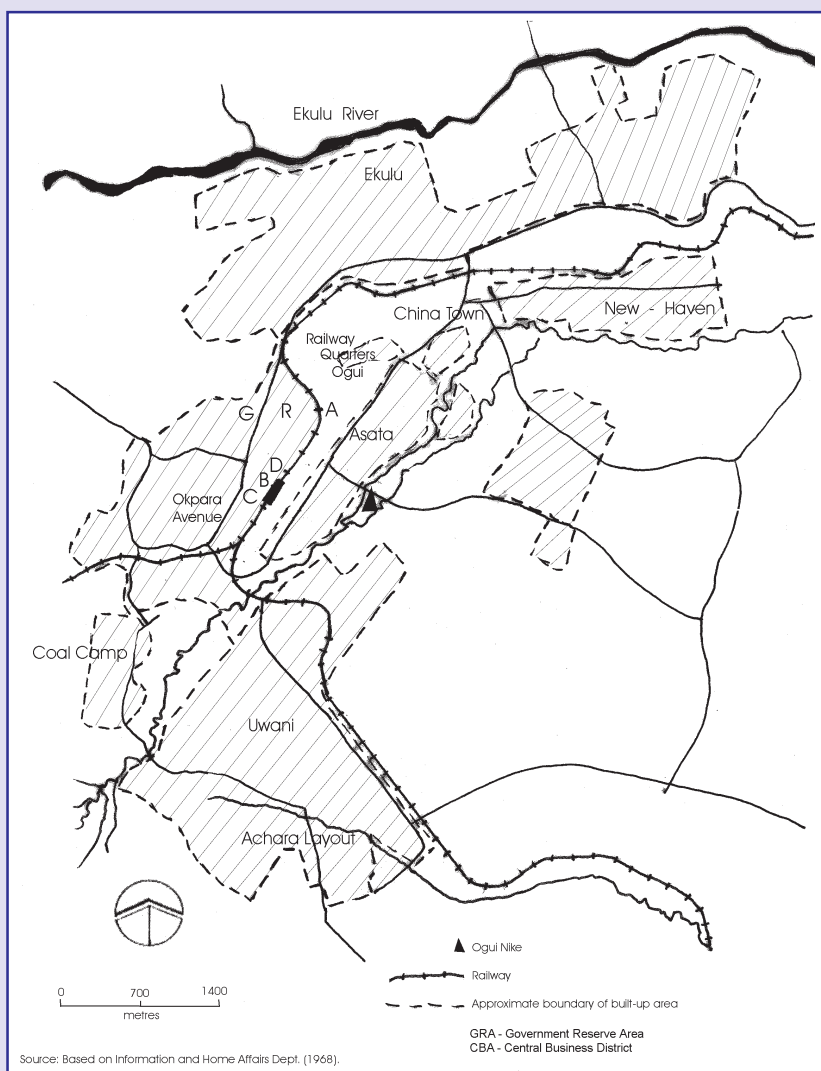
The discovery of coal at Enugu in 1909 and a deep-sea harbour at Port Harcourt in 1912 heightened the desirability of constructing an eastern railway to facilitate transport of coal to the port for export to Britain. Construction work commenced on the Enugu-Port Harcourt railway in 1914. However, it was not until 1916 that the first coal was transported by rail to Port Harcourt. In 1923, the railway authorities began to build permanent quarters for their workers in Enugu at China Town. High calibre manpower was attracted to the town, as it became the operational headquarters of the Railway Corporation in Eastern Nigeria. The importance of the railway in the growth of Enugu transcends its role as a means of transporting coal to the sea. It brought about unprecedented growth in many directions. Growing employment opportunities in the town attracted waves of migrants as job seekers and service providers.

Although the colliery and railways provided residential quarters, these could only accommodate a small proportion of their employees. This, together with the need to house increasing numbers of other migrants, added to the demand for housing land in and around Enugu and the development of the earliest residential settlements. The railways also stimulated the development of other transport tributaries and feeder roads needed to bring passengers and wares to the railway station in Enugu. Thus Enugu was linked by road to all the major population centres in Eastern Nigeria. This enhanced its role as the economic, social and political headquarters of the region.

The national population census for 1991 (which unfortunately is the most recent) showed that Enugu had a total population of 465,000 (234,000 men and 231,000 women) in 28 residential settlements. It had grown two and a half fold between 1963 and 1986 and at about 6 percent per annum between 1986 and 1991 (see below). The population is concentrated in areas near the city centre and densities decrease towards the suburbs. In terms of ethnic composition, the population is overwhelmingly

Igbo. As in much of urban Nigeria, the city's culture is essentially hybrid in nature – a mixture of indigenous and Western colonial socio-cultural practices. This conforms with what Okin describes as urbanised Africans' middle-of-the-road attitude in their search for a satisfactory new African environment – one that relates to the historical development of the past and, at the same time, points to a new, modern future¹².

Figure 2: A sketch map of Enugu, 1968



Enugu's population

1926	-	3,200
1931	-	13,600
1953	-	62,800
1963	-	138,500
1986	-	342,800
1991	-	465,000

Sources: Department of Urban and Regional Planning (1987) 1986 Housing Stock Survey, Enugu: University of Nigeria Enugu Campus; National Population Commission (1992) 1991 National Population Census, Lagos: NPC

Enugu

Making land available for urban use

Suppliers, channels and alternative tenures

The major changes that have occurred in land delivery processes and institutions in Nigeria can be identified as those occasioned by urbanisation, amplified by the advent and passing of colonialism. The emergence of urban economic activities has encouraged migration, during which people leave their ancestral homes (in which they are landowners) for urban centres in search of a better life. It was urbanisation and the evolution of a market economy that first gave rise to commodification of land and individualisation of titles. The advent of colonialism, while introducing public ownership into the existing pattern of land ownership, also encouraged urbanisation. Attempts by post-independence governments to retain all land in the public domain also brought about significant changes, if not to land delivery processes themselves, then to the laws meant to regulate such processes.

In Enugu, three categories of suppliers of land for conversion from rural to urban use can be identified. These are the customary authority figures (chiefs, clan heads, lineage heads, family heads, or their representatives), land subdividers (speculators) and the government and its agencies. Customary authority figures and land subdividers are private actors, while the government and its agencies are public actors. In the cities of developing countries, the informal and unplanned conversion of land is generally initiated by private actors (sometimes with government actors as accomplices), while certain government bodies represent the formal side of land supply and spatial planning.

In Nigeria, the government and its agencies have continued to play a significant role in both the supply and demand sides of the land market since colonial times. All three tiers of government (Federal, state and local) are involved. In Enugu, the government

- acquires land from customary and private sources for public use
- supplies land to private individuals and groups from its pool
- establishes rules regarding land use planning for urban residential and economic development
- provides infrastructure and services to land, and
- enforces development control laws.

The first and more important of the two main sources of private land identified above (in terms of the number of plots supplied) are the indigenous landowning communities and families, acting through their representatives. The other source of private land in Enugu is the subdividers, who are mostly non-indigenous. This group acquires land from customary sources, subdivides the land and sometimes develops some plots, while holding others for re-sale.

Some vendors of land in our study make outright sales. This confers the right of freehold, in which case the buyer retains his or her right over the land for an indeterminate period. The price is paid once and for all. However freehold transactions were more common in the past. Also, freehold was only a recognised form of tenure under state law prior to the enactment of the Land Use Decree in 1978. Interviews with estate agents (both formal and informal) revealed that at least 90 percent of all private land transfers in Enugu are at present in the form of leaseholds. It was also revealed that the duration of the leasehold is getting shorter. While the duration provided for in the Land Use Decree is 99 years for state land, Nike people (who own up to 90 percent of all land in Enugu) now restrict many of the leases to just 45 years.

The leasehold tenure arrangement was the biggest source of complaint by participants in a group discussion organised for land purchasers in Emene. According to these people, the cloud cast by the terminable duration of rights over leased land is a cause of anxiety and uncertainty. On the other hand,

the customary land rights owners (who are eagerly waiting to repossess their land on the expiry of existing leases) welcome the leasehold arrangement. This is because it makes it easier to reach consensus within indigenous communities on the alienation of communal land, since leased out land is only alienated for a period and not for all time. It appears that purchasers do not consciously link their investment in leased land to the period of the lease and fear that they will lose out when the land reverts to its owner. Because leasehold tenure has come to stay (having been institutionalised by the Land Use Decree), land buyers need to adapt their behaviour, particularly with respect to the level of investment they make and the returns they anticipate in relation to the lease period.

The case study residential settlements

The study focussed on three case study settlements, all in the old Nkanu, which includes Nike and Awkunanaw, both of which are parts of western Nkanu cultural expression. While Achara is part of Awkunanaw, ethnographically, Nike is made up of 24 villages, among which are Ogui and Emene¹³. Many of the areas occupied by these groups have since become parts of Enugu metropolis while others are increasingly being incorporated as future residential and industrial areas. The name Nike is used to denote an extensive group of contiguous communities in the three local government areas that make up Enugu metropolis. The people dominate and are indigenous to these parts of the state. Depending on their location vis-à-vis the capital city of Enugu, which constitutes the major growth centre in the area, there are minor variations regarding land delivery processes among the Nike. In the main, however, these widespread groups share a common tradition with respect to land acquisition and disposal.

The characteristics of the three settlements, including processes and patterns of subdivision and the level of infrastructure provision, are described in the boxes below.

