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Land Use Violations: Implications for Sustainable Development, The Case Study of the Federal Capital City Abuja, Nigeria

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Abstract: One of the biggest challenges facing Abuja residents in Nigeria is the inaccessibility to land and housing in the face of rapid urbanization. This paper focused on the causes of unauthorized use of land and the implication of unmet quest for land on sustainable city development in an economy where authority to land uses is vested in the government. In specific terms, the study was conducted in Abuja Municipal Area Council in Federal Capital Development Authority. The use of questionnaire, documentary analysis and observation were employed. Simply Chi-square, charts and tables were used for analysis. The data collected were analyzed using simple statistical instrument like bar chart, percentage and tables. The considerable gap between quest for land and land allocation found expression in land use violations, astronomical cost of rented dwellings and available land in the land market. Others are overcrowding, slums development and substandard housing. Observation also revealed conflicting spatial interactions borne by undue delay and speculations occasioned by government policies toward land allocation among others. This was evident by encroachment on land services such as sewer line, right of way, water pipeline and electric cable lines. The study suggests an urgent need to embark on land allocation policy reform and enactment of a law precluding allotees from selling land allocated them but return same to the public land pool to guide against exploitative land market prices that engender encroachment on land and unsustainable development.

Key words: Abuja, allocation, encroachment, land, violation, Nigeria

INTRODUCTION

Land plays a prominent role in the global economy due to its historical significance in delivering foods and fibers, as well as its role as a source of social prestige. It is a resources integral to survival, livelihood, adequate housing and sustainable spatial development in a city. Man-land relationship is an indispensable affair, mutually symbolic and vital in meeting man's needs (Omole, 1999).

With the independence of many colonial territories like Malawi and Cote d' Ivoire, the need to relocate and build a new national capital free and devoid of conflicting spatial development was a priority. In Nigeria, several principles were combined to influence the development of a new Federal Capital City which helps in galvanizing new sense of national unity. Some of the principles on which Abuja was premised are: the principle of equal access to land, availability of water supply, the principle of functional city and the principle of equal citizenship. Others are the principle of centrality, security from sea invasion (Mabogunje, 1999), low population density among others.

However, these visions are far from being achieved due to unprecedented quest for land use occasioned by migrant population seeking to benefit from the wide range of economic and social opportunities offered by the city and the need to satisfy the ever expanding human activities. Consequently, the city was faced with challenges such as disappearance of the green areas meant to provide buffer and aesthetics to the city instead of rapid development of squatter settlement, housing shortage and vast non- conforming land uses which are seemingly becoming the other of the day.

Land right, housing and sustainable habitat are economic issues which are crucial not only to individual personal rights but also to future development of a city. The quest for land right in the city is on the increase as cities are seen as origin of civilization and strategic places that offer a wide range of economic dynamic.

Land has been seen as a good media of location, communication and provision of complementary services as well as being the basis of agriculture. Land can be identified as the functions of virtually all forms of production. Its availability, management and allocation between competing uses are prime determinants of the economic performance in any nation (Famoriyo, 1994).

Land is a ubiquitous asset that lends itself to a variety of interpretations. The conventional economic thought considers land as a factor of production in much same way as labor, capital and entrepreneur. Agriculturists see land as a means of supporting certain crops, be it vegetable, cereal, arboreal or animal. However, Akubueze (2004) took the term land beyond the view of the Agriculturist; he believed that land should no longer be referred to as the seed bearing surface or the physical structure placed on it only, but as a space that contains activities which is artificially defined and delineated by surveys and structures from the natural world in which we live and described by reference to a specific and fixed

locus point on the surface of the earth. He concluded that land can be physically seen as the aquarium of mankind which begins with the element of solid geometry. Nigel *et al*. (1994) defined land as life. Though his definition is very short but it is very portent because both natural and man-made components of the earth are accommodated in, on or over land. Also Nigel's definition is buttressed by the verdict of a British High Court in a case between Mitchell and Mosley 1998, in which the court upheld that land includes the earth surface, the space above and everything that is below it.

