LAND OWNERSHIP TYPE IMPACT ON INCLUSIVE URBAN REDEVELOPMENT IN SUB-SAHARAN AFRICA

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ABSTRACT

Tenure is the land issue of the poor; without tenure poverty reduction misses its potential to improve slum settlements and tenements. This study focused on spatial planning and security of tenure in Lokoja. Pocket of ten blighted area with very high incident of insecure tenure was identified systematic random sampling technique was employed within the clustered sampled area. Regression and analysis of variance was used to test the hypothesis. Analyzed data revealed that there is a significant difference between the quality of life of squatters measured by infrastructure services and residence with secured tenure (measured by availability of title deed). The author advocates site and services provision by government, removal of bottleneck in the process of land acquisition, registration and argue for inclusion of slum dwellers in urban renewal.

Keywords: *Land Ownership, Squatter Settlements, Insecure Tenure, Inclusive Urban Redevelopment*

1.0   INTRODUCTION

Developing countries in particular are struggling to provide adequate housing, physical infrastructure and economic social and environmental services to their urban population. Conventional approaches to planning have failed to address the challenges of rapid urbanization, as well as the poverty, exclusion, informality and vulnerability it produces in its wake. In addition, the rules and regulations adopted for improving the quality of life of urban dwellers have actually led to poor living and working environment.

Over 60 percent of the population of sub-Saharan African is dependent on land for sustenance. Most of this land is used for subsistent or commercial agricultural production. The other 40 percent of the population that is not directly dependent on land nevertheless consume land as residences and places of employment in towns and villages throughout the region. New settlement are being formed and older ones growing at ever increasing rates often at the expense of some of the most productive agricultural lands in the area. This creates a competition for land. Overlaying this is a complex land holding structure that seems difficult to reform.

Land reform is an attempt to change or restructure the land holding and ownership pattern in order to achieve certain goals such as food security,

security of tenure, and ease of access to land, equity and social stability. Many apparently irresolvable intercommunity problems often have their root in disputes regarding ownership of land. Some apparently 'political' crisis involving various ethnic nationalities often have their roots in questions of "indigeneship" which is another way of looking at land ownership.

Land tenure systems are the laws and regulations – modern and traditional – regarding the ownership and accessibility of land resources in any given country or area; wherever man has been involved with land, there has been the question of tenure: who own what portion, for how long and what can they do with it? This paper is an attempt to summarize the impact of insecure tenure on urban infrastructure financing and the main features of the land use and tenure in sub-Saharan Africa; identify the main problems emanating from the tenure and management.

Aims and Objectives of the Study

This paper aimed at evolving a national acceptable land policy that will guarantee access to land and security of tenure within a well built and functional environment.

Appraisal of land administration process through which information about the term, value and use of land can be determined recorded and disseminated.

1.1   Land Use and Tenure in Sub-Saharan Africa An Overview

Land tenure in Ijumu has gone through three discernable stages or periods. There were the systems that were practical by indigenous people before the advent of European colonization, the period under European colonization and the post independent era which we are still experiencing today. Each period left its mark on the land tenure and management such that if these forces are not understood, measures taken may aggravate rather than ameliorate the situation.

2.0   Pre – Colonial Traditional Land Use and Tenure

Rural Agrarian Tenure – In Ijumu

How was land tenure before the incursion of Europeans into Ijumu Kingdom? Kenyatta (1979) after describing the reverence for land as 'mother' because it nurtures the person from cradle to grave and received him or her at death, describes Gikuyu land tenure system as being individual family ownership rather than collective.

He goes on to describe four types of tenure:

(i)   land given to the original Gikuyu ancestor by Mogai, Lord of Nature;

(ii)   land owned because the owner was the first to clear and established a homestead on it;

(iii)   as population grew and land became scarcer; family groups came together and claimed forests. They had first right to such land, but the ownership was vested in the ones who cleared the original forest; and

(iv)   once these land were exhausted, the Gikuyu obtained land by purchase from neighbouring groups. Such purchase was witnessed by elders who ensured that the livestock offered in exchange was legitimately owned and the land in question was also legitimately owned by the seller.