Ogui Nike

Ogui Nike is in the Enugu North local government area. It is what may be regarded as the traditional inner core of Enugu metropolis. Land in Ogui Nike falls into two categories. The first is *Ani uno*, which means the area for the homesteads where people live. According to the Enugu Masterplan (1978), this settlement covered an area of approximately 25 hectares, with a population in 1978 of 24,000 and a density of 1,075 persons per hectare. The high density, lack of organised road network, substandard housing (mostly in areas occupied by the indigenous people), run down infrastructure and general lack of planning in this neighbourhood have earned for it the appellation “urban jungle” – a derogatory tag used by its residents as well as residents of other neighbourhoods in Enugu. It is this part of Ogui Nike that was selected as a case study.

The second category of land in Ogui Nike is *Ani agu*. As in other parts of Igboland, this is “the outer land where people farm but do not have permanent residence”¹⁴. As Enugu expanded, the *Ani uno* part of Ogui Nike was recognised as the home of the indigenous people, while *Ani agu* was used for several extensive layouts surrounding the township of Enugu, many of which have since been incorporated within the urban boundary. Ogui Nike is made up of four communities: Amawusa, Amaigbo, Onu Asata and Umunevo. Traditionally, land in the area was

owned communally by the various kindreds (lineages or groups of extended families) of the aboriginal Nike people who make up these communities.

Our sample survey of owners in the *Ani uno* part of Ogui Nike showed that 57 percent had acquired land and buildings through inheritance from their late parents or spouses. This is understandable, since this part of Enugu has been fully built up for decades and what happens there now is mostly redevelopment of plots rather than fresh development. The only recreational area in this settlement is the village square, which is used by the villagers for cultural activities. This square also provides an abode for the *Ezebinagu* (the indigenous community's deity) in the form of a shrine. This area has retained its unplanned character. Access ways in most parts of the settlement are poorly defined footpaths, some barely two feet wide. Problems of access and infrastructure have been aggravated by intense densification. Because many of the landowners now live elsewhere or are, according to their tenants, mainly interested in the rents they collect, residents have formed a number of associations to deal with day-to-day problems, including security and service delivery. However, interviews with two members of Residents' Associations revealed that the associations are often unable to resolve cases concerning encroachments on access ways or conflicts over dumping of solid waste, and instead have to refer them to government agencies. This finding suggests that the institutions that regulate the use of land come under pressure during the process of urban development and cannot resolve conflicts and cope with service delivery issues in highly consolidated and densely settled areas.

There is electricity in most parts of the neighbourhood, provided by the National Electric Power Authority (NEPA). Plot owners are responsible for extending electricity to their plots from the national grid line provided by NEPA. Pipe-borne water, provided by the State Water Corporation, is also available in some areas (mostly on plots owned by non-indigenes but also to public standpipes). The Asata River, which forms the southern boundary of Ogui Nike, provides a source of water for most villagers for both drinking and domestic activities. However pit latrine sanitation is inadequate at such high densities and there is no solid waste collection. The Enugu North Local Government is thinking seriously about addressing the dilapidated state of infrastructure and lack of planning in Ogui Nike. Already, an urban renewal scheme has been proposed for the neighbourhood. However, lack of funds has delayed its implementation.



A public standpipe in Ogui, Nike

Achara

Achara is in Enugu South local government area. It is a medium density neighbourhood covering an area of about 95.5 hectares, with a population of 31, 000 and a density of 325 persons per hectare according to the 1991 census. Originally, the traditional ruler of Awkunanaw was the custodian of the land in Achara, which was part of his community. The original owners were Awkunanaw farmers. The land belonged to about fifteen Awkunanaw aboriginal families who were freeholders of the property. It was these families that asked the then Enugu Town Planning Authority to prepare a planning scheme for Achara to allow for orderly development. The area was subsequently surveyed and a planning scheme prepared. This scheme was approved in 1963. The approved planning scheme included a detailed subdivision plan, with most plots the size of

standard high density plots (60 feet x 100 feet or 20m x 30m). When land was purchased from any of the landowning families, the purchaser was made to conform to the approved planning scheme when developing the plot. The effect of this is that much of Achara is formally laid out (hence the tag 'layout') even though plots were (and still are) obtained from customary sources. The southernmost periphery of Achara (where this study focused) was not part of the original layout but has since also been surveyed and subdivided by the indigenous owners. In this area 93 percent of current owners had bought their plots and the developments are mostly middle-income two and three storey blocks of flats.

Documentation for a land transfer comes in the form of a receipt for payment issued by the land seller to the buyer. Most buyers also invite a lawyer to draw up an agreement for the two parties to sign, with witnesses. The



Typical building development in Achara

receipt for payment and the agreement are admissible as evidence in a law court should a dispute arise. As in Emene, in Achara, the letter of agreement is the most common type of ownership document (59 percent of owners), although unlike the other study settlements, 40 percent of owners have converted their original agreements into registered titles.

Roads in most parts of the settlement are well laid out, mostly constructed by government, although there is evidence of disrepair in some areas. The width of the roads ranges from 4m to 6m, with some having concrete drains on both sides. Planning and building requirements are enforced by the Local

Government. Thus building setbacks are respected in most parts of the formally laid out areas and encroachment on road access is hardly an issue. With very little funding for infrastructure development in the settlement by government in recent times, the practice is that a prospective developer has the responsibility for extending road access to his or her plot before seeking permission to build. This is the situation in the more recent developments on the southernmost periphery of Achara where this study focussed. Piped water and electricity are supplied and various tiers of government, NGOs and corporate bodies provide other social services, such as schools, markets, churches.

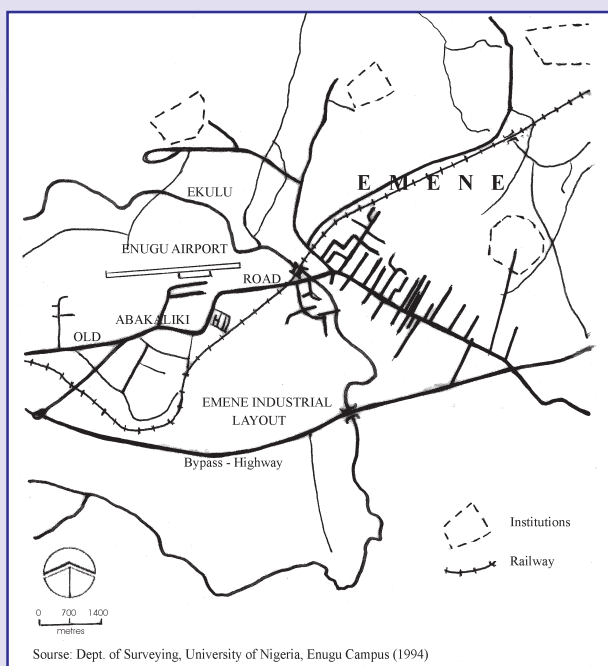


Achara

Emene

Emene is in the Enugu East local government area. This medium to high-density residential/ industrial neighbourhood was originally on the northeastern fringe of Enugu but is now regarded as part of Enugu metropolis. It covers an area of 234 acres (95 ha). Recent population estimates (based on projections from the 1991 census) show that Emene might have reached a population of about 105,000 persons by 2001. The area has fairly level topography, as it falls beyond the area of broken relief that typifies much of Enugu. This level setting has favoured the choice of this neighbourhood as a location for industry. The settlement is well linked by road and rail to other parts of Enugu and the city's airport is also located there (Figure 3).

Figure 3: A sketch map of Emene and its surrounding area



Originally, Emene belonged to Nike aborigines who used it for agricultural activities. The traditional ruler of Nike was the custodian of land in Emene. Three communities of Nike aborigines make up Emene, each with a community head. These communities are Amechi, Oguru and Otuku. Long before the founding of Enugu, the traditional ruler of Nike allocated land to these communities on a freehold tenure basis. However during the colonial era the communities commissioned overall boundary survey plans of their portions of the land from licensed surveyors. It is from these holdings that the communities sell land to non-indigenes, mostly as leaseholds. Thus in 2002 two thirds of owners had bought their plots and a third had inherited them. The subdivision process is quite systematic. From long practice, these communities have acquired experience in measuring out plots in standard sizes. Every

letter of agreement (possessed by 79 percent of all owners in the sample survey and locally termed a lease certificate) must carry the signature of the lessee and ten members of the land selling community to make it valid. The signature of the traditional ruler is the confirmatory seal to a valid purchase and acts as a check on multiple sales of the same plot. Conflicts over land sales are, therefore, rare in Emene. Most buyers thereafter invite surveyors to survey the plots they have purchased and to install beacons. All the owners included in the household sample survey affirmed that their plot boundaries had been well defined at the time of acquisition, as did the vast majority of owners in the other two settlements (89 percent in Achara and 88 percent in Ogui Nike).

The State Water Corporation provides piped water to the area but, because the supply is very unreliable (and also because some areas are not yet connected to the water mains), most plot owners also dig wells in their plots to tap ground water. The Old Abakaliki Road (which is about 12m wide and which was constructed by the government) forms the main transportation artery in the residential part of this settlement, with service roads to individual plots branching off from the main road. These service roads (often between 3m and 5m wide) are defined by the land selling communities. However, there is evidence that plot owners in the newly developing residential areas of Emene are responsible for extending service roads to their plots. This can be deduced from the fact that such service roads always terminate at the last building on a particular street (Figure 3). Electricity is provided by NEPA but most residents rely on pit latrine sanitation and there is no solid waste collection.

