

**URBAN LAND POLICIES AND LOW INCOME HOUSING  
IN METROPOLITAN KANO, NIGERIA**

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Short title for the thesis.

**Land Policies and low income housing in Metropolitan Kano, Nigeria**

## ABSTRACT

The scarcity and inaccessibility of land in urban areas has become a major obstacle in the provision of housing to low-income groups in developing countries. This thesis studies the land policies and practices in Metropolitan Kano, Nigeria, and investigates the issues and problems hindering the adequate supply of residential land to low-income groups.

The thesis commences with a general study of urban land policies and low-income housing in developing countries. It examines the nature of housing problems in developing countries, the role of land in the housing problems, issues addressed by land policies, and policy measures and strategies used. The general study is followed by a specific study of the land policies and practices in the study area. The policy and institutional management frameworks are identified and examined. The roles of the major institutions are explained. The last section identifies and examines the main issues and problems with the existing policies.

The thesis concludes that actions are necessary to address the identified issues and problems with the policies in order to avoid chaos. Suggestions for policy reform are made.

## RÉSUMÉ

La rareté et l'inaccessibilité du terrain en milieu urbain sont devenus des obstacles à l'approvisionnement en logements des groupes à faibles revenus dans les pays en voie de développement. La présente thèse étudie les coutumes et les politiques terriennes dans la région métropolitaine de Kano au Nigéria, et examine les problèmes inhérents à la disponibilité de terrains résidentiels pour les groupes à faibles revenus.

La thèse débute par une étude générale des politiques terriennes en milieu urbain et les logements à prix modiques dans les pays en voie de développement. On y étudie la nature des problèmes du logement dans les pays en voie de développement, de même que la rôle des terrains face à ces problèmes, les questions soulevées par les politiques terriennes, ainsi que les démarches et les stratégies utilisées. L'étude générale est suivie par une étude précise des politiques et des pratiques terriennes dans la région concernée. La politique et les accords administratifs institutionnels sont identifiés et scrutés. Le rôle des institutions majeures y est expliqué. La dernière partie identifie et étudie les questions fondamentales et les problèmes des politiques existantes.

La thèse en conclue qu'il est nécessaire que gestes soient posés pour confronter les questions et les problèmes soulevés aux politiques afin d'éviter la confusion. Enfin, nous y suggérons certaine politiques.

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# INTRODUCTION

Most urban areas in developing countries are facing a crisis in the provision of housing to low-income groups. The crisis stems from the inability of the urban areas to ensure the adequate provision of affordable housing to meet the needs of their rapidly expanding population. Evidence of this crisis is seen in the rising proportion of the population in the urban areas living in informal settlements.

Land is the major obstacle to the adequate provision of affordable housing in the urban areas. According to Asiana, "it has been proved everywhere in the third world that where land has been made available, even the urban poor have been able to provide themselves with housing" (1990:240). The scarcity and high cost of land in urban areas excludes low-income groups from obtaining residential land through the formal process. Low-income households are, therefore, forced to acquire land through the informal process by occupying land illegally, or by obtaining land in illegally subdivided layouts.

A shift in the emphasis of government policies from housing delivery to land delivery is now viewed as one of the most significant means of improving urban housing delivery in developing countries (SCBR, 1983; Angels et al., 1983). Land policies are emerging as the most powerful tools in addressing urban housing problems. The formulation of land policies is based on the belief that if left alone, the land market will neither distribute land equitably nor ensure efficiency in its use, and for this reason, government must intervene in the

market to remedy the situation. The objectives of the policies vary between countries, but the effectiveness of the policies depends on the appropriateness of the policy measures and on the institutional framework for the implementation of the policies.

Any effort to improve urban housing delivery in developing countries through an improvement in land delivery will require an examination of the current land policies in the urban areas, in order to identify the factors hindering the adequate supply of land and the access of low-income groups to it. Such an exercise will enable the formulation of more appropriate land policies.

#### **STUDY OBJECTIVES AND METHODOLOGY**

The aim of this thesis is to study the land policies and practices in Metropolitan Kano, Nigeria, and to identify and examine the issues and problems hindering the adequate supply of residential land to low-income groups.

The research is based on a review of existing literature. The research starts from a general study, aimed at exploring the nature of housing problems in developing countries, the role of land in the housing problems, the issues addressed by land policies, and the measures used. A specific study of the land policies and practices in the study area was subsequently carried out, on the basis of which the problems with the land policies and practices were identified and examined.

The choice of Kano is based on the fact that studies have reported a serious shortage of land for development in the city. The land shortage has been shown to have systematically eliminated low-income groups from access to land. The

objective in carrying out the study is to suggest ways for improving land delivery in the urban area. The thesis should also be useful in the reassessment of the roles of the land management institutions in Kano State, especially the Kano State Urban Planning and Environmental Protection Agency, a participating institution in the CIDA-Nigeria project.

#### **THESIS ORGANIZATION**

The thesis is divided into four chapters. Chapter One presents a literature review on urban land policies and low-income housing in developing countries. Chapter Two introduces the study area and reviews the land policies and practices. The third chapter identifies and examines the issues and problems hindering the adequate supply and equitable distribution of land in the urban area. The last chapter presents a summary of the research, the research conclusions, and some suggestions to aid in policy reform.

## **CHAPTER ONE**

### **URBAN LAND POLICIES AND LOW INCOME HOUSING IN DEVELOPING COUNTRIES: A LITERATURE REVIEW**

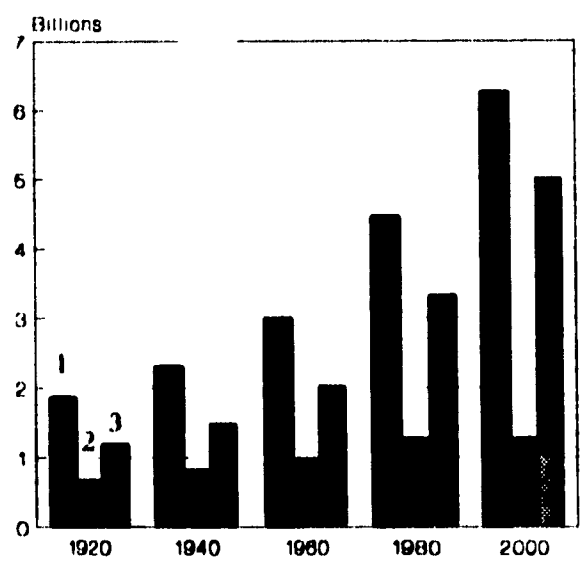
This chapter presents a review of housing and urban land policy issues derived from literature. It is divided into two sections. The first section reviews the nature of urban housing problems in developing countries, and public policy responses to these problems. The second section reviews the role of land in urban low-income housing provision, and explores the issues addressed by land policies and strategies used.

#### **1.10 URBAN LOW INCOME HOUSING SITUATION**

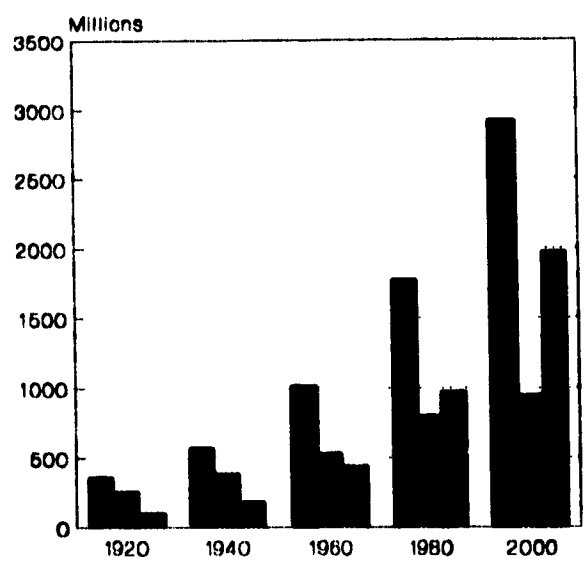
##### **1.11 Urban Growth and Low-Income Housing Provision**

Urban areas through out the developing world have been experiencing a rapid increase in population since the middle of this century. The United Nations estimates the size of the urban population in developing countries to have been 267 million in 1950. It increased to 972 million by 1980, and is projected to further increase to 1971 million by the end of this century. The level of urbanization in developing countries was estimated at about 16 percent in 1980. The level increased to 29 percent in 1980, and is projected to increase to 40 percent by the end of the century<sup>1</sup> (See Figure 1-3).

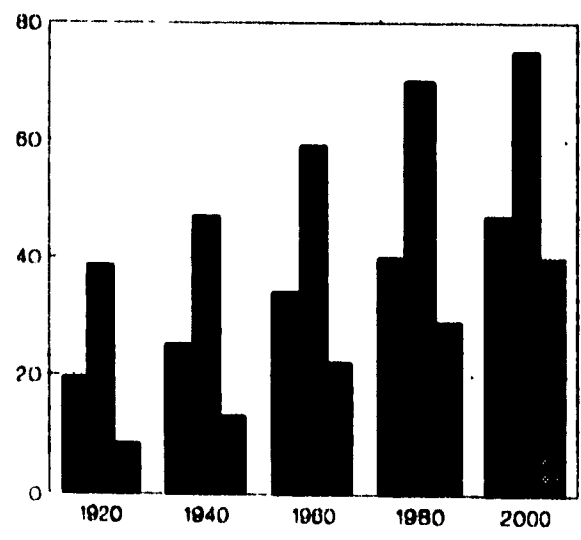
In almost all developing countries, the largest cities have had the highest rate of population growth. Cities with a population of more than 100,000 are reported to have a rate



**Figure 1**  
**Total Population Estimates**



**Figure 2**  
**Urban Population Estimates**



**Figure 3**  
**Level of Urbanization**

- 1 WORLD
- 2 DEVELOPED COUNTRIES
- 3 DEVELOPING COUNTRIES

of growth almost double that of the overall rate of urban expansion (Smith, 1980:4). In 1975, the population in such cities was estimated at 480 million, and this is projected to increase to 1.4 billion by the end of this century (Lim, 1987:176).

Accompanying the rapid increase in urbanization has been an increase in the level of informal housing provision. A large proportion of the population in many of the urban areas lives in informal settlements; For example according to current estimates, "32 percent in Rio de Janeiro, 33 percent in Lima, 37 percent in Karachi, and Kuala Lumpur, 40 percent in Manila, 50 percent in Lusaka and Mexico city, 59 percent in Bogota, 70 percent in Casablanca, and 85 percent in Adis Ababa" (Van Vliet-, 1990:31). The proportion of the urban population in developing countries living in these settlements was estimated at 40 percent in 1981, and is projected to increase to nearly two-thirds by the turn of the century (Sumka, 1987:171).

The use of the informal process of housing provision stems from the inability, by a significant segment of the population in most of the urban areas, to acquire housing through the formal process. This housing problem is a product of widespread poverty, and the inability of the urban areas to ensure the adequate supply of affordable housing through the formal process. Lanquin, reporting on some urban areas, notes that:

The households unable to afford even the lowest cost for a unit of housing was 68 per cent in Nairobi, 64 per cent in Ahmedabad, 63 per cent in Madras, 55 per cent in

Mexico city, 42 per cent in Bogota and 30 per cent in Hong kong (1982:77).

The three most popular processes of informal housing provision generally identified in housing literature are through the creation of slums, squatting, and the illegal subdivision of land. Slums are created through a rapid increase in the level of occupation of the existing settlements, and a general decline in living conditions. Squatter settlements are created through the invasion of vacant public or private land. In illegal subdivision, the practice is for "an informal private sector developer to acquire land from its owner often on the urban fringe, and to subdivide it for sale at whatever rate the market will bear" (Payne, 1989:2). The buyers are then free to build whatever type of houses they want or can afford with no obligation to conform to official regulations and procedures.

The informal settlements are usually located on marginal land that is sometimes both ill-suited to housing and dangerous to health. The unplanned and haphazard growth of the settlements makes the provision of services in the settlements very expensive and often impossible. The rate at which the informal settlements are growing, coupled with the growing proportion of the population housed in them, has contributed to making the expansion of most of the urban areas unplanned and uncontrolled. The informal settlement dwellers are usually denied services and infrastructure by public bodies, and are often subjected to continuous harassment by public officers (McAuslan, 1985:11). The uncertain nature of informal settlements stifles any initiative toward the

improvement of both the housing and the community.

### **1.12 Public Policy Responses to Urban Housing Problems**

During the early stages of urbanization, most governments in developing countries adopted an attitude of indifference to the concomitant problems of urbanization, such as housing. As urban areas expanded, however, and housing problems assumed a crisis dimension, most of the governments were forced into taking action. Before the seventies, the response of most of the governments mirrored the traditional shelter policies of the industrialized world. Emphasis was placed on the clearance of informal settlements and the construction of public housing. By the early seventies, the failure to alleviate housing problems with the conventional policies, combined with pressure from international finance agencies, led to a shift in policy to the "Basic Needs Approach to Development." The Basic Need Approach called for a change in the focus of government policies to meet the needs of the poor within the shortest possible time.

#### **Conventional Housing Policies**

During the sixties and early seventies, informal settlements were generally viewed as urban blight, and as signs of failed economic and social policy (Van Vliet-, 1985:214; Sumka, 1987:172). A solution to their proliferation was seen in the clearance of the settlements, which it was hoped, would reduce their number in the urban areas (Lim, 1987:179). The clearance was complemented by the construction of public housing.

With the exception of the island states of Singapore and Hong Kong, however, conventional policy practices did not make



any significant impact on urban housing problems in developing countries. On one hand, as Angel et al. point out, "in the majority of countries, public housing never became a major source of housing supply and the limited numbers of units produced rarely reached the poor" (1983:530). The standard of the houses produced was usually so high that they were beyond the means of low-income groups, for "Even the moderate-income group to whom most were made available required large subsidies to take advantage of them" (Sumka, 1987:172). The clearance of informal settlements, on the other hand, exacerbated urban housing problems, because "Governments destroyed more housing than they built" (Sumka, 1987:172). The removal has also been shown to lead to the relocation of the settlements elsewhere in urban areas, rather than a reduction in their number (Smith, 1979:26; Lim, 1987:80).

#### **The Aided Self-Help Housing Approach**

The basic need approach led, in housing, to the evolution of government-sponsored self-help housing programmes such as "Sites and Services," "Core Housing," and "Squatter Upgrading." The evolution of the programmes was motivated by research findings, which showed that informal settlements harbour people who have the economic and organizational capacity to provide and improve their housing (Laquain, 1982:78). The programmes sought to emulate the attributes of the informal process of housing development. These attributes include the use of more appropriate standards, the progressive development of shelter units, the use of self help labour, and community participation in housing provision. The approach was largely promoted by multilateral and bilateral aid

agencies, especially the World Bank. The agencies hoped that if the programmes were undertaken on a wide scale and became replicable by limiting the level of public subsidy, a substantial amount of housing could be produced at a fraction of the cost of using the conventional process of housing delivery.

The programmes were not, however, as successful as had been anticipated. After almost two decades of experience with self-help housing programmes, the prospect of meeting housing needs through an extension of the programmes without some fundamental changes appeared grim. Angel et. al. point out that, "Sites and services projects were very slow to materialize, produced only a limited number of house plots and rarely, if ever, attained cost recovery" (1983:532). Van Vliet- also points out that the programmes do not frequently benefit the poor for whom they are intended (1990:58). Squatter upgrading also proved to be counter-productive as a policy for alleviating housing problems, for more colonies tend to spring up in urban areas while the older colonies are being upgraded due to the acute nature of the housing shortages.

