

Evaluation of Equity in Informal Land Development Systems in two Nigerian Cities

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Abstract

The informal land development system in Sub-Saharan Africa (SSA) is perceived to promote equity and could be leveraged to support sustainable urban development and management. However, scanty empirical evidence exists on the extent of the system's provision of equity to support policy formulation and practice in the region. Based on stakeholder workshops, focus group discussions and questionnaire surveys, this study analyses the system's provision of equity in Nigeria. The study finds all categories of people undertake informal developments. Consistent with literature, this finding reflects wide patronage of the informal land development system and its relevance. Nevertheless, contrary to the existing perception, the system's provision of equity is low. The study recommends for the institution of pro-poor and gender sensitive land development and management policies and programmes to increase the levels of equity

to support the achievement of the country's sustainable urban development and management agenda.

Keywords: Equity, informal development, Nigeria, participation, Sub-Saharan Africa

Introduction

Exceptional failings of Nigeria's urban land, planning and management system are well known (see Ogbazi, 2013). These are evident in the several urban environmental outcomes, such as massive disregard for planning and development regulations, proliferation of slums, inadequate infrastructure and services, traffic congestion and poor housing conditions (Gandy, 2005; Egbu et al., 2008; Ogbazi, 2013). These urban challenges are compounded by rising levels of urbanisation, poverty and informality. According to the World Bank (2017) 48% of the country's population resides in urban areas and this population is growing at an average rate of 4% per annum. However, the present levels of urbanisation and urban growth have outrun the capacities of national and urban governments to leverage them for socio-economic development but rather worsen the poor urban environmental outcomes (Baffour Awuah, 2018).

Several recent and past initiatives have been instituted at both the federal and the state levels of government to help redress urban problems in the country including the challenges of informal developments. These initiatives include: (1) Urbanisation and Infrastructure Research and Evaluation (UIREM) Programmes; (2) Evaluation of Nigerian Infrastructure Facility (NAIF) I and II Programmes; (3) the Growth and Employment in States (GEMS) Project particularly the third phase that focused on land administration - Systematic Land Titling and Registration Project; (4) the formulation

of Vision: 2020, which is a federal government policy to transform and recommend strategies to develop smart and functional cities for rapid economic growth, and promotion of good governance in the country's planning system; (5) the promulgation of a National Urban Development Policy in 2012, and (6) the adoption of the Sustainable Cities Programme by the Ibadan, Enugu and Kaduna states. These initiatives are fundamentally aimed to achieve sustainable urban development and governance, as well promote equity in urban development and management.

Literature often equates informal land developments to slum developments and are perceived to be mostly patronised by people in the low-income bracket who predominantly earn their livelihoods from occupations, such as small-scale trading, farming and other artisanal works, and have minimal or no formal education (Lamond et al., 2015). However, advocates (UN-Habitat, 2014) suggest insights could be drawn from the informal land development system to spur the country's quest to achieve sustainable urban development and promote equity. Yet the notion of the capability of the informal land development system to provide insights to drive equity in urban development is largely based on perception as there is a lack of empirical evidence on the extent of provision of equity under the system. Although some studies, such as Ikejiofor (2006), have examined equity under the informal land delivery system, these studies have focused predominantly on women and the urban poor's access to land. Besides, the studies were predominantly descriptive. This implies a lack of tangible evidence based on which policy makers and practitioners could formulate far reaching policies and strategies to support the pursuit of equity and sustainable land development and management.

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73 This study investigates equity in the informal land development and management
74 processes within two Nigerian cities of Minna (central Nigeria) and Enugu (southern
75 Nigeria), the Niger and Enugu states' capital cities respectively. The aim is to analyse
76 the extent to which the system promotes equity to provide input for policy formulation
77 and practice. The study is based on two informal communities namely Nyikangbe in
78 Minna and Ugbo Odogwu in Enugu as case studies. The rest of the paper is organised
79 as follows: the next section examines the concept of equity and how it can be measured.
80 This is followed by a discussion on the informal development system with emphasis on
81 Nigeria noting comments from the literature on the prevalence of equity within the
82 system to further contextualise the study. Additionally, a discussion on the application
83 of equity within urban development and how it can be measured from the literature
84 standpoint is provided. Thereafter, description of the methodology and data
85 employed, and discussion of results are presented before conclusions for the study are
86 drawn.

