

# **Physical Planning Implications of Access to Residential Land and Legal Security of Tenure in Lagos Metropolis, Nigeria**

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**Key words:** Access to Land; Security of Tenure; Spatial Planning, Residential Land; Lagos Metropolis; Physical Planning.

## **SUMMARY**

The consideration for land accessibility is vital to efforts to achieve efficient and sustainable development of the human settlements. Lagos was the first amongst the Nigerian settlements that benefitted from the colonial (formal) physical planning efforts and currently, it is the foremost Nigerian commercial and industrial hub that enjoys unprecedented urbanisation. These characteristics make the choice of Lagos metropolis for the investigation of access of developers to residential land and security of tenure most appropriate.

The study adopted a random sampling method and selected 2,054 house-owners and administered set of structured questionnaire that contained questions that probed into issues on their accessibility to land and legal security of tenure. Another set of questionnaire was differently designed to elicit information from other stakeholders (Land managers, Town planning Agencies, Community/Family Heads etc). Data obtained from the primary source were subjected to empirical analysis. The data were also complimented by secondary data.

The findings amongst others revealed the socio-economic characteristics of the house-owners, means and duration of period of land acquisition, determinants of access to residential land, and the implications on the securing planning permission, construction of illegal structures and the quality of construction. Finally, the paper recommended amongst others intensive monitoring of physical development by the use of geographical information system, over haul of planning approval procedure and the promotion of site and services scheme

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## **1. INTRODUCTION**

The promotion of buoyant city economy is attracting the focus of both the government and the governed in view of the existing global economic recession. In order to achieve this laudable goal, urban residents should possess a reliable degree of security of land tenure that guarantees legal protection against forced eviction, harassment and other threats (United Nations, 1992). Legal security of tenure ensures adequate access to land on a secured tenure basis and this enables the individuals and community to plan on a sustainable basis the use of land without fear of involuntary removal or adverse “legal” claim of titles or ownership based upon objectionable and unreasonable grounds that debars the occupants from future use of land.

In Nigeria like many developing countries of the World, more people are attracted to the urban centres on daily basis and majority of who are the urban poor. In spite of all the benefits associated with tenure security, there are widespread conditions of insecurity of land tenure, most especially amongst the urban poor. This might not be unconnected with the mode of granting access to security of tenure. The procedure could be described as monetarily costly, time consuming, unduly cumbersome and frustrating. The procedure is so staged-managed to allow quacks (touts) and government officials to corruptly display their authority and selfishly earn extra income. It is on this background that this paper investigated into the physical planning implications of access to residential land and legal security of tenure in Lagos metropolis with a view to promoting sustainable development of urban land through unhindered access to residential land.

## **2. CONCEPTUAL FRAMEWORK AND LITERATURE REVIEW**

### **2.1 Concept of Urban Land Governance**

Governance is defined as the exercise of political, economic and administrative authority to manage a nation’s or society’s affairs (UNDP, 1997; FAO, 2007). Governance is concerned with the process by which citizens participate in decision-making, how government is accountable to its citizens and how society obliged its members to observe its rules and laws. In other words, it is the way in which the society is managed and how the competing priorities and interests of individuals and groups are reconciled. This is the basis to introduce the concept of governance which is particularly important at the urban level and will grow in importance within the next 30 years (Sheng, 2000).

Governance embraces all of the methods “good and bad” – that societies use to distribute power and manage public resources and problems (UN-Habitat, 2001). Good governance means that government is well managed, inclusive, and result in desirable outcomes. The principle of good governance can be made operational through equity, efficiency, transparency and accountability, sustainability, civic engagement and security. Effective democratic forms of governance rely on public participation, accountability and transparency (UNDP, 1997).

A sound system of governance is essential for creating an enabling environment in which to pursue sustainable land delivery. Although much has been written about the importance of good governance in achieving development goals, there are comparatively little materials on good governance in land tenure and administration (FAO, 2007). In conceptualizing governance in relation to land delivery, a central aspect is no longer only that of the government in land administration “per se”, but rather the quality of relationship between the various realms of governance involved in legal land delivery. It includes the formal institutions of government but also informal arrangements. Land issues cut across societies, and a well-governed land administration system can strengthen local institutions, thereby contributing broadly to governance. Good governance in land administration is one of the central requirements for achieving good governance in society (UN-Habitat, 2002).