As long as the founding father lived, he owned the land, but following tradition, his wives and later his sons had cultivation right over portions of the land as he allowed. At his death, the eldest son assumed the role of trustee, but this did not give any right over the land beyond those which he himself and his wives cultivated. He could not sell or dispose it in any way with a piece of land inherited from the father without the consent of the male siblings even if such land were not being used by them. Furthermore he did not have control over the land cultivated by his brothers and their wives. At no time was the land belonging to the community, or some chief having right or authority to dispose

or allocate it. The land belonged to the founders of the families and at their death, it passed to their male children. Individuals could sell land, in which case the elders serve as witnesses to the transaction.

The community defended the territorial integrity of their land much the same way as nation defend their borders in talking to outsiders the land is referred to as ours but every inch of that land is owned by an individual family and the boundaries are known and respected. Breaching such boundaries was a matter of serious dispute.

What Kenyatta report is not unique to the Gikuyu of Kenya? The same arrangement prevails among Ijumu people of Kogi State, Nigeria and several other agrarian groups in Okun speaking Yorubas. Note that every member of the community had access to the land. While individual rights and ownership were the norm, there was also an attitude of sharing that allowed stranger and immigrants to have access to land to be able to sustain life. The only condition was that they recognized that the land they were on was 'borrowed' so to speak. The right to own belonged to the individual families. Many conflicts between individual and communities have their foundation on the question of land ownership.

2.1   Colonial Tenure and Land Management

The Notion of Customary Tenure

The colonial state either did not understand this or did not want to understand the existing tenure structure. According to UN Economic Commission for Africa (ECA) (2004):

> The colonial state invented and then vigorously applied the notion that African system of law and tenure did not recognize individual rights to land and therefore all land occupied by Africans was state land (ECA, 2004, p 76).

Traditional ownership structures were complex but not impossible to understand if the colonial state chose to understand them. There was a difference between land used for non permanent activity such as grazing, firewood, harvesting, building materials and land used for arable farming and homesteading. Over the first kinds of lands, there was some idea of common ownership under guardians who were elders of the community that controlled the resource (ECA 2004). Even then there were 'rule' of use that were known, understood and applied.

2.2   Statutory Tenure

While all Ijumu Kingdom were communalized the European powers created for themselves tenure with the widest and most exclusive right possible. This was true for rural land where European settlers were involved as well as urban land in other places. In places where the European colonizers settled, they however accorded the European settlers ownership rights that were individual and absolute at the expense of the Ijumu land holders. In the rest of the Ijumu town and villages where they did not settled permanently, they dispossessed the Ijumu people and vested authority over land in Chiefs and Obas which constituted Ijumu District Council. The council consisted of 24 members drawn equally among the three sectional groups. Each sectional group was represented by eight red-cap chiefs.

The European settlers not only disregarded the Ijumu systems of tenure, they had their own rules which they enforced at the point of the gun where and when necessary. The tenure rules that applied to European settlers gave them the widest right possible. The system of tenure they practiced was freehold and leasehold.

Free holding of landed property connoted absolute owner. The holder had absolute right to own, control, use and dispose of the land at will. Generally the

grant was perpetual, which meant that the land could be passed down the generation without left.

Lease holding connotes the idea of rental for long period of time. The ownership of the land and the use of the land are held by different individuals. In some cases if the lease is commercially arranged, there is an exchange of fees.

If the lease is emanating from the states there are annual dues equivalent in purpose to leasing fees which have to be paid. It is thought by some that when lease is issued for up to 99 years it functions in the same way as freehold.

What is curious is the fact that the role of chiefs over land was a colonial invention. Prior to colonization, chief were influential only as elders in the community who together adjudicated where there was an ownership dispute. Chiefs had neither authority nor power to withdraw or allocate land without the consent of the individuals who were actually in possession of the land.