There is no doubt that the dominant suppliers of land in Enugu are the customary land rights owners. Both public and private developers have to acquire land from this source, as there is no stock of undeveloped publicly or privately (individually) owned land for either public sector land purposes or invasion/squatting. Although precise figures are not available, it is reasonable to assume that 80 percent of land in Enugu is held by customary land rights owners, 10 percent by the public sector and 10 percent by private individuals. It is difficult to compare prices of land supplied through the different channels because of the plethora of influences on price, which include whether or not a middleman is involved, the security of the rights being transferred (which is related to the risk of them being challenged), length of lease, and the level of services provided. However, the general feeling among respondents was

that land from the public sector is the cheapest (because it is often partly serviced) but the most difficult to access (because of the volume of demand compared to supply), while land from private subdividers is the easiest to access but the most expensive.

The principal partner of an estate agency firm in Enugu gave a rough estimate of the cost of a standard plot (20 x 30 sq m) from private suppliers in some residential neighbourhoods as at December 2002 as follows: GRA (Government Reservation Area) and Independence layout (low density areas) N5-6 million (note, however, that plot sizes in low-density neighbourhoods are sometimes two to four times the size of a standard plot), Emene N500,000-700,000, Achara N1-1.4 million and Ogui Nike, up to N1million¹⁵.

Enugu

Can disadvantaged groups gain access to land in Enugu?

Access to land by the poor

Investment in a house is central to the livelihood strategies of many urban households – secure tenure on a plot of land followed by incremental investment in house construction provides a household with a place to live even during periods of misfortune, a means of earning an income as a base for business or by the construction of rooms for rent, an inheritance to bequeath to one's children and an asset that can, as a last resort, be sold in a time of crisis. An important question for the research was, therefore, whether poor households have in the past been able to access urban land, whether they can still do so today and, if so, through which channels of land delivery.

Detailed household income and expenditure surveys were beyond the resources of the study, therefore two alternative approaches were taken to this analysis. First, information on the socio-economic characteristics most closely associated with wealth status was collected through the sample surveys of owner households. Second, using local categorisations of household well-being, participants in focus group discussions considered whether poor people could acquire land in Enugu.

The socio-economic characteristics most closely associated with wealth status are the educational level of the household head and his or her work status. Over a third of current owners in both Emene and Achara had university level education and over a fifth in Ogui Nike. Only a fifth in Achara had a low level of education (no or primary schooling), compared to a third in Emene and nearly 40 percent in Ogui Nike, where a larger proportion of current owners were members of the indigenous landowning groups. A significant proportion of all owners had been in full-time wage work at the time they acquired their plots (55 percent in Ogui Nike, 35 percent in Achara and 61 percent in Emene), predominantly in the public sector. Wage work in large private

sector firms was also quite important for household heads in wage employment in the centrally located area of Ogui Nike. Today, despite the informalisation of the Nigerian economy, the figures are not dissimilar. Most of the remaining household heads had been self employed at the time of plot acquisition, mostly with micro or small businesses (about 80 percent in Ogui Nike and Achara and nearly 60 percent in Emene), but a significant minority were large scale or formal private entrepreneurs (15 percent in Ogui Nike, 23 percent in Emene and 12 percent in Achara). Respondents with relatively high educational levels, regular wage employment or their own businesses, even in the informal sector, are likely to have relatively high incomes. With the exception of members of indigenous landowning groups, those who own land in Enugu are, and always have been, those wealthy enough to purchase it.

Even amongst indigenous landowning groups, once the owner of urban land, a family or individual cannot be considered poor. The asset can be used to construct rooms for rent or it can be sold. Thus interviews with two heads of Emene families who had sold some of their land found that their primary motivation had been to invest in further wealth creation, by releasing funds for investment in their children's education or business activities.

The proportion of urban people who are poor in Nigeria is estimated to have increased from 18 percent in 1980 to 55 percent in 1996, and to have been 58 percent in the urban areas of Enugu State in 1998¹⁶. Poverty analyses distinguish between the very poor, the poor and the non-poor. On the basis of economic status, food consumption and household assets, a recent participatory assessment in Enugu State by the Institute for Development Studies at the University of Nigeria Enugu Campus characterised the poorest of the poor (*ogbenye mgbegede*) as those who cannot feed themselves and their families, the kinless poor (*ogbenye mmadu*) or the ill-fated poor (*ogbenye chi ojoo*).

These groups deserve sympathy. The poor include the hopeful or struggling poor who deserve encouragement and support¹⁷. Respondents in the World Bank sponsored ‘Voices of the Poor’ study specifically identified lack of security, not owning a home and unhygienic and inadequate living conditions, in addition to lack of food and money, as characteristics of poverty. After food, the aspects of well-being identified as most critical vary between groups, but typically include being able to pay rent, being in full-time work, having children to support one in old age, being able to meet community obligations (such as levies to pay for security) and having ‘connections’¹⁸. Participants in focus group discussions in Emene were reluctant to categorise any member of the indigenous landowning groups as poor, since all men are entitled to a place in the homestead to lay their heads and even if their own families have no land available to allocate them, they can be allocated land elsewhere in the city or, at least, can buy it at a more reasonable price than a non-indigene. However, they also bluntly asserted that “*it is clear that a poor person cannot get land unless the poor person is from Emene*”.

There have been sporadic efforts by the government to provide so-called ‘low-cost’ housing and even serviced plots, but no serious attention has ever been paid to meeting the land and housing needs of the urban poor and such social policies as exist have never really addressed problems of urban poverty. Enormous confidence has been placed on the real or imagined ability of extended family networks to cater for kinsmen everywhere and to provide for their welfare at all times. According to this thinking, the poor or destitute should go back to their home areas or be catered for by their people wherever they are. Those who remain in the towns are ignored, especially as they have resisted sporadic efforts to shove them into camps for the destitute.

Thus it is evident that none of the landowners in our samples are poor, either because of the current value of property assets acquired in the past or because only high income people can afford to purchase land in contemporary informal settlements in Enugu.

Women’s access to land

Women are not entitled to land in their own right under the customary law which operates in the indigenous areas. This is because the Nike people have a patrilineal descent and patrilocal residential system. Descent is traced from fathers to sons and women move to live in their husband’s community. As the most important asset, land is bequeathed to male heirs. Participants in a focus group discussion of customary land rights owners emphasised that at no time had their communities given a portion of land to a woman in her own right, however wise, learned, strong or useful the woman might have been to her family or community. Simply put, a woman cannot own land in the customary context. She is regarded as ‘belonging’ to a different community, as she is expected to be married to a husband in a different place someday. A woman may acquire a piece of land in her marital home. This, however, is in the name of her husband or male child. Such a portion of land is known as *okaabi* and is allotted to her for farming. She farms the land because she has a male child among her husband’s people. Women respondents from indigenous communities in Enugu accept these arrangements, although many are critical of the tendency of their male kinsfolk to dispose of community land to non-indigenes in an uncoordinated manner, at the cost of future generations’ access to land.

A representative of the Enugu chapter of the International Federation of Women Lawyers (FIDA) – a women’s rights advocacy group – was interviewed to seek the organisation’s view on why there seems to have been little challenge or change to the position of women in the traditional law system

with respect to land. In summary, the respondent attributed the situation to the age-old and strongly entrenched male dominance of virtually all institutions and every segment of both traditional and modern society, thereby giving women no platform to effectively canvass for change.

The traditional setting has remained resilient, but novel and exogenous forces mark the wider context that envelops it. Land remains exclusively in the male domain in the rural areas. However, at the same time commercialisation of land in urban areas serves as a liberating factor for women. Women and men can now “buy” land outside their traditional homesteads. The Land Use Decree of 1978 gives legal backing to women’s rights to participate in land transactions. Under the decree, women (irrespective of their marital status) may get land in their own right provided they meet the criteria, which are invariably economic. While this new trend is removing gender-based barriers to acquiring land, it is erecting economic ones.

Nevertheless, only 11 percent of landowners in our combined sample were women and by far the most common channel through which these women household heads had acquired property was through

inheritance from their late spouses (two thirds in Achara and Emene and 83 percent in the older-established area of Ogui Nike). The type of marriage contract governs women’s inheritance rights. There are basically two types of marriage: customary marriage and statutory (civil) marriage (or marriage under the Act). Customary marriage is marriage contracted under native law and custom. There are as many customary laws as there are communities. In this type of marriage, the properties of the deceased are distributed among his dependants in accordance with the customary law applicable to him before he died, that is, generally to his male children and, if he does not have a son, to his brother. These customs, in most parts of Igboland including Enugu, are unfavourable to women and affect their interests adversely. On the other hand, in marriages validly contracted under the Marriage Act, the law is not as unfavourable to women as the customs. The Administration and Succession (Estate of Deceased Persons) Law Cap 4, Revised Laws of Anambra State Vol.1 (1990) makes it illegal to deny the wife or daughters of a deceased person what they are entitled to merely because they are women. Women’s growing preference for civil marriage is understandable in these circumstances.

Regulation

Land transactions in new and consolidated areas

Regulating land transactions: the strengths and weaknesses of informal institutions and formal rules

In contemporary Enugu, three distinct institutions regulate transactions in land. These are the customary institutions, institutions associated with the development of a market in land, and the Land Use Decree of 1978. This is generally in agreement with Iliffe's characterisation of the forces at work in African land markets. According to Iliffe, these are the resistance of pre-capitalist elements (traditional culture), the constraints of the world economy (scarcity), and the actions of the state¹⁹. These forces have often led to the emergence of three parallel land markets and systems of prices: formal, informal and government regulated.