87

88 **Concept of Equity**

89 Equity has re-emerged as an important concept of urban policy especially in relation to
90 the pursuit of sustainable urban development and management in the developing world
91 (UN-Habitat, 2013; Baffour Awuah, 2016). This stems from the notion that formal
92 urban policies particularly around planning, development and management over the
93 years have further marginalised and worsen the conditions of vulnerable groups, such
94 as the poor and women (UN-Habitat, 2013).

95 Equity is often used interchangeably with fairness and justice although there could be
96 some nuances among them (Deakin, 1999). Equity is largely defined as the need for
97 fairness (Lucy 1981; IIED, 2015). The UN-Habitat (2013) professes equity is a branch of
98 law that emphasises law should not be all about unthinking application of existing rules,
99 but it should also be steeped in the spirit and habit of fairness, justness and right dealing.
100 This presupposes there is some form of consensus that equity could be equated to justice
101 and fairness, and a further implication to examine justice and fairness for in-depth
102 understanding of the concept of equity.

103 Justice and fairness' is an elusive concept and may have several definitions (Deakin,
104 1999; Alterman, 2013). Deakin (1999) first, based on a renowned (USA) legal scholar,
105 Benjamin N. Cardozo's definition explained justice as impartiality where there is a basis
106 in law, and established rules and procedures are followed to produce impartial
107 outcome. Deakin (1999) premised on the long tradition of Anglo-American
108 Jurisprudence further acknowledged that justice does not always mean treating
109 everybody equally. Rather, it is imperative that the law considers context and evaluate
110 circumstances in the interpretation of facts and that where blind or rigid application of
111 rules questions the sense of justice, equitable doctrines should step in to ensure justice.
112 In addition, Deakin (1999) broadens the meaning of justice using Rawlsian two
113 principles of justice, the first of which supports Cardozo's definition. The second
114 principle posits that social and economic inequalities are just if they result in
115 compensating benefit for everyone especially for the least advantaged ones in society.
116 This suggests any actions, which result in benefit to everyone in society especially the
117 least advantaged ones, could be judged as just and fair (Alterman, 2013). However,
118 fairness and justness of such actions are often determined by the process for, and the

outcomes of instituting those actions (Deakin, 1999; Faistein, 2010; Alterman, 2013; UN-Habitat, 2013). The focus of this study is on both the process and outcome for implementing action(s) that result in benefit to everyone in society particularly the least disadvantaged ones. Having explained the concept of equity, the paper now turns its attention to the informal land development system.

Informal Land Development System

Like most Sub-Saharan African (SSA) countries, the informal land development system in Nigeria is regarded as the alternative arrangement to the formal land development system through which land is acquired for development (Rakodi, 2007; Lamond et al., 2015; Baffour Awuah, 2016). However, this development system in Nigeria is usually equated to the customary land development and management arrangements (Ikejiofor, 2006). Although Nigeria is made up of numerous ethnic and land-owning groups with several customary practices, studies such as Ikejiofor (2006, 2009), Onyebueke and Ikejiofor (2014) and Lamond et al. (2015) give some insights into the mechanics of the operations of the informal land development system. Before opening discussions on the operation of the system, it is important to first detail the land administration regime in Nigeria.

Literature on land ownership and administration practices in Nigeria is often categorised into three epochs namely: pre-colonial, colonial and post-colonial eras (Adeniyi, 2013; Lamond et al., 2015; Oluwatayo et al., 2019). Prior to the colonisation of present-day Nigeria, lands in the country were held under communal and family ownership (Adeniyi, 2013; Oluwatayo et al., 2019). Traditional rulers and family heads were, thus, vested with the right and authority to administer and manage lands for the benefit of

their people. Land administration and management during this period were based on political, socio-economic, cultural and traditional norms and practices that existed and individual community and family members were granted use rights whilst the absolute ownership or interest in the lands were vested in the community and family heads (Lamond et al., 2015; Oluwatayo et al., 2019). Land use patterns and development outcomes also reflected the political, socio-economic, cultural and traditional norms and practices that existed at that time. Lamond et al. (2015), for example, observes the configuration of settlements manifested the major considerations that informed their developments noting settlements such as those that clustered around the Oba's (king) palace like the Benin City, those that reflected Muslim customs and traditions like Kano and Zaria, and those started as war camps like Ibadan.