#### **Recent Policy Emphasis**

The failure to alleviate urban housing problems in developing countries, with either the conventional policies or the self-help housing approach, is now shifting the focus of attention in housing literature to the need to develop new strategies to deal with the problem. The need for new strategies is further made necessary by the fact that housing provides one of the most significant means of improving the

social and economic welfare of low-income groups, who form the bulk of urban residents in the developing world.<sup>2</sup>

Recent discussions tend to focus on changing the role of government in the housing delivery process. The consensus of opinion, especially within the international donor community who play an important part in the direction of housing policies in developing countries, is that government should no longer be seen as providers of shelter, but as facilitators, mainly responsible for supporting the settlement development process (Sumka, 1987:173). This will in effect mean a shift in the emphasis of public policies from shelter provision, to both the provision of land with secure tenure and available infrastructure, and the assurance of access to credit. The shift in the emphasis of public policies to land delivery is viewed as fundamentally necessary, if significant improvement is going to be made in urban housing delivery, because of the key-role of land in the low-income housing process (Angels et al., 1983; SCBR, 1983).

## **1.20 URBAN LAND: POLICY ISSUES AND STRATEGIES**

### **1.21 The Land Factor in Low-Income Housing Provision**

Land, because of its scarcity and high cost in urban areas, is the major obstacle to the adequate provision of affordable urban housing in developing countries. Access to residential land has generally been shown, according to Asiana, to ensure access to housing for the urban poor in all developing countries (1990:240). This, as Laquain (1982:77) further explains, is because indigenous materials and traditional construction make the shelter units affordable.

As the populations of urban areas expand, there is an

increase in demand for land in order to meet the productive needs of the population. Land has certain inherent characteristics, however, which influence both its supply and market. The quantity of available land is fixed. The supply of usable urban land can only be increased by converting fringe land into urban uses. Land location is also specific. Each location is unique, and cannot be reproduced. The increase in demand primarily results in a competition for land in the most suitable and accessible locations. This pushes up both the value and price of the land.

The ability to convert rural land to urban uses is also subject to certain constraints. The constraints include limitations imposed by natural features, the need to protect fringe agricultural land, and limitations in the financial and implementation capacities of the various countries to provide urban services on a scale to match that of need. These constraints limit land supply, and further increase the pressure toward higher land prices. Excessive holdouts by large private land holders, the use of land for speculation, and inappropriate public policy measures, could all also lead to restrictions on land supply, and increase pressure for the upward movement of land prices.

Over time the expansion in land demand, coupled with the limitations on supply, pushes land prices beyond general income levels. The resulting high land prices become a major cost element in the provision of urban housing. Laquain has observed that in some developing countries, land could account for up to two-thirds of the cost of housing provision (1982:77). The high land prices thus exclude the poor from

participating in the land market and force them to obtain land either illegally, or on illegally subdivided layouts.

Even the informal process of access to land seems, however, to be disappearing in most developing countries. Reports indicate that land markets are becoming formalized, and that governments are getting better at controlling the process (Angels et. al., 1983:529; United Nations, 1984:101).

### **1.22 Goals of Land Policies**

Land policies are the tools used in addressing issues and problems relating to land. In a broad sense, land policies could be defined as all government policies relating to land, aimed at the development of human settlements. The policies are a set of measures and actions, affecting the use, value, and ownership of land, and are aimed at achieving some specific objectives. Land policies are a part of general development policies, and the objectives put forward for the policies relate to the goals of development policy. As part of development policy, land policies are influenced by social, economic, and political factors, that act within the framework of the historical background of a country. The policies are dynamic, changing along with changes in the emphasis in development policies and with the development situation of a country.

The wide variety of factors influencing the formulation of land policies and the varied objectives put forward for the policies in different countries make it difficult to establish any land policy typology. Dunkerley (1983) and Hallet (1988) have, however, identified some of the objectives generally put forward for the policies. The objectives include:

the provision of an adequate supply of land for urban productive activities, including the provision of basic services;

the facilitation of good planning that minimizes the use of resources relative to social and economic benefit;

the achievement of greater equity in wealth and income, including access by low income families to land and shelter; and

a spatial distribution of population and activities at regional and national levels consistent with general national priorities.

The need for public intervention and control over the land market stems from the unique characteristics of land, and the deep social, economic, and physical implication in the distribution of land ownership and in the use of land. Land is a natural resource, which is limited in quantity. It is also critical to the existence of humanity, and is the base for all human activities. The waste of land or its irreversible damage has long term consequences, which makes public control over its use and management necessary. The use and value of each plot of land is also influenced by activities on other pieces of land around it. Public control is therefore necessary, in order to reconcile conflicts and interests in the use of private land.

In almost all countries, the provision of basic services and infrastructure, such as roads, water, and sewers, is the

responsibility of the public sector. The provision of these services is essential to the economic development of a country or city (Darin-Drabkin, 1977:278). Control over the land market is necessary, in order to ensure that the public sector can acquire the land needed for the provision of these services.

Public intervention and control over the private land market also stems from the disparity and inefficiency in the distribution of land and in the allocation of land uses by the private land market. As the United Nations Conference on Human Settlements (the Habitat Conference) notes:

Land . . . cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the private land market. Private land ownership is also a principal instrument of accumulation and concentration of wealth and therefore contributes to social injustice; if unchecked, it may become a major obstacle in the planning and implementation of development schemes. Social justice, urban renewal and development, the provision of decent dwellings and healthy conditions for the people can only be achieved if land is used in the interest of society as a whole (Gertler, 1978:37).

The measures used to achieve the objective of land policies can generally be classified into three types: direct public action; fiscal control measures (taxation); and legal measures (Darin-Drabkin, 1977:186). The effectiveness of the policy measures depends on a number of factors discussed below. Housing provides the best physical evidence of the

effectiveness of the policy measures (McAuslan, 1985:124). An effective land policy will, according to McAuslan, support low-income groups and ensure that their land and community needs are met. The following sections outline the four principal ways in which the public sector intervenes in the land market.

### **1.23 Urban Land Policy measures**

#### **Land Ownership and Tenure**

Public control over land ownership is used to ensure efficiency in the use of private land, to ensure equity in access to land, and to ensure the availability of land for the provision of public services. Control over land ownership takes several forms. Land ownership can be controlled through a redefinition of land ownership rights in tenure policies. Tenure reform can be used to restrict the rights of private land owners in order to ensure efficiency in the use of land, and to ensure that it is subject to public management. One way that this is achieved is by making private land subject to land use regulations and controls. Some countries go further and completely separate land ownership rights from development rights, with the public sector controlling the latter. Another way of restricting land ownership rights is by making private land subject to expropriation for public uses. McAuslan notes that:

Almost all countries have powers of compulsory land acquisition. In centrally planned economies where urban land is already owned by the state, governments can reacquire the use of land (so called 'resumption') (1985:86).



Expropriation laws specify the method and procedures for acquiring land, and for determining compensation for the acquired land. Expropriation laws enable the public sector to acquire land needed for the provision of public services.

Land ownership can also be controlled by controlling the pattern of land holdings. This is usually achieved by legislation limiting the amount of land holdings (McAuslan, 1985:33). Examples of such legislation are found in India, Nigeria, Bolivia, and Libya.

Another form of control over land ownership is achieved through public or collective ownership of land. This can be in a local, regional or national setting. Public ownership of land enables the public sector to maintain control over the use and distribution of land. In such a situation, private users of land acquire rights of use (usufructuary rights), and not the ownership of land from the government. The rights granted by the government do not preclude it from exercising acts of ownership by granting other rights that do not conflict with the rights already granted. The Habitat Conference recommends the public ownership of land as a means of controlling areas of urban expansion (Gertler, 1978:40).

#### **Land Use Regulation and Control**

Land use regulations and controls are used to restrict the rights of private land holders in the use of land. The regulations are used protect public interest in the use of private land. The regulations stem from the need to provide public amenities, to increase the efficiency of land use, to limit urban sprawl and unnecessary encroachment on agricultural land, and to achieve economies of scale and

least-cost production of public services (Courtney, 1983:153). The regulations are also used to ensure the availability of land to all groups, and to ensure that the benefits of development go to the community as a whole.

There are numerous ways through which land use is controlled and regulated. Land use planning is used in the allocation of space for different purposes in a local, regional, or national setting. Zoning regulations are used to specify permitted land uses, and to define norms (such as bulk, height, shape, etc.) for the different land use categories. Subdivision regulations are used to govern the parcelling of land for development. The regulations "prescribe standards for lot sizes and lay-out street improvements, procedures for dedicating private land for public purposes, and other requirements in far more detail than in the zoning plan" (Courtney, 1983:160). Building regulations are used to limit or define the way structures may be built or altered. They specify standards relating to materials of construction, and the assembly of buildings. The land use regulations are enforced through the use of permits and approvals by public agencies and institutions.

#### **Land Value and Fiscal Control**

Fiscal control measures provide another means for controlling the use of land. Such measures are also used to control the value of land, to recoup the cost of public investment in land development, and to recapture unearned increments resulting from increases in land value.

A principal objective of land policy is to ensure that land is transferred at a just and fair value affordable to all

income groups. The value of land is determined by the value of goods and services that can be produced on it. This value, as Nowlan observes, is not determined by the present use of land but by the potential use that could generate the highest value (1977:14). Both the potential use and the highest value of land are determined by two major factors: first is the level of demand for it, which is mostly a product of changes in urban population and the locational characteristic of land, and secondly by public actions such as the provision of services and infrastructure or changes in the intensity of land use, which influences the economic, social, and cultural value of the land.

The relationship of land values to planning policy stems from the fact that the actions that produce the highest land values are incidental and therefore unearned by land owners. The resulting high land values, if left unchecked, encourage the use of land for speculation, and affects the ordered developments of settlements. It also contribute to the creation of disparities in income distribution. Tax measures are used to recapture the land value increments, so that land development contributes to public revenue (Courtney, 1983:154). The Habitat Conference recommends that the

unearned increments resulting from the rise in land value resulting from change in use of land, from public investment or decision or due to the general growth of the community must be subject to appropriate recapture by public bodies (the community), unless the situation calls for other additional measures such as new patterns of ownership, the general acquisition of land by public

bodies. (Gertler, 1978:39)

Apart from unearned increments, other tax measures can also be used to penalize the use of land for speculation, thereby influencing its supply and controlling its value. Tax measures can also be used to control the use of land, by using taxes as incentives for a desired course of land use action, and as a penalty for undesired courses of action. Some of the common taxes applied include site value taxation, vacant land taxation, capital gains taxation, betterment levies, and the sale of development rights.

#### **Direct Public Participation**

The public sector can improve the equity and efficiency in the allocation and use of land by participating directly in the land market. Direct public participation is also essential to ensure the availability of land for the provision of public services. Direct participation may be in the form of the provision of basic services. Government usually provides such services as roads, sewers and water lines, and treatment facilities. Some governments go farther in providing secondary services such as health centres, hospitals, and community facilities. The provision of these services can be used to make the areas more accessible and attractive for development. This enables control over the pattern of land development.

Government may also participate directly in the market through both the assembly and servicing of land, and in its supply for development. The assembly of land can be for a specific purpose or, as in land banking, to acquire land in areas of urban expansion so as to maintain effective control

over developments. The participation of public bodies in land assembly and development is viewed as essential, in order to ensure equitable access to land and effective control over development (SCBR, 1983:33). The acquisition of land for public land development programmes can be done either through participation in the private land market, or by the use of compulsory powers of acquisition. In some countries such as France and Sweden, legislation exists which compels land owners to notify the government of any intention to sell private land. The government then has the option of purchasing it.

Another means of direct participation by the public sector in the land market is through mixed public and private development programmes. Land pooling and land readjustments are examples of such participation. In land pooling, "a public authority acquires an area with many plots and many owners, consolidates and develops the holding and eventually reallocates the land in demarcated and serviced plots to its former owners in proportion to their original holdings" (McAuslan, 1985:89). The cost of and returns on the investment are shared between the land owners and the public body. Sometimes, the public body gets a part of the land as its return.

Direct public participation may also take the form of urban renewal activities. In urban renewal, existing developments--usually derelict buildings, inadequate housing, or informal settlements--are removed from land, and the site is prepared for new uses. The renewal activities are, in most cases, undertaken in combination with resettlement programmes

to rehouse those affected by the developments. Urban renewal activities can be used to increase efficiency in the utilization of land.

#### **1.24 Factors influencing the Effectiveness of Urban Land Policy Measures**

Dunkerley (1983), McAuslan (1985), and Darin-Drabkin (1977) have examined some of the factors that influence the effectiveness of urban land policy measures. The following sections outline some of these factors. The problems associated with land policies in developing countries are also pointed out in the appropriate places.

##### **Land Management Framework**

The framework established for the management of land is probably the most important factor in the successful formulation and implementation of land policies. Land is usually administered by a group of government departments, ministries, autonomous or semi autonomous government agencies, with each overseeing a specific aspect of land management. Some common aspects overseen by the agencies include the distribution of land rights, the regulation and monitoring of market processes, public lands, development planning and control, technical standards, and fiscal matters (Yahya, 1983:78).

The adequacy and effectiveness of a land management system affects the ability to implement all aspects of an urban land policy, and the achievement of the desired policy objectives. It affects the ability to plan and regulate the use of land, the ability to enforce regulations, and the ability of the public sector to successfully participate

directly in the land market. The effectiveness of a land management system is a reflection of the collective effectiveness of the individual institutions overseeing the different aspects of land management. Among the factors that improve the effectiveness of land management institutions are: the availability of definite and unified policy guidance; the clear definition of institutional responsibilities; the degree of coordination between the different institutions; the capacity of the institutions in terms of manpower, resources, and equipments; the availability of adequate information on land; and the level of decentralization in decision making (McAuslan, 1985:112; SCBR, 1983:25-29).

Yahya has identified some specific problems faced by land management institutions in most developing countries (1983:81). The problems include: a general lack of policy guidance; overcentralization of decision making; inadequate planning and programming capability; inadequate data sources; manpower problems; insufficient resources; intra agency conflicts; and political interference in land management.

#### **Appropriateness of The Policy Measures**

Different countries and urban areas have different social, economic, political, and historical backgrounds. The effectiveness of land policy measures is determined by the appropriateness of the policy measures within the context of these backgrounds. As Dunkerley notes:

The wide variety of control systems reflect the varied development of social systems and ethics. In consequence, what is appropriate and works to the best public advantage in one city generally cannot be

transferred with similar results to another city, even within the same country (1983:30).

Inappropriate land policies could be counter productive, and hinder the achievement of policy objectives.<sup>3</sup> In developing countries, inappropriate land policy measures are generally identified as major contributors to the inability of ensuring the adequate supply of land in urban areas. Land use regulations and control measures, for example, are reported by the World Bank to be a complete failure in most of the countries (McAuslan, 1985:64). The failure of these measures stem from the use of foreign and inappropriate instruments and models of control, which bear no relevance to the prevailing rapid rate of urbanization and limited administrative capacity in the developing countries. Building codes are also another example of inappropriate instruments of control in developing countries. Dunkerley points out that, they "have often been derived from codes in the developed world. They are generally out of date and inappropriate, not taking full account of local materials and above all, of the standards that be generally afforded" (1983:33).

#### **Coordination of policy measures**

The vast array of policy measures used to achieve the interrelated and sometimes conflicting objectives of land policies create side effects due to interrelationships which could be counter-productive to the achievement of the policy objectives.<sup>4</sup> The effectiveness of land policy measures, as Darin-Drabkin notes,

depends to a great extent on the coordination of policy measures in order to minimise the side effects due to the



interrelationship between different policy measures. The results achieved by a particular policy measure is a function not only of its efficient implementation, but also the result of the effects provided by other, different measures (1977:185).