Effective land management is a subset of sound governance, wherein land issues are managed effectively, efficiently and in response to legal land needs of the society. Good governance can, therefore, be assessed in the extent to which land administrators ensure that people within their boundaries have access to legal sites. Improvement in land administration can help realize a society’s commitment to democracy, the rule of law and human rights (FAO, 2007).

Differences in emphasis of good governance have significant policy implications. A land administration system that is designed to enhance a pro-poor and gender-sensitive agenda is likely to place a high priority on areas such as achieving security of tenure for lease and share croppers, the recognition of informal and customary property rights and the development of gender-neutral inheritance rights. A land administrative system designed to promote economic development is likely to place the priority on areas such as the speed of re-registration after sale, the speed and accuracy of searches to check for charges against properties for loan purposes, the clarity of regulations for planning and building and the procedures for changing land title. Land administration can benefit the poor as well as promote economic development – at the same time, and with the same effort. In contrast, land administration that serves a limited purpose makes an equally limited contribution to the overall development of society (FAO, 2007).

Governance can be poor if government is corruptible, tyrannical, undemocratic, incompetent and ineffective. Weak governance, whether in formal land administration or customary tenure arrangements, means that the land rights of the poor are not protected. It affects the poor in particular and may leave them marginalized. Weak urban land governance may also mean that land is not used appropriately to create wealth for the benefit of the society. Weak governance reduces security of tenure. Illegal transfers may cause legitimate owners or occupiers to lose

their rights. Informal transfers and informal ownership are not protected by law, and the protection offered by customary tenures may be weakened through external pressures, and may not be extended to new comers. Those who capture the state may use land registration systems to reinforce their claims to land, even when the land has been acquired through land grabbing. Marginalized groups may have the evidence of their land rights suppressed by officials. Weak governance leads to dispute. It provides opportunities for the powerful to claim the land of others, including state.

Poor governance and bad land policies have led to land shortage and deteriorating living conditions in many cities around the world. The weak and the most vulnerable segments of the population in the Third World countries are excluded from legal residential sites. Participation in governance is weak because the poor are socially, economically and politically marginalized and have difficulty expressing opinions that will be heard by government (UNDP, 1997). Consequently, poor urban land governance has denied the urban poor of having access to legal residential sites. Hence, they resulted to the construction of vulnerable houses in marginal areas or dangerous locations.

## **2.2 Concept of Housing Rights**

Housing is an absolute necessity for human survival. It is one of the basic human needs, not just a commodity to be consumed, but also a productive asset (Gamu, 2002; Agbola, 2005). The Presidential Committee on Urban Development and Housing (2001) defined housing as the process of providing a large number of residential buildings on a permanent basis with adequate physical infrastructure and social services in a planned, decent, safe and sanitary neighbourhoods to meet the basic special needs of the population.

As contained in Article 25 (1) of the Universal Declaration of Human Rights (1984), everyone has the right to a standard of living adequate for the health and well-being of himself or herself and of his or her family, including food, clothing, housing, medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his or her control. Adequate housing has universally been acknowledged as an unquestionable right of the individuals by the United Nations (Olayiwola, 2012).

However, housing rights has been classified as second-generation rights, which attracts less attention than the purported first generation civil and political rights. The first generation rights, that is, political and civil rights entail the rights normally guaranteed under the fundamental rights chapter of the constitution. These include the rights to freedom from torture, inhuman and degrading treatment, freedom of the press, right to association, movement, fair hearing, etc (Shelter Rights Initiative, 2000 as cited in Ugochukwu, 2002).

The central concept in the evaluation of housing right is the issue of “adequacy”. Adequate housing has been postulated by the United Nations Committee on Economic, Social and Cultural Rights (UN Committee on ESC Rights) to mean legal security of tenure, affordability, habitability, availability of materials, services and infrastructure, accessibility,

location and cultural adequacy (Olatubara, 2003). Adequate housing encompasses more than mere shelter or a mere roof and four walls. Adequate shelter according to Shelter Right Initiative (2000), include adequate privacy, space, security, lighting and ventilation, basic infrastructure and adequate location with regard to work and basic facilities all at a reasonable cost. Also to be noted is the adequacy in terms of physical evaluation of housing which will include considerations of the environment, the size and space of the rooms, water and sanitation as well as problems associated with rental housing. Housing rights must equally include prioritization of provision of, and equal access to, essential services - water, sanitation and shelter (Ferguson, 1999).