2.3   Problems Associated with Land Tenure and Management

The problems associated with land tenure and management are many and varied. The typical problems associated with land tenure and management in the post independent era is exemplified by the problems listed as the primary

objectives of the Land Use Act (1978) of Nigeria. According to the military Administration; as reported by Omotola (1980), the Act was designed to:

i)   remove the bitter controversies resulting from land issue, such as boundary disputes which often resulted in not only loss of property but also lives;

ii)   simplify and streamline land management and ownership throughout the country; because it was argued; varied ownership and tenure pattern often slowed down and even halted projects;

iii)   assist citizens, irrespective of their social status, to attain their ambitions of owning land with secure tenure; and

iv)   enable the government to control land in all parts of the country.

        Other additional concerns to be addressed by the Land Use Act were:

v)   to curb law speculation and thereby to reduce the price of land;

vi)   to make it easier for government to acquire land in the public interest;

vii)   to unify land legislation;

viii)   to unify land holdings and remove fragmentation and, therefore, speed up modernization in the rural agricultural sector.

2.4   1978 Land Use Act

The Land Use Act of 1978 vested the ownership of the land to the governor, access to the land is by issuance of statutory right of occupancy, (Certificate of Occupancy).

There are a lot of controversies that trail the act in the acquisition, disposal, use and administration of land both in rural and urban area. The act also empowered local government chairman to acquire, dispose and grant access to land through the issuance of Right of Occupancy (R. O). However, individual families in Ijumu Kingdom still hold to their ancestral land ownership. This development brought about the following problems:

(i)   Dual ownership of land

(ii)   Multiple sales of land

(iii)   High cost of land

(iv)   Increase in the number of court cases and litigation on land.

Gyuse and Olagbegi (1982) in the review of the implementation of the Land Use Act (1978) in the country found the following:

• The act did not reduce controversies over land matters, in many areas the tempo of protest and conflicts actually increased.

- land speculation was modified but neither eliminated nor reduced. Most developers found it easier to acquire land outside the provisions of the act and maybe perfect it later than go through the application process.

- agricultural development was not accelerated, rather the act made it possible for those with influence to displace large numbers of peasant farmers in a speculative bid to hold land. Most of such acquisition stayed dormant because the new owners are not farmers.

- the act did not take cognizance of variations in traditional land holding patterns, accordingly, it failed to protect the mass of rural dwellers especially those on the urban fringe from exploitation and dispossession.

- the act actually have urban growth by legislating a maximum urban land holding of ½ hectare. This effectively meant that large scale housing development was ruled out except what is done directly by the government and other motivational agencies and the act did not prescribe mechanism for resolving any conflict between tiers of government.

What was true in 1982 still holds true. The Act has been entrenched in the constitution making its repeal and/or amendment a constitutional matter.

There is no doubt that land is at the heart of the insecurity in much of Ijumu Kingdom. The Fulani herdsmen and farmer clashes that occurred in Iyara boil down to land ownership. In Iyara alone, there were families and communal crises in 10 locations between 2000 – 2015. Of these 10 locations, conflict occurred in 8 locations directly related to land questions.

The growth of town and villages into urban centres have also increased pressure and aggravated the land questions. Most land owners in Ijumu are often without title deed to their land. They remained a squatter in their fathers' land and subsequently such squatter settlements are not well service with adequate infrastructure facility. For the vast majority of citizens in Ijumu, there is no formal registration of land holdings. But they hold these resources in defective form: Houses on land whose ownership rights are not adequately recorded. These asset cannot readily be turned into capital, cannot be traded. Outside of narrow local circles where people know and trust each other, cannot be used as collateral for loan and cannot be used as a share against an investment.

In the West by contrast every parcel of land, every building, every piece of equipment is represented in a property document that is the visible sign of a vast asset to the rest of the economy.

They can be used as collateral for credit. The single most important source of funds for new business in the United State is a mortgage on the entrepreneur's house. These assets can also provide a links to the owner's credit history, accountable address for the collection of debt and taxes. The basis for the creation of reliable and universal public utilities, and a foundation for the creation of securities (like mortgage backed bonds) that can then be rediscounted and sold in secondary market the West injects life into assets and makes them generate capital.