#### **Availability of Information**

The availability of adequate information on land is a necessary prerequisite for the effective implementation of most land policy measures. As Rivkin points out:

Even the most unsophisticated and rudimentary effort to establish positive control requires information. At the very minimum, it is necessary to have records of existing land use, development density, and ownership, along with accurate information on soil characteristics, the location and capacity of existing utilities and services, and so on. For planning purposes, information on economic and social characteristics of the population and its activities are essential (1983:175).

The availability of adequate information determines the ability to control land ownership, control and regulate the use of land, and the ability to develop an effective taxation system. It also affects the ability to acquire land for public uses. The lack of information on land ownership is one of the major problems hindering effective control over development, and the creation of an effective taxation system in most developing countries (McAuslan, 1985:101).

#### **Allocation of Adequate Resources**

The implementation of urban land policy programmes usually requires large financial resources, especially if the

intention of the public sector is to intervene in the land market on a large scale. Financial resources are required to fund land-assembly programmes, provide services and infrastructure, implement land use plans, and ensure the availability of adequate institutional frameworks in terms of manpower and adequate operating equipments. The ability of the public sector to generate the necessary resources affects the outcomes of the implementation of land policy measures (Darin-Drabkin, 1977:185).

#### **Administrative System**

The outcome in the implementation of land policy measures is also influenced by the level of harmony between the different levels of governments in the application of the policy measures, and by the political and administrative framework within which the measures operate (Darin-Drabkin, 1977:185; McAuslan, 1985:77). Conflicts between the different levels of governments may hamper the effective implementation of land policy measures. The effectiveness of the policy measures also reflects the effectiveness of the administrative system behind the policies, and the political philosophy of the state in which the policy measures operate. Where there is an efficient administrative system, and there is both an obligation on the part of the citizenry to obey regulations and a state willing to enforce them, then there is a tendency for the policy measures to be effective.

Land policy measures are also subject to subversive pressures from powerful political interests. Dunkerley points out that "the efficient implementation of controls on urban land depends not only on institutional capacity and political

will, but also on the strength of the countervailing pressures and the account taken of them in the control system" (1983:31).

A major problem facing most developing countries in the implementation of land policies is the ineffectiveness of their administrative systems. Most of the countries have bureaucracies that are inefficient, sometimes corrupt and lacking in social discipline (McAuslan, 1985:77). These traits are reflected in the implementation of land policy measures.<sup>5</sup>

Another aspect associated with the failure of the land policies in developing countries stems from the fundamental structure of their societies. McAuslan points out that the developing countries tend to be what has been referred to as "soft states"--states in which national governments require extraordinarily little of their citizens, and in which even those obligations that exist are inadequately enforced (1985:77).

#### **1.24 Strategies for Improving Urban Land Delivery**

Comprehensive strategies for improving urban land supply and its delivery to low income groups in developing countries have been put forward by SCBR (1983), Angels et. al. (1983), and Doebele (1987). The strategies fall into three broad categories: direct action, improved interaction between the public and the private sector, and a more efficient management of the existing land resources. An outline of their suggestions are presented below.

##### **Direct Public Action**

Participation in aggressive programmes of land assembly and servicing. An important step toward improving land

delivery is for government to recognize that the ultimate key to solving housing problems is to increase, as rapidly as possible, the total supply of land accessible to low-income households. There should be a shift in the emphasis of housing policies from shelter provision to land delivery, with the public sector participating both in aggressive, continuous, and institutionalized programmes of land assembly and in the expansion of infrastructure to substantially increase the amount of new land coming into the market.

**Improved methods of cost recovery.** Public participation in land delivery requires the availability of adequate financial resources. Improved methods of cost recovery, such as the elimination of subsidy in land allocation, the recovery of the cost of supplying public services, and the recapture of unearned increments, will enable governments to generate the needed resources.

**Prevention of the destruction of informal settlements.** The destruction of existing informal settlements contributes to worsening rather than improving the land and housing situation of the poor. The access of low-income groups to land can be improved by programmes of upgrading and tenure legalization. This keeps low-income households near known sources of employment, while facilitating the physical improvements of their housing and communities.

**Better legislation for compulsory acquisition.** The participation of the public sector in land assembly and development is viewed as critical and inevitable in the bid to improve both the supply of land and access to it. Governments can strengthen their ability to participate by enacting more

appropriate and easily applicable expropriation legislation, which includes expropriation of land for low-income housing.

**Appropriation of surplus public land for development.**

Public bodies sometimes hold vast amounts of vacant land, which is not available for planning or allocation. The supply of land can be increased by taking an inventory of all the land held by public bodies and corporations, and releasing surplus public land or under-utilized land for residential development.

**Improved Interaction Between the Public and Private Sectors**

**Understanding and supporting informal systems.** Informal systems of land acquisition development are yet to be properly studied and understood. Encouraging more studies of the informal system of land acquisition will enable public programmes to be designed to facilitate and encourage the process. This can be done with the objective of harnessing the best qualities of informal systems, while limiting their less desirable qualities.

**Joint public and private developments.** Participating in joint public and private developments, such as land pooling or land readjustment schemes, can enable public bodies to acquire land, which could be supplied for residential development.

**Encouraging private sector developments.** The supply of land for low-income housing can be increased by using tax incentives to stimulate large private sector developers to participate in the development of land for housing. Large private sector developments can also be made contingent on the supply of land for low-income housing.

**Cooperative land development.** Groups of low-income

households can be organized to settle on undeveloped land, and to gradually develop it into a settlement. Services and infrastructures can be extended to the settlements according to the availability of resources. Community organizations can also be encouraged to participate in the provision of services and infrastructure.

#### **More Efficient Management of Existing Supply**

**Appropriate standards.** Inappropriate subdivision standards lead to inefficiency of land use, encourage the sprawl of urban areas, and limit the effective utilization of public services and infrastructure. High standards of infrastructure provision increase the cost of land development, thereby limiting supply. High standards in building codes also encourage illegal developments, and inefficiency in land use. The formulation of more appropriate subdivision and infrastructure standards, and more appropriate building codes, will increase land supply by ensuring the effective use of existing resources.

**Use of community initiatives.** The use of community organizations and initiatives can facilitate public programmes of land delivery, thereby creating substantial savings in time and funds. This can quicken the pace of public land supply programmes, and ensure the protection of public investments. The use of such organizations can also improve the efficiency in land management by public bodies.

## NOTES.

1. The population data were derived from two sources: figures up to 1950 were derived from United Nations figures compiled by Hauser et al. in Hauser et. al. (ed.) (1982). Figures for 1950 and beyond were derived from the United Nations (1988).

2. Housing, according to Chatterjee (1981:6), has the capacity to provide access to services, generate employment and income, induce savings, increase productivity, and create room for social and economic mobility.

3. For example, high standards in the regulation and control of land use will increase the cost of land development and restrict the supply of land. Thus where land is inadequate in supply, or the public sector unable to bear the burden of the additional cost, such standards will be inappropriate.

4. Among the side effects, for example, are the effects of tenure policies on the ability of the public sector to acquire land for the provision of services, and the pressure for the subversion of land use control measures created by acute land shortages.

5. An example of the effect of administrative systems on the implementation of land policies is found in public land allocation. McAuslan (1985:77) has observed that, "Bureaucratic incompetence is often joined by corruption which in effect turns public (land) allocation (in developing countries) into market allocation. The highest payer gets the choicest land."

## **CHAPTER TWO**

### **LAND POLICIES AND PRACTICES IN KANO**

This chapter reviews the land policies and practices in the study area. It is divided into two sections. The first section introduces the study area, while the second section reviews the land policies and practices.

#### **2.10 KANO: A CONTEXTUAL INTRODUCTION**

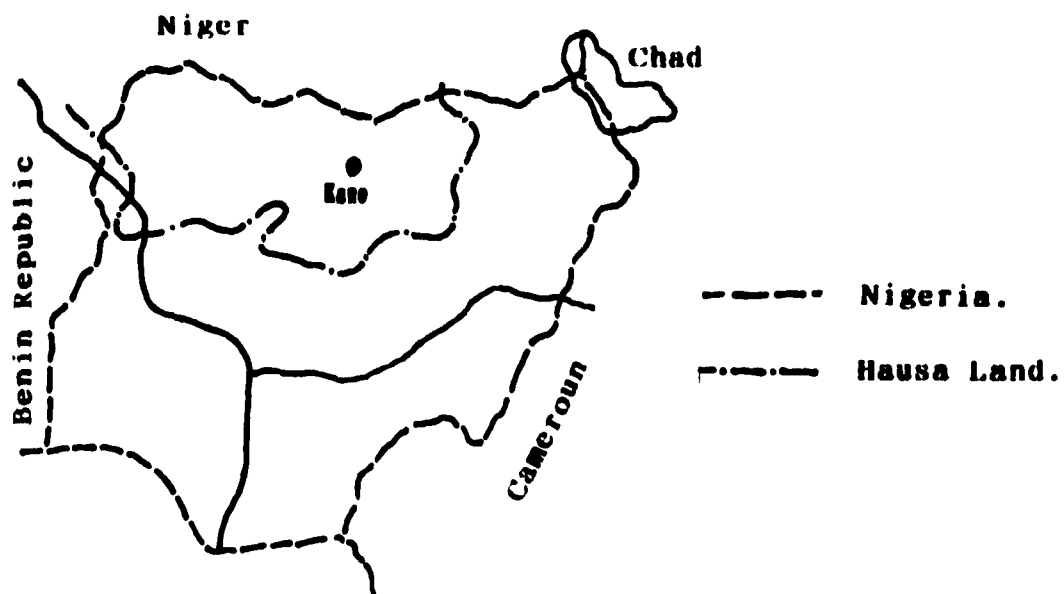
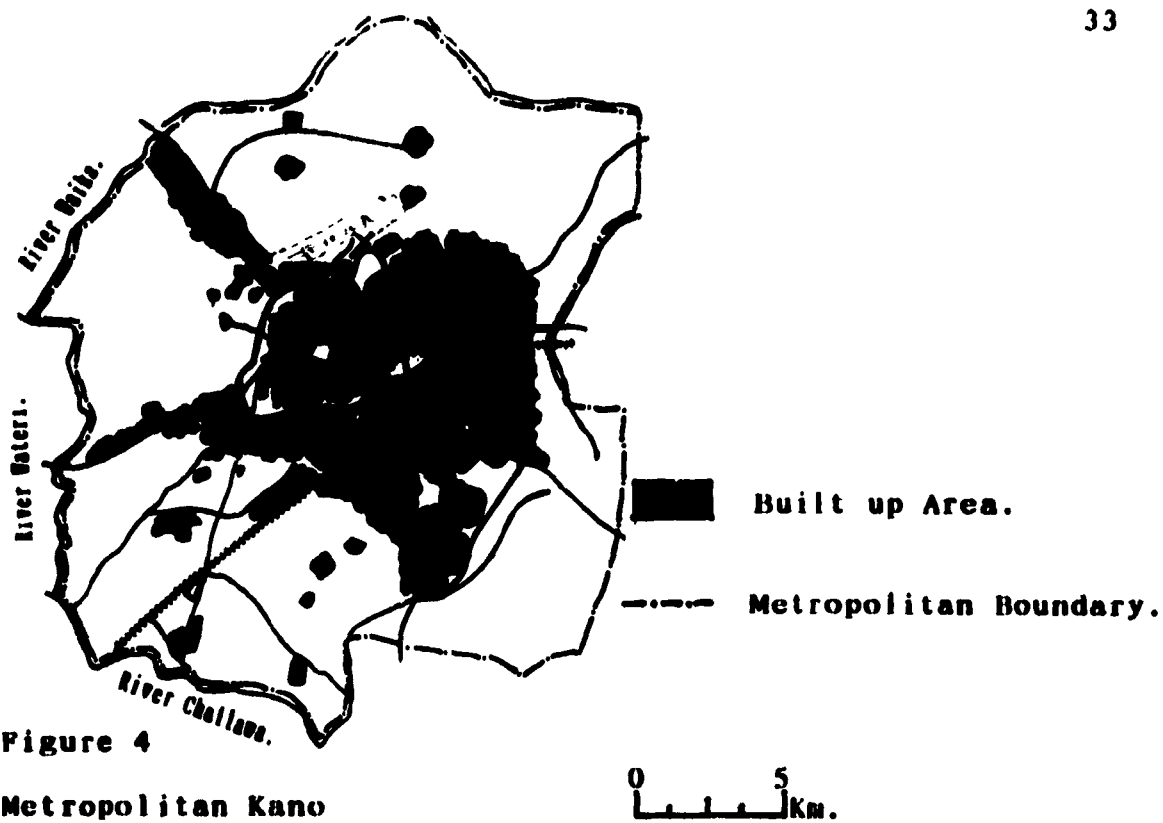
##### **2.11 Settlement History**

Kano is the capital city of Kano state, one of the 30 states of the Nigerian federation. It is the primary city in Northern Nigeria and the third largest city in the country. Kano was founded in the 10th century by Bagauda,<sup>1</sup> who established the "Habe" ruling dynasty.<sup>2</sup>

By the mid-16th century<sup>3</sup>, Kano was regarded as "one of the three main towns in Africa on a par with Fez and Cairo" (Last, 1983:68). By the 19th century, the city had become established as a centre for commerce and craft manufacture and was the busiest and wealthiest market in West Africa. One of the city's products, Kano beaten and dyed cloth, was estimated to clothe more than half the population of the central and eastern Sudan as late as 1890 (Johnson, 1983:141). Another product, Tanned and dyed skin, was held in 1870 to account for an export of about £48,000 from Kano (Johnson, 1983:136).

The Islamic religion was introduced into the city between 1359 and 1385 A.D. A stockade was erected around the city between the 12th and the 14th century. In the 15th century, the stockade was expanded to almost its present size, and the materials of construction changed to mud bricks. Further





expansion were made to the city wall in the 16th and 17th centuries (See Figure 6).

Following the competition for areas of trade by western colonial powers in the 19th century and the Berlin conference of 1886, Kano, along with the rest of Northern Nigeria, became a British protectorate under the Royal Niger Company. In 1903, Kano came under direct British rule as a result of the decision to extend direct colonial administrative control over the region. In 1914, the Northern region was amalgamated with the South into one country. A political crisis in 1966 resulted in the division of the country into twelve states. Kano became the capital of Kano state, a status the city has retained despite additional changes to the structure of the country.

Clapperton (1966) estimated the population of the city in 1824 at between 30,000 and 40,000. A census in the early period of the colonial administration in 1911 estimated the population of the urban area at 39,369. Table 1 shows estimates of Kano's population between 1824 and 1984. The figures between 1911 and 1963 are based on census figures. The figures after this period are, because of the lack of any census estimates, based on projections. The rate of population growth in the city was estimated at less than 2.5 percent per year before 1950, and at about 2.5 percent per year during the 1950s. It rose to 4.6 percent per year between 1963 and 1968, jumped to 8.1 percent per year between 1968 and 1973, and further increased to 10 percent per year for the remainder of the decade (Frishman, 1988:106). In 1985, Kano was "identified as among the fastest growing towns in the country" (KSUDB, 1985:36).