### **2.3 Concept of Sustainable Human Settlements Development**

The concept of sustainable human settlement was used in modelling the relationship between housing and sustainability of urban/city development. Sustainable development as a concept originated at the Stockholm Conference of 1972, and again was recognized in the 1987 report titled 'Our Common Future' of the World Commission on Environment and Development (WCED). The Commission opines that sound, meaningful and real development needed concerted efforts to protect the environment (The World Bank, 1996; 2003). Although development cannot be uniform for all countries, states, local government areas, or cities but there should be equitable and rational development, which should also be sustainable. Economic and social development, which is essentially the conversion of natural/endowed resources into productive assets, should be undertaken in such a way that promotes improved quality of life of the people. Natural resources should be managed in ways that would promote sustainable development, since natural resources depletion and environmental degradation resulted from human activities are consequences of uncontrolled urbanization, rising per capital production and consumptions and high technological development. In this study, housing development is an essential component that can be used to promote sustainable human settlement development.

## **3. THE STUDY AREA: LAGOS METROPOLIS**

### **3.1 Geographical Location and General Characteristics**

The Lagos metropolitan areas cover the 16 urban local government areas that make up the Lagos metropolis as identified by the World Bank (2005). The same 16 local government areas have been recognized by both the federal government of Nigeria and the National Assembly in (2007) as making up the Lagos metropolis. These 16 LGAs as shown in Figure 1 are Agege, Eti-Osa, Ikeja, Ojo, Alimosho, Oshodi/Isolo and Ajeromi/Ifelodun, Amuwo /Odofin, Ifako/Ijaye and Lagos Island. Others are Lagos Mainland, Surulere, Kosofe, Mushin, Shomolu and Apapa. The Lagos metropolis which represents 37% of the state's total land area accounts for 88.7% of the entire population of the Lagos State (Lagos State Economic Summit, 2001). It covers an area of about 1,183 km<sup>2</sup> out of the 3,577km<sup>2</sup> total land area of Lagos State (George, 2002).

Lagos metropolis consists of island endowed with creeks and lagoon. It comprises of settlements that have grown from predominantly farming and fishing villages to urbanized settlements. It is bounded in the west by Ojo and Ijanikin, Lekki Peninsula in the east and Ikorodu and Alagbado towns in the north (see Fig1) Based on the United Nations (UN) projection of population growth by the year 2015, Lagos should become the world's third most populous city (IBLL, 1988). Consequence upon the population build up, it is not unexpected, therefore to observe unusual pressure leading to unprecedented demand for land (Agbola and Agunbiade, 2007) and legal security of tenure.

### **3.2 Land and Housing**

The high rate at which the population of metropolitan Lagos is growing coupled with wide expanse of water has significant implications for availability of land for residential development. In Lagos Metropolis (in which more than 85% of the entire population of the state is harboured on a portion of land representing just 37% of the state's total landmass), demand for land for residential and industrial purposes out-strips real supply by far (IBLL,1998).

In Lagos, there is a wide gap between demand for and supply of housing units. Housing problem is worse in Lagos than any other city in Nigeria since it grows at a rate of 12 percent annually while its estimated population was put at 13 million in 2006 (Mabogunje, 2006). The inability of an average resident to own a secured residential plot or rent a decent housing has led to the proliferation of slums and squatter settlements. At present, there are 53 slums and squatter settlements in metropolitan Lagos. The population of residents in those settlements run into hundreds of thousands (NEST 1991; Agbola and Agunbiade 2007).

Lagos Metropolitan Area is characterized by competition over land. Conflict over ownership of land is typical of the city because of pressures from the members of land owning communities popularly called "*omo onile*", land grabbers and speculators, squatters, organized private developers, public sector and cooperative societies.. Many of the houses had sprung up as contraventions. Residential areas are heterogeneous and in most places, physical developments are not planned, essential facilities are lacking and pose serious constraints to sustainable metropolitan growth.



Figure 1 Lagos State Highlighting the Lagos Metropolis

#### 4. RESEARCH METHODOLOGY

Extensive reconnaissance survey of the 16 LGAs that made-up the Lagos metropolis was carried out. This provided direct opportunity for the identification of the Enumeration Areas and first-hand knowledge on the existing residential densities in the study area. The primary data used for the study were sourced through field survey conducted with the administration of questionnaires, interview and on-the-spot assessment through observations made during site visitations. Two sets of questionnaires were used to elicit relevant primary data for the study. The first set of questionnaire focused on the heads of households, who were homeowners. The questionnaire contained questions that probed into location information, socio-economic characteristics of the respondents and their housing characteristics such as nature of tenure, means of gaining access to housing units and types of houses. Other questions also probed on the determinants of access to residential land, legal security of tenure, means of acquiring residential land, title documents possessed by respondents, and major factors that determined access to land and legal security of tenure; among others