Considering the legal perspective of what constitutes the term land, Oluyede (1994) defined land as 'land of any tenure, building or parts of building (whether the division is horizontal, vertical or made in any other way) and other incorporeal attachment and easement right, privilege or benefit in, over or derived from land'. In the same vein, Richard *et al*. (1998) opined that land also include the physical things attached to it such as structures and things growing naturally on the land, contained underneath, air space, including incorporeal asset such as right to use or restrict the use of the land and as easement etc.

Basically land is a definable area of the earth terrestrial surface encompassing all attributes of the biosphere immediately above or below the surface, including those near surface, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, marshes and swamps near surface, sedimentary layers, associated groundwater reserve, the plant and animal population). Others include the human settlement pattern and physical result of past and present human activities.

Considering the myriads of meaning adduced to the term land, it is imperative to say that land possess unique characteristics that distinguish it from other assets; Balchin *et al*. (1995) identified some of the peculiar features which distinguish land from other assets and factors of production as; the physical fixity of land, heterogeneity and that land is prone to diminishing returns. Others include immobility and indestructibility.

The process of urbanization is a global phenomenon caused by migratory movement, natural increase and the globalization of the world economy. The world has experienced massive population growth since the late 1990s. Tabaijuka (2004) was of the view that the chaotic and rapid urbanization was the most important global problem that needs to be tackled after the HIV/AID pandemic. Klaus *et al*. (2002) noted that while urbanization process is very gradual and systemic in the developed world, the developing world is witnessing rapid and explosive urbanization. UN (1992) remarked that the key spatial and visual impact of this growth has been the informal development of land and housing. Considering the annual urban growth rate of 1.8%, UN (2004) stated that about 60% of the world population will live in cities by 2030. The developing countries are faced with rapid rate of urbanization. Currently, two-third of the Africa urban population lives in informal settlements without adequate sanitation, water, transport or health services. More than half of Africa's estimated 750-million people will be living in cities within the next 20 years (UN, 2004). Marashi (2006) noted that this phenomenon in the urban areas of developing nations will lead to increasing competition for land and other resources. Singh (2006) in his study of sustainable urban development in India observed that urbanization and industrialization accompanied by major changes in social, economic, environmental and technological arena are impacting adversely on traditional land-use, water resources, environmental quality and management practices in cities of developing countries in general and the Indian cities in particular.

The emerging concept of sustainable urban development is closely connected with environment and economy to safeguard natural resources, which in turn lead to minimum acceptable quality of life. There is a constant struggle with issues of accessibility to land, congestion of human population and availability of green space etc. This is evident by the fact that contemporary cities are designed and planned for a specific population carrying capacity. Amamoo *et al*. (2007) corroborated this from an emanation from a UN conference on human settlement which was premised on the notion that sustain ability of urban land use is highly correlated with the carrying capacity of the land and other natural resources.

Cities are the engines of national economic growth and the magnets for new residents flooding in from rural areas. All over the world, the population of cities is growing at the rate of about 180,000 per day (UN, 2006). While this is seen as a threat with disastrous consequences on sustainable development of cities particularly in the developing world (Reiner, 2005) upheld a positive view signaling an intensification of agriculture. He believes there could be technological advancement in agricultural production in the rural areas wherein machines could be used and fewer men are required to do the jobs of some many people, hence more people are at liberty to migrate and work in the industrial and other sectors in the cities. This assertion may only be true in the developed world as the deteriorating economic structure of the rural fabric keep pushing young school leavers out of the rural areas. Tan (2006) also corroborated this from the fact that urban-based economic activities account for over 50% of GDP in all countries and up to 80% in the urbanizing Latin America or more in Europe. As a result of this growth, sustain ability of cities is under pressure. Decision makers at all levels are faced with the onerous task of resolving urban problem from unending natural quest for land and reservation of urban green space. Geoffrey (2005) and Robert (1988) in their studies of urban development reflected that Nigeria is the most urbanized country in Sub-Saharan Africa and the largest concentration of black people in the world. Estimates at the turn of the 21st century suggest that 43.5% of the population were living in urban areas, up from 39% in 1985, with projections that the urban population will reach 50% by the year 2010 and 65% by 2020. The rate of urban population growth is thought to be 5.5% annually, roughly twice the national population growth rate of 2.9%. More than seven cities have populations that

exceed 1 million and over 5,000 towns and cities of various sizes have populations of between 20,000 and 500,000. Greater Lagos, the former national capital, has grown from 1.4 m in 1963 to 3.5 m in 1975; it is currently over 6 m and is projected to be 24 m by 2020.