The colonial period saw the introduction of formal land administration and management predominantly by British colonialists (Lamond et al., 2015; Oluwatayo et al., 2019). This period was therefore characterised by the transfer of British land tenure systems and practices to Nigeria. This was done through the promulgation of several land and land use legislation (Adeniyi, 2013; Oluwatayo et al., 2019). For example, although the land tenure system based on the Muslim Maliki Law that conferred ownership and control to the ruling class had replaced indigenous land tenure system in Northern Nigeria by 1804, the British colonial administration passed the Land and Native Proclamation Ordinance to change this arrangement (Adeniyi, 2013; Lamond et al., 2015). Indeed, the passage of the said ordinance converted all lands in Northern Nigeria into public lands and were held and administered by the colonial governor for the benefit of the natives (Lamond et al., 2015). Thus, a trust land administration system

was created giving rise to two forms of ownership namely legal ownership, which was vested in the colonial governor and equitable or beneficial ownership that was enjoyed by the natives. Lamond et al. (2015) further note that unlike Northern Nigeria, lands held under the ownership of families and lineages in Southern Nigeria were maintained. However, their acquisition by outsiders required the sanction and approval of the colonial governor. Several other laws bordering on land administration during this period were passed. These included Treaty of Cession (1861), Land Proclamation Ordinance (1900), Land and Native Rights Act (1916), Public Lands Acquisition (1917), State Land Acts (1918), Town and Country Planning Act (1946) (Lamond et al., 2015; Oluwatayo et al., 2019) and Ordinance No. 9 (1914), which was passed to enable the colonial government to undertake compulsory acquisition of land for public purposes (Lamond et al., 2015).

The post-colonial epoch relates to land administration and management practices after Nigeria gained independence in 1960. Two major laws namely Land Tenure Law of Northern Nigeria (1962) and Land Use Decree (now Act) (1978) have been passed since the country's independence, which have defined land administration and management until date (Oluwatayo et al., 2019). According to Oluwatayo et al. (2019) the land tenure law of Northern Nigeria empowered the minister responsible for lands to administer and manage all native lands implying such lands were vested in the minister and that the minister was the only person that can make lawful grants. The law has since be repealed following the passage of the Land Use Act (1978), which sought to unify land policies in Nigeria, curb land speculation in urban areas and promote agricultural investment through secured land rights (Adeniyi, 2013; Lamond et al.,

2015). Thus, Land Use Act (1978) is now the basic framework for land administration and management in Nigeria (Butler, 2009; Aluko, 2011; Lamond et al., 2015).

An important feature of the Land Use Act (1978) is its classification of lands in Nigeria into urban and rural lands and the vesting of the former with state governors and the later with local governments (Butler, 2009; Birner and Okumo, 2012). One of the implications of this arrangement by the Act is that administration and management of lands in Nigeria are fundamentally vested with state and local governments and that all land transactions in Nigeria are subject to ratification by the state authorities (Lamond et al., 2015). This is despite the broad ownership categorisation of lands in Nigeria into public or state, private and communal lands with the meaning of public lands being lands owned by government consisting of federal, state and local governments and their agencies (Adeniyi, 2013; Lamond et al., 2015). Private lands are owned by private individuals, families and lands under customary tenancies whilst communal lands are those owned by communities (Lamond et al., 2015).