The multi-stage random sampling method was used for the administration of the house-owner questionnaire. The first stage was the identification of the 16 Local Government Areas (LGAs) that fall within metropolitan Lagos. At the second stage, simple random sampling technique was used to select three enumeration areas (EAs) from each of the LGA. The selected EAs in each LGA are true representatives of high, medium and low density residential areas respectively. The third was the numbering of all the streets in each of the selected EAs; and 5 streets were randomly selected. At the fourth stage; using Lagos Street Map, a sampling frame was developed by listing all the residential buildings in the selected streets. At the final stage, 5 percent of the residential buildings were selected using systematic random sampling method. In each of the selected building, the house-owner was picked for interview. However, where a house-owner was not available for interview, another residential building where the owner is available was substituted. At the end of the survey, 2,054 house-owners were interviewed.

The second set of questionnaire was designed to elicit information from other stakeholders (Land managers, Town planning Agencies, Community/Family heads etc). Specific questions in the questionnaire addressed the goals and objectives of land management authorities, procedure for granting access to residential land and legal security of tenure, private sector land allocation schemes and suggestions on how to improve access to secured residential plots. Interviews were also granted to government officials responsible for land policy formulation, management and administration in Lagos State. Data obtained from the primary source were subjected to empirical analysis. The data were also complimented by relevant secondary data

## 5. RESEARCH FINDINGS

### 5.1 Sex and Marital Status of Respondents

The analysis of data in Table 1 indicates that 1,479 (72%) respondents that were interviewed are male while the remaining 575 (28%) are female. This is a typical reflection of any Yoruba setting where male usually constitute the majority of household-heads The marital status of respondents shows that majority with 76.8 percent were married and only 3.8 percent of the entire respondents were singled ( often times, most of them are home-owners by inheritance).

**Table 1: Marital Status and Sex of Respondents**

Marital Status	No. of Respondents		Total
	Male	Female	
Single	45 (56.2%)	35 (43.8%)	80 (3.8%)
Married	1,235 (78.3%)	342 (21.7%)	1577 (76.8%)
Separated	70 (63.1%)	41 (36.9)	111 (5.4%)
Divorce	49 (45.0)	60 (55.0)	109 (5.3%)
Widow/widower	80 (45.1%)	97 (54.9%)	177 (8.7%)
Total	1479 (72.0%)	575 (28.0%)	2,054 (100.0%)

Note: % in parenthesis / Source: Authors' Field work, 2007

### 5.2 Occupation and Income

**Table 2: Main Occupation of Respondents**

Occupation	No of Respondents		Total
	Male	Female	
Retirees (Pensioners)	43 (72.9%)	16 (27.1%)	59 (2.9%)
Crafting	360 (67.5%)	173 (32.5%)	533 (25.9%)
Civil Service	134 (72.0%)	52 (28.0%)	186 (9.1%)
Teachers	51 (71.8%)	20 (28.2%)	71 (3.5%)
Trading	437 (76.3%)	136 (23.75%)	573 (27.9%)

Company workers	64 (71.9%)	25 (28.1%)	89 (4.3%)
Medical personnel	61 (72.6%)	23 (27.4%)	84 (4.1%)
Other Professionals	118 (71.5%)	47 (28.5%)	165 (8.0%)
Unemployed	96 (72.2%)	37 (27.8%)	133 (6.5%)
Contractors	115 (71.4%)	46 (28.6%)	161 (7.8%)
Total	1479 (72.0%)	575 (28.0%)	2,054 (100.0%)

Note: % in parenthesis / Source: Authors' Field work, 2007.

The occupational structure of the respondents is shown in Table 2. Trading constitutes 27.9 percent of the respondents. The fact that trading activities constitute the highest is not unconnected with the age long status of Lagos metropolitan city as the commercial nerve of Nigeria. However, 76 percent of the traders are male while 24 percent that are female are mostly found in the informal sector. About 25.9 percent were engaged in crafting which is next in order of importance of occupation in Lagos metropolis. Other occupations that are of relative importance are civil service with 9.1 percent of the respondents and practising professionals (outside medical field) accounts for 8 percent while Contractors constitute the 7.8 percent. Others are teachers (3.5%), company workers (4.3%) and medical personnel (4.1%) while retirees constitute only 2.9 percent of the entire respondents. However, unemployed house-owners are fairly high with 6.5 percent respondents. One may continue to wonder how unemployed individuals could own a house in Lagos; this group of house-owners constitutes those who were formerly employed but lost their jobs, and unemployed house-owners by inheritance (i.e. individuals that inherited residential buildings yet remained unemployed). The implication of this is that the residents that are engaged in formal employment are more favoured in the allocation of state secured residential plots. The majority of house-owners that are engaged in business and other employments patronize the informal land market to access residential land without legal backing. The fraudulent activities of the quacks locally known as "omo onile" are creating fearful environment that is making investment in the informal land market to be subjected to a very high risk. This ultimately led to unplanned development in few residential areas in Lagos.