Customary institutions

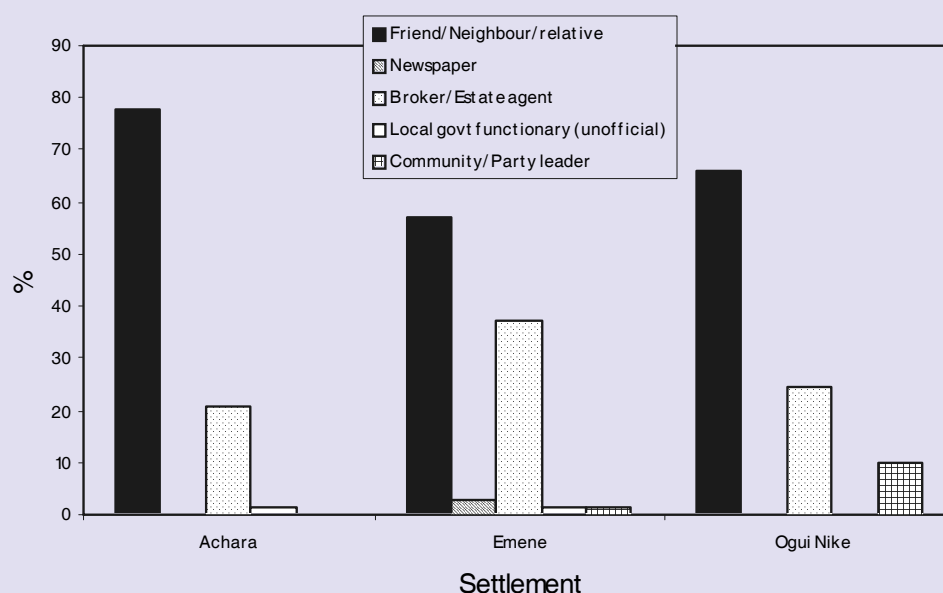
The customary institutions are conditioned by practices that still govern land delivery in prescribed contexts. These are the institutions at play in the allocation of land in family circles. What apply here are uncodified and informal sets of rules, the social legitimacy of which is undergirded by long usage and the threat or actual application of traditional sanctions. Money does not play a role in these types of institutions. Steeped in the customs and traditions of Nike, discussants in the group discussion with customary land rights owners in Emene spoke well of the traditional institutions that regulate land delivery processes in their indigenous society. These institutions are said to cause few problems in the processes of acquisition and devolution of rights in land. When problems arise, channels exist through which disputes are subjected to the touchstone of customary law and practice (see below).

Why have traditional authorities and administrative structures retained their strength, legitimacy and administrative capacity in the context of Enugu? To some extent this resulted from the economic policies and strategies adopted by the colonial administration. The promotion of crop production for export and the adoption of governance through 'indirect rule' meant that many of the 'traditional' structures in Nigeria survived the colonial era. Another contributory factor may be the fact that formal government at all levels has performed woefully. The failure of government to positively affect the people, particularly since independence, has made them cling more to the traditional systems with which they are familiar. According to the authors of the Voices of the Poor study, after such a long period of military rule, there is a whole generation of Nigerians who do not trust the state – either its statements or its actions in contributing to the well-being of the individual²⁰. This presents problems in public policy terms: government as manager is rated negatively across all areas – as service provider, regulator and protector. This perception of the state seems to have reinforced people's belief in the efficacy of traditional institutions, thereby strengthening them.

Market institutions

The institutions of the market operate outside the customary context and are mediated through the use of money. Within this context, land is seen as an economic commodity. Two types of market transactions can be identified: initial transactions in which customary rights are sold and immediately or later converted into statutory leaseholds, and subsequent transactions between leaseholders. The associated institutions and procedures here are much more recent than the customary ones and they provide the channels through which most "strangers" (non-indigenes) get access to land in Enugu. These institutions and procedures accommodate the increasing role of land agents who step into land deals by intervening between vendors and vendees

Figure 4: Sources of information on plot availability compared



(Figure 4). One of the requirements for markets to work efficiently is freely available information. In practice, however, there are various constraints on this and so to work properly, special arrangements may be needed to overcome imperfect information: agents emerge to perform such a function.

There is ample evidence from the present study that the institutions of the market are fraught with problems. In the first place, they permit transactions between non-intimates. However, boundary disagreements frequently arise, especially in undeveloped sites, and multiple sales of plots do occur. Despite the transfer of money, paperwork and witnesses, land transactions under market conditions cause more problems than those carried out under the other types of institutions in Enugu. The perception of the indigenous land rights owners concerning land transactions based on cash is that they are inevitable given the changing times, but that they are fraught with problems. This group therefore perceives commercial transactions in land as having doubtful legitimacy. This is mainly because such transactions are attended by a range of processes

that are, at best, only partially understood by members of the indigenous communities. These include receipts, lawyers, assignments, deeds, and sometimes litigation. Wading through all these can be difficult and frustrating.

On the question of trust in market transactions in land, customary land rights owners sounded fatalistic, expressing the need for anyone involved in such transactions to trust in God and hope that no problem arises. In spite of papers and covenants, the *akpu obi* (hot heads) in the landowning communities, who oppose the alienation of customary land, have sometimes destroyed beacons, damaged uncompleted buildings and generally made it impossible for a man or woman who has paid the fees and fulfilled the specified conditions to occupy and develop the land acquired. The effectiveness of this set of institutions is thus dicey, yet most of the residential plots owned by strangers are obtained through the commercial land market. It is this situation that explains the overwhelming desire of purchasers of such land for formal titles, which they hope will afford them the protection of the courts.

The quest for formal titles over land acquired from customary sources has created an important interface between informal and formal land administration systems not just in Enugu but also in other Nigerian cities.

State institutions

Under the Land Use Decree the owner of a plot purchased from an indigenous landowning community can apply for registration of his or her tenure. If the plot is in an approved layout, application is made to the Ministry of Lands, Survey and Town Planning²¹. Following the necessary verification and survey process, a leasehold title is registered. If the plot is not in an approved layout, application is made to the State Land Use and Allocation Committee (constituted by the Governor) and, following a similar process of verification and survey, a certificate of occupancy is issued. Rather than being proof of title, this certificate recognises the rights that have been transferred.

The Land Use Decree is also an instrument empowering government to effect compulsory acquisition of land. The application of the decree for this purpose is rare compared to its use for the types of institution already discussed. Nevertheless, its import can be telling. One application of the decree can deprive landowners of more land than they have sold for years. Customary land rights owners view this use of the decree with trepidation and resentment, particularly as the payment of “prompt and adequate compensation” promised by the decree is tardy, if it arrives at all. Of the three types of institutions that regulate land delivery in Enugu, the one most vilified by customary land rights owners is the Land Use Decree. In the words of one focus group participant “*the Land Use Act brought more problems than previously (existed)*”. They perceive the Decree as high handed, unjust and uncaring, representing a system that could ultimately render the landowning communities landless. The land rights owners point

to the vast areas of land appropriated by government through the Decree for phases 1 to 5 of the Emene Industrial Layout, as well as other areas. What seems to gall them most is that land acquired under the provisions of the Decree for one purpose is often not put to that use but is parcelled out to individual users (who are usually ‘big men’) for private rather than public use. Also, following its application on the basis of overwhelming public interest, the Decree sometimes moves blindly, knocking down even people’s ancestral homes, as the proposed railroad extension is likely to do in parts of Enugu. These issues cause bitterness among customary land rights owners. Hardly does a discussion or interview end without the request that government should abrogate the Decree, since it has not worked in the interest of the common man.

Regulation of land use, subdivision and building is a local government responsibility. Applications for building permission can reportedly be processed in two weeks if an owner has good contacts and is prepared to invest time in chasing the process and money in fees and ‘tips’. It is also possible for the process to take six months or more. Although development permission should comply with the 1978 Master Plan²², in practice non-compliant uses have obtained approval, for example on public land intended for other purposes, generally through political interference in the planning process.