Land administration and management responsibility of state and local governments require the establishment of elaborate bureaucracy to make land allocations, give consents land transactions and issue certificate of occupancy or register land transactions amongst others (Butler, 2009; Lamond et al., 2015). Thus, there are ministries involved in land administration with bodies such as the Department of Land Services with divisions for: acquisition, allocation, valuation, land use and housing; a surveying and mapping department; and a deeds registry in some of the states (Lamond et al., 2015). Regrettably, inadequacies of the above formal arrangement have led to informal land

acquisition and development system (see the next sub-section for discussion of some of the inadequacies).

Informal Land Acquisition and Development Process

There are two main forms of informal land acquisition in Nigeria (Adeniyi, 2013). These are commercial and non-commercial grants. Commercial grants occur where customary land-owning groups such as families, stools or communities sell lands to developers. The sale of land is usually undertaken by the leaders of these groups (Adeniyi, 2013; Lamond et al., 2015). Conversely, non-commercial grants refer to a situation where land grants are made often to members of land-owning groups not on commercial basis, but as of right. There is, however, a third category of disposition (Adeniyi, 2013; Lamond et al., 2015). This is predominantly subsequent transactions from initial land grants where a grantee of the two previous land disposition arrangements transfers his or her land to another person either as a gift or on commercial basis (Adeniyi, 2013; Lloyd-Jones et al., 2014; Lamond et al., 2015).

Although there is a recent emergence of large-scale real estate development and developers within the system, informal urban land grants and developments in Nigeria occur mainly on a small-scale (Ikejiofor, 2006; Onyebueke and Ikejiofor, 2014). Land developments take place usually on incremental basis. Apart from usual customary practices, several activities are sometimes undertaken in connection with land grants, developments and their management. These activities include land owning groups engaging their consultants, such as surveyors, land administrators/valuers, planners and lawyers who ensure lands are somewhat surveyed, demarcated and planned prior to

grants and necessary land transfer protocols followed (Ikejiofor, 2006, 2009). There are also middlemen or agents who provide information about availability of lands and facilitate land transactions at a commission. However, these functions are sometimes performed by friends and family members. Further, there are arrangements for resolving grant and management issues, such as dispute over land ownership (Lloyd-Jones et al., 2014; Lamond et al., 2015).

Planning consultants engaged by the land owning groups especially those with large tracts of land prepare some form of planning schemes over the land. Where such consultants are not engaged the land-owners undertake their own planning based on common knowledge (Ikejiofor, 2009; Lloyd-Jones et al., 2014; Lamond et al., 2015). Upon acquisition of land, the purchaser could commence development immediately or within a few weeks by engaging his or her artisans, such as builders, welders, painters and labourers. However, there have been instances where communities, such as those in Enugu State through their youth groups collaborate with government and local government institutions, particularly planning authorities, to ensure that there is some form of planning schemes over relevant lands and that developers obtain permission from planning authorities before development commences (Ikejiofor, 2009; Onyebueke and Ikejiofor, 2014). Developers are also made to pay youth development fees before they commence development (Ikejiofor, 2006; Onyebueke and Ikejiofor, 2014). Infrastructure and services' provisions are often an afterthought and are usually provided upon completion of developments or alongside the construction of developments. Provision or access to infrastructure such as electricity is sometimes through illegal connection from public mains (Rakodi, 2007; Lamond et al., 2015), and

collective action, such as community self-help (Ibem, 2009; Abubakar, 2014). The management of developments and by extension informal communities are undertaken by the leaders of the communities in collaboration with their elders using local norms and practices. To facilitate effective and efficient management, community heads sometimes set-up various committees, which undertake periodic inspection of communities to ensure developments conform to local norms and practices, address issues relating to infrastructure and service provision, and liaise with formal government agencies regarding challenges of the communities (Baffour Awuah, 2018).

Land developments that emerge from the informal urban development system in Nigeria like many others across SSA cities are often criticised as sub-standard, not provided with basic infrastructure and services, and do not comply with formal development regulations among others (Lamond et al., 2015). However, these developments provide housing and accommodation for several activities, such as offices and shops for most urban residents in the country (Rakodi et al., 2004; Lamond et al., 2015). Indeed, informal developments constitute the largest proportion of urban developments in SSA cities and it is estimated between 50%-80% of new developments in the region's cities are informal (Rakodi, 2007; Nkuranziza, 2008). Some of these developments are good and they are in areas covered by some form of planning schemes and are provided with basic infrastructure (Lamond et al., 2015).