### 5.3 Income Level

The result of the analysis of income distribution of respondents is contained in Table 3 which shows that 21.3 percent of the respondents earned less than N50, 000.00 per month. Those that earned between N50, 000.00 and N100, 000.00 as well as respondents that earned N101, 000.00 – N150, 000.00 were coincidentally 22.15 percent. And respondents that earned between N151, 000.00 and N200, 000.00 per month constituted 18.8 percent while 15.6 percent earned over N200, 000.00 per month. Despite the fact that 6.5 percent claimed to be unemployed they all confirmed of earning income. This is to confirm that owning a residential property in Lagos could serve as a steady source of income.

**Table 3: Income per Month**

Income (N)	No. of Respondents		Total
	Male	Female	
<N50,000 Per Month	314 (71.9%)	123 (28.1%)	437 (21.3%)

N50,000-N100,000	332 (73.0%)	123 (27%)	455 (22.15%)
N101,000-N150,000	326 (71.6%)	129 (28.4%)	455 (22.15%)
N151,000-N200,000	279 (72.3%)	107 (27.7%)	386 (18.8%)
Over N200,000	228 (71.0%)	93 (29.0%)	321 (15.6%)
Total	1479 (72.0%)	575 (28.0%)	2,054 (100.0%)

Note: % in parenthesis / Source: Authors' Fieldwork, 2007.

Most of the respondents have to supplement their meagre income with secondary activities before they can have access to legal sites. The importance of income to this study is vital because respondents with higher income are more likely to have access to residential land with legal security because of the cost involved while the low income earners find it difficult to secure access to legal sites; this means the poorer house-owners secure access in unplanned sites, that are lacking in basic amenities for sustainable development. This situation only improves if the processes and cost is reduced.

#### 5.4 Pattern of Access to Residential Land

Accessibility is one of the most frequently used terms and yet little defined in urban and regional studies (Ayeni, 1979; Olujimi, 2003). Also viewed from the same perspective, Lasker *et al* (1981) argues that accessibility has a number of dimensions, thereby making it to face both definitional and measurement problems (Gould, 1969). In the context of this study "access" could best be described as "availability" and "affordability" of secured residential land. In this section, pattern of access to house types, housing facilities, residential land and legal security of tenure are examined. This section also discusses the views of the house-owners on their experiences in acquiring residential land and legal security of tenure.

##### 5.4.1 Sources of Securing of Residential Plots:

Respondents that claimed to have acquired land for housing development by different means. Table 4 indicates that 63.9 percent of house-owners acquired land in private informal land market through private purchase from original owners, land speculators, members of land owning families popularly called 'omo-onile' as well as land grabbers and their agents. Other than land acquired through these means, 18.0 respondents acquired land from the state through statutory allocation made by the LUAC. While 10.8 percent acquire land in private formal land market through organized land developers, and 7.3 percent of the entire respondents acquired land in areas designated by the Lagos State Government as ratified areas; yet the principal law guiding ownership and use of land in Lagos, that is the Land Use Act specifies Government as the owner of land from which individuals are suppose to obtain permission before use. This result shows that accessibility to land for residential uses from public is low. It also indicates that land belongs to families. It could be inferred that a more aggressive solution requires the replacement of market mechanism with an alternative system of land acquisition and land use determination based upon public ownership and control.

**Table 4: Sources of acquisition**

Means	of	No of Respondents	Total %
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Acquisition			
	Male	Female	
Public Formal	250 (67.6%)	120 (32.4%)	370 (18.0)
Private Formal	151 (68.3%)	70 (31.7%)	221 (10.8)
Private Informal	978 (74.5%)	335 (25.5%)	1313 (63.9)
Ratified Area	100 (66.7%)	50 (33.3%)	150 (7.3)
Total	1479	575	2054 (100)

Note: % in parenthesis / Source: Author's Field work, 2007.