The term sustainable became the watch word of land and environmental resources utilization after the Rio summit. The concept transcends development in land and other environmental resources utilization. The most widely known definition of sustainable development emanated from the Brundtland Commission which defined sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. With respect to land development MACED (2006) described sustainable community development as the ability to make development choices which respect the tripartite relationship between the three 'Es'-economy, ecology and equity. They opined that:

- Economic activity on land should be planned and distributed to serve the common good, be self renewing and build local assets and self–reliance.
- Ecology human beings are part of the limited nature and they are responsible for protecting and building open spaces cum natural asset.
- Equity there is equal opportunity for accessibility to land, benefits and decision making of a society.

The Rio summit declared that the right to development must be fulfilled so as to equitably meet developmental needs of present and future generations. It was stressed that sustainable development is not just about environment but about the economy and our society as well. It involves equitable sharing of land, benefits and environmental resources. Recognizing the integral and interdependent nature of land, man and environment, UN (1992) reaffirmed the declaration of the 1972 United Nation Conference on Human Environment proclaimed that man is at the center of sustainable development. Given this proclamation, it is indicative that sustainable development of cities is a function of equitable access to land. It is pertinent to state that a well articulated master plan aimed at creating sustainable and aesthetically pleasing city will fail in the face of unmet quest for land.

This study focused on the causes of land encroachment, extent of bastardization of the Abuja master plan and remedies that can help to develop a sustainable city, that consider nature, work place, relaxation and the relationships that exist among them.

MATERIALS AND METHODS

Study Area: The study area's name was derived by Muhammadu Makau, the last Hausa ruler of Zaria (Nigeria). Makau left Zaria after being defeated by the Fulani and settled in an area known today as Abuja. Muhammadu shortened the name of his younger brother Abubakar to '*Abu*' and his Father's name Jattau to '*ju*' to arrive at the name '*Abuja*.' The Federal Capital City has an overall land-use space of 25,498 hectares confined to a crescent shaped site defined by developable land above elevation 1,200 feet in the Gwagwa plains below the escarpment surrounding the outer arc of the site including the bold promontory of the Aso hill. Since it assumed the status of Federal capital, the territory has been witnessing rapid rate of urbanization. According to the 2006 Nigeria Population Census Figure, the territory has population of 1406236 of which males accounted for 733,172 and female has 673,067. This figure is over 100% rate of growth within 5 years.

Data type and data collection instruments: Considering the multi-facet nature of urban land encroachment, the two major types of data are primary and secondary data were considered relevant to the study. Primary data relating to the reasons for encroachment on the city's land were collected through the use of close-ended and Open-ended questions in questionnaires from occupants of the encroached land and Estate Surveyor and Valuers who are well informed about the prevailing property market situation in the area.

Secondary data relating to possession of certificate of occupancy, development control approval, places encroached upon within the developed Zones of the Federal Capital City (F.C.C) and measures taking against illegal development on encroached land were collected from the Development Control Department of the Federal Capital Development Authority. Data relating to land use budget, official land prices, processing fee, were collected from Lands Department of Federal Capital Development Authority. Data relating to applications for statutory right of occupancy received from individuals and organizations since 1980 to 2004 were collected from Land Information System (L.I.S) under the Abuja Geographical Information System (A.G.I.S).