The system is also perceived to have simple and less costly processes and procedures, as well as promotes quick and easy access to developable land even for the marginalised, such as the poor (Ikejiofor, 2006). Access to land by the marginalised is further

287 accentuated by the system's flexibility in terms of being able to offer smaller sizes of
288 land for development, which are often unacceptable under the formal system. In
289 addition, although women access to land either through inheritance or purchase and
290 participation in land administration and management particularly in the south-western
291 part of the country was not allowed, the situation currently seems to be improving
292 (Lamond et al, 2015). The informal land development system is thus perceived to
293 promote equity. These run contrary to findings from several conventional studies on
294 the inadequacies of formal land administration and planning systems in Nigeria (Egbu
295 et al., 2008; Akingbade et al., 2012). These studies, although not focused on equity
296 issues, partly reflect the existing system's discrimination against low income
297 communities and the poor. It is argued from a number of these studies that the existing
298 formal system's restrictive requirements and their associated costs and inconveniences
299 such as delays with land allocation processes tend to serve the interest of the elite and
300 affluent. For example, it is noted that the poor's access to formal urban developable
301 lands is limited, if not non-existent (Baffour Awuah, 2018).

302
303 Baffour Awuah (2018) further notes government is unable to provide adequate
304 developable lands, and applicants of formal lands must submit their applications to
305 government allocation committees and meet requirements, such as filling application
306 forms, showing evidence of the financial ability to develop the land and submitting
307 designs for proposed developments. The study also revealed applicants must pay some
308 statutory fees and, whilst a few applicants obtain allocations easily and within a
309 comparatively short period, it takes ages for most people to get allocations due to
310 inadequate human and material resources, the irregular meeting times of the

committees and manipulations of the elite. This besides corruption with allocation processes particularly extra out-of-pocket payments to public officials, and follow-ups to government departments to facilitate the application process. That said, a recent World Bank (2019) *Doing Business Indicators 2019* also established that it takes 12 procedures and 105 days to register a land or property in Lagos State with a cost of 11.1% of the property compared to those of Kano State, which are 11, 47 days and 11.8% respectively. Although the situation is better in Kano State and even compared to that of SSA (53.9 for number of days) in terms of number of procedures and days for land registration, there is more room for improvement. This is very evident when the above statistics are compared with OECD high income countries figures of 4.7 procedures, 20.1 days and 4.2% of the property value as the cost of registration. The situation is not different regarding quality of land administration where equal access to property rights is a key component. Indeed, on a scale of 0-30 with 30 signifying the best quality, Lagos and Kano States were rated 8.0 and 4.5 respectively whilst SSA was rated 8.8 and OECD, 23. The cumulative effect of the failings of the formal land administration results in gaps in the provision of developable lands and make such lands inaccessible to most of the people who resort to the informal system for provision. Nevertheless, the idea of the informal land development system being perceived to promote equity needs also to be examined in the context of local nuances as regards inheritance, marriage and settlers as against indigenes, amongst others.

In broad terms, many studies have not been conducted on equity in Nigeria land administration and urban development. For the formal urban development system, two studies namely Adeniyi (2013) and Ogbazi (2013), are worthy of note. Adeniyi

(2013) examined urban land governance in Nigeria and sought to evaluate equity using data solicited by questionnaire, which was based on a Likert scale. The questionnaire focused on issues, such as land registration rate, land registration process, access to lands for development, public land acquisition and compensation, land dispute and access to land information based on the World Bank's Governance Framework. The study found land governance in the context of the afore-mentioned issues is largely weak and inadequate. Conversely, Ogbazi (2013) using the (U.N-Habitat/UNEP) Environmental Planning and Management Process examined the Sustainable Cities Programme (SCP), which was adopted by Ibadan, Enugu, Kaduna and Kano states to determine the level of participation/inclusiveness in urban planning and management processes. The study found progress is being made in areas, such as broad-based inclusiveness and prioritizing issues, building consensus and preparing cities' profiles, but institutionalisation of the common components of the process was low, amongst others.