#### 5.4.2 Duration for the acquisition of Residential Plots:

Duration time for land acquisition, as contained in Table 5 shows that only 13.1 percent respondents acquired their residential plots prior to independence in 1960. Between 1961 and 1978, the time when the Land Use Decree now referred to Land Use Act (LUA) was enacted, another 31.0 per cent acquired their residential plots. While 32.5 percent acquired their plots between 1979 (immediately the LUA was enacted) and 1999, only 23.4 percent claimed to have acquired their plots after year 2000. However, several factors may be attributed to this perhaps, the most important one being the land tenure, land administration, and improved economy in the study area. Further, it was discovered that most of the private informal land owners has no legal status and so could not benefit from formal sector bank loans or mortgage. On the other hand, the Government losses valuable revenue that would have accrued, had the private informal access to residential land is recognized.

**Table 5 : Time Taken to Acquired Residential Land (in weeks)**

Time Taken (weeks)	No of Respondents		Total %
	Male	Female	
1-4	229 (74.1%)	80 (25.9%)	(309) 15.0
5-12	240 (72.7%)	90 (27.3%)	330 (16.1)
13-24	370 (70.5%)	155 (29.5%)	525 (25.6)
25-48	260 (72.2%)	100 (27.8%)	360 (17.5)
49 – 72	200 (72.2%)	77 (27.8%)	277 (13.5)
above 72	180 (71.2%)	73 (28.9%)	253 (12.3)
Total	1479	575	2054 (100)

Note: % in parenthesis / Source: Author's Field work, 2007.

The number of weeks taken in acquisition of land by respondents is contained in Table 5. It shows that 309 respondents (15.0%) claimed to have acquired their residential plots between one to four weeks of search for them especially from private sources. Another 16.1 percent respondents acquired their residential plots between 5-12 weeks, 13-24 weeks (25.6%), 25-48 weeks (17.5%), 49-72 weeks (13.5%) and more than 72 weeks (12.3%). The implication of this is that the Period of land acquisition has impact on the number of houses that are produced annually. The shorter the period involved in accruing land, the better, for

development activities to take off. Without secured access, production of housing development cannot take place.

However, further investigation shows that the land transaction is more complex than this. Acquisition appears simple because majority of land owners obtained their land from unofficial sources such as individuals and family. Thus, when land is purchased by people, they still need to perfect the title document by obtaining Certificate of Occupancy as specified by the Land Use Act. Besides, the fact that processing of this title document takes at least 6 months, it makes room for double payment for the same plot of land. Apart from those lands acquired from government directly, field investigation reveals that owners will pay initial owner of land and also pay the Government to obtain the title document.

#### 5.4.3 Cost of Residential Plots:

**Table 6 : Initial Cost of Residential Plot (₦)**

Cost (₦)	No of Respondents		Total %
	Male	Female	
₦ 200,000	235 (74.6%)	80 (25.4%)	315(15.3%)
₦200,001- 500,000	535(72.0%)	208(28.0%)	743(36.2%)
₦500,001-1 million	240(68.8%)	109(31.2%)	349(17.0%)
₦ 1.1-1.5 million	189(72.97%)	70(27.03%)	259(12.6%)
₦ 1.6-3 million	138(73.02%)	51(26.98%)	189(9.2%)
₦ 3.1-5 million	85 (72.7%)	32 (27.4%)	117(5.7%)
₦ 5.1-10 million	40(66.7%)	20(33.3%)	60(2.9%)
Above 10 million	17(77.3%)	5(27.7%)	22(1.1%)
Total	1479	575	2054 (100%)

Note: % in parenthesis / Source: Authors' Field work, 2007.

Initial cost of land as shown in Table 6 indicates that 15.3 percent of the entire respondents acquired their residential plots for N200, 000 or less. While another 36.2 percent paid between N200,001 and N500,000 for their plots, 17.0 percent claimed to have acquired their plots at prices that range between N500,001 and N1 million. 259 respondents or 12.6 percent of the respondents paid between N1.1– and N1.5 million for residential land, 9.2 percent (N1.6 - N3 million), 5.7 percent (N3.1 - N6 million) as 2.9 percent (N5.1 - N10 million). Only 1.1percent of the entire respondents got their residential plots for more than N10 million. The implication of this is that Cost of land in Lagos is very high and beyond the reach of majority of the people that belong to the low-income groups (most especially women) who may not have access to land for housing development. Only 15.3 percent of the respondents have access to land with initial cost of N200, 000 or less. Hence, there is the need to come up a programme that will facilitate home ownership.