Issues in land and real estate development are complex ones, involving public authority, landlords and Estate Surveyors and Valuers who are well informed about situation in the decentralized property market. Therefore, the following groups of people were the target population for the study:

- Owners of developments on encroached Land
- Officers of land and development control department of the federal capital development authority
- Estate surveyors and valuers operating in the city

The following null-Hypotheses (Ho) were tested:

- There is no significant relationship between accessibility to land and encroachment
- There is no significant relationship between high rent of accommodation and land encroachment
- There is no significant relationship between issuance of fake certificate of occupancy and land encroachment

- There is no significant relationship between the time frame for the grant of occupancy right and the tendency to encroach on land

In order to facilitate rational selection of samples from the large population inhabiting the various squatter settlements considered, the stratified sampling method was employed. The settlements considered in the districts include;

- Chika and Aleita
- Kitchingoro
- Abattoir, Apo and Dantata villages

The numbers of encroachment within the three districts under study were estimated at 3,400 being the total number of buildings on the encroached land. The population was further considered reasonable based on the assumption that an encroacher owns a maximum of one building each. A total of 300 encroachers were selected for sampling and questionnaire administration. One hundred questionnaires were administered randomly at each of the settlements to properties' owners. Out of these, 216 questionnaire representing 72% were returned. Out of a total of 100 Estate surveyor and Valuers operating in the city, 10 representing 10% of the total Estate Surveyor and Valuers in the city were chosen for oral interview.

The data collected in the course of this study were analyzed using both descriptive and inferential statistics. In addition, table and pie charts were employed for comparative analysis of the different variables collected from different residential districts under study to show differences between variables. Chi square was adopted in testing the significance of hypotheses for the study.

RESULTS AND DISCUSSION

Results of findings revealed that the emergent of problem of unsustainable land development is occasioned by various reasons. For instance, Table 1 shows that 62% of dwellers or developers applied for land while 38% do not apply for land. Out of the 62% that applied for land 25% of them were allocated, while 37% could not be allocated. Those who could not be allocated and those that do not apply for land at all form, the first suspect of land encroachers.

The evidence that majority 62% actually applied for land allocation is an indication that dwellers/developers were aware of the allocation process. The other issue that came out is the issue of delay in land allocation. Table 2 shows the frequencies and percentages of delay experienced by land applicants. Table 2 shows that 6 people (12%) have waited for three years before they could get allocation. Those that have waited for four years were about three (6%) and those who have waited for 5 years and above accounted for 57 people (82%).

Table 3 shows other causes of land encroachment, these include high rent of accommodation, this accounted for 32.4%; issuance of fake allocation paper 12.9%, ignorance of the land allocation process 1.9% and those that signified delay in allocation accounted for 52.8%.

Encroachment on services and utility lines: Figure 1 shows the percentage of land, services and utilities encroached upon. It reveals that 42.28% of the total developments were constructed directly on the sewer line, while 18.70% were constructed too close to the sewer line. Also, 18.70% of the development encroached on the Right of Way designed for the Outer Northern Expressway (ONEX). Encroachment on Open Space and Water line accounted for 8.13 and 8.94%, respectively. Illegal extension of fence accounted for 3.25 % of encroachment cases on infrastructural services in the city.

Summary of the Chi-square test on the study's hypotheses is as shown in Table 4. The outcomes of the tested variables were believed to have constituted to land encroachment in the city. Since χ^2 calculated is greater than χ^2 tabulated for all hypotheses in the study, therefore, all the null-hypotheses were rejected at 0.05 probability level. It can therefore be summarized statistically thus that:

- There is a significant relationship between accessibility to land and encroachment
- There is a significant relationship between high rent of accommodation and land encroachment
- There is a significant relationship between issuance of fake certificate of occupancy and land encroachment and lastly
- There is a significant relationship between time frame for the grant of occupancy right and the tendency to encroach on land

The hypotheses above were tested and the summary of the results were documented in Table 4. The results show that relationships exist between accessibility to land and encroachment. Lack of access to land is a major factor responsible for land encroachment in the study area. Relationships also exist between high rent of accommodation and encroachment. In other words the higher and unbearable rent is, the higher tendencies to vacate place of resident and encroach on open spaces or on lands that were set aside for the provision of services.

It was also gathered that relationship exist between issuance of fake certificates of occupancy and land encroachment. The study also shows that frustration as a result of eviction (for not having valid documents for lands) was found to be significantly responsible for encroachment.

Lastly, relationship exist between delay in the granting of approval for land and encroachment. Study has shown that when people exhaust their patience waiting for approval that is no forth coming, then tendency is high to encroach on land or make use of lands that were not allocated or allocated for other uses.