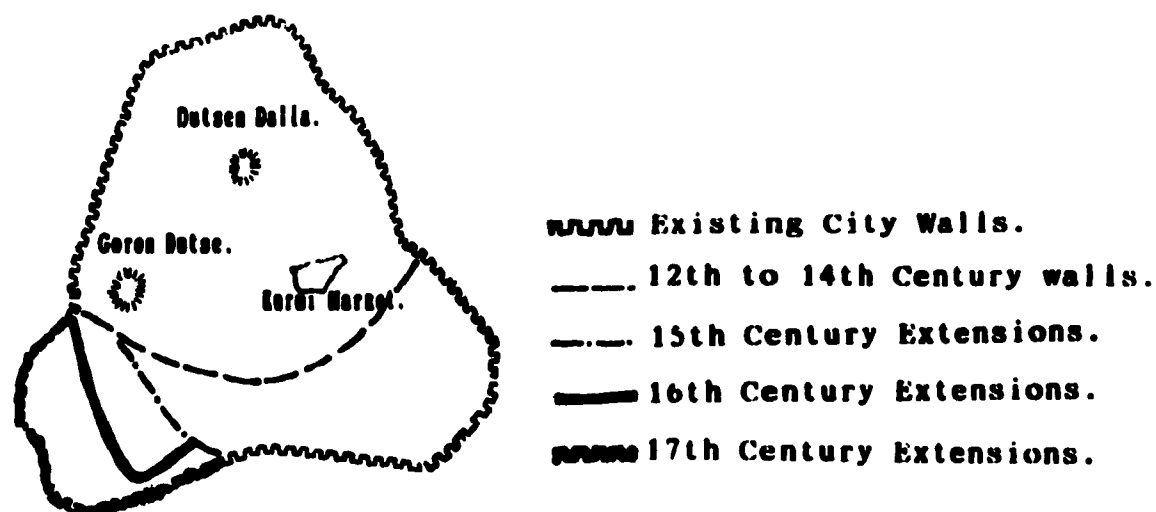
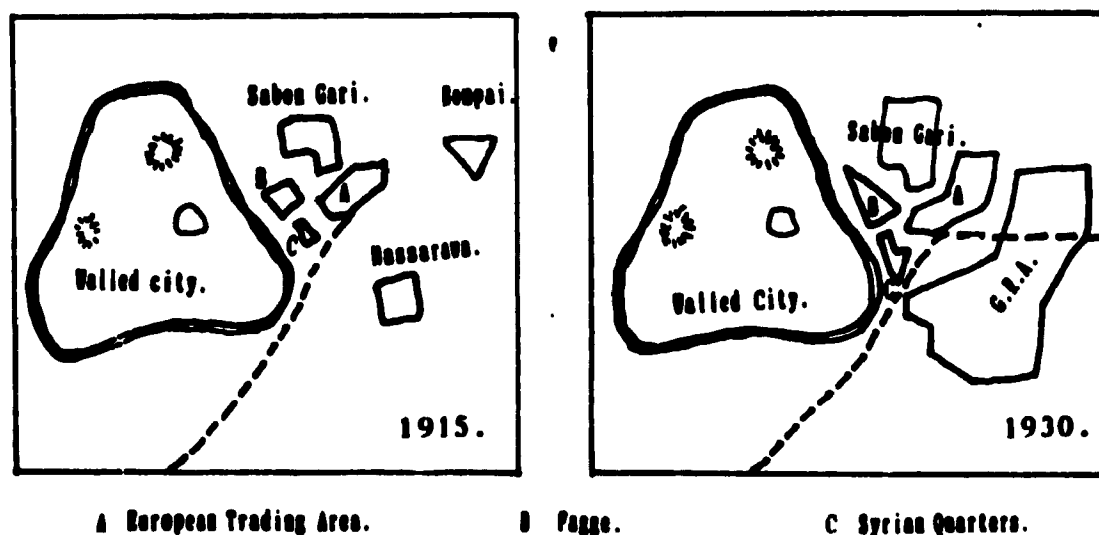


Figure 6

0 1 Km.

Plans of Pre-colonial Kano Walls Source (Barkindo, 1983).



G.R.A. = Government Residential Area.

Figure 7

Colonial City Structure

Source (Frishman, 1977)

**Table 1**  
**Urban Population estimates in Kano (1824-1984)**

Sources (Frishman, 1977:216;  
Travalion, 1962:8,  
Onibokun, 1989:78)

\*Show figures that were  
derived from population  
projections.

Year	Population
1824	30,000-40,000
1911	39,368
1921	49,938
1931	86,162
1952	127,000
1963	250,000
1982	1,000,000*
1984	1,653,000*

By the late seventies, unemployment had become a major problem in the Kano urban area. A report by KSUDB showed that during the period 1977 to 1978, only a third of the urban population were engaged in any gainful employment (1980:44). About two-thirds of the total number of those employed were engaged in self-employment, or more appropriately underemployment, in such informal sector activities as trading, driving, truck pushing, and other private businesses, or in small scale farming activities. A survey in the urban area in 1986 showed widespread poverty, with 80 percent of the sample earning below the 125 Naira per month minimum wage (Maruf, 1986:70).

## **2.12 Settlement Growth and the Introduction of Land and Settlement Development policies**

The foundation for the existing structure of Kano and the existing land policies in the city was laid during the colonial administrative period (1903-1960). The foundation for the structure of the city was laid with the adoption of the colonial policy of indirect rule<sup>4</sup> and the introduction of the concept of spatial segregation of ethnic and racial groups. The first British administrative station was established at Nassarawa outside and to the east of the walled city. This marked the beginning of the expansion of Kano outside the traditional walled city.

The 1904 Annual Report of Northern Nigeria provided the first suggestions for controlling the spatial structure of colonial cities in Northern Nigeria. The report put forward suggestions for the selection of British administrative stations based on health considerations. In Kano the application of the suggestions led to the movement of the administrative station from Nassarawa to Bompai. The two were later merged, and evolved as an exclusive European settlement known as the Government Residential Area.

The establishment of the colonial administrative centre resulted in a gradual increase in migration to Kano. This was motivated by the demand for skilled and unskilled labour needed to man the services provided by the colonial government, and the demand for labour resulting from the increase in commercial activities in the city. The colonial administration adopted a policy of establishing new settlements and of expanding the existing ones to accommodate

the increase in demand for land and housing resulting from the increase in migration. A new settlement called Sabon Gari (Hausa for "new town") was established in 1913 as a settlement for people from the southern part of the country. Fagge, a camel station established in the 15th century, was also expanded and developed as a settlement for the growing number of Arab and Lebanese traders. In 1932, Gwammaja was developed as an experimental settlement for migrants inside the walled city. Tudun Wada was developed in 1940 as a settlement for Hausa migrants, and for soldiers returning from the Second World War. Gwagwarwa, a small village outside and to the northeast of the walled city, was incorporated into the urban area in 1953, and developed as a mixed residential area for Hausa migrants and migrants from the southern part of the country.

In order to rationalize their settlement rights, the British colonial administrators undertook an examination of the land tenure system in the region during the early period of the colonial administration. This resulted in the enactment of the Land and Native Right ordinance of 1910, which effectively nationalized the land in the region. The ordinance gave the governor wide powers of administration over land, with the stipulation that native laws and customs existing in the area in which the land is situated be respected in the exercise of these powers<sup>5</sup> (Elias, 1962:37). Because of the indirect system of administration, however, the governor's powers were only applicable in the settlements established during the colonial period. The native rulers were allowed to administer land in all the other areas for the

governor, and native occupiers were allowed to continue with their customary land holdings and practices.

Tenure forms developed in the different areas of the city reflecting the administrative arrangement for managing land. In the old city, Fagge, and the surrounding areas, land was granted by the emir, with no rent charged for it. The land was held in perpetuity and was only available to natives. In Sabon Gari, Gwargwarwa and the other non-native African settlements, a nominal rent was charged for land, and long-term leases ran up to 20 years. Minimum improvements were required and plots could be held by both natives and non-natives. The land was allocated on a "first come, first serve" basis. In the British township, a substantial rent was charged, and terms ran up to 99 years. Minimum improvements were obligatory and any qualified occupant could occupy the plots.

By 1915, the basic structure of the urban area had become established: a traditional native sector (the old city, Fagge, and the surrounding rural areas), an African non-native sector (Sabon Gari), an Arab sector (Fagge ta Kudu), and a European sector (the government residential areas at Nassarawa and Bompai, and the area around the railway station). Frishman reports that:

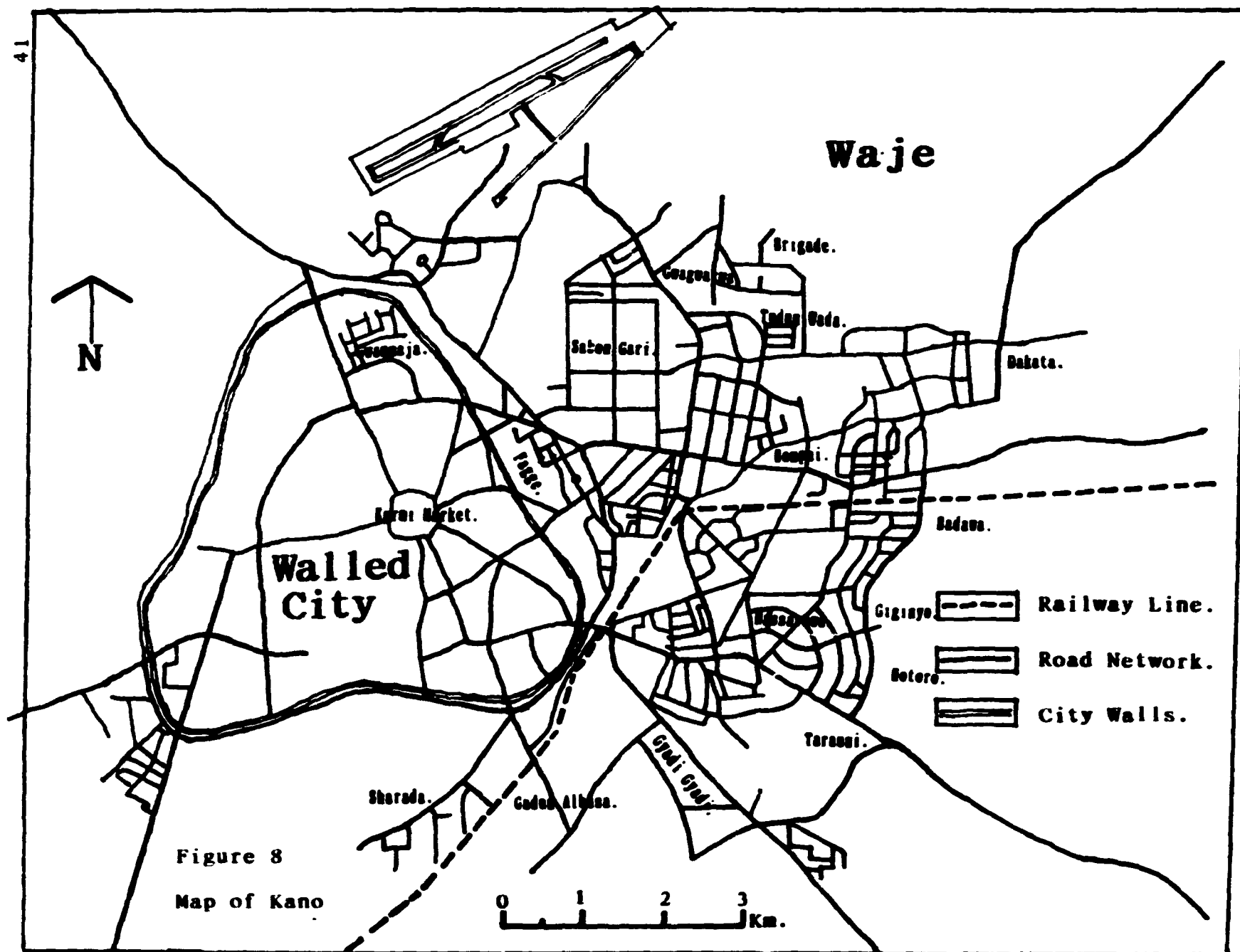
the indigenous population were left to their customary laws and lifestyle, and protected from newcomers. The non natives (the Europeans, Arabs, and other Africans) were to live in a separate area (Known as Waje in Hausa), under modified British laws and directly under British control (1977:101; see figures 7&8).

The area under British control emerged as the only area subject to the application of the western form of planning and land use controls.

In 1923, a memorandum on "Segregation and Town Planning" prepared by Dr. Rice in 1921 was passed to the administrators of Northern Nigeria. This contained the first regulations for controlling the structure of the urban area. The recommendations called for a township separated from the native city, which was further divided into purely residential areas and a mixed-use area. The memorandum recommended a building-free zone of at least 440 yards between the different residential areas and between the residential areas and the native city.

Following the Rice recommendations, a layout was prepared for Kano in 1927 that fixed the characteristics of the urban area. This structure was composed of a central business area next to the railway station, which could be expanded northward, a European residential area with plenty of room for expansion, a Syrian area next to the railway line, which could be expanded southward, and the non-native African settlement, which could be expanded to the north and west. These areas were separated from each other and from the walled city by a building-free zone (See figure 7). In 1940, congestion in certain areas of the city led to the introduction of building regulations. The regulations limited the level of plot occupancy, and specified standards of building materials and construction. In 1946, the Town and Country Planning Law was enacted as a framework for guiding the rapid growth of the country's major cities.





After the Second World War, the rate of expansion of the settlement made a review of the concept of the building-free zone necessary. The increase in the rate of population growth had pushed up the demand for land due to the rapid expansion of the urban area. Between 1952 and 1956, the concept was abandoned when layouts were made in the building-free zones. In 1956, the Town Planning Officer of the city called for a long-term plan that should cover the entire city including the walled city, in order to guide its development (Frishman, 1977:155). The rapid expansion of the city was drawing all the residential areas together. The long-term plan was not, however, prepared until 1963, when institutions were also created to coordinate and regulate the allocation and use of land in the urban area. The same institutions with minor modifications still form the bedrock of the existing land management system in the city.