#### **5.5 Pattern of Access to Legal Security of Tenure**

After acquisition of residential plots, some house-owners applied for and obtained statutory right of occupancy also known as Certificate of Occupancy (C of O) from the government. Legal title documents possessed by the respondents include C of O for state land (10.3%); private C of O (27.5%); ratification with C of O (3.7%); Governor's Consent (15.4%) and Deed of Conveyance (11.2%). One hundred and eighty respondents, that is, 31.9 percent of the respondents do not possess any legal title document. However, out of this, 153 respondents possess papers/receipts from the people that sold the plots. See Table 7. Most of the respondents claimed that the process of obtaining legal title is expensive and laborious. The major title known to most of the respondents is the building plan and registration and even then, most of them do not have these documents.

A glance at Table 7 shows the number of state land with C of O, ratification with C of O and private C of O submitted, approved and collected between year 2000 and 2007. As indicated in the Table 7, the total number of applications submitted for State land with C of O summed up to 28,777 but only 3,643 or 11.24 per cent were approved by the LUAC. In other words, for eight years, land management authorities were able to grant security of tenure to 3,643 prospective property owners in government site and service schemes. The implication of this is that on the average, land managers granted access to 455 state serviced residential plot with C of O annually.

**Table 7: Legal Title Documents Processed for Each Type of Residential Plots**

Legal Title	No of Respondents	% of Total
C of O for State Land	211	10.3
C of O for Private Land	565	27.5
Ratification with C of O	75	3.7
Governor's Consent	316	15.4
Deed of Conveyance	230	11.2
Paper from the persons who sold the plot	556	27.1
None	101	4.8
Total	2054	100.0

Source: Authors' Field work, 2007.

However, within the same period, land management authorities were able to process and approved 13,174 private C of O and 8,666 ratification with C of O. The implication of this is that in the eight year period, land managers were able to grant security of tenure to only 25,483 property owners. This is insignificant when compared to the teeming population of Lagos which is now estimated to be around 14 million.

**Table 8 : Submission of Application for C of O, Approved and Collected Between 2000 and 2007**

Year	Number of Certificate of Occupancy (C of O)								
	Received for Processing			Approved			Collected		
	State	Ratificat	Privat	State	Ratificat	Privat	State	Ratif	Private

	land	ion	e Land	land	ion	e Land	land	icati on	Land
2000	2035	487	612	0	5872	6010	0	383	531
2001	6017	686	1007	0	347	748	15	304	820
2002	3734	699	1013	300	421	1072	389	626	1078
2003	3553	611	942	570	479	1100	54	403	972
2004	3821	604	911		202	944	8	241	1042
2005	3195	424	943		351	878	79	295	738
2006	3933	17	1333	1331	158	1324	874	144	841
2007	2489	-	824	1442	236	1098	1577	274	715
Total	28,777	3528	7585	3643	8066	13174	2996	2670	6737
Average	63995	882	1686	1041	1792	2928	666	593	1497

Source: Bureau of Lands, Governor's Office, Alausa, Lagos State (2007).

Paired t-test was also used to test the hypothesis, which states that there is a significant difference between the need for and the granting of access to state land with C of O. The test compared the difference in means of number of applications submitted for State land with C of O and the number of such applications that were eventually granted approval by the LUAC. The paired t-test result as contained in Table 9 shows that the t-value is 13.131 at 95 degree of freedom and is significant at 0.01 level (i.e. 99% confidence level). A probability of 0.000 indicates that there is a significant difference between the need for and the granting of access to state land with C of O. Thus, the hypothesis which states that there is a significant difference between the need for and the granting of access to state land with C of O is accepted.

**Table 9: The Paired Sample t-test Result of Male and Female Access to State Serviced Residential Plots**

Variables Pairs	Paired Differences			95% Confidence Interval of the Difference		t	df	Sig. (2-tailed)
	Mean	Std. Deviation	Std. Error	Upper	Lower			
Applications for State Land with C of O Submitted and Approved	261.81250	195.36241	19.93909	301.39660	222.22840	13.131	95	.000*

Source: Author's Fieldwork Analysis, 2008 / \* = Significant at 0.05 Level

## 6. IMPLICATIONS OF THE FINDINGS

As a result of insecurity of tenure that characterized parallel land markets, poor households are left to build whatever type of dwelling they want or can afford without any imposed obligation to conform to planning regulations. Plate1 shows a building that contravenes planning regulations in the informal settlement of Oshodi. The issue of contravention has contributed to the problem of informality and illegality of housing. In metropolitan Lagos, informal and illegal houses exist and expand because of the inadequate provision for land, a tendency towards over-regulation and an administrative and institutional framework that is, at best indifferent and more likely-hostile to the need of the urban poor.

