

# INFORMAL LAND DELIVERY SYSTEM IN LAGOS STATE, NIGERIA

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## Abstract

There is a growing body of research concerned with the relationship between informal land delivery system and housing development in Lagos State. Studies originate from a diversity of sources, and encompass a variety of geographic scales and locations. To add to this diversity, many different characteristics of urban form as well as land acquisition patterns have been examined. This paper brings together informal land delivery system and housing development systematic patterns over the last 20 years. This paper is divided into three sections in the area of the existing modes of land accessibility; variations in land market transactions under different cultural and social influences and practical attributes that make land transaction arrangements better suited to society's needs. The study found that informal land delivery system is more effective in delivering land for housing, because of its user-friendly characteristics and social legitimacy. The study recommended that the informal processes of subdivision of family land for sale should be based on approved layouts to ensure the reservation of access ways and sites for social facilities. Finally, the issue of security of tenure and the harassment encountered by developers from the "Omo-onile" should be addressed by both the local and state governments.

## Introduction

Shortly after Nigeria gained independence in 1960, there occurred a rapid rural-urban migration with its attendant urban growth in Lagos. During this transition period, many households were able to get easy access to land for the construction of their own houses through land acquisition from various land owning families while developments were mostly through peer group support programmes in the rural areas and peer group cooperative financing or other similar local arrangements in the urban areas. This was made possible because the allocation of customary land by legitimate rights' holders was fairly practiced and accepted by the society. However land policies by various governments in Nigeria since independence, be it military or civilian, have concentrated

on analyzing the shortcomings of informal land administration rather than understanding how these processes were sustained in the past. As a result, various land policies and administrative reforms embarked upon after independence seemed to be ill-informed and ill-suited to both urban and rural dwellers hence the seemingly non-compliance by the populace and inability to enforce laws by government agencies, partly because the policies were not based on an understanding of the social norms and cultural practices governing how people operate partial commercialized informal land delivery systems within their communities. This paper reports on some of the findings from recent research projects that have examined contemporary informal land delivery systems in Nigeria and other countries all over the world. By this research, informal urban land delivery and development processes were analyzed; the characteristics of informal land markets and the institutions that regulate transactions and disputes in land effectiveness were also examined. The paper assesses the strength and weaknesses of alternative land delivery channels, both formal and informal.

### **Conceptual Framework**

Rakodi and Leduka, (2003) noted that the success of informal land delivery system for urban residential development, for all categories of people can be attributed to their practical attributes in addition to their social legitimacy. They were of the opinion that practical attributes make land transaction arrangements better suited to the needs of urban land sellers and purchasers. On the other hand, wide understanding and acceptance of the social rules enable transactions to occur smoothly. However, as urban development proceeds, the informal institutions that regulate land transactions and use within each zone, change over time especially when the remaining land holding dwindles and at times break down when genuinely acquired land by individual or corporations, left undeveloped over a long time, is impounded by children of the land owning families because they are conscious of the depletion of their inheritance. As urban areas consolidate and the density of development increases, the rules and social relationships governing transactions and regulating land disputes become increasingly strained, and sometimes lead to eventual break down of law and order.

The conceptual framework employed in this study was based on three premises. First, Tripp (1997) analyzed urban development in terms of compliance with formal rules, with passive relations between land market actors and the government and observed that there was a widespread non-compliance to state laws which forced government to modify its policy and practice in Tanzania. Structure and agency theory allows actors to interpret, apply and/or challenge formal rules thus creating opportunities for changes to existing rules and/or relationships between the state organs that govern land delivery and non-state actors.

Institutional analysis, as analyzed by North (1990) stresses the importance of institutions or rules in minimizing cost of land transactions and in setting acceptable behavioural patterns within the various segments within the larger society. Social institutions govern the cultural, economic and political relationships between and among individuals or group actors. According to Pamuk (2000), formal institutions dictate rules of the game e.g. state laws while informal institutions dictate social norms and practices, including customary rules. With respect to land transaction processes and land dispute resolutions, Razzaz (1998) revealed that non-compliance to set rules and regulations is often regarded

as the ‘weapon of the weak’. This approach is employed in order to subtly challenge the actions of those with formal political or organizational power as stated earlier.

### **Methodological Approach**

Prior to Nigeria’s independence, there were variations in land market transactions among the Northern, Eastern and the Western regions of Nigeria. The cities within these regions were under different cultural and social influences with respect to land matters and eventual urban development. The variations experienced in governance arrangements cut across land owning families and traditional rulers in their various domains. There were no glaring differences in land allocation processes between or among governments at various levels, traditional rulers and land owning families within the south-western geopolitical zone of Nigeria occupied mainly by the Yorubas.