By 1960 when Nigeria became independent, Kano had developed into one of the largest urban areas in the country. Figure 8 shows the spatial development of the settlement from its establishment until 1985. Subsequent developments in the city have produced a more homogenous urban structure. In recent years, developments tend to be concentrated increasingly along the urban periphery and on the major roads leaving the urban area. More rural land is also being converted into urban uses. Figure 9 shows an aerial photograph of the western part of the urban area. Despite the homogenization of the urban area, the major residential areas have retained distinct characteristics related to their ethnic composition and housing conditions, or income levels. Table

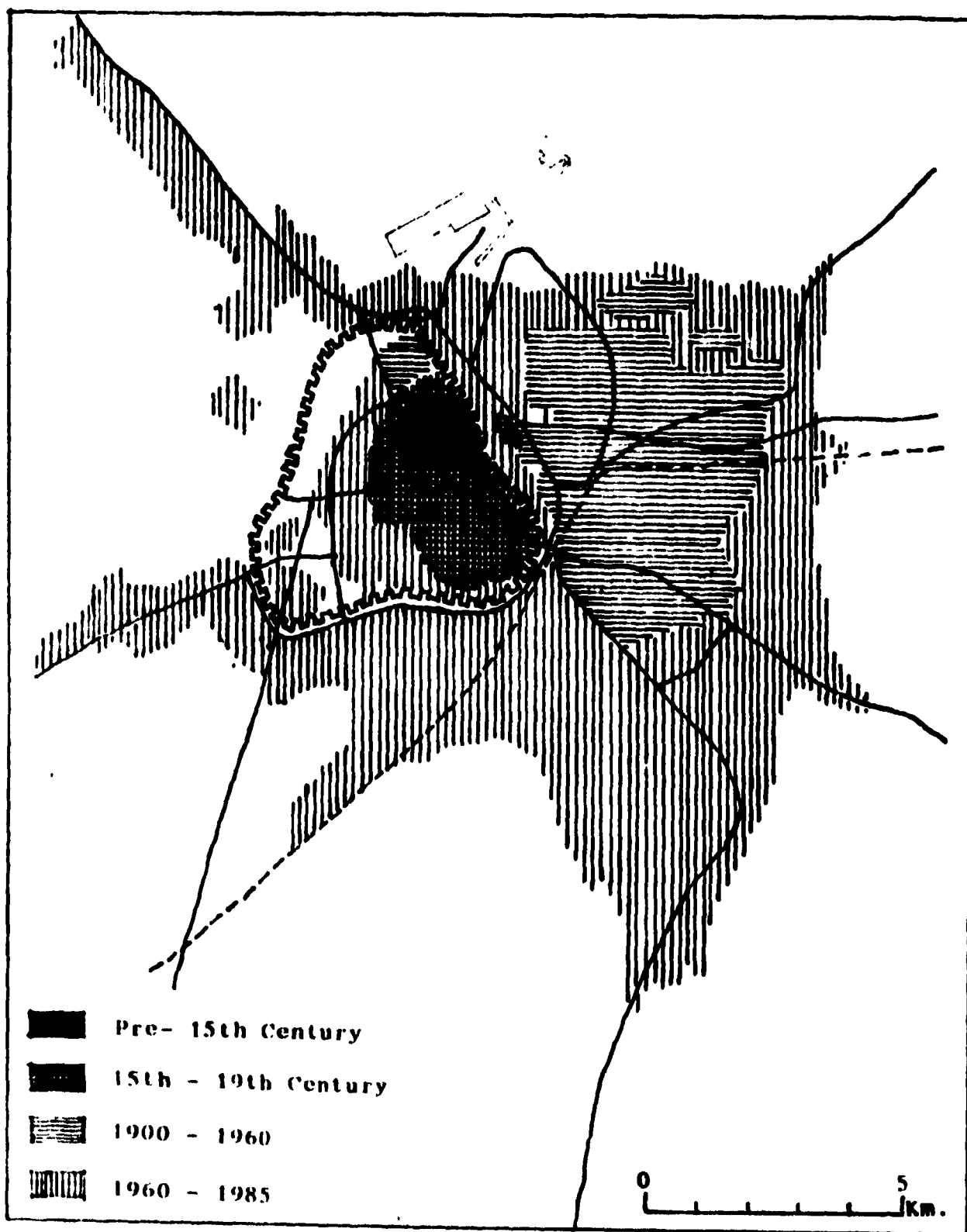


Figure 9

Kano: Spatial Development Pattern



**Figure 10**

**Aerial Photograph of Kano City**

**Table 2**  
**Urban Housing Characteristics**

	Gross Density Pers. per Ha.	Net Density Pers. per Ha.	Ave. Comp. Pop.	No of Pers. per Comp.	No of Pers. per Rm.
Walled City	260-710	447- 1000	10	5.2	1.92
Fagge	517	1218	13.32	5.7	2.3
Sabon Gari	464	780	37.7	14.2	2.7
Tudun Wada	452	992	11.3	5.7	2
GWagwarwa	590	890	23.5	7.4	3.2
Nassarawa	20	25	10	6	1.66
Kundila H/Estate	52	230	4.2	2.3	1.8

2 shows some characteristics of the major residential areas.

The housing situation in the city is characterized by serious housing shortages. Studies in 1963, 1972, and 1989 have, according to Frishman (1988:115), shown a housing deficit of 8000, 18740, and 17600 respectively. Housing provision is projected to have increased at 3.6 percent per year from 1963 to 1980, while the population increased at 7.9 percent per year. With the exception of the Government Residential Areas and the recently-developed public housing estates, almost all the residential areas are characterized by inadequate vehicular and pedestrian access networks, an ineffective drainage system, a poor sanitary and refuse collection system, and a lack of fire protection and other

community facilities (Aboesh, 1982:70; Musa, 1987:25).

## **2.20 LAND POLICIES AND PRACTICES IN KANO**

### **2.21 Policy Framework for Land Ownership and Management**

The focus of the existing land policies in Kano is on the public ownership and allocation of land, and the control and regulation of land use. The framework for land management is established by two laws: the Land Use Decree of 1978, and the Town and Country Planning Law of 1946. The Land Use Decree's objective is the protection of the right of all Nigerians to use and enjoy land, while the objectives of the Town and Country Planning law are to control the development and use of land in planning areas, and to preserve buildings or other objects of architectural, historic or artistic interest.

#### **1978 Land Use Decree**

The Land Use Decree is closely modelled after the 1916 Land and Native right ordinance of Northern Nigeria. The decree vests all land within the territory of each state in the governor of the state. It also vests the control and management of land in the urban areas in the governor. The control and management of land in the rural areas was vested in the local government within the area of jurisdiction in which the land is situated. The decree provides for the establishment of a land use allocation committee, which is to advise the governor on any matters connected with the management of land, including the resettlement of persons affected by revocations of rights of occupancy and disputes concerning compensation for land. There was also a provision in the decree for the setting up of a land allocation advisory committee to advise local governments on similar matters in

connection with rural land.

Other powers conferred on the governor by the decree include the right to designate urban areas, to grant statutory rights of occupancy to any person for all purposes (not exceeding half a hectare to individuals), to demand rent for land granted to any person, to revise such rents from time to time, and to impose penal rent for the breach of any covenant in a certificate of occupancy. Local governments are also authorized to grant land for agricultural, residential and other purposes on a customary basis.

The decree empowers the governor to acquire land for overriding public interests, with the injunction that compensation be paid to those whose rights and interest in land are disturbed by such measures. The decree, in similar fashion with the Land and Native rights ordinance, also declares the alienation of land by assignment, mortgage, transfer of possession, sublease, or in any other form illegal without the consent of the governor.

### **3.12 Town and Country Planning Law**

The Town and Country Planning Law, first enacted in 1946, is closely modelled after the English Town and Country Planning Act of 1932 (McCoubrey, 1988:381). It has since its enactment been the object of several minor modifications, the last being by Edict Number 7 of 1972.

The principle of land use regulation in the legislation is based on the designation of a planning area, and the preparation and approval of a planning scheme according to specified procedures. Before the coming into effect of a planning scheme, the law empowers the governor to enact a

general or specific interim development order to guide development in a designated planning area. The law specifies that no development may take place in a planning area except according to an approved scheme, or an interim development permission.

To oversee the planning and regulation of land use in the planning areas, the Town and Country Planning Law provides for the establishment of planning authorities for one or more of the planning areas. The planning authorities are empowered to purchase land in designated planning areas either compulsorily or by agreement, to charge betterment levies (of up to 75 percent of the increase in land value) on landowners as a result of increase in land value resulting from the action of the authorities, and to levy planning rates in either part or all of a planning area. The authorities are also empowered to provide housing to low-income groups who are displaced in the execution of any scheme under the provision of the legislation. The 1972 amendment to the legislation gives the authorities power to require any person to remove or pull down any building or work in any planning area, which has not been executed according to an approved scheme or an interim development permission. Where there is a failure to comply, the planning authorities are empowered to execute the removals and to recover the cost of doing it.

## **2.22 Land Management and Land Use Regulation and Control Practices**

### **Institutional Framework for Land Management**

Two agencies are responsible for the management of land and the control and regulation of land use in Kano. The Land



and Survey Division, an administrative arm of the governor's office, performs the functions of land management provided for by the 1978 Land Use Decree for the governor. The Kano State Urban Planning and Environmental Protection Agency is constituted as a planning authority for Kano State under the provisions of the Town and Country Planning Law.

#### **Land and Survey Division**

The Land and Survey Division was created in 1967, under the Ministry of Works and Surveys. The division took over the responsibility of land management from the Native Land Office, then under the Kano Native Authority. A land registry was opened in the division in 1968. In 1975, a political reorganization led to the elevation of the division into the Ministry of Land and Survey (KSG, 1989:3), and another reorganization in 1983 led to the transfer of the functions of the ministry to the governor's office as a division.

The division is divided into four sections: the administrative section, the land department, the survey department and the town planning department, under the supervision of a permanent secretary. The duties of the division include;

- a) Land assembly and the payment of land compensations.
- b) Processing applications for matters related to land including allocation, permission for alienation, valuation of property, transfer of land grant, land regrant, land subdivision, lease, and change of use.
- c) Collection of land rents.
- d) Keeping a register of land ownership.

The agency usually publishes a handbook, which spells out

its duties in relation to land and the procedures applying to any land matter that is within its jurisdiction. The handbook also provides information on the currently applicable land rents. Land development is usually undertaken by the agency in response to a request from a specific large land developer or because of pressure or demand from the public. The funds for land developments are provided by the state government. Land is allocated by the agency on a 99-year leasehold basis, with a two year limit for effective development when at least 30 to 40 per cent of the value of the development must have been completed. Other covenants attached to land grants are specified in a certificate of occupancy issued by the division as a symbol of rights over a particular piece of land (see appendix 1 for a sample). The subdivision of land for allocation is carried out by the planning agency.

#### **Urban Planning and Environmental Protection Agency**

The Greater Kano Planning Authority, established in 1962, was the first planning authority for the Kano metropolitan area under the Town and Country Planning Legislation. The performance of the Agency was handicapped because of the lack of an enabling legislation to back its existence. In 1976, the situation was corrected with the enactment of the Kano State Urban Development Board Edict No 5 of 1976, establishing the Kano State Urban Development Board. The edict, following the provisions of the Town and Country Planning Law, empowered the Board to perform the functions of a planning authority for all the urban areas in the state (Mousa-Booth, 1987:167). A review of planning legislation in the state in 1979 by a United Nations consultant, Prof. J. W. P. McAuslan resulted in

the need for a review of the edict. This exercise was carried out in 1989, and led to the renaming of the board with the enactment of the kano State Urban Planning and Environmental Protection Agency Edict (1989).

The duties of the planning agency specified in section 17 to 19 of the edict include:

- a) the preparation and review of land development plans;
- b) the control of the development and use of land in all urban areas;
- c) the ensurance of an effective and continuous sanitation as well as general cleanliness of the state;
- d) the administration of any laws controlling and regulating the construction of any building;
- e) the preservation of buildings or other objects of architectural, historic, and artistic interest and beauty;
- f) the design and provision of industrial, commercial and residential layouts;
- g) the planning, design and provision of its own housing estates;
- h) the provision and maintenance of proper infrastructure for urban development in the state;
- i) the carrying into effect of any approved scheme in respect of urban areas; and
- j) the performance of all other acts that may appear necessary for the purpose of its functions.

The agency is empowered by the edict to, among other things, construct and maintain roads, bridges, culverts, drains, sewers, dams and other works; to operate its own bank

account, with the governor's approval to borrow money and issue debentures and provide other securities in respect of loans; and to collect revenue for its services. The edict also empowers the planning agency to request the removal of unauthorized structures or structures built in contravention of the board's regulations, and, in cases of default, allows the agency to effect the removals.

The Planning Agency is divided into five sections headed by a general manager (Mousa-Booth, 1987:168). The Administrative and Account sections are responsible for general administration and the financial matters of the board respectively. The Architectural section is responsible for building-plan approval, building-control activities, layout design, and contract administration. The Engineering section is responsible for survey works, and for all civil, mechanical, and electrical engineering works carried out by the board. The town planning department is responsible for planning permission, master-plan preparation, layout design and research.

The board, with a staff of about 350 in 1990, was responsible for the management of 29 urban areas including the Kano metropolitan area, which is by far the largest. By 1980 the agency or its predecessors had prepared or caused to be prepared 14 master plans including two for metropolitan Kano. It had by 1987 also prepared more than 250 layouts for both commercial, industrial, and residential uses, with more than 70 percent of the layouts in metropolitan Kano.

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

Land use planning and development control derived from

the provisions of the Town and Country Planning Law and the 1989 Edict are the two predominant instruments used in the regulation and control of land use in the Kano urban area.

#### **Land Use Planning**

Two types of schemes, master plans and lay-outs scheme, have evolved as major instruments of land use regulation from the application of the Town and Country Planning Law (Odunlami, 1989:43). The master plans often cover extensive areas, setting out the broad principles of land use and development and may cover either areas already under development, or undeveloped land. The layouts are often drawn at neighbourhood levels within the context of the master plans. The layouts are more detailed and specific on the development and use of each piece of land.

The first master plan prepared for the urban area was initiated by the Greater Kano Planning Authority and prepared by a firm of British consultants under the leadership of A. W. Travillion. Based on a projected population of one million by the end of the plan period in 1982, the plan estimated the future land needs at twice the size of the city's built up area. The plan identified the southern part of the city as the most suitable for expansion, and proposed a scheme based on development rather than redevelopment. The scheme proposed a breakdown of the urban area into a hierarchy of neighbourhood groups to enable the most economic provision of public and social facilities. The urban area was broken down into five sectors. Each sector was composed of what the plan designated as Group 3 units. Each Group 3 unit is made up of four Sector 2 units. The Sector 2 units are made up of six or

seven Sector 1 units (See fig. 11). The plan proposed a unification of development control in Kano under the Greater Kano Planning Authority.

Though the Travallion plan to some extent guided development in the city, McAuslan reports that there is no evidence to show that it was ever approved in line with the requirements of the Town and Country planning legislation (1979:12). A review of the plan was initiated in 1976 but was later shelved in favour of preparing a new land use master plan. This was undertaken by the Planning Department of the Urban Development Board and resulted in the production of the Metropolitan Kano Master Plan (1980-2000 AD). The plan identified the increase in density and the uncontrolled growth of the settlement as the major problems facing the urban area. Based on a projected population growth rate of 3 to 5 percent, the plan projected the population of the urban area at between the 1.5 and 2.2 million people by the end of the plan period in the year 2000. The plan projected the land requirement of the urban area at between 10,000 and 20,000 hectares of land, based on a projected density of 300 persons per hectare by the end of the plan period. To harness the existing lineal growth of the settlement along the major town outlets roads, the plan proposed a lineal system of design as the main idea for development of the urban area, while advocating the use of a hexagonal pattern as the subsystem of the main design system. Starting from the existing built up areas, the plan proposed two axis of growth for the urban area: the first toward the southwest along the Zaria-Kaduna road and the second to the northeast along Mallam Madori-Hadejia road. The hexagonal



subsystem was designed as a function of the walking distance between neighbourhoods (see fig. 12).

Eighty-four residential layouts have so far also been prepared for the urban area, providing a total of almost 40,000 low- to high-density plots. Among the layouts are Tarauni, Dauarawa, Kawaje, and the Airport Road layout.

#### **Development Control**

The Town and Country planning legislation defines development as any building, or rebuilding operations and any use of land or any building thereon for a purpose which is different from the purpose for which the land or building was last being used. Both the Town and Country Planning law and the Urban Planning and Environmental Protection Agency Edict require developers to obtain approvals for development activities. The Town and Country Planning Law specifies that development activities must be according to an approved land use scheme or a general development order. The Urban Planning and Environmental Protection Agency, as the planning authority for the state, has the responsibility of controlling developments and enforcing land use regulations. In practice, the regulations and control measures are administered in sequence with the land development process.

Three principal forms of controls are used in Kano. The first form of control is exercised by the grant of planning permission during the land allocation process. This aspect of control is, according to the planning agency, used to assess individual minor and detailed land use development proposals for all purposes from the planning point of view and sanction them for approval or otherwise (Mousa-Booth, 1987:174).