Table 1: Accessibility to land

Categories of land occupiers	Respondents	Percentages	Breakdown	Respondents	Percentages
Those that applied for land allocation	134	62	Those that got allocation	25	40
Those that did not applied.	80	38	Those that could not get allocation	37	60
Total	216	100		62	100

Table 2: Delay experienced in land allocation

Years of Waiting	Frequency	Percentage %
1 Year	-	-
2 Years	-	-
3 Years	6	12.00
4 Years	3	6.00
5 Years and Above	57	82.00
Total	66	100.00

Table 3: Causes of land encroachment

Causes	Percentages	Rank
High rent of accommodation	32.4	2
Fake Land allocation Papers	12.9	3
Ignorance the developers	1.9	4
Delay in land allocation	52.8	1
Total	100.	

Table 4: Summary of Chi-Square and hypotheses test

Variables	χ^2 Calculated	χ^2 Tabulated	Degree of Freedom	Remark
Accessibility				
-to land from				
-the government.	12.43	9.24	4	Significant
High rental value	154.27	9.24	4	Significant
Issuance of fake				
-right of				
-occupancy paper	67.71	9.24	4	Significant
Time frame				
-experienced	49.40	9.24	4	Significant

Table 5: Land application received in the study area of Abuja since June, 2002

State of origin of applicants	No. of Applications for land
Abia	1266
Anambra	6383
Akwa Ibom	1014
Adamawa	2210
Bauchi	1620
Bayelsa	198
Benue	2685
Borno	2883
Cross river	2171
Delta	1536
Ebonyi	351
Edo	3779
Ekiti	320
Enugu	1255
Gombe	345
Imo	3700
Jigawa	751
Kaduna	3508
Kano	4624
Katsina	1806
Kebbi	1002
Kogi	2607
Kwara	2479
Lagos	1854
Nasarawa	719
Niger	3367
Ogun	2495
Ondo	1885
Osun	1019
Oyo	2230
Plateau	2803
Rivers	1321
Sokoto	1859
Taraba	577
Yobe	642
Zamfara	332
F.C.T	1199
TOTAL	20306

Source: Lands Department (M.F.C.T) as at June, 2007
*Number of application granted on state bases could not be obtained as it was classified as sacred information as at the time of this survey

Table 6: Official rate payable for land acquisition

Types of land use	Official rates payable N
Residential	21,000.00
Commercial and Industrial	52,500.00
Place of Worship	22,500.00
Agriculture and School	22,500.00

Source: Field Survey September 2007

Table 7: Land values in Abuja property market

District	Land Use	Area in Square Metres	Price in Naira N
Garki	Commercial	1600	45 million
Garki	Residential	700	16 million
Wuse	Residential	1184	46 million
Wuse	Commercial	1800	45 million
Maitama	Residential	1316	40 million
Asokoro	Residential	2000	25 million
Asokoro	Commercial	3000	55 million

Source: Field survey Jan. 2007.

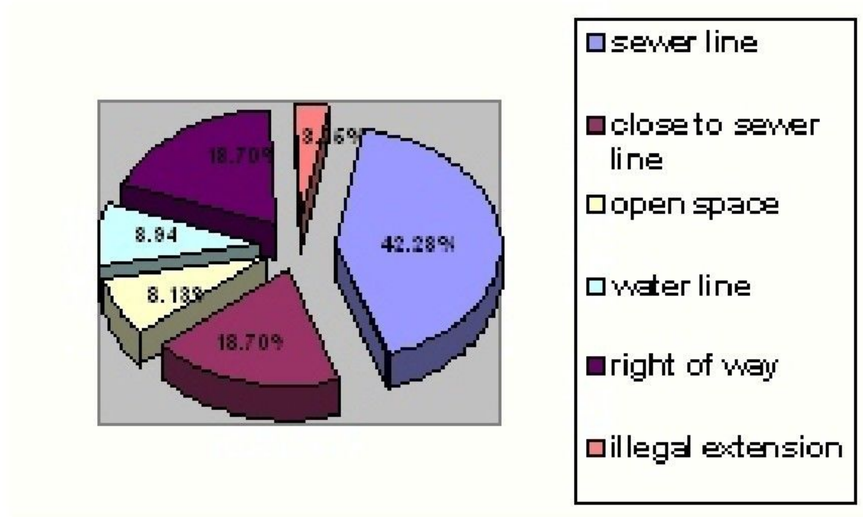

Fig. 1: Percentages of Land encroached upon
Source: Field survey Sep. 2007

Of all these variables, delay in land allocation ranks first as the major cause of land encroachment, follow by high rent of accommodation, follow by issuance of fake allocation paper and lastly by ignorance of the developers not knowing the allocation process.