For the informal land development system, the few existing studies tend to focus on the effect/impact of land development norms and practices relating to access to land for development by the marginalised, such as women and the poor. Two key studies are Rakodi and Leduka (2004), and Ikejiofor (2006). The two studies focussed on Enugu and used mainly focus group discussions to evaluate the urban poor and women access to land for development. Findings from these studies established there are restrictions against women's access to land and that the increasing urbanisation and commodification of land is depriving the urban poor of land for development. It is important to state these studies noted the problem with definition and identification of the poor for discussions, as limitations. More recently, Lamond et al. (2015) focused on

both the formal and informal systems, used interviews of key stakeholders in urban development found access to land by the poor under the informal urban land, planning, development and governance processes is becoming difficult due to rapid urbanisation and commodification of land. Further, the study recorded mixed outcomes regarding women's access to land under the informal system. For example, the study noted affluent women are often able to easily access land for development. There is, therefore, a need for more studies to be carried out into equity related issues within the informal land development system particularly to analyse the extent of provision of equity within the system to provide tangible evidence to inform recent initiatives in Nigeria to achieve sustainable urban development and management. It is, therefore, within the foregoing context that this study is fashioned.

Measuring Equity in Urban Development

Urban land development and management before formal regulation of property markets were predominantly managed by socio-cultural and political norms, as well as market forces. However, in developing economies, such as those of SSA, socio-cultural and political norms were the main management tools (Alterman, 2013; Baffour Awuah, 2013). Both socio-cultural and political norms, and market forces created adverse externalities, such as incompatible land uses, environmental degradation and non-provision of public goods. This meant the outcomes of these management tools created some form of inequity and injustice to sections of society especially the disadvantaged and partly necessitated a need for intervention through formal land development policies (Adams, 2008). These formal land development policies appear to have proven inadequate to promote equity in developing economies. Strikingly, socio-cultural and

political norms and practices under the informal land development system are now perceived to promote equity in urban development and that they could help facilitate the sustainable urban development and management agenda in the region (UN-Habitat, 2014; Baffour Awuah, 2016). However, the idea of a system promoting equity or not depends among other things on the operating norms and practices in the system, and most importantly the stakeholders in the system, their interaction with each other regarding their roles, rights and privileges, amongst others, relating to issues and resources within the system (Harley, 1991). The norms and practices, for example, could prescribe roles as well as processes by which the roles should be performed and ultimately help to assess the prevalence of equity.

The informal land development processes is made up of several stakeholders such as landowners, community leaders and elders, landowners' family members, landowners' consultants, community members and residents, intermediaries and agents, infrastructure and service providers, and government institutions, amongst others. All these stakeholders perform roles, have interests and relationships regarding the land development processes as well as access to resources and benefits, recognition etc. As pointed out earlier, it is within these roles, interests and relationships particularly the power struggles that equity can be examined. It is also within that, that indicators can be developed to measure equity. However, in this study, the stakeholders considered are landowners and their family members, community leaders and their elders, community members and residents, which include the poor and women within the case study communities

406 Measuring equity could be as complicated as the meaning of the concept itself. For
407 example, Lucy (1981,) in an analysis to determine equity in the spatial distribution of
408 services and facilities identified five distinct sub concepts of equity namely equality,
409 need, demand, preference and willingness to pay based on what planners in nine large
410 local jurisdictions in the USA propose, often spring up. However, apart from
411 acknowledging the sub concepts are not necessarily exhaustive, she notes not all the
412 concepts can be achieved at the same time. Nevertheless, the discussions so far
413 demonstrate equity largely could be determined by two main pathways. These are the
414 process and the outcomes from instituting actions, in this context, land development
415 and management policies, whether formal or informal, pathways.