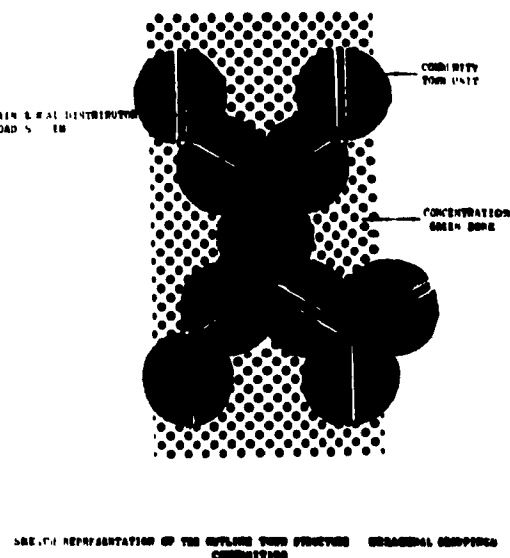


# Lineal Town Structure.

57



## THE TOWN STRUCTURE



## THE COMMUNITY AND NEIGHBOURHOOD

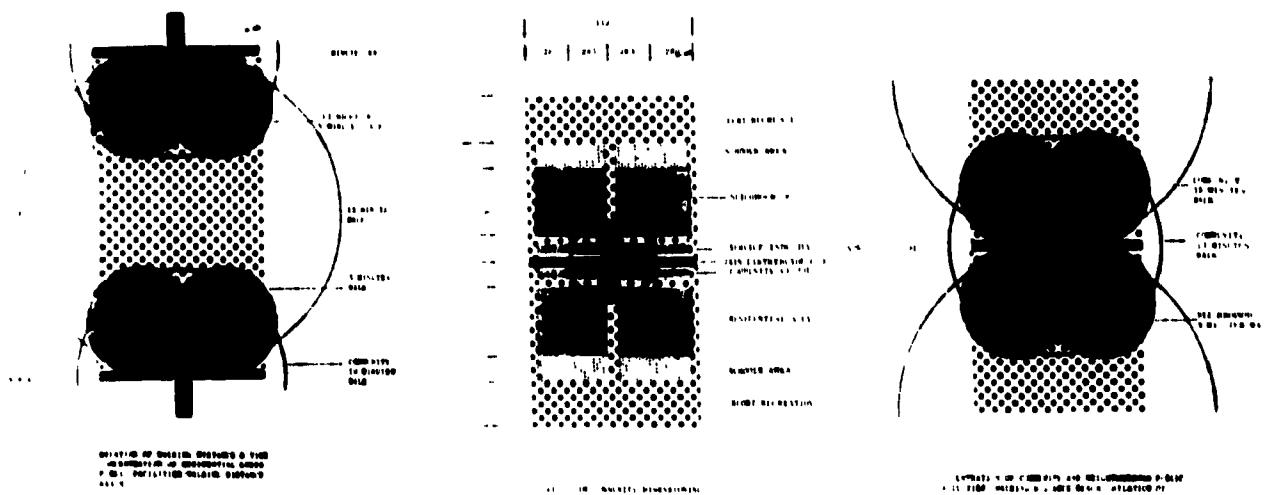


Figure 12

Proposed City and Residential Areas Structure--Kano Master Plan (1980-2000)

## LAND DEVELOPMENT PROCESS

Private or Public development agency makes a decision to carry out development.

↓

Application is made to the governor for suitable land. Applicant pays an administrative fee.

↓

The governor asks KSUPEPA\* where an existing scheme does not exist to prepare a scheme to guide land allocation.

↓

If land is not already assembled, the land and survey division proceeds on behalf of the governor with land assembly where necessary, revoking existing rights of occupancy.

↓

Steps are taken to ensure the provision of basic infrastructure on layout site.

↓

The governor makes a direct grant of land and issues a certificate of occupancy specifying conditions attached to the land

↓

Developer prepares building plans and submit same to the KSUPEPA for approval (private developers only).

↓

Development commences, subject to monitoring by the KSUPEPA.\*

Source: adapted from Odunlami (1989:45)

\* KSUPEPA = Kano State Urban Planning and Environmental Protection Agency

Application for planning permission comes in the form of applications for right of occupancy from the land and survey division. The applications are assessed based on their conformity to planning norms and standards, and recommended to the state governor for the grant of a right of occupancy (Mousa-Booth, 1987:175). The land is granted on a 99-year leasehold, with specific covenants attached specifying the rights and obligations of the land holder in the use of the land (See appendix 1). The grant of planning permission enables the planning agency to administer the broad master plans, rectify shortcomings in the plan, and decide on the right course of action where there are no predetermined planning schemes (Musa-Booth, 1987:174).

Once a land grant is obtained, the law requires all private developers to submit their building development plans for approval to the Urban Planning Agency. The Planning Agency uses this activity to ensure that building proposals conform to standards relating to health, security and social welfare and, according to the board, to "assist the general public to develop and improve the environment" (Mousa-Booth, 1987:175). The most important tool in the building approval process is the building regulations. The Township ordinance of 1940 was the first building regulations for the Kano urban area. This was reviewed and reenacted in the Kano State Urban Planning and Development (Building) Regulations of 1987. The regulations established the process for building approvals, and also specify standards relating to broad aspects of the development process, including level of plot utilization, minimum space standards, ventilation and lighting, sanitation

and drainage, and minimum standards of building materials. The architectural section of the planning agency undertakes the evaluation of the building proposals.

The last form of control over development is undertaken through the control of building activities. The process is used to ensure that developments are executed according to approved schemes and to check against any illegal process of land development. Building control activities involve the inspections of developments during erection, and the grant of a certificate upon completion signifying a building's conformity to regulations. Where illegal developments occur, the Planning Agency undertakes demolition exercises especially when the dwellers of the area refuse an evacuation notice. Between 1976 and 1987, the Planning Agency had undertaken demolitions in Sabon Gari, Kawaje, Hausawa, Dakata, Gadon Kaya, and Bedawa, all in Metropolitan Kano.

## Notes

1. Bagauda was one of the seven sons of Bawo, the legendary founders of the seven Hausa states of Northern Nigeria. The term Hausa is a linguistic designation referring to the people of Northern Nigeria and Southern Niger who speak the Hausa language.

2. The Kano Chronicles, which provides the most authentic history of political leadership in pre-colonial Kano, records Bagauda as the first King of Kano who was able to subjugate the settlers of the area and impose political authority. See H. R Palmer "The Kano chronicle" Journal of the Royal Anthropological Institute, 38, 58-98, 1908, and also M. G Smith (1953:31-56).

3. This was during the reign of Rumfa, who is generally regarded as the greatest King of Kano and was reputed to have not only extended the wall of the city, but also to have established the Kurmi market which became the economic centre of the settlement. He also introduced the symbols of monarchy associated with Kano, the use of a consultative council, the council of nine in administration, and rulership according to Islamic injunctions (see Last, 1983:68-74).

4. Indirect rule enabled the colonial administrators to administer the native settlements through their existing cultural institutions.

5. The powers of the governor include the power to grant rights of occupancy to land, to demand and revise rents for such land, to render null any attempt at alienation without the governor's consent, and to revoke grant to occupiers for good cause.

## **CHAPTER THREE**

### **ISSUES AND PROBLEMS IN THE LAND POLICIES AND PRACTICES**

This chapter reviews the factors inhibiting the adequate supply of land in the Kano Metropolitan area. It is divided into two sections. The first section evaluates the land situation in the city and its effect on low-income housing provision. The second section identifies and examines the factors inhibiting the adequate supply of land.

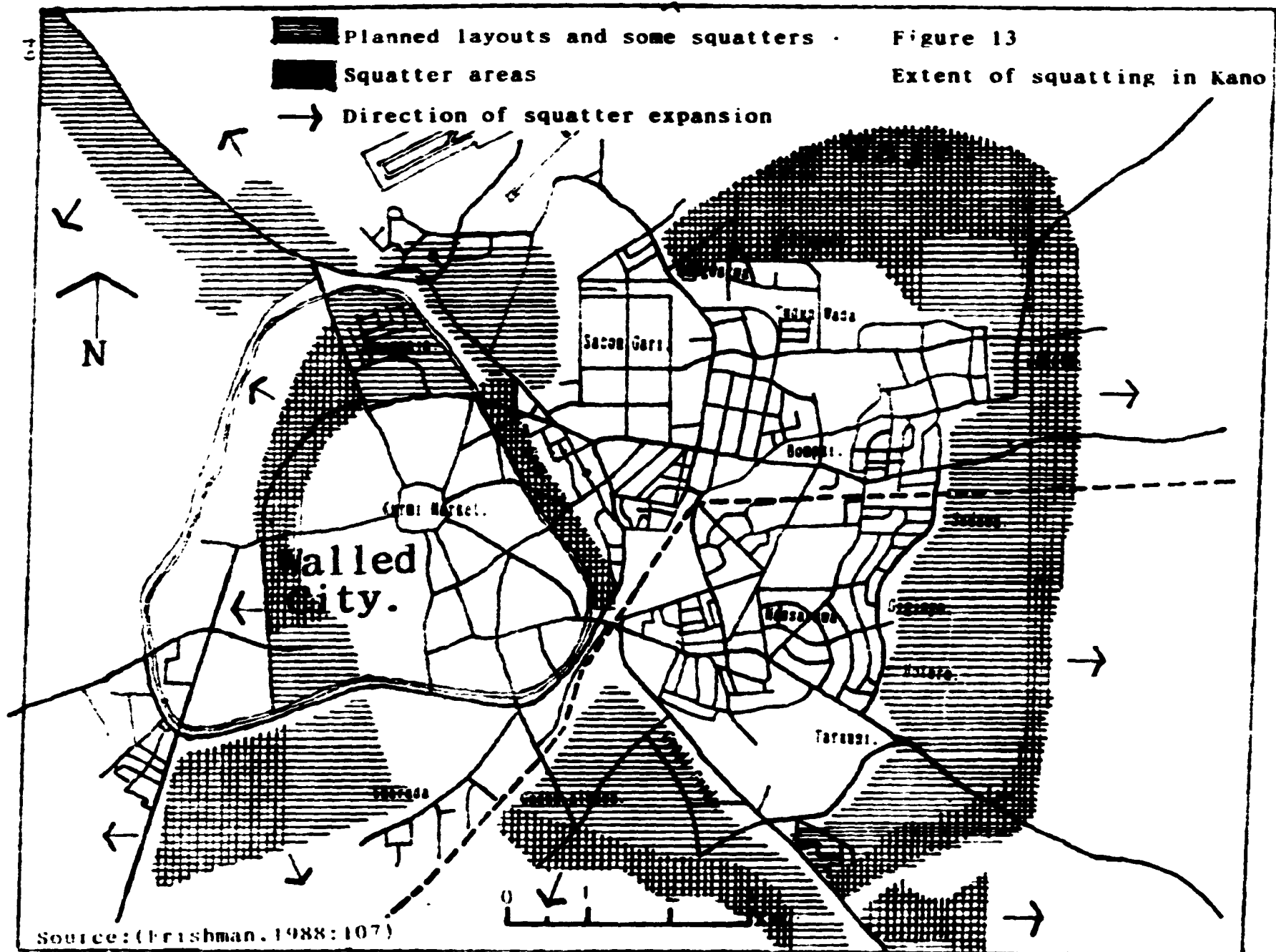
#### **3.10 LAND SUPPLY AND LOW INCOME HOUSING PROVISION IN KANO**

The land situation in Kano is characterized by the inadequate supply of land. Several studies have reported a shortage of land for development in the urban area.<sup>1</sup> The inadequate supply of land is projected by Frishman (1988) to have started around the early sixties, when the population of the city began to increase more rapidly, and more restrictions were placed on the use and transfer of land with the creation of institutions to manage it. Manifestations of this land shortage can be seen in the increase in land speculation in the urban area.

Despite the illegality of transactions in land, a speculative secondary land market has developed in Kano, which has pushed up the price of land. Frishman has reported sales prices of land at between 2,000 and 10,000 Naira, recorded by local governments in the metropolitan area between 1978 and 1980 (1988:115). Odunlami has also reported sales prices of as much as 100,000 Naira for land on the Airport Road layout,

and between 15,000 and 20,000 for land on the Hausawa layout (1989:51). Thirty-five percent of the respondents in a survey by Odunlami on the Hausawa layout indicated that they had obtained their plots through a middleman and not from allocations by the Land and Survey Division. A governor of the state was reported as declaring in 1977-78 that Kano has the most expensive land in Nigeria.

The land shortage has systematically eliminated low-income groups from access to land in the urban area (Frishman, 1988:105; Aboesh, 1982:127). The outcome has been a gradual rise in the level of informal housing provision. Home reports that informal developments account for up to two-thirds of all new developments in the city (1986:234). Three means of informal housing are extensively used in the city. The first is by increasing the density of the existing settlements (Frishman, 1988:105; KSUDB, 1980:10). This is the result of developments in the open areas of the city, and the increase in the occupation of the existing housing stock. The second means is through squatting, which is projected to have started about 30 years ago, almost about the same time that land and housing shortages became evident (Frishman, 1988:105). Squatting has been on the increase since then, as the feasibility of the process became widely known. At least 10 percent of the urban population is estimated to be living in squatter settlements. Figure 15 shows the distribution of the squatter areas in the city. The last means of informal housing is the use of illegally subdivided plots (Home, 1986:234). The practice is common on the urban periphery, where farmers illegally subdivide farmland and sell it for





development. The process is going on at such a fast rate that sometimes vacancies exist in the subdivided layouts.

Almost all the informal developments are characterized by peripheral locations, predominantly traditional forms of construction, unplanned patterns of development, poor physical relationships to the road networks, and the lack of public facilities such as adequate road access and drainage. The initial reaction of the government to the informal process of housing was to clear the settlements on a massive scale. Recently, however, the government has resorted to overlooking them because of the size of the population housed in the informal settlements and the negative reputation that results from clearance exercises.

### **3.20 ISSUES AND PROBLEMS IN THE LAND POLICIES AND PRACTICES**

The public ownership of land in Nigeria gives the public sector ultimate control over the supply of land for development, and control over the distribution and use of land. This should ideally make it easier for the sector to ensure the adequate supply of land and the achievement of the main objective of the land use decree, that of ensuring access to land for all Nigerians. In Kano, several interrelated factors associated with inadequacies in the existing land policy and management framework were found to be responsible for the inadequate supply of land. The following sections identify these factors, and examine their effects on land supply and its distribution in the urban area.

#### **Lack of a defined land and settlement development policy**

A necessary requirement for an effective land management system is a defined policy guidance. This is usually in the

form of land policy statements or a comprehensive settlement development policy. The policy statements identify the goals of the administration regarding land and settlement development, and identify the strategies for achieving these goals. Such policy statements also guide land management institutions in the performance of their duties, and provide a means for evaluating their performance.

In Kano, apart from the limited and vague objectives in the land legislation, there is a complete lack of defined policy guidance with well-established goals, objectives, targets and defined strategies to ensure the adequate development of land in the urban area. There are even no defined strategies to ensure that the master plans prepared for the urban area are implemented. This lack of policy guidance backed by strategies and resources allocation has left the land management institutions powerless to effectively perform the broad duties allocated to them, or to ensure the adequate supply of land.

#### **Inadequate priority given to land and settlement development**

The Kano State government gives a very low priority to land and settlement development programmes. This low priority, which is also responsible for the lack of a defined settlement development policy, is evident from the level of resource allocation to the sector.