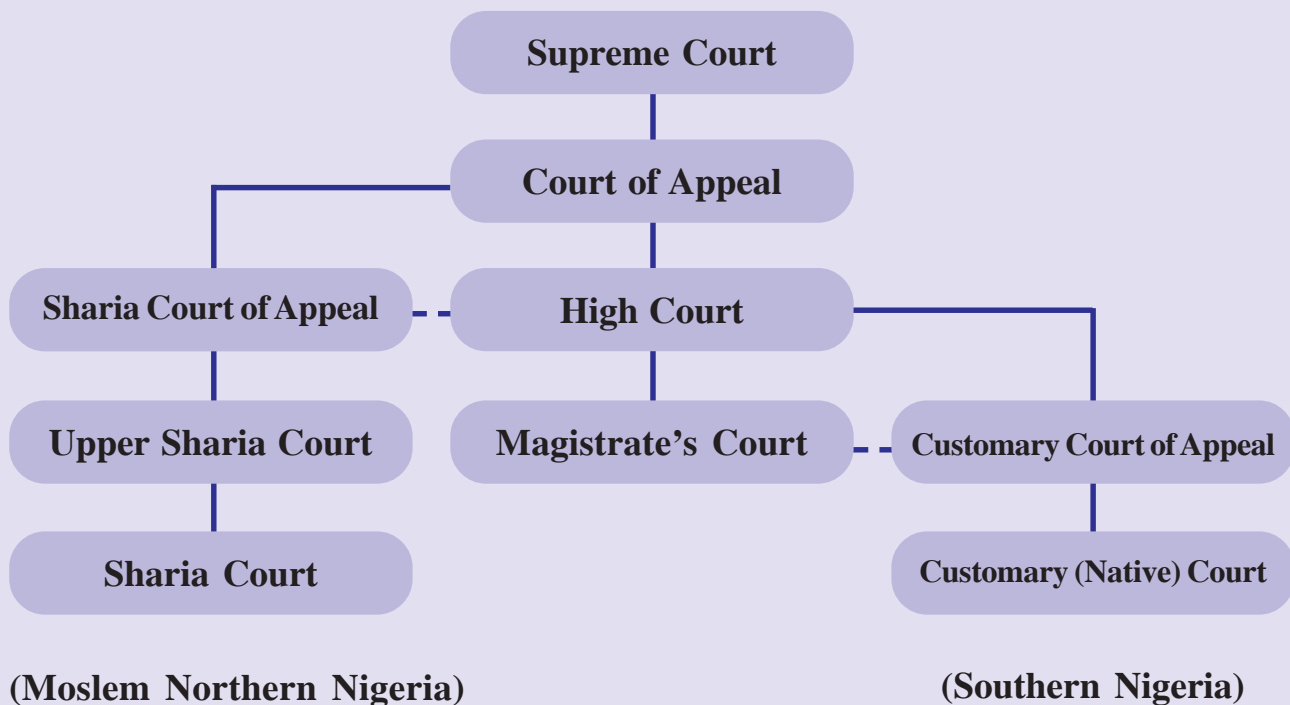
Land disputes and their resolution

One important function of the institutions regulating transactions in land is the provision of mechanisms for the satisfactory resolution of disputes. It has been suggested that, as urban settlements become consolidated, customary mechanisms for resolving disputes break down. Therefore as part of the research the nature and frequency of disputes experienced by owners, the resolution methods employed, the types of evidence admitted and the status given to informal land transactions and rules were assessed.

In practice, disputes over transactions in land, ownership, boundaries or inheritance were rare. Only 11 percent of owners in Ogui Nike, 7 percent in Achara and none in Emene reported that they had had disputes relating to their plots. In Achara the infrequent occurrence of disputes was attributed to the rituals (*Nri Ani*) that accompany land transfer. A goat, other food and drinks are shared by the parties involved and a fowl sacrificed and its blood buried on the plot. These rituals are believed to bind the former owner and the buyer to the terms of their agreement, or to face the wrath of the gods. In Emene, the signature of the traditional ruler and ten

members of the land selling community safeguard against multiple sales of a plot, the lease certificate is considered valid proof of ownership and the practice of commissioning a survey and installing beacons prevents boundary disputes. If a buyer subsequently wants to resell, consent must be obtained from the community that originally sold the land. Among the few cases identified in the formal courts in Enugu, disputes over ownership of land (encompassing trespass and inheritance) were the most prevalent. A few cases of boundary disputes were also noted, but these are usually dealt with at the Customary Court level (Figure 5).

Figure 5: The hierarchy of courts in Nigeria



Thus there are two methods of resolving land disputes in Enugu: customary arbitration and adjudication in the courts of law. Customary arbitration relies on informal institutions, particularly the family, elders and traditional rulers, i.e. people who are versed in the customs and traditions regulating land tenure practices in a community. The greatest strength of traditional institutions lies in the fact that, because of the high cost of litigation, ignorance of state law and procedures, and illiteracy, they are handy for a vast majority of Nigerians. The source of legitimacy of these institutions lies in the fact that the processes that they prescribe and regulate are socially acceptable to all the actors. A major weakness of traditional institutions in resolving land disputes is, however, that influential members of society can bend them and gain undue advantage. Also, they do not offer objective standards or procedures for trial and are not based on strict legal principles, unlike the formal courts.

The formal courts, in contrast, are guided by legal principles, such as those enunciated in the constitution of the Federal Republic of Nigeria, the Land Use Decree and the Evidence Act Cap 112 Laws of the Federation of Nigeria 1990. The disadvantages of the formal courts, however, are the high cost of litigation (which low income earners often cannot afford) and the fact that a court case can drag on for a long time.

What type of evidence do the courts admit in the adjudication of land disputes? From a plethora of decided cases, one finds that it is only credible evidence guided by legal principles and which is relevant to the issues in contention that is admitted by the courts. A plaintiff whose claim for declaration of title to land is founded on traditional history must plead and establish such facts as:

- a) who originally founded (owned) the land,
- b) how he founded the land,
- c) the particulars of the intervening owners through whom the plaintiff claims the land, and
- d) the history of how the land tenure practices have evolved from the time of the ancestors.

In a landmark judgement, the Supreme Court of Nigeria highlighted important issues of law concerning the position of traditional history, decisions of the Native Courts and reliance on traditional customs and other such informal institutions in settling land disputes. This was in the case of *Achiakpa vs Nduka (2001) 14 NWLR, Pt 734, 623* – Supreme Court of Nigeria. Among the issues highlighted was that a party relying on acts of possession and ownership as proof of title to land must show that such acts not only extend over a sufficient length of time, but also that they are numerous and positive, in order to warrant the inference of exclusive ownership of such land. Also, where title to, or interest in, family or communal land is in dispute, oral history of the family or communal tradition concerning such title or interest is relevant and thus admissible in evidence, an exception to this being hearsay evidence. It was further upheld that trials and decisions of Native (Customary) Courts on matters which are peculiarly within their knowledge, arrived at after a fair hearing based on relevant evidence, should not be disturbed without very clear proof that they are wrong.

Informal transactions in land are recognised by the courts as long as such transactions are consistent with existing state laws and are also not opposed to public policy.

Policy

Policy implications

The overall objective of any urban land policy should be to ensure that land markets are efficient, equitable and environmentally sound and sustainable²³. The key to formulating effective policies is to first understand the existing realities and processes on the ground and then to determine ways and means of reducing the negative impacts of these processes and maximising their positive impacts. The preceding sections of this report have attempted to explain the existing realities and processes on the ground with regard to informal land delivery in Enugu. We shall attempt, in the sections below, to draw out the implications for policy of the main findings of the research (see also the summary on page 5) and to make recommendations, starting with the implications for conceptions of tenure.

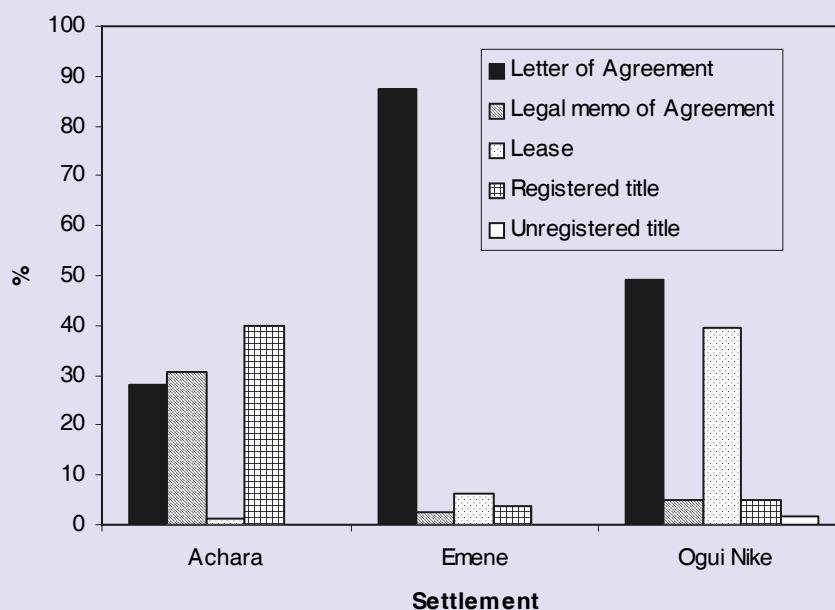
Forms of tenure

It has been shown that Enugu is surrounded by land held under customary tenure by indigenous landowning groups. Hence, the bulk of land for conversion from rural to urban use is in the hands of the indigenous landowning communities/families. In much earlier times land belonged to the community

as a group and members (usually male) had only usufructuary rights over land. Payne has highlighted some efficiency losses in such customary patterns of landholding and tribal/collective tenure practices. These include the reduced incentive for land development and constraints on those desiring social mobility. Payne noted, however, that as long as land is abundant, these losses (which are compensated by the high level of personal security) are small²⁴.

It has been mentioned that in Nigeria, with the passage of time, communal land began to be allocated to its constituent families, usually on a freehold tenure basis. It was noted that, with population increases, the continuing allocation of communal land to families has resulted in a situation in which communal land reserves are being depleted while family ownership is gaining ascendancy as the dominant mode of customary landholding. In Mabogunje's view, the long-term vesting of land in families has both reduced the control of community chiefs over land and given rise to a tenure form that is more accurately described as 'customary freehold' than usufruct²⁵. Although much of the land in the case study settlements is still held by indigenous

Figure 6: Nature of ownership documents compared



communities as ‘customary freehold’, leases on more or less all the plots in Achara have been sold to non-indigenes who have constructed blocks of apartments on them. Many have now registered their title (Figure 6). In Emene, leases on about two-thirds of the plots have been sold, with most purchasers receiving Letters of Agreements, while about a third continue to be occupied by members of the indigenous community. Finally, in the oldest settlement, Ogui Nike, at least 40 percent of the plots have been sold (mainly leasehold).