Table 5 shows the number of application received for land since June 2002 on state-by-state basis. The table further reveals that only 9,749 representing 48% have been allocated land out of the 20,306 prospective land applicants that applied for land in the City. This figure however could not be broken down on state-by-state basis as the records were not kept is desired form. The issue of lack of access to land is further exacerbated by the exploitative land price charged by speculators in the land market. While the Ministry in charge of land allocation believes that the application fee and the processing fee for direct land allocation in any part of the city is affordable for all types of development, the actual land market prices are not affordable by majority of the populace. The official amounts charged for the grant of right of occupancy for different types of development by the government is presented in Table 6.

Contrary to the token charged by the government on land acquired for different uses, the average land market prices in different districts of the city as given by ten Estate Surveyors and Valuers are as follows:

The implications of the shortfall between quest for land and actual allocation are the major issues bothering on all stakeholders. Considering Tables 6 and 7 in the case of the official cost for Garki Residential land and the street or property market value' there is a large difference in prices to be bored by a desperate land developer who could not have direct access to official land acquisition. The two options left for such a prospective developer are to; buy exorbitantly from property market (on-street price) or resulting to illegal development of land which could later attract demolition. In the alternative the affected person may have to vacate the Federal Capital Territory, Abuja and go back to his village forfeiting his property to the government.

During the field survey, it was discovered that an encroacher who spent about thirty five million in putting up a shopping complex could only realize forty thousand naira from the salvaged roof of her demolished building. Many investors were hospitalized soon after the demolition exercise of their buildings while many others affected by the demolition exercise have suffered untimely death. On the long run, this resulted in a waste of economic resources, lower standard of living as some encroachers were forced to live under the bridges after being rendered homeless. This has no doubt increased poverty, the number of widows, orphans as well as criminal activities resulting from ineffective land administration and quest for land.

CONCLUSION AND RECOMMENDATIONS

In view of the fact that inaccessibility to land is one of the major problems of the encroachers, sustainable city may be realized through effective allocation of land among competing urban land users and provision of opportunities for economic, social and cultural well-being to avert encroachment on the city's land. Government should facilitate easy access to land by ensuring that the time lag between submission of land application forms and allocation is not more than one year. Also, government should enact a law forbidden any allotee not interested in land allotted to him to alienate his interest but return same to the lands department. This will put a stop to land speculation in the Federal Capital City. The low income earners which predominantly encroached on unallocated plots in the villages should be seen as a major fabric of the city; hence their quest for land should be met by provision of low income serviced plots. UN (2004) state of world cities maintains that every nation's capital including Abuja has potential of becoming a Mega city accommodating 10 million inhabitants. Therefore the government should put in place a political will in anticipation, preparation for social and developmental needs of future population of which the low income forms a substantial part. The urban poor who has greater tendency to encroach on land is a major fabric of any city. It is therefore recommended that government should put in place proper planning for the growing urban population by expanding the economic and employment opportunities to the urban poor as well as investing in low cost affordable housing for the most vulnerable group. This is essential since both the rich and the poor in society have to co-exist.

Land budget for open spaces and recreation represent the second largest land use after residential, therefore in order to achieve a functional and aesthetically pleasing environment, there is a need to create a department of Parks and Garden serviced by professional Landscape Architects and Planners to put more premium on the development and sustain ability of green spaces which is very vulnerable to encroachment.

Considering the relationship within man, population growth, land ownership and sustainable urban development, there is a fundamental need for information system capable of determining and controlling demographic changes, ecological and social carrying capacity of the city's land.

Lastly, in order to achieve the enlightened vision of the city's development, there is need to re-appraise and harness the potentials of the existing satellite towns. This is necessary to accommodate the ever increasing population of the city.

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