416 Previous discussions also noted that it is within land development stakeholders' roles,
417 interests and relationships particularly the power struggles that equity can be examined
418 and measured. The land development particularly the urban planning literature shows
419 that the process pathway is predominantly driven by new planning and governance
420 theories, such as the collaborative or communicative planning models (Harley, 2003;
421 Agger and Lofgren, 2008) and the Just City (Fainstein, 2010). Previous studies, such as
422 (Huxley and Yiftachel, 2000; Flyvbjerg and Richardson, 2002) criticised the
423 communicative planning model as not providing answers to unfair or destructive use
424 of power in the planning and land development process. Some commentators even
425 note the subject planning model does not solve the problem of power struggles or
426 stakeholders/actors in the planning and land development process who act strategically
427 (Flyvbjerg and Richardson, 2002). Other studies (Harley, 2003; Innes, 2004) have
428 challenged these assertions and re-stated the position of communication planning
429 model. However, Sager (2006) particularly demonstrates the link between equity and

the communicative planning model regarding the planning and land development process. Using insights from economics theory of transaction cost, the study notes there are political and economic transaction costs in the planning and land development process. There are also actors in the process who wield a lot of economic and political power who seek to manipulate the process to their advantage and, in doing so disadvantage deprived actors as well, as work against public interest. Accordingly, the study professes that the application of communicative planning model should seek to achieve equity through applying cost-raising strategies to such powerful actors in the planning and land development process whilst lowering transaction costs for the deprived actors whose interests are often ignored, without necessarily sacrificing the contribution such powerful groups could make towards the achievement of public interest or good.

Cost-raising strategies for the powerful actors and cost-lowering strategies for the deprived actors are embedded in the extent to which democratic credentials are included in the planning and land development process. This is based on inclusiveness of and participation in urban land, planning, development and governance processes by citizens, interest groups, private sector, (NGO/CBOs) and other stakeholders (Harley, 2003; Alterman, 2013). However, to achieve inclusiveness, participation and all the other democratic credentials in urban development and governance processes, there is a need for deliberative tools that ensure and improve communication, listening, responding, sharing knowledge, openness, respect, trust, relationship and consensus building. This is supposed to prevent intimidation, misinformation, and manipulation and distrust (Ogbazi, 2013).

454

455 Actualising such deliberative tools is often difficult. Even more difficult is how to
456 evaluate the success or otherwise of inclusiveness and participation in the urban land,
457 planning, development and governance process (Agger and Lofgren, 2008; Ogbazi,
458 2013). Ogbazi (2013) recognises not many works have been undertaken in this area,
459 but notes a few examples, such as Innes and Booher (2002) and Laurian and Shaw
460 (2009). Even so, there is a lack of consensus among these studies due to the varying
461 perspectives and interpretation of participation (Ogbazi, 2013). For example, some
462 studies evaluate the success or otherwise of participation relating to balances of
463 exchanges between agencies and citizens, and power sharing, whilst others argue that
464 success should be established first and then explanatory variables found for it. An
465 evaluation criterion that seems to be gaining recognition is the one based on the goals
466 of participation in the urban land, planning, development and governance process
467 (Ogbazi 2013).

468

469 The outcome pathway focuses on the effect or impact of urban planning, development
470 and governance policies on especially the achievement of the often-cited reason for the
471 introduction of formal land development policies and processes. It is a traditional
472 criterion to evaluate equity and fairness (UN-Habitat, 2013). This fundamentally relates
473 to distributional equity, which in this context seeks to improve the conditions of those
474 who will suffer deprivation without the intervention of formal urban development
475 policies and processes (Alterman, 2013). Nevertheless, it is also known the formal
476 processes also create gains and losses. For example, as noted by Alterman (2013) a
477 cardinal function of planning regulation is allocation of development rights for different

land uses. Some of these land uses maybe lucrative to landowners, such as housing and commercial, but others like protected agricultural zone do not allow development may not be. Similarly, regulation determines land and properties that will benefit from positive externalities and those that will suffer from negative externalities. The question remains whether those who suffer the effects of formal policies and their processes should be compensated. Furthermore, since justice does not always mean treating everybody equally there are often questions as to whether implementation of formal policies and processes should follow the same standard for everyone. For example, should the urban poor and the rich pay the same fee for land administration service, such as land title formalisation? The foregoing shows that the determination of the extent equity in urban development and management is not a straight forward issue.