The advent of urbanisation and colonialism heralded the commercialisation of rights to land and individualisation of titles. Once individuals or corporate entities acquire either land or land-use rights, they acquire tenure. It was shown in the preceding sections that freehold and leasehold tenure arrangements dominated free-market land transactions in our case study settlements, with leasehold being more prevalent in recent times. Freehold has very few restrictions on it and is considered by economists to be more secure. It was noted, however, that the 1978 Land Use Decree introduced public ownership of land and effectively extinguished all private freehold titles, converting them to leaseholds, usually of 99-year duration. Leasehold is considered more equitable as it reserves the ownership of land to society as a whole rather than to an individual. As noted above, the current policy of government as expressed in the Land Use Decree is in favour of leasehold tenure and, while land purchasers would prefer freehold tenure in private land transactions, the provisions of the Decree are in accord with the preference of traditional land rights owners. One reason for the preference of customary land rights owners for leasehold tenure on alienated communal land can be traced back to the concept that customary land is held in trust for future generations. So, while the present generation of a community may agree to forego their rights in return for benefits such as cash, they reject the notion of future generations being deprived. Leasehold tenure enables a community

to alienate its members’ interest in the land for one or two generations, not the whole community’s interest for all time.

It is important to note that the complexity reported by some analysts to dominate urban land tenure issues in the urban areas of most developing countries is largely absent in Enugu. This is because land invasion/squatting as a source of land supply for low-income groups hardly occurred in the past and certainly does not occur at present. None of the respondents in the household sample survey had acquired land through illegal occupation. The absence of squatting means that the usually complex varieties of non-formal tenure systems associated with it are largely absent in Enugu, whether on communal or government-owned land. Also, renting of plots or subdivision of plots after purchase for resale is rare. Only one percent of all respondents in the household sample survey rented their plots and fewer than ten percent had subdivided their plots since acquisition.

The tenure systems that are to be found in Enugu are, therefore, customary (tribal/collective) and formal (leasehold or freehold). Durand-Lasserve argues that, contrary to a still widely held idea, the privatisation or nationalisation of all land is unnecessary, since a diversity of sub-markets does not constitute an obstacle to the smooth operation of the land market as a whole²⁶. Despite its vaunted ‘efficiency’, he maintains that a unified market is dangerous because it leads to social exclusion, segregation and instability. Diverse markets respond, on the contrary, to diverse demand and the different solvency levels of the urban population. The main issue with respect to tenure, as previously noted, is the need for clarity and certainty in ownership and transfers on the part of owners and buyers.

The forms of tenure available to land holders should provide clear and certain rights of ownership and reliable procedures for transfers

It is also suggested that, since leases are the only form of landholding now recognised by law, land buyers need to adapt their behaviour with respect to the level of investment and their expectations of a likely return on that investment in relation to the lease period.

Land buyers should adapt their investment in property and expectations of returns on their capital to the length of leases sellers are prepared to offer

Poor migrants are completely priced out of the city's land markets. Government's responsibility for increasing the opportunities for low-income households to access land should, therefore, be acknowledged, even if earlier efforts were not successful. In an earlier paper, the author suggested that government should permit condominium ownership of land in its land delivery programmes²⁷. In such an arrangement, a person or persons may have absolute title to only part of a property, thus making it possible for a group of individuals to jointly obtain land and then build a multi-occupancy dwelling (such as a compound or rooming house) which is shared among them. It should also be possible for a plot of land to be subdivided into smaller ones once individuals have built on it. The advantages of such an approach would include not just the lowering of land costs for individual households, but also more optimal use of scarce urban land to accommodate as many housing units as possible.

Measures are needed to ensure that relatively poor urban households can obtain access to land, through arrangements such as shared ownership

Joint ventures between the public and private sector are increasingly seen as a way forward in integrating customary tenure systems with others for urban land management. These include lease-lease back and guided land development options. In addition, NGOs may be encouraged to act as developers, intermediaries or representatives of customary owners in negotiating development options with government agencies²⁸. Although more institutional analysis is needed, such an approach may be useful in the Enugu context where, as revealed by the research, customary land rights owners view the Land Use Decree with bitterness and trepidation. It may provide a means of addressing the unpopularity of compulsory acquisition by increasing the level of trust between customary land rights owners and government agencies. According to Payne, the advantage of these approaches is that customary groups would retain some or all of their primary rights. It would also help to reduce excessive expectations by bringing home to them the types of development and therefore the profit levels that are likely to receive official sanction.

Public-private joint ventures should be encouraged as a way of reconciling customary tenure systems with the needs of contemporary urban development

The lack of detailed and up-to-date land registers or inventories is a major impediment to any assessment of existing tenure systems and their performance in meeting either productivity or equity requirements. Clearly, the establishment of such registers or inventories to record details of ownership and rights to land and property is a precondition for both improved understanding of urban land tenure systems and the formulation of appropriate policies concerning them.

An improved land inventory or registration system is vital to provide a record of ownership of property and rights in land

Processes of subdivision and tenure registration

It was noted earlier that landowning aboriginal communities in Enugu have for decades been submitting their lands for planning and formal subdivision in line with the Nigerian Town and Country Planning Ordinance No.4 of 1946 enacted by the colonial administration. These communities engage in the development of planning schemes in which large tracts of communal land are surveyed and subdivided. The planning authorities have recognised this process as legitimate for many years (even when official national policy preferred the state to take the main responsibility for subdividing land for transfer to individuals) and have been prepared to approve the schemes. Indigenous landowning families mostly sell land in such approved layouts to non-indigenes (migrants). This practice has resulted in many formally laid out settlements in Enugu, even when land was supplied from customary sources. Hence, many of the processes of land subdivision in Enugu (including those on customary land) are, in most cases, both formal and legal.

The attempts of informal land subdividers, developers and community leaders to foster orderly layouts, register land transfers, develop guarantees of tenure security and service land should be encouraged

The situation in Enugu is, to some degree, similar to what Kombe and Kreibich found in their work in Tanzania²⁹. They pointed to growing evidence suggesting that, even though informal housing land subdivisions, transactions and development take place outside the formal or statutory urban land management process, there are initiatives to adapt some of the formal principles for the spatial organization and development of land. These can be seen in the attempts of informal land subdividers, developers and community leaders to foster an orderly spatial structure, demarcate plot boundaries, register land transfers, develop mechanisms for guaranteeing security of tenure and service land. Kombe and Kreibich suggest that these integrative strategies and instruments applied at the grassroots level can constitute a framework for regulating informal land markets and settlement growth. In the Enugu context, government should encourage local communities' practice of embarking on formal planning/subdivision of communal tracts of land. However, excessive formalisation of the process should be avoided. The emphasis should be on encouraging such communities to imbibe the principles of good layout design. Standards should be flexible, especially with regard to plot sizes.

Initiatives by local communities to plan and subdivide land should be supported by, for example, disseminating principles of good layout design and adopting flexible planning standards

On the issue of tenure registration, the procedures through which individuals who acquire unregistered land from customary or other private sources in Enugu officially register their plots have been described. It was observed that the quest for formal titles over land acquired from traditional sources has created an important interface between informal and formal land administration systems in Nigerian cities

and that a lot of activities are occurring at this interface. Government should facilitate this process by ensuring that unnecessary bureaucratic demands on the part of the agencies involved are eliminated.

The practice whereby landowning communities in Enugu keep a register of alienated communal land should also be encouraged and strengthened. It would be possible to combine information from planning schemes prepared by indigenous landowning communities and approved by government with the community land registers and the record of tenure registration by individuals with government agencies to build the detailed and up-to-date land registers or inventories so vital for effective land management. Since only formal titles are accepted as collateral by financial institutions, enhanced tenure registration would increase the value of both land and property, allow greater accessibility to credit, stimulate economic development and create dynamic financial and real estate markets. For example, Kagawa and Turkstra have highlighted the advantages that the regularisation policy, involving land titling and registration, have brought to Peru³⁰.

Initiatives by indigenous landowning communities to keep registers of alienated land should be encouraged and strengthened

The registration of land acquired from customary or other private sources should be facilitated

Provision of infrastructure and services

Although it was not possible to obtain figures for revenue generated from property taxes and development levy from any of the local governments in Enugu, respondents in detailed interviews all

claimed that they pay such taxes to the local governments. Yet infrastructure, especially roads, is in a dilapidated state and the services for which local government is responsible, such as solid waste collection, are not provided. Officials of the Ministry of Lands, Survey and Town Planning stated in an interview that the development premium which allottees of plots in government land delivery programmes have to pay is for provision of infrastructure and services in the layouts concerned. They admitted, however, that sometimes this fee is paid by allottees without any infrastructure being provided.

It is clear that neither the state nor the local governments have taken their responsibility for providing and maintaining infrastructure/services seriously. Although the present study revealed that local governments in Enugu do use purchasers' and developers' desire to build as a way of raising revenue through the development levy and property tax, it was not possible to investigate how systematic and fair these revenue generation activities are, whether they make a positive difference to the financial capacity of the local governments, or how the proceeds are used. In most countries, it is inevitable that a large proportion of local government financing will take the form of fiscal transfers from a higher level of government. Thus the design of the inter-governmental fiscal transfer system is critical. However, it is generally accepted that, to increase autonomy, local accountability and responsible financial management, efforts to increase local revenue generation are also desirable. Since, in practice, capital gains tax on land is hard to implement, it is better for local governments to focus on the stream of revenues which land can generate on an annual basis to improve services like provision/maintenance of roads and drainage. In Nigeria, there is also a need for improved transparency and accountability in the expenditure of funds, particularly at the local government level. It is hoped that the proposed local government reforms will address this problem.

The study also showed that the utility providers are generally willing to provide connections to those who can afford to pay, even if a property does not fully comply with all the legal and regulatory requirements. Coverage, cost in relation to household income and quality of service were not investigated systematically in this study. There is considerable international evidence that urban people are usually willing to pay for services that are actually provided, provided that access by the poorest is safeguarded. Further attention should be paid to the basis and incidence of user charges (e.g. for water and electricity), with a view to improving the coverage and quality of environmental health services.