In view of the sensitive nature of land acquisition, allocation and development, primary data was collected in three Local Government Council Areas (LGAs) of Lagos State namely Ikeja, Alimosho, and Agege because of close proximity of the researcher with many developers and land owning families since 1989. This was supported with information gathered from secondary sources. Sample surveys of informal land transactions in each of the three local government areas were complemented with researcher’s land transaction deals in practice between 1977 and December, 2007 in addition to in-depth interviews with various land developers and six land owning families, in each of the three LGAs, selected through purposive sampling method on past land disposal processes and challenges. The mode and means of addressing challenges on land transactions were witnessed in four instances and discussed exhaustively with elders from various land owning families within the three local government council areas during official assignments and land transactions the researcher was involved in. In many instances where the “Omo-onile” also literally translated as “Sons-of-the-soil”; harassed land developers were experienced, the ways and means by which these complaints were resolved over time by family elders were commendable.

### **Rules and Practices: Formal and Informal Institutions**

The environmental entitlements framework according to Leach et al (1997) elaborates a disaggregated view of institutions which mediate access to and use of natural resources thus distinguishing between rules and practices but rather explores the relationships between them. However, Ostrom (1986) views rules as prescribing room for manoeuvre rather than determining behaviour while Gore (1993) analyses the ‘unruly social practices’ which often challenge legal rules of entitlement to resources. All these point towards the indeterminate nature of institutional orders, and their unequal and dynamic social relations.

Leach et al. (1996) distinguishes between formal and informal institutions by stating that formal institutions are backed by the law, implying enforcement of rules by the state, while informal institutions are upheld by mutual agreement, or by relations of power or authority, and rules are thus enforced endogenously. Gore (1993) refers to informal institutions as socially accepted moral rules, which constitute an alternative ‘moral economy’ interacting in a complex and dynamic manner and they are attempts to organize and control behaviour through the use of explicit rules’ taking place at a

multiplicity of levels within society, and within a variety of social fields. Moore (1975) asserts that numerous conflicting or competing rules or orders exist, characterized more often than not by 'ambiguities, inconsistencies, gaps, conflicts and the like'. In times of crisis (e.g. famines) informal rule-orders can take precedence over legal property rights as rules of entitlement to food or other commodities (Thompson, 1991).

Gore (1993) gives an extended view of the relationship between formal and informal institutions by referring to the rule/practice distinction, and in terms of an analysis of power and the politics of meaning through continuous making and reiterating of social and symbolic order as an active process endlessly vulnerable to being unmade, remade or transformed, sometimes inconsistent, and sometimes conflicting.

Formal and informal institutions at the micro- and the macro-levels, as observed by Leach et al (1997) within the context of community-based resource management, serve as institutions' mediating resource use linking the position of social actors at the wider political economy context though they are likely to be very messy, and characterized by the gaps, ambiguities and conflicts hence the difficult choices inherent in policy making and implementation.

### **Existing Modes of Informal Land Accessibility in Lagos State: A Discussion of Findings**

There are various alternative channels through which land is made available for housing development within the zone based on the regional differences culturally, socially and politically. In the South-Western geo-political zone mostly occupied by Yorubas, people live together as members of the larger families as a sign of the traditional strength within all city circles. Socially, each family is identified as a unit with large family farmland. Traditionally, families live in distinct locations farming within specific neighbourhoods while certain cultural activities do not allow women to have access to land, once they marry outside their immediate tribe or cultural zone, for the fear of transferring such rights. However, with educational advancement, these strict social norms have been modified and women can access land. The research showed that land for new residential buildings is only available for cash while the only exception is only if one is a member of indigenous land owning family. Any person, who acquires land through the back door and develops such land, if caught, does so at his own risk.

In all local government council areas studied, purchase of land through open market transactions was the most important means of accessing land for housing for all income groups. Majority of households acquired land for residential use through informal purchases by way of sales of customary land, informal subdivision by land buying companies and its eventual sale or transfer to their staff. The other alternative is the formal land acquisition by government, its subdivision and delivery by sale to members of the public. Access to land, therefore, is restricted very largely to households with the necessary financial means to purchase it. However, low income households often negotiate flexible methods of payment for land delivered through informal channels. For the relatively poor families, the buying of half a plot in an informal subdivision or through the subdivision of a plot by friends is common.

Finally, land can be acquired through inheritance until such plots become too small for further subdivision and sharing. Under the above listed circumstances, title to land can only be transferred through the signing of a sale agreement witnessed by local family elders and friends of the purchaser or his intermediary. The validity of such

agreements is generally respected by other actors in the land delivery process including the formal system for land registration and by the courts in case of a dispute. Disputes over land transactions are rare, but when they do occur, they are often resolved by local leaders. In view instances, village elders may be partial by returning the age long purchase price or the allocation of a new site that may be within an undeveloped zone.