Third world and former communist nation do not have this representational process. As a result most of them are under capitalized in the same way that a firm is under capitalized when it issues fewer securities than income and assets would justify.

This is the mystery of capital. Solving it requires an understanding of why Westerners by representing assets with titles are able to seek and draw capital from them (Hernando 2003).

2.9   Inclusive Urban Development

Inclusive urban development denote the adoption of development strategies that aim at reducing poverty, building partnerships, strengthening institutional capacity and promoting participation in decision making by all

elements of the population in society. It is another terminology for the age old idea of focusing on citizen participation in pro-poor urban redevelopment. It is a clarion call for urban administrator to return to its roots by helping local communities, state and national governments to focus more on working in partnership with communities in urban planning by adopting innovative governance, local thinking that would help stem the tide of urban infrastructure decay, funding of infrastructure and maintenance. Inclusive urban redevelopment is, ensuring the poor and vulnerable have access to the infrastructural services they need to better their quality of life.

STUDY AREA

Lokoja the First British settlement in the Northern Part of Nigeria is situated at the meeting point of the River Niger and Benue where they form a confluence and make a Southward turn in their journey to the Atlantic Ocean about 547 kilometers.

Fig 1: Map of Nigeria Showing Kogi State

Source: Kogi State Ministry of environment and Physical Development,2000
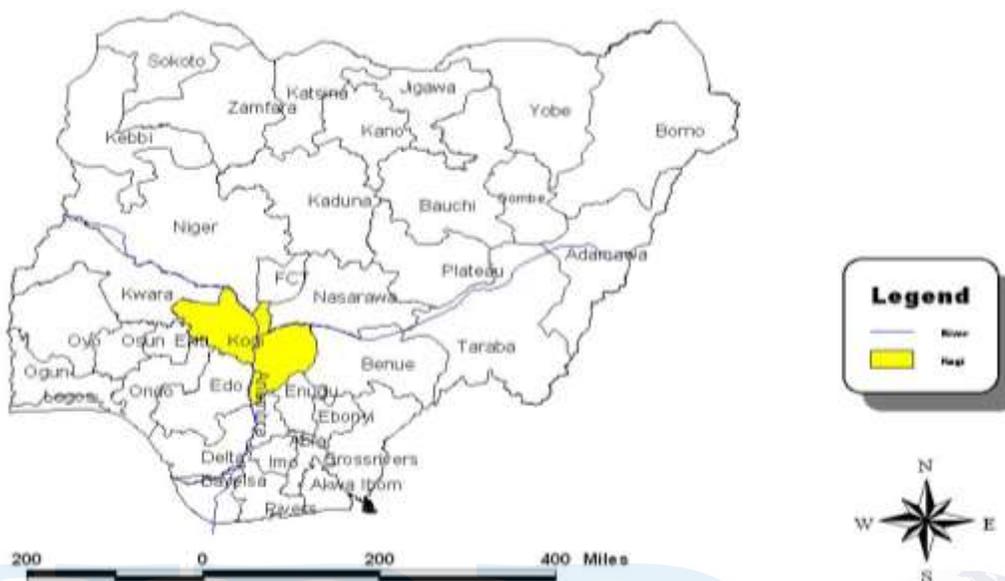
Lokoja is located on the intersection point of Longitude 7^0 49'E and Latitude 6^0 44'N on a map of Nigeria. It is a town situated on the slope of a range of hills called Mount Patti. The town in it growth, runs down the slope and expands into the Niger River valley. Being a town that develops in the 1860s as a result of European commercial activities and later political activities. Lokoja is presently the administrative capital of Kogi State created in 1991. Lokoja occupies an area of about twenty square kilometers. It lies on the right hand side of kilometer seventy-six of the Okene-Abuja road.

Fig. 2 Map of Kogi State

Source: Kogi State Ministry of Environment and Physical Development, 2005.

Scale 1:15000

Population

The location of Lokoja may be very deceptive vis a vis it growth and development and this may lead the causal observer to drawn wrong conclusion about the impact of the advantageous location. This is because through history, Rivers has promoted population density by references to literature, music and religion. River valley as in the classic case of the Nile, Euphrates, Tigris and Hwano-Hos indus commonly hold Dense Population for they have a fertile soil, a smooth terrain and inherent capacity for transportation.