The proceeds of property tax and development levy should be used to fund infrastructure installation and maintenance (mainly roads and drainage) and to provide environmental health services (especially sanitation and solid waste collection), and transparency and accountability in their use improved

Direct roles for public sector organisations in land supply and development

One fact that clearly emerged from both the focus group discussion with customary land rights owners and the in-depth interviews that followed is the increasing reluctance and sometimes inability of landowning communities/families to sell suitably located land to strangers as such land becomes increasingly depleted, due to the need to allocate land to a rapidly growing population of family/community members. In separate discussions, both youths and women living in indigenous landowning communities clearly voiced their objection to the continuing alienation of their communal land to

strangers without adequate attention being given to the needs of the present and future generations of community/family members. It would therefore appear that suitably located land from customary sources will increasingly become more scarce, expensive and difficult to come by in the not too distant future. What this implies is that government will have to assume a greater role in making suitably located land available for urban development, by strategic investments in trunk infrastructure (especially roads) and key social facilities (such as schools and markets). This view agrees with the current thinking of both academic analysts and multilateral agencies. Durand-Lasserve and Clerc recommend an approach to urban planning based on “prevention and follow-up”. According to them, government’s role should be to provide a framework for local area development. Subdivision and development at the local level can then be carried out by private sector actors within the context of a minimum regulatory framework, and followed up, in concert with public agencies, by gradual installation of basic infrastructure³¹.

Government should assume a greater role in making suitably located land available for urban development by strategic investments in trunk infrastructure, so that local subdivision and development can be carried out by private sector actors

The regulatory framework for local development should permit the initial installation of basic infrastructure and encourage its gradual upgrading

It should be pointed out that the 1978 Enugu master plan (which is still officially in use) envisaged a “greater Enugu” which incorporates most of the surrounding communities not cut off by physical constraints. Thus, proposals exist in the masterplan for the extension of infrastructure to these peripheral areas. Although there may be need for some modifications to reflect new realities, the 1978 master plan provides a framework for implementing the role advocated for government in steering future development by investing in major infrastructure. The demand for land already exists in these surrounding communities (even where infrastructure does not exist as yet) and the indigenous communities are subdividing and selling communal/family farmland (although not homestead areas). The extension of urban infrastructure to these areas would only enhance the process.

The 1978 master plan provides a framework for future urban development, but should be reviewed and modified where necessary to reflect new realities

The research demonstrated that, with the exception of members of indigenous communities that still have land on the urban periphery, low-income households are unable to obtain access to land in Enugu because they cannot afford to buy it. While, as noted above, there may be scope for reviewing planning standards to enable more affordable subdivision and construction, there is still a potential role for the government in supplying land for housing. In an earlier paper, the author recommended a programme of rapid land servicing and sale by the public sector either to individual households or to small-scale developers³². Government should ensure that locational decisions on land for housing the urban poor are related to the overall pattern of urban development. An offer of land at a low price is of no benefit to the poor if it is offset by increased

transportation costs or absence of opportunities for income yielding activities, due to the land’s remote location.

To improve access to land by relatively poor non-indigenous urban households, the government should provide a significant volume of suitably located low-cost serviced land for sale to individuals or small-scale developers

As there is no stock of publicly owned land in Enugu, government would have to acquire land for this purpose from private owners. Mainly local communities in and around the city, these are likely, as noted above, to be resistant to compulsory acquisition using the powers of the Land Use Decree. Compulsory acquisition should, therefore, be limited in favour of a negotiated approach. If, however, compulsory acquisition is necessary for the purpose of obtaining appropriately located and affordable land, the procedures adopted must be clear, transparent and fair. The legitimate concerns of owners, based on their previous experience, should be addressed and the reasons for the unpopularity of such acquisition addressed at the necessary policy, legislative and practical levels³³.

This recommendation is based on the sites-and-services principle. It is recognised, however, that for a sites-and-services scheme to succeed, other issues need to be considered. These include determining what levels of subsidy are appropriate to ensure affordability, cost recovery and replicability; designing cost recovery strategies; and addressing political and managerial considerations, including the location of decision-making authority and ensuring capacity to deliver.

Conclusion

Much urban land policy has been based on an assumption either that land should be nationalised and plots for urban uses delivered through an administrative process or that a market in privately owned land is the way to achieve a match between supply and demand. The experience of Nigeria and many other countries shows that neither succeeds in delivering a supply of housing land in appropriate locations and at appropriate prices to satisfy the requirements of sustainable urban development and the needs of all groups in the urban population. Another common feature of urban land policy has been to condemn informal subdivision and transfer of land as illegal and undesirable. In practice, the public sector has failed to directly supply sufficient land for housing; operate effective tenure registration, development and building regulation systems; or extend infrastructure to many areas of active urban development. The result is that perhaps three-quarters of the urban population depends on land delivery systems that do not comply in one or more respects with the tenure registration and regulatory systems and lives in settlements that are poorly planned and under-provided with infrastructure and services. Should the solution, however, be universal formalisation of freehold or leasehold title and continued attempts to enforce existing regulatory requirements over new development?

This research argues that, in the light of the inherent and practical limitations on public sector capacity to do so, a different approach is needed. It has shown how, in Enugu, most of the land for urban residential development is delivered by indigenous

landowning communities and families through more or less formal processes of subdivision and sale. Although there are shortcomings in this process, some of the indigenous communities have begun to develop practices that can overcome the problems. In addition, an intricate set of relationships between government structures, formal land institutions and indigenous landowning groups has evolved. Instead of condemning the main existing processes of land delivery as illegal, deficient and unsuitable for modern urban development, they should be reviewed, encouraged where possible, and their weaknesses addressed through mutual adaptation on the part of the government and private landowners. This research has begun to address the relevant issues by developing a better understanding of the roles and practices of all the actors and institutions involved.

The formulation of appropriate policies at national and state levels, drafting of legislative reform, modifications to local practice and development of the necessary capacities to implement desirable changes must be collaborative processes that build on this knowledge.

Finally, policies and practices related to land delivery for urban development should be linked to other areas of government responsibility, including poverty reduction and gender equality strategies, the arrangements for financing local government, programmes of infrastructure installation and service delivery, and housing policy.

Appendix

Methodological approach and data collection

The research instruments employed for data collection in this study included secondary (documentary) data search and quantitative and qualitative surveys. These were employed in order to build a complete picture by using information from different sources for the purpose of triangulation. The sequence of the instruments was in the order they are listed above, i.e. the research commenced with a documentary data search, followed by quantitative (household sample) surveys, and then qualitative research. This sequence was the most logical, since the documentary search illuminated the context in which the quantitative and qualitative surveys were carried out, while some of the potential respondents for the qualitative interviews were identified during the quantitative surveys.

A search for secondary and documentary data was carried out in order to

- a) understand contextual factors
- b) review previous research on land and informal settlements in the city
- c) identify key policy and legal documents, and
- d) assess the availability of data from government sources

Documentary data came from various sources, including various ministries and local governments in Enugu and elsewhere; libraries and archives; the customary, magistrate's and high courts; the Institute of Development Studies, University of Nigeria Enugu Campus; the Federal Office of Statistics (FOS); and the National Population and Planning Commissions.

Quantitative (household sample) surveys

Part of the research hypothesis, as stated previously, was that the dynamics and effectiveness of the institutions governing transactions in land have

- a. changed over time, with changing political and economic contexts, governance arrangements and legal frameworks, and
- b. vary between residential settlements according to their stage of development.

A historical perspective was therefore necessary, in order to capture and fully appreciate the processes at work. Hence, three settlement types were selected for study: consolidated, intermediate and incipient peripheral settlements. Ogui Nike was selected because it represents an old, fully consolidated, fully built-up settlement in the traditional inner core of Enugu. Emene was chosen because it represents an outlying settlement on the urban periphery where active conversion of agricultural land to urban uses is occurring. Achara represents a consolidating settlement that, in terms of the various processes at work, is intermediate between the first two.

A common questionnaire was designed for use by the six participating teams, in order to facilitate comparative analysis. Allowance was made, however, for each local team to make a few amendments to reflect their local situation. The final version of the questionnaire was then translated into the Igbo language, the local vernacular.

At a methodology workshop held in Maseru in July 2002, it was agreed that a uniform sample of 100 respondents per settlement type be adopted by all the participating teams. Questionnaire administration was concluded in November 2002. The response rate (in terms of the number of questionnaires that were correctly filled out) was as follows: Ogui Nike 92 percent, Achara 89 percent and Emene 89 percent, yielding 270 complete questionnaires. The questionnaires that were left out of the analysis were

mostly cases of non-contacts. A relatively large number of the plots initially selected in the three case study settlements had absentee owners: 24 in Ogui Nike (2 of whom could not be contacted after several attempts), 42 in Achara (9 of whom could not be contacted) and 27 in Emene (5 of whom could not be contacted). In addition, there were a few refusals (6 in Ogui Nike, 2 in Achara and 4 in Emene) and two cases in Emene where the respondents refused to supply basic household data, citing cultural inhibitions on listing of one's household members (particularly children).

The lack of up-to-date maps of the settlements necessitated pragmatic approaches to sampling. In Ogui Nike, 50 metre square grids were superimposed on a map of the settlement, from which twenty were randomly selected. As far as possible, all the plots/buildings in each square (an average of five) were included. In Emene, a random sample was selected from a rough census of all the buildings/plots in the residential part of the area. In the southernmost part of Achara, where new informal subdivision and development is occurring, owners of all the completed and occupied buildings were included and owners of uncompleted buildings and vacant plots traced to make up the sample size desired. The data was analysed using SPSS (version 10).