In state capitals, the eligibility criteria and allocation process have meant that very long waiting lists have formed and large numbers of plots have been allocated but remain undeveloped. Before the Land Use Act in 1981, acquisition of land by government is hindered by disputes over the level of compensation payable to customary rights holders. In reality, large tracts of land are usually surveyed prior to compensation either as a result of lack of adequate financial and technical resources needed to achieve such. In most cases, government quest for land exceeds that meant for immediate use thereby discouraging customary rights holders wishing to support government acquisition processes to seek ways around the system

Delivery of land through customary channels is increasingly becoming limited. However where land is effectively owned by families, members of the family are often still able to obtain land for new housing in family homestead areas. Inheritance is a significant means by which new households obtain family land which is often supplied partially free This is one of the ways, in which poor households land owning families, can obtain access to land in contemporary cities. Men allocated plots through this channel have security of tenure, although they are vulnerable to family control since such plots of land can not be sold. This method is a straightforward way of obtaining land, since the eligibility criteria are well known and the processes simple. In the LGAs studied, the social institutions governing land transactions and dispute resolution are widely understood and generally respected. However, the amount of land available through this channel is shrinking because the land belonging to some communities has long been built up and they no longer have enough undeveloped land to allocate to new households within the group.

There is little opportunity in the LGAs surveyed for people to obtain land through non-commercial channels on their own. Some households have settled on low lying valley zones or at squatter settlements. This strategy provides one of the few ways in which poor households can obtain access to land for free, but it has problems from the point of view of both settlers and the government. Informal settlers who settle along flood plains and sloppy regions face extreme insecurity, since such houses may be demolished and where storm water drainage becomes a challenge, their living conditions are very unhealthy and their houses liable to flooding. Such settlement zones are forbidden for environmental reasons. Even if the settlement becomes extensive and semi-permanent, the topographical conditions make the sites difficult to service by roads because of gully erosion along sloppy regions and flooding that damage wooden electricity poles commonly found in these areas.

## **Conclusion**

Informal land delivery systems have been with the people of Lagos State from time immemorial. It must be pointed out that it was an attempt by the colonial masters to acquire land for government uses that led to the formal land tenure and land administration systems. However, the claim by land owning families that low levels of

compensation were usually paid by government for such acquisitions to land owners and customary rights holders led to the stiff opposition to its continuity.

The study has shown that informal land delivery system tends to be more effective in delivering land for housing, because of their user-friendly characteristics and social legitimacy. This legitimacy derives from the widely understood and accepted social institutions that regulate these informal land transaction systems. With the increase in urban development and growth and the pressure on such social institutions by the youth all over the country recently, social institutions are being weakened and breaking down because the youth are more than ever conscious of their sustainability in the face of their dwindling fortunes. For this reason and the fact that most purchasers of land are now educated elites, actors in land transactions seek to use formal institutions to protect their rights and investments.

The study has shown that the informal land delivery systems provides land in significant quantities to meet the housing needs of the society however, these informal settlements are sometimes poorly laid out and lack basic infrastructure. Governments, both local and state, lack the political will to make adequate allocations for upgrading such areas that continue to expand at will or stop such developments since individuals who occupy such areas are the ones who vote them to power. There is the need for government to acknowledge the need for radical re-examination of formal land administrative systems with a view to adopting more flexible ways of interacting with informal actors and processes by modifying the land title registration processes and reducing fees payable for the issuance of certificate of occupancy and those payable on building plans so as to carry the poor masses along and discourage squatter settlements.

### **Policy Implications**

There is the need for the informal land delivery systems to be tolerated and accommodated. While their strengths are recognized and built upon, their weaknesses should also be identified and policy should concentrate on addressing these weaknesses without compromising the positive contribution they make to meeting demand for housing land. The issue of security of tenure and the harassment of the “Omo-onile” should be addressed. Governments, State and Federal, should cease to evict settlers on government acquired but abandoned sites and stop the practice of demolishing their houses in as much as the government officials who are put in-charge of such sites sleep over their rights by failing to do their jobs properly. Instead of blaming the developers, Land Surveyors who surveyed such plots of land and stamp same as free from government acquisition with officials of the Town Planning Authorities who approved the building plans should be penalized. As a means of ensuring societal adherence to the sanctity of government acquired lands in the state, security can be enhanced by the use of public sector agencies in land title documentation because prior experiences showed that such agencies are generally popularly understood, widely accepted, cheap and procedurally simple. The informal processes of subdivision of family land for sale should be based on obtaining approved layouts to ensure the reservation of access ways and sites for social facilities.

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