There is no separate provision in the budget of the state for land and settlement development. Rather, funds for land development are provided haphazardly under the Housing and Town and Country Planning subhead. In 1988, only 1.7 million of the 17.1 million Naira budgeted under the two subheads for

capital expenditure was for low-income housing and land development for the whole the state. This figure appears ridiculous when compared to the 2 million Naira budgeted for staff housing loans, and the 3 million Naira provision for compensation for land needed by the government.

The low priority given to the sector means that land and settlement development has to compete for resource allocation with more pressing political programmes of the government. This leads to long delays in getting funds for land and settlement development activities, and these delays translate into a growing land shortage in the urban area. Even when the funds are provided, it is usually inadequate and, according to Hume (1986:234) and Odunlami (1989:54), cannot even provide the required services in the limited land that is developed.

#### **Lack of an established land development programme**

Coupled with the lack of defined policies is also the lack of an established programme to ensure that serviced land is supplied in sufficient quantity to meet the residential needs of the urban population. This is despite the fact that public ownership of land gives the public sector a complete monopoly over land supply in the urban area. The Land and Survey Division, which performs the duties of the governor under the Land Use Decree, does not have any defined obligation to ensure that land is adequately supplied in the urban area. The Division only undertakes land assembly and development activities when the resources for it are made available by the government. The result is the inadequate supply and growing shortage of land in the urban area. The land shortage encourages the use of land for speculation, and

the use of the informal process of housing by those who cannot get access to the limited land that is made available for development through the formal process.

Sometimes even the limited land development programmes undertaken by the division have been shown to contribute to worsening the land and housing situation of low income groups. Frishman reports that attempts to lay out new areas always result in the removal of poor people from land and the reallocation of the developed land to more influential people (1988:54).

#### **Excessive subsidy in land allocation**

One major problems limiting the availability of resources for land development in the existing system is the high level of subsidy in land allocation. It cost the Land and Survey Division 99,000 Naira per hectare to develop land for residential purposes in 1988. The same land attracts only an annual rent of 2,500 Naira per hectare for low density developments<sup>2</sup>, with about 500 Naira charges in allocation to cover the cost of survey fees, the processing of and preparation of certificate of occupancy, and the registration of the land (LSD, 1988:10&50-51). Appendix 2 shows a sample of the land charges on allocation. This situation makes the replication of land development activities with the meagre resources allocated difficult and makes any land development activity solely dependent on government allocation.

#### **Corruption in the land allocation process**

The high level of subsidy in land allocation coupled with the inefficiency in the bureaucracy has also encouraged corruption in the allocation process, reducing it to a form of

patronage. An enquiry into the land development and allocation process in 1980 found it rife with numerous irregularities such as multiple assignment of the same plot, payment and bribes for land, confiscation of land without compensation, and allocation of land reserved for public uses (Frishman, 1988:114). Home also reports that a former governor of the state was jailed for corrupt land allocation practices (1988:20).

A staff member of the agency revealed that the allocation process "degenerated from a policy of allocation on a 'first come, first serve' basis, to allocation based on the 'Who is Who' in the political circle as land became scarce in the urban area."<sup>1</sup> The present beneficiaries of public land allocation are shown to be mostly top ranking military officers and bureaucrats, powerful business persons, and influential religious leaders. It is common, even as at december 1991 when the last case became public, to find a single individual with an allocation of up to ten Plots. The staff of the Division were even reported to have gone on "strike", because they were ignored in the allocation jamboree. They refused to open files for land allocation, or to take allottees to their land.

The corruption in the land allocation process encourages the use of land for speculative practices, and reinforces the trend toward higher prices and a resultant inaccessibility of land. This works against the needs of the low-income group who have neither the resources to participate in the open market, nor the influence to peddle for land allocation through the formal process.

### **Overcentralization of land management activities**

Kano State has an over centralized land management system. There is an over-centralization in decision making based on the provisions of the land legislations. The legislations confer absolute powers of control over land issues onto the governor of the states. This includes powers to designate urban and planning areas, appoint planning authorities, acquire and allocate land, fix rates for land compensation, and appoint members of the land use and allocation committee, which arbitrates on land issues.

Land use regulation and control activities are also centralized in the state capital. From the capital in Kano, the two land management agencies, the Land and Survey Division and the Kano State Urban Planning and Environmental Protection Agency, oversee land assembly, servicing and allocation, and the regulation and control of land use in the 29 urban areas of the state, including Kano.

This management structure does not encourage the agencies to acquire an adequate knowledge and understanding of the problems of the urban areas that would enable them to take informed decisions and design appropriate measures and instruments of land use control for the urban areas. It also does not provide the necessary flexibility for the adaptation of the existing instruments to the particular situations of the urban areas. This encourages the use of inappropriate and ineffective measures of control, which contributes to restricting the supply of land. The centralized powers and responsibilities in land management makes abuse easy, especially since there are no appropriate institutional checks

on the use of these powers. It thus encourages the corruption that is rampant in the system.

#### **low capacity of the land management institutions**

The existing land management institutions in Kano State are characterized by a lack of adequate capacity, such as staffing and operating equipments. The planning authority, with a staff of 350 and less than 30 trained planners and architects, is expected to oversee land use regulation and control in 29 urban areas including Kano. The agency has trailed behind rather than guided the development of settlements. The agency identifies its inadequate staffing and limited equipments, which has to be time-shared between its various operational units, as one of its most pressing problems (KSUDB, 1985:37).

The Land and Survey Division, also characterised by an inadequate staffing and a lack of equipments, has been unable to keep proper records of the land ownership or produce surveys of the land in the urban area. The division has been unable to ensure the collection of land rent due the government, or to put a check on the illegal sale of land in the urban area.

This inadequate capacity serves as a disincentive for the institutions in the performance of their duties. It also contributes to their inability to police land ownership, enforce land use regulations, or plan and regulate the use land in the urban area. Land owners are, as a result, encouraged to hold onto land and use it for speculative purposes.

**Lack of data for planning and land management purposes**

A comprehensive information about land, as earlier noted, is a principal requirement for the effective and efficient management of land, and for the implementation of land policy measures and the achievement of policy objectives.

In Kano not only is such a comprehensive information on land not available, but there is also a complete lack of current and accurate information on the size, or social and economic characteristics of the population, and a lack of information on the existing housing situation to aid in land use planning.

The lack of information leaves the land management system with no option but to rely on the use of ad hoc means of data collection for planning purposes. This accounts for the inconsistencies in the information on the urban population and the urban housing situation presented in the master plans prepared for the urban area.

The lack of information creates room for inaccuracies in the projection of the needs of the urban population. It also contributes to an inability to enforce land ownership ceilings and land use regulations, and makes the use of tax measures in land management almost impossible, thus contributing to the inability of ensuring the adequate supply of land.

**Inadequate and inappropriate framework for land management**

The existing legislative framework for land management is a major contributor to both the inability to ensure the adequate supply and equitable distribution of land in Kano, and to the ineffectiveness of the land management system in the city.



Neither the Land Use Decree nor the Town and Country Planning Law has any provisions dealing specifically with the problems of low-income housing, except for a provision to relocate people affected by public land development activities. There is also no established control on clearance or urban renewal activities in the two legislations regarding the criteria to be applied, or to the obligations of rehousing to be imposed consequent upon demolition of low-income housing.

Though the concept of public ownership of land is generally viewed as one of the best means of ensuring the adequate supply and equitable distribution of land, the success of public land allocation, as McAuslan has shown, depends on the integrity of the management system and the efficiency of the bureaucracy (1985:38). In Nigeria, there was no attempt in the adoption of the Land Use Decree to address these issues, or even to address the problems faced in the implementation of the Land and Native Rights Ordinance on which it was closely modelled. The Land Use Decree appears to address the issue of land ownership and disposal as an end in itself rather than as a means to the effective utilization of land and the promotion of more ordered settlement development. The legislation failed to address comprehensively the issues of planning and settlement development, and contained no tax measures to aid both in the management of land and in the recouping the cost of public participation in land development. There was also no attempt when the decree was formulated to tie its provisions to the Town and Country Planning Law.

The Town and Country Planning law has, since its enactment in 1946, not been subjected to any comprehensive review. The law, as McAuslan has observed, prescribes an "inadequate and out of date prescription of what a plan should consist of" (1979:44). The legislation stresses physical layouts only and fails provide for a more comprehensive policy related to economic, social, and environmental factors. The law does not provide for the integration of more traditional aspects of planning such as transport, sewerage, water, and public services, nor does it provide any coordinating framework for the interaction of institutions responsible for the provision of these services and infrastructure.

The processes of planning and development control specified by the legislation are also unclear and appear authoritarian. There are no clear procedures for producing land use schemes, and no obligation in the preparation of land use plans for consultation with the residents of a planning area. In actual practice, the lack of a defined planning process leaves planners to undertake planning exercises in any way they can, and the master plans produced usually reflect the visions of the planners, rather than the actual needs of the urban residents. Even after the preparation of the plans and layout schemes, there is no defined process to educate and provide information to the urban residents about the plan, or about how it affects them. This lack of communication encourages residents in the belief that traditional unregulated land practices are still a tenable and legal process of housing provision.

There are also no provisions in the planning system to

ensure continuity in the planning process, or once the schemes are prepared and approved, to enable the adaptation of the land use plans to reflect changes in the needs of the urban areas. The plans so far produced for the urban area show marked differences in both the philosophies applied in planning, and in the structure of the urban area proposed.

In Kano, the unclear process of development control in the land legislation has in practice resulted in the evolution of development control procedures that do not differentiate between types and scale of developments. The control process stretches the limited capacity of the planning agency, and leads to long delays in the development approval process and to restrictions in land supply. The specification of slum clearance as a measure of development control appears inappropriate considering the existing land and housing shortages in the urban area.

The building regulations are another inappropriate instrument of land use control in the urban area. The regulations are vaguely phrased, leaving the planning authority with wide powers of not only enforcing the regulations, but also sometimes interpreting what is right or wrong within their context.<sup>5</sup> The situation has created a tendency for excessive caution and over-control in the enforcement of the regulations, leading to restrictions on land supply. The building regulations also contribute to land use inefficiency by specifying high set-back standards and by limiting the level of plot utilization in comparison to levels common within the compact traditional settlements in the urban area.

### **High standards in settlement and shelter development**

The settlement and shelter development standards in Kano are excessively high and contribute to the exclusion of low-income groups from the formal process of land development. Two aspects of the land management system where the high standards are evident are in land subdivision and in the control of development activities.

The building regulations specify plot sizes of at least 180, 330, and 900 square meters for high, medium and low density developments respectively. In practice, however, most of the residential areas have plots of between 350 and 450 square metres, with plots of up to 3600 square metres common in the low density areas of the city. These plot sizes are determined with little or no economic considerations and, as Home (1986:232) and Aboesh (1982:148) have shown, are excessively large and unrealistic. Lot sizes of 200, 260 to 270, and 375 to 400 square metres are pointed out by Home to be adequate for high, medium, and low density residential developments including provisions for the traditional courtyard and reception area ("Zaure").

The building regulations, though vaguely phrased, also specify high and unrealistic standards of space provision, servicing, and building materials in shelter development in comparison to practices common in the urban area. Expectations from the enforcement of the building regulations are very high, and bear no relevance to the capacity of low-income groups. An example of this expectation is seen in the sample certificate of occupancy in Appendix 1, which specifies development of a minimum of almost 116,000 Naira for a plot

allocated in 1983. This is in comparison to estimates by Frishman that the cost of a moderate but simple mud brick building in 1980 is approximately 1000 Naira (1988:115).

The excessively large lots encourage the sprawl of the urban area, and restricts the amount of land that could be supplied if more appropriate subdivision standards were applied. The large plots make it difficult to levy affordable charges for land. It also encourages the subdivision of the plots by owners into smaller plots. Home reports that 20 percent of the plots in the Hausawa layout had been subdivided (1986:234). The high standard and cost of housing through the formal process completely excludes low-income households from using the process.

#### **Inefficiency in layout preparation and settlement development**

Apart from the high standards in land subdivision, there is also a high degree of inefficiency in the preparation of layouts and in land use in the existing developed areas of the city. Insufficient attention, according to Home, is paid to infrastructure cost and land use efficiency in the preparation of layouts (1986:233). Roads, which are the main infrastructure cost, take up as much as 50 percent of the land in layout schemes despite the low level of vehicular ownership; the layouts "also perform poorly when measured against such cost effectiveness indicators as plot per kilometre of estate road, ratios of internal and external road junctions, and proportions of plots with access on more than one frontage" (Home, 1986:233). The layout plots also tend to be poorly proportioned, having wide frontages of between 15 and 60 metres, thereby increasing the cost of infrastructure

provision and reducing the level of efficiency in its utilization.

There is a high level of inefficiency in the use of land in the existing settlements. Public open spaces in the form of wide roads of up to 30 metres and the scattering of unnecessary and uncontrolled open spaces account for as much as 65 percent of the land in some residential areas. This contributes to urban sprawl, and limits the supply of land and the level of utilization of public services and infrastructure.

Inefficiency in the use of land increases the cost of servicing land. By raising the cost of land development, it ultimately limits the amount of land that could be supplied if a more efficient system were used. The wide frontages of the lots also increase the unit cost of servicing each plot. This makes the levying of affordable charges and cost recovery very difficult.

#### **Conflicting institutional mandates and lack of framework for the coordination of land management**

Another major problem with the existing institutional structure for land management in Kano is the conflicting mandate of the existing institutions. This conflict appears to have its root in the framework provided for land management by the land legislations.

The Land and Native Right Ordinance and its reenactment in the Land Use Decree 1978 vested all lands in a state in the governor of the state. Rights and interest in land are acquired through leases granted by the governor. No one, not even public bodies, can own land under the decree. The 1946

Town and Country Planning Law, however, made provisions for planning authorities to acquire and own land, and to administer such lands in the execution of their duties of land use regulation and control.

In Kano, the later introduction of planning resulted in its interpretation as a means for land allocation. Traditionally, the planning authorities have functioned in preparing layouts to guide the implementation agency of the Land and Native Rights Ordinance and the Land Use Decree in land allocation. This structure has created some fundamental problems in the management of land in the urban area.

One problem concerns the ownership of layouts. The Land and Survey Division usually perceives layouts as its own; it therefore "sees a major role for itself in controlling both the structure and the contents of the layouts" (Odunlami, 1989:48). Because the division is, however, an administrative unit that is closer to the political arm of government, it is more exposed to external subversive pressures. This often leads to intervention during the preparation of layouts, with pressure on the planning authority to alter layouts to accommodate the wishes of interest groups. Sometimes, the layouts are altered during allocation without the knowledge of the planning authority, thus leaving it to perform its land use control and regulation duties in a blind and confused state. Odunlami reports an example of such a situation in the Sharada estate, where 46 additional plots were created on land reserved for recreation and open spaces by the Land and Survey Division during the allocation process (1988:48).

The Land and Survey Division is also responsible for

specifying development covenants attached to land grants. The agency does not, however, see the enforcement of these regulations as part of its duties, and has never had a tradition of enforcing them. The planning authority, which is responsible for the enforcement of development regulations, does not see it fit to enforce these covenants because it did not specify them. This conflict in the enforcement of regulations has left land owners free to hold onto their plots without fear of challenge even when the land is clearly being held for speculative purposes. A survey by Odunlami of one official layout showed that only 21.5 percent of the respondent private developers had completed the development of their plots within the two years specified in the certificate of occupancy. Only a further 26 percent had commenced development within the same period (1989:57).