Qualitative surveys

The qualitative components of the research adopted three different perspectives: sociological/anthropological, legal and physical planning perspectives. A wide range of semi-structured interviews were conducted with professionals, government officials, formal and informal land agents/brokers, the traditional ruler of Ogui Nike, a Customary Court President and two representatives of residents' associations in Ogui Nike. In addition, in-depth follow-up interviews with a number of respondents identified during questionnaire administration were used to develop a better understanding of their experiences, motivation, decision-making and views on land development processes. They included two women landowners, two members of landowning families who had sold land in the past and two members of households who had inherited property acquired in the past. Finally, focus group discussions were held with four groups: customary land rights owners, land purchasers in Emene, women living in indigenous communities in Emene and young male members of a landowning community in Emene. Analysis of qualitative survey data was done progressively, as what was learnt from one group influenced the questions put to subsequent groups.

Footnotes

- ¹ For the purpose of this study, ‘institutions’ are defined as “rules, enforcement characteristics of rules and norms of behaviour that structure repeated human interaction”, North, D.C. (1989) “Institutions and economic growth: an historical introduction”, *World Development*, 17(9), pp.1319-1332.
- ² Rayner, C. J. (1898) *Report on Land Tenure in West Africa*, London: Colonial Office; Elias, T.O. (1956) *The Nature of African Customary Law*, Manchester: Manchester University Press; Kio, P.R.O. (1971) “Shifting cultivation and multiple use of forest land”, *Nigerian Opinion*, 7, pp.9-12; Hopkins, A.G. (1973) *An Economic History of West Africa*, London: Longmans; Onwuamaegbu, O. (1975) “Nigerian indigenous land law”, in Elias, T. O. et al (eds) *African Indigenous Laws*, Lagos: Government Printers, pp.340-362.
- ³ Rakodi, C. (1997) “Residential property markets in African cities”, in Rakodi, C. (ed) *The Urban Challenge in Africa: Growth and Management of its Large Cities*, Tokyo: United Nations University Press, pp.371-410.
- ⁴ Nwaka, G. I. (1979) “The Nigerian Land Use Decree: antecedents and prospects”, *Third World Planning Review*, 1(2), pp.193-204.
- ⁵ Mabogunje, A. L. (1992) *Perspectives on Urban Land and Urban Land Management Policies in Sub-Saharan Africa*, Washington DC: World Bank, World Bank Technical Paper No. 196.
- ⁶ Mabogunje, 1992, *ibid*.
- ⁷ Onibokun, A. G. et al (1995) “Urban land management, regularization policies and local development in Nigeria”, Abidjan: Paper presented at Seminar on Urban Land Management, Regularization Policies and Local Development in Africa and the Arab States, March.
- ⁸ See, for example, Okpala, D.C.I. (1982) “The Nigerian Land Use Decree re-visited”, *Habitat International*, 6(5/6), pp.573-584; Dickerman, C. (1988), “Urban land concentration”, in Downs, R. E. and S. P. Reyna (eds) *Land and Society in Contemporary Africa*, Hanover, NH: University of New England Press, pp.76-90; Olaore, O. G. (1988), “Land development practices in Nigeria, 1830-1980: a study of Abeokuta”, *Urban Law and Policy*, 9(3), pp.201-217; Udo, R.K. (1990) *Land Use Policy and Land Ownership in Nigeria*, Lagos: Ebieakwu Ventures; Okolocha, C. F. (1993) “The evolution of a land policy”, in Taylor, R.W. (ed) *Urban Development in Nigeria*, Aldershot: Avebury, pp.189-195.
- ⁹ Njoku, O. N. (2001) *Economic History of Nigeria in the 19th and 20th centuries*, Enugu: Magnet Business Enterprises, p. 171.
- ¹⁰ Isichei, E. (1976) *A History of the Igbo People*, London: Longmans, p.203.
- ¹¹ Nnamani, C. (2002) “By the hills and valleys of Udi and Nsukka: the people, their heritage, their future”, *Tell Newsmagazine*, No.50, December 16, pp.64-69.
- ¹² Okin, T. A. (1968) *The Urbanised Nigerian*, New York: Kaufmann.
- ¹³ Enechukwu, A. (1993) *History of Nkanu*, Enugu: Kaufhof Publishers, p.10; Nnamani, 2002, *op cit*, p. 66.
- ¹⁴ Dike, A. A. (1983) “Land tenure system in Igboland”, *Anthropos*, 78, pp.853-871.
- ¹⁵ US\$1 = Naira 130 in December, 2002.
- ¹⁶ Federal Office of Statistics (FOS) (1999) *Poverty Profile for Nigeria, 1980-1996*, Lagos: FOS, p. 26; Institute for Development Studies (IDS)(1998) *Enugu State Poverty Report, 1998*, Enugu: University of Nigeria Enugu Campus, IDS, p. 5-2.
- ¹⁷ IDS, 1998, *ibid*.
- ¹⁸ Ayoola, G.B. et al (2000) *Nigeria: Voices of the Poor – Country Synthesis Report*, Washington DC: World Bank, Report prepared for the World Development Report 2000/1.
- ¹⁹ Illiffe, J. (1983) *The Emergence of African Capitalism*, Minneapolis: University of Minneapolis Press, p.35.

-
- ²⁰ Ayoola et al (2000) op.cit, p. 2.
- ²¹ Layouts are prepared and approved by the Ministry's Town Planning Division for publicly owned land and by the relevant Local Government authority for other land.
- ²² Government of Anambra State of Nigeria (1978) A Comprehensive Physical Development Plan for Enugu (or Enugu Master Plan), Enugu: Government Press.
- ²³ United Nations (1997) *Urban Land Policies for the Uninitiated*, New York: United Nations, p.53.
- ²⁴ Payne, G.K. (1997) *Urban Land Tenure and Property Rights in Developing Countries: A Review*, London: IT Publications, p.39.
- ²⁵ Mabogunje, 1992, op.cit.
- ²⁶ Durand-Lasserve, A. (1997) "Regularizing land markets", *Habitat Debate*, 3(2), pp.11-12.
- ²⁷ Ikejiofor, U. (1996) "Land for housing and development control issues in Abuja, Nigeria," *Ekistics*, 376/377/378, pp. 143-151.
- ²⁸ Payne, 1997, op.cit., p.43.
- ²⁹ Kombe, W.J. and V. Kreibich (2002) "Informal land management in Tanzania and misconception about its illegality", in Kreibich, V. and W.H.A. Olima (eds) *Urban Land Management in Africa*, Dortmund: University of Dortmund, Faculty of Spatial Planning, Spring Research Series No. 40, pp.284-298.
- ³⁰ Kagawa, A. and J. Turkstra (2002) "The process of urban land tenure formalisation in Peru", in Payne, G. (ed) *Land, Rights and Innovation: Improving Tenure Security for the Urban Poor*, London: ITDG Publishing, pp. 57-75.
- ³¹ Durand-Lasserve, A. with Clerc, V. (1996) *Regularisation and Integration of Irregular Settlements: Lessons from Experience*, Nairobi: UNCHS, World Bank and UNDP, Urban Management Programme Working Paper 6.
- ³² Ikejiofor, 1996, op.cit., p.185.
- ³³ Farvacque, C. and P. McAuslan (1992) *Reforming Urban Land Policies and Institutions in Developing Countries*, Washington, D.C.: World Bank, UNCHS and UNDP Urban Management Programme Policy Paper No. 5; Rakodi, C. (2002) "Interactions between formal and informal urban land management: theoretical issues and practical options", in Kreibich, V. and W.H.A. Olima (eds) *Urban Land Management in Africa*, Dortmund: University of Dortmund, Faculty of Spatial Planning, Spring Research Series No. 40, pp. 11-33.

Publications

Informal Land Delivery Processes in African Cities

Working papers

1. Rakodi, C. and Leduka, C. (2003) *Informal Land Delivery Processes and Access to Land for the Poor in Six African Cities: Towards a Conceptual Framework.*
2. Ikejiofor, C.U. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Enugu, Nigeria*
3. Kalabamu, F.T. and Morolong, S. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Greater Gaborone, Botswana*
4. Musyoka, R. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Eldoret, Kenya*
5. Leduka, R.C. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Maseru, Lesotho*
6. Nkurunziza, E. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Kampala, Uganda*
7. Mulenga, L.C. and Rakodi, C. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Lusaka, Zambia*

Policy briefs

1. Ikejiofor, C.U. (2004) *Informal Land Delivery in Enugu, Nigeria: Summary of Findings and Policy Implications*
2. Kalabamu, F.T. (2004) *Land Delivery Processes in Greater Gaborone, Botswana: Constraints, Opportunities and Policy Implications*
3. Musyoka, R. (2004) *Informal Land Delivery in Eldoret, Kenya: Summary of Findings and Policy Implications*
4. Leduka, R.C. (2004) *Informal Land Delivery Processes and Access to Land for the Poor in Maseru, Lesotho*
5. Nkurunziza, E. (2004) *Informal Land Delivery Processes in Kampala, Uganda: Summary of Findings and Policy Implications*
6. Rakodi, C. and Leduka, R.C. (2004) *Informal Land Delivery Processes and Access to Land for the Poor: A Comparative Study of Six African Cities*

Publications can be obtained by either telephoning Carol Fowler on 44 (0) 121 414 4986 or Email: c.a.fowler@bham.ac.uk and also downloaded as a PDF file from <http://www.idd.bham.ac.uk/research/researchprojs.htm>