According 1991 National Population census, the population figure of Lokoja was 82,483. As at 1996, her population projection was 92,855 with 4.8% growth rate.
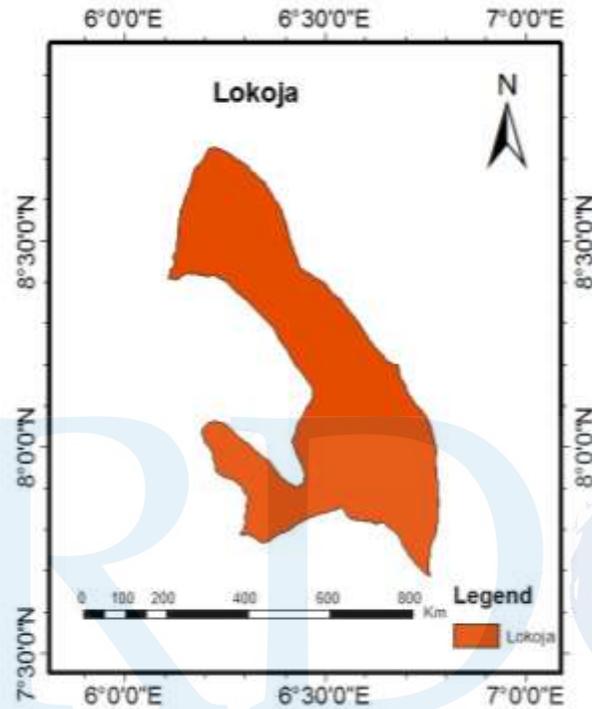

Fig. 3 Map of Lokoja

3.0   RESEARCH METHODOLOGY

3.1   Sampling Size and Technique

Recent studies have revealed sizable as well as pocket of Ten blighted areas with very high incidence of insecured tenure in Lokoja metropolitan area. Mostly found on marginal lands of Sango-Daji at the South, Cantonement, Old Market at the north, Felele at the west and Ganaja village at the east. 10% of population of these identified sites will be considered for detailed analysis, while consideration will be given to contiguity, uniformity of character, size, physical characteristics in the final selection.

Systematic random sampling technique shall be use within the clustered sampled area base on the land use map of the metropolis.

3.2   Data Analysis

Data collected from the respondents were analyzed using frequency table, and mean. Mean rating were used in answering the research questions. Research hypothesis were tested using regression and analysis of variance.

4.0   Data Presentation and Discussion

Table 1: Respondents rating on infrastructure and services in squatter settlement

Research Question 1: Squatters Settlement Suffer Infrastructure Failure.

X	Frequency (F)	FX	X = £FX/EF

5	160	800	2530 / 700
4	290	11600	
3	120	360	3.6
2	80	160	
1	50	50	

Table 1 above revealed that squatter settlements in the Ten locations studies suffered infrastructure failure. The mean score 3.6 of respondents affirm the assertion. Electricity power supply, pipe borne water supply and access communication services were poorly financed and maintained. Access road are not tarmac, and without drainages. Refuse were left uncollected on vacant plot.

Fig 4: Urban Infrastructure

Source: Author's Fieldwork, 2016.

health related risk but also economic risks such as unemployment. The availability of infrastructure are at the core of many of the challenges faced by rapidly urbanizing cities in developing countries.

Table 2: Respondents rating on infrastructural services provided in approve layout plan.

Research Question 2:   Are electricity power, water supply and access road provided in approved layout?

X	Frequency (F)	FX	£FX / EF
5	125	625	1493 / 400
4	135	540	
3	75	225	= 3.7
2	38	75	
1	27	27	

Table two (2) above revealed the situation obtainable in settlement within approve layout. Services infrastructure are adequately provided. Electricity, power supply, water supply, primary health care and communication services were adequately provided as 3.7 mean score of the respondents reported.