The conflict in the mandates of the institutions is further complicated by the existence of relics of colonial customary land practices. Emirs and Ward Heads who formed the bedrock of the colonial land management system in the native settlements are reported by Frishman to still be allocating land under customary titles in the city (1989:115). The process is held to account recently for the provision of more than 1000 units of housing plots within the walled city.

The lack of clear and defined mandates, because of which the agencies do not enforce land use regulations, encourage the withholding of land from development, and its use for speculation. It therefore contributes to fuelling the trend toward higher land prices and the lack of access to land in the urban area. The actions of the Emirs and Ward Heads,



while supplying the much needed land for development, contributes in undermining the ability to plan and control the growth of the urban area effectively.

**Notes.**

1. Studies by Odunlami (1989), Frishman (1988), Aboesh (1982), and KSUDB (1980) all indicate a serious shortage of land for development in the Kano Metropolitan area.

2. A typical low density plot of 45 metres by 45 metres will attract a ground rent of only 506.25 Naira.

3. This information was provided by a former staff member of the Land and Survey Division now working with the Kano State Housing Authority.

4. In Northern Nigeria before Independence, the lack of adequate staffing and operating equipments made it impossible to implement the provisions of the Land and Native Rights Ordinance. (Nwaka:1979:196) After independence, because of inefficiency and corruption in the civil service, the application of the ordinance resulted in the acquisition of extensive areas of land by civil servants and business men, displacing a lot of farmers in the process. (Nwaka:1979:202)

5. An example of the obscure regulations is that dealing with foundations, which states that:

"a) every building foundation shall be designed and constructed to carry dead or live loads of the building in a way to prevent settlement, heave or movement of the building: and

b) the building shall be constructed with such materials and in such a way that the board may approve" (KSUDB,1988:B19).

## CHAPTER FOUR

### CONCLUSIONS AND RECOMMENDATIONS

#### 4.10 RESEARCH SUMMARY AND CONCLUSIONS

The main aim of this thesis has been to study urban land policies and practices in metropolitan Kano, Nigeria, and to identify and examine the issues and problems hindering the adequate supply of residential land to low-income groups.

In the first chapter, a literature review on urban land policies and low-income housing in developing countries was carried out. Most urban areas in developing countries were found to be experiencing a housing crisis, stemming from the rapid rate of their population growth, and the inability of ensuring the adequate supply of affordable housing through the formal process. The crisis has forced a large proportion of the population in many of the urban areas to use the informal process of housing provision. Land was identified as the major obstacle to the adequate provision of affordable urban housing in developing countries. The goals of land policies, the policy intervention measures, the factors affecting the effectiveness of the land policy measures, and strategies for improving urban land delivery in the urban areas were subsequently reviewed.

The second chapter presented an introduction to Kano and a review of the land policies and practices in the city. The focus of land policies was shown to be on the public ownership and allocation of land, and on the control and regulation of land use. Two laws were identified as the principal legislation providing the framework for land management and

land use control and regulation. The Land Use Decree vests the control and management of urban land on the governor of the states, while the Town and Country Planning Law establishes the framework for the management and regulation of land use. Two agencies were identified as responsible for land management and land use regulation and control in Kano. The Land and Survey Division performs the administrative functions provided for by the Land Use Decree for the state governor, while the Kano State Urban Planning and Environmental Planning Agency is constituted under the Town and Country Planning Law as the planning authority for the urban area. The regulation and control of land use was found to be undertaken simultaneously with the land allocation and development process. Master plans and layouts are used to regulate the use of land. Development control activities involving the grant of planning permission, the approval of building plans, and the control of building activities are used to ensure conformity to regulations. Two master plans and several layouts were pointed out as having so far been prepared for the urban area.

In the last chapter, an evaluation of the land situation in the urban area and its effect on low-income housing provision was carried out, and the issues and problems with the existing land policies and practices were identified and examined. The land shortage was found to have led to the development of an illegal secondary market in land, which has pushed up the value of land. The use of the informal process of housing provision was found to be on the increase, accounting for almost two-thirds of all new developments in

the city. Among the factors found to be responsible for the inadequate supply and inequitable distribution of land in the urban area are the lack of defined land and settlement development policies, the lack of an established land development programme, excessive subsidy in land allocation, corruption in the land management system, overcentralization in land management, the low capacity of the land management institutions, the inadequate and inappropriate framework for land management established by the legislation, high standards and inefficiency in planning and settlement development, and conflicts in the mandates of the land management institutions.

From the study, it is evident that Kano presents a typical reflection of the land and housing situation common among urban areas in developing countries. The city has a high rate of urban population growth and a general low level of income. The existing land policies have failed to ensure the adequate supply and equitable distribution of land, despite public ownership of land. The level of informal housing provision is, therefore, on the increase, hindering the planned and controlled growth of the urban area.

While the level of urbanization in Nigeria and the scale of informal housing provision in Kano may not be up to levels found in some developing countries, such as those in South America, it is very likely that the situation in Kano will degenerate and ultimately lead to chaos, if concerted actions are not taken to address the current problems with the policies and practices. Otherwise, the social tensions which have recently been reported in the city and linked to declining living conditions may become manifest in crises that

could reach intolerable levels.

The ineffectiveness of the land policies in Kano cannot, however, be divorced from the factors that generally characterise the development situation of Nigeria, along with other developing countries. These factors include a low level of industrial development and domestic production, a rapid population growth, fiscal deficits and high dependence on external economic conditions, lack of proper political directions, and inadequate managerial and organizational capabilities. These factors have to be taken into serious consideration, before any policy reform can succeed in achieving the desired results.

Reforms aimed at improving land delivery to low-income groups may not succeed if emphasis is placed on specifically addressing their land problems, or on using a specific set of policy measures. The ultimate aim in any policy reform should be to ensure the adequate supply of land to all income groups, in order to avoid subversive pressures created by land shortages, and to improve the efficiency of the land management system. Policy reform should also ensure an adequate flexibility in the land management system, in order to enable the adaptation of policy objectives and measures in response to changes in the nature of land problems in the urban area. The following section outline some suggestions, which may aid in the reform of the existing policies and the land management system.

#### **4.20 RECOMMENDATIONS.**

##### **4.21 Land Policy and Management Framework**

The first requirement in the bid to improve the

effectiveness of land policies in Kano is for the government to increase the priority given to land and shelter issues, and to address the existing need for policy guidance in the management system.

This will require the government to:

- a) formulate comprehensive land and settlement development policies with emphasis placed on the adequate provision of residential land to all income groups, and on the development of appropriate strategies for the implementation of the policies;
- b) ensure that a process is established to monitor and review the policies and strategies in order to reflect the changing needs of the urban area and the financial capacity of the government; and
- c) ensure the budgeting of sufficient funds for the implementation of the policies and ensure that the capacity of the land management institutions is improved through adequate funding, staffing and the provision of adequate and modern operating equipments.

There is a need to reassess the existing land management structure and institutions with a view to eliminating inconsistencies in mandates and to improving the efficiency of the management system.

The government should consider:

- a) devolving the existing institutions into smaller units in charge of specific aspects of land management to inspire specialization in dealing with land problems, and also to facilitate the easier collection and management of information;

b) creating a framework for the coordination of the activities of the institutions to ensure the pursuit of common goals and objectives;

c) decentralizing the activities of the institutions to urban area and community levels to enable them to interact better with the urban areas, and also to enable them understand the problems and needs of the urban population; and

d) encouraging the participation of community organizations in land management as a means of creating channels of communication with the communities and improving the ability to enforce regulations. This will also enable the institutions to collect more accurate information on the pattern of land ownership and use, as well as information on the urban population.

Public ownership of land and improvements in the land policy and management framework will only be meaningful in the state if it also involves steps to address the existing land shortage and inaccessibility in the urban area.

There is a need for the state government to:

a) develop a programme, which seeks to assemble and supply serviced land continuously to meet the needs of the urban population;

b) eliminate the existing subsidies in land allocation, especially to medium and higher income groups, and ensure that allocation to low-income groups is backed by a system of cross-subsidization to reduce the burden on the public sector;

c) introduce fiscal measures such as taxes on vacant



land, property taxes, and betterment levies as a check on land speculation, and to also raise the resources needed to fund land assembly and development programmes;

d) introduce a more open and equitable land allocation system, and consider decentralizing the allocation process to urban area levels rather than the existing centralized structure;

e) enforce stringently the existing limit of half a hectare of land per person in urban areas and ensure that land holdings more than this limit are acquired by the government, and the owners justly compensated; and

f) introduce a more appropriate subdivision legislation, which should specify practices based on economic considerations and the capacity of the urban population to pay for land without subsidy from the government.

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

There is a need to review the existing land use control procedures, processes, instruments and measures, to make them clearer and more appropriate within the context of the existing social, political, and economic situation in the urban area.

The government should improve the existing framework to:

a) ensure that the process for the preparation of master plans is clearly defined, and planners obligated to consult with the urban population;

b) evolve a more flexible and continuous system of planning, which should enable the adaptation of plans to changes in the urban area;

c) improve efficiency in the preparation of layouts and

the development of settlements;

d) create a simpler and faster process of approving and controlling developments, and consider the option of issuing development approvals in principle to low-income households whose schemes are prepared by the planning agency, or conform to schemes already approved by the agency;

e) consider easing regulations in areas of rapid urban expansion to enable the laying out of plots and developments before the provision of services and infrastructure;

f) review the existing building regulations to make their provisions clearer and to take into consideration the needs and capacity of low-income groups;

g) eliminate the use of slum clearance as an instrument of control, or obligate all agencies who want to apply such extreme measures to bear the full responsibility of rehousing the displaced households; and

h) provide a simple, accessible and binding process of appeal to check against the misuse of powers by the land management institutions.

#### **4.23 Legislative Framework.**

All of the above recommendations deal with issues which can be address by the state government through legislative changes and the use of direct action. In the long run, however, there will be a need to address some of these issues on a national scale.

Some actions that will be necessary include:

a) a review of the land legislations to harmonize their

provisions into a comprehensive legislative package aimed at addressing the issues of land and settlement development rather than specific aspects of land management;

b) ensuring that the review considers all the issues and problems that have been highlighted in this report, and others that may be highlighted by similar studies of other urban areas;

c) ensuring that the review pays special attention to the needs and problems of low-income groups; and

d) ensuring that such a review provides a coordinating framework for the collection and management information on population growth trends and movement patterns, and the coordination of planning and the provision of infrastructure on a national or regional basis.

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# APPENDIX 1

## SAMPLE OF A CERTIFICATE OF OCCUPANCY ISSUED FOR LAND IN METROPOLITAN KANO.

Form LN-07



KANO STATE

RESIDENTIAL

The Land Use Act No. 6 of 1978

### CERTIFICATE OF OCCUPANCY No. 1, RES/RC/82/623 RESIDENTIAL

THIS IS TO CERTIFY THAT MR. CHRISTOPHER AGOABO-----

Son of ALPHO IS KO, 21 years old, Kano State,

hereinafter called the holder which include any person defined as such in section 9(1)(a) of the Land Use Act Number 6 of 1978 entitled to a right of occupancy in and over the land described in the Schedule, and more particularly delineated in the plan annexed hereto, for a term of 11 yearscommencing from the 4th day of October, 1978,

according to the true intent and meaning of the Land Use Act Number 6 of 1978 to the provisions thereof and the following special terms and conditions --

(1) To pay in advance without demand to the Commissioner for Land and Survey (hereinafter called the Commissioner) or other person appointed by him--

(a) the proportion of rent at the rate of N 15.18 (Fifteen Naira Eighteen Kobo)

per annum applicable to the period (if any) from the said date of commencement to the thirty-first of December, 1978 within two months from the date of this certificate, and thereafter

(b) the yearly rent of N 15.18 (Fifteen Naira Eighteen Kobo)

on the first day of January, in each year, and

(c) the revised rent as hereinafter provided.

(d) a penal rent of 20% is to be charged for any payment made after 31st March each year.

(2) To pay and discharge all rates, taxes, assessments, and impositions whatsoever which shall at any time be charged, assessed, or imposed on the said land or any part thereof or any building thereon, or upon the occupier or occupiers thereof.

(3) To pay forthwith without demand to the Commissioner or other person appointed by him on the issue of this certificate (if not sooner paid) all survey fees, registration fees and other charges due in respect of the preparation and issue and registration of this certificate.

(4) Within 11 years from the date of the commencement of this right of occupancy to erect and complete on the said land buildings or other works specified in detailed plans approved by the

Commissioner or other officer appointed by the Commissioner, such buildings or other works to be of the value of not less than N15,611.00 (One Hundred and Fifteen Thousand Six Hundred and Eleven Naira only)

and to be erected and completed in accordance with such plans and to the satisfaction of the said or other officer appointed by the Commissioner.

(5) To maintain in good and substantial repair to the satisfaction of the Managing Director, Urban Development Board or other officer appointed by the Commissioner, all buildings on the said land (whether now erected or to be erected in pursuance of sub-clause (4) thereof)

\*Delete whichever inapplicable.

2

(6) To clear and keep clean the said land of stagnant water, long grass, rank weeds and brush or accumulations and deposits of rubbish and other unwholesome matter, and to keep the same in all respects in a clean and sanitary condition, and for such purposes to do and execute all such acts and works as the Commissioner or any officer authorised by him may reasonably require.

(7) To conform to all rules laid down from time to time in regard to the location of buildings, refuse and latrine.

(8) After the period specified in sub-clause (4) above, not to allow the said land to be unoccupied for a period exceeding six months at any one time, or eight months in any year.

(9) Upon the expiration of the said term to render up to the Commissioner in good and substantial repair to the satisfaction of the said Commissioner.

All buildings on the said land erected in pursuance hereof which have not been removed with the consent of the Commissioner and all buildings already upon the said land at the commencement of the said term which have not been removed.

(10) Not to erect or build or permit to be erected or built on the said land any buildings other than those covenanted to be erected by virtue of this certificate of occupancy nor to make or permit to be made any addition or alteration to the said buildings to be erected or buildings already erected on the land except in accordance with plans and specifications approved by the Commissioner.

Developed by or for the Commissioner or other officer appointed by the Commissioner in this behalf.

(11) Not to alienate the right of occupancy hereby granted or any part thereof by sale, assignment, mortgage, transfer of possession, sub-lease or bequest or otherwise howsoever without the consent of the Commissioner first sought and obtained.

(12) To use the said land only for the purpose of RESIDENCE.

(13) You are hereby seriously warned that under no circumstances should you start any development without the approval of your building plans by the Urban Development Board as provided under Section 5 of Edict No. 5 of 1976.

(14) Where you fail to comply with the above requirements, you will be liable to prosecution as provided by Section 19 of the same Edict and your Right of Occupancy shall be automatically revoked.

2 (1) For the purpose of the rent to be paid under this certificate of occupancy the term of the right of occupancy shall be divided into periods of FIVE years, and the Commissioner may, as near as conveniently may be to the expiration of each period of years, revise the rent and fix the sum which shall be payable for the next period of FIVE years.

or, if less than FIVE years of the term shall remain, for the remainder of the term. If the Commissioner shall so revise the rent, he shall cause a notice in writing to be sent to the holders informing them of the revision of the rent, and the holders shall thereupon within one month of the date of receipt of such notice or within seven days of the commencement of the period for which the rent has been revised, whichever shall last happen, without further demand pay to the Commissioner or other person appointed by him, the difference between the unrevived rent and the revised rent for the period (if any) between the date of revision and the thirty first day of December, in the year then current, and thereafter holders shall pay in advance on the first day of January, in each year without demand to the Commissioner or other person appointed by him in lieu of the said yearly rent of N 12,000.