The state of most dwellings in informal/illegal settlements is unimaginably appalling. In some places, residents are usually crowded in very limited space and the rooms usually lack adequate ventilation. Uncompleted houses that are being inhabited are common. Majority of the houses can be described as shelter rather than housing. For some residents, the living room is the sleeping room, the kitchen as well as the store. Illegal houses are neither legally recognized nor serviced by the public authorities. Many of the so-called landlords in these deprived zones have no title to land.

Apart from poverty, insecurity of tenure is one of the reasons why some of the houses are constructed with poor building materials. This would minimize loss in case of forced eviction. Some of the houses can be described as shacks and shanties – with dilapidated and near collapsing structures. The houses are characterized by absence or poor maintenance of basic public utilities and infrastructure such as water, sewage systems, waste disposal, roads, public transport and electricity. Several residents of the informal/illegal houses live in life and health-threatening homes because of the very poor housing conditions and the lack of adequate provision for safe, sufficient water supplies provision for sanitation, drainage and the removal of garbage. (see Plate.2).

**Plate 1: A Building that Contravenes Planning Regulation in Oshodi.**



Source: Author's Field work, 2009.

**Plate 2: Informal/illegal houses near a waste dump in Ijora**



Source: Author's Field work, 2009.

By constraining access to residential plots in formal land markets, land officials ensure that low-income groups (women included) are excluded from formal locations. The spatial distribution of slums and squatter settlements indicates that “spontaneous” and illegal houses emerge from parallel land markets. To a large extent, the map of informal/illegal land markets overlaps the map of slums and squatter settlements. In Metropolitan Lagos, more than one

million people live in blighted areas. In slums and squatter settlements, the urban poor live in worst quality land on the edges of canals, creeks, lagoon, and slopes/hillsides liable to collapse, in densely packed areas where fire can easily start and busy intersections. Insecurity of tenure contributed largely to poor living condition and low standard of living. Residents of squatter settlements do not have any legal title document and are thus prevented from taking any mortgage loan from any bank, thus, compounding their problems. Within a short time, such residents create serious social problems to government because it becomes so difficult to either evict them or provide facilities for them.

**Plate 3 : Typical Shacks and Shanties Residential Developments on Government Acquired Land Along First Avenue FESTAC Town**



## **7. RECOMMENDATIONS AND CONCLUSION**

Land administrators should not underestimate their roles in conjunction with other professionals in the built environment in allocating, adjusting, protecting and changing the ways by which people hold rights to land. Therefore, land management policy that would encourage good and effective titling benefits both for the present generation and posterity is a necessity. Therefore, the Federal government constituted Mabogunje Land Review Committee which was recently headed and taken-over by Prof Adeniyi should suggest amongst others a policy that would account for every available piece of land in all parts of the country is properly documented and registered through the use of Geographical Information System. This is to allow for proper accountability, allocation, and intensive monitoring of the usage of land particularly in the metropolis.

The 'OMO ONILE' Syndrome that was originally known as 'Lagos metropolitan affairs' in land development scenario is gradually extending to the rural suburbs of Lagos metropolis and even outside Lagos State to other major cities in the South Western Nigeria. There is the need to check this scenario before it becomes a national problem. The Traditional Rulers and the Community Leaders should bring a check to this through the instrumentality of their offices.

The planning approval procedure in Lagos State needs to be made less cumbersome to eliminate the infiltration of quacks. Most of the Planning Authorities are grossly understaffed; a situation that has created rooms for improper monitoring of physical development and unabated construction of illegal structures. Therefore, additional physical planning staff amongst others should be recruited and equipped with relevant monitoring facilities.

Government at all levels should promote the 'Site and Service Scheme'. This should be seen as a welfare programme to check the development of urban sprawl and the establishment of informal settlements. The existing informal and illegal settlements cannot be left unattended to. Therefore, they should be regularised and given face-lift with human face and guarantee security of tenure to the residents. It is therefore necessary that adequate care must be taken to ensure that residents of informal and spontaneous settlements are not forcefully evicted and displaced without caring for their sustenance during the period of the upgrading of the settlements. The displaced residents should not be priced out of what eventually emerged as the result of the up-grading due to their inability to afford the cost of the improved land and physical development.

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