4.1   Hypothesis

The following hypothesis were formulated to guide the study.

H₀: There is no significant different in the quality of life of squatters (measured by provision of infrastructure facilities) and residents in secured tenure (measured by availability of legal title).

Hᵢ: There is a significant difference in the quality of life of squatters (measured by infrastructure and services), and residents in secured tenure (measure by availability of legal title).

Table 3: Value of analysis of variance parameters.

Source of variance	SS	DF	MS	F	P
Between Groups	175.09	3 - 1 = 2	87.55	13.74	3.73
Within Groups	267.56	45 - 3 = 42	6.37		
Total	442.65	45 - 1 = 44	10.06		

Guided by the decision to reject null hypothesis (H₀), if F calculated is greater than the F- critical value or otherwise do not reject.

4.2   Decision

Considering the fact that F-calculated is greater than the F- critical value the null hypothesis (H₀) is rejected. Therefore, accept (Hᵢ).

There is a significant different in the quality of life of squatters (measure by infrastructure and services). And residents with secured tenure (measured by availability of little deed to land.

5.1   Summary and Conclusion

Findings from this study revealed that, there is a significant different in the quality of life of squatters (measured by infrastructure and services) and residents in secured tenure (measured by availability of legal title to land).

Tenure is the land issue of the poor. Without tenure, poverty reduction misses its potential to improve slum settlements and tenements. The location of slums and squatter settlements on marginal land creates vulnerabilities not only to natural hazards, but also to the political context in which families live. Donors and formal service provided shy away from investing in them, small providers install distribution networks at risk and women and children spend considerable time fetching water.

Land is an asset for which there are competing demand, further, political issues relating to it are critical and often complex, especially when formulating

urban policy. Lack of tenure frustrate investment in improving and expanding one's home and protecting one's land. Without attention to tenure, unhealthy and underserved settlements will be improved only slowly.

The availability, ownership and condition of land are important variable in a city's information base. Land ownership a sometimes opaque topic, needs transparency. UN – HABITAT estimates indicate that less than one-third of the land in developing countries is accounted for in official land records and registries, and questions regarding ownership are often addressed through customary communal or religious law. Poorly functions land management system can frustrate settlement upgrading and development of inclusive cities Kitay (1985). Measures that put more land legally into the lands of users stimulate investments by owners and trigger private sector – led urban redevelopment.

Improved access to financing has received considerable attention in recent years, as it is thought to be the most efficient vehicle for improving access to housing. Nevertheless, housing policy has often neglected the urban poor. For example the requirements for accessing housing finance normally include a land title in good order; a down-payment of at least 30% of the total purchase price and proof of income, such criteria virtually exclude the urban poor and in

particular, the self-employed and those working in the informal sector. As a result of such requirements, subsidies disbursed through formal financial channel typically fail to reach the poor.

Sustainable and Inclusive Urban Solution (2008) points out, markets must be enabled to finance housing for low-income households this will require the governments adopt policies that enable land and housing markets to operate efficiently.

5.2   Recommendations

Secure tenure that can be used as collateral for mortgage financing should be provided to the urban poor.

Mortgage finance systems should be accessible by the urban poor including those who work in the informal sector.

Targeted subsidies that allow poor households to afford land, shelter and housing should be created and funded.

Infrastructure systems that deliver basic urban services to low-income households should be put into places.

Competition within the construction sector that reduces cost and encourages non-conventional construction technologies to be adopted should be introduced and.

Institutions that are able to provide both oversight and assistance to low-income communities, the private sector, and civil society should be created or empowered.

The overall aim of the above is to regenerate communities through the upgrading of the physical environment. This will require solutions to slums squatter settlement that are sustainable, participating and affordable.

The Federal Mortgage Bank of Nigeria should be recapitalized and enforcement of the National Housing Fund (NHF) contribution as enshrined in the enabling Act.

Government should reduce the cumbersome process of land acquisition and land titling with a view to easing housing construction.

Reduce the rate of land registration stamp duties thereby reducing the cost of housing.

The inclusion of the slum dwellers in urban redevelopment.

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