Different actors and stakeholders may perceive and measure equity differently. Indeed, a recent study carried out on equity relating to the conservation of Bwindi Impenetrable National Park (BINP), located in Southwest of Uganda by IIED (2015), found that Uganda Wildlife Authority, local government officials, communities and conservationists perceived equity differently. Based on Adeniyi (2013), IIED (2015), the democratic credentials professed by the communicative planning model and the outcomes from the stakeholder workshops and the focus groups discussions, a set of indicators were developed to analyse equity in the case study communities. The set of indicators derived from the literature is as shown in Table 1. This set of indicators together with the others obtained from the stakeholder workshops and the focus group discussions were used in the questionnaire survey – refer to the section on research methodology for details.

Research Methodology

The primary motive of the study was to analyse the provision of equity within the informal land development and management process. In doing so, the idea was to identify a set of suitable equity indicators and examine the extent of their provision or availability under the informal land development system. This was particularly so given the elusive nature of the concept of equity in urban development and management, as well as the fact that different urban actors may perceive equity differently. These required a pragmatic approach based on multiple philosophies, strategies, and data collection methods, as well as analytical tools to implement the research. A mixed-methods research methodology was, therefore used to deliver the research. The use of the mixed-methods methodology also provided a platform for a better understanding of equity in urban development and to build a robust evidence base to address the fundamental aim of the research (Johnson and Onwuegbuzie, 2004; Ogbazi, 2013; Creswell, 2014). The insights from the literature review in terms of indicators for measuring equity and those from the stakeholder workshops and the focus group discussions were combined to develop a comprehensive set of indicators, which was used in the questionnaire survey to obtain data – refer to Table 1

Two informal communities in Minna and Enugu (see Figures 1 and 2), the capital cities of the Niger and Enugu states, respectively, were used as case studies. The informal communities were Nyikangbe and Ugbo Odogwu (see the findings for their profile).

Data and Analysis

524 A literature review was conducted to identify the extant knowledge and provide the
525 study context. The literature review was followed by one-day city-wide stakeholder
526 workshops in Minna and Enugu with urban sector stakeholders – such as legal
527 practitioners, estate surveyors and valuers, planners, officials from Nigerian Security and
528 Civil Defence Corps, Environmental Protection Agency, Electricity Distribution
529 Company, National Emergency Management Agency (NEMA), Fire Service and
530 academia. The workshops were organised with the help of the Federal University of
531 Technology (FUT), Minna and NEMA.

532 The workshops provided further contextualisation of the research and together with
533 the literature review helped to identify indicators for measuring equity under the
534 informal development system. They also provided useful information that enabled the
535 choice of suitable case study informal communities and the design of the data collection
536 instruments. Further, they helped to identify useful informants and uncover data
537 sources, which were leveraged to obtain data to deliver the research.

538 Focus group discussions, as well as questionnaire surveys, were thereafter carried-out
539 with members of the case study communities. The focus group discussions preceded the
540 questionnaire surveys. The focus group discussion sessions in Nyikangbe Community
541 took place on March 22, 2016 at the forecourt of the Community Chief's Palace.
542 Participants who took part in the discussions were drawn from the leadership of the
543 community, the elderly (men and women), and the youth. Given the lack of a reliable
544 sample frame, the selection of participants was based on purposive and convenience
545 sampling techniques. A total of 42 people participated in the discussions. The
546 participants were divided into four groups as: (1) FG1 (the women group), (2) FG2 (the
547 elderly men group), (3) FG3 (the elderly men and youth group) and (4) FG4 (the youth

group). This was to facilitate coherent and useful discussions, as well as the analysis of the outcomes from the discussions. Based on the customs and traditions of the community, the women were not grouped with the men. Thus, a separate group was created for the women. Prior consultations were held with the community leaders and elders to identify marginalised individuals and ensure they were included in the groups to participate in the discussions. The proceedings at the workshop were recorded in notebooks and with the help of recorders. The recordings were later transcribed for analysis.

The focus group discussion session in Ugbo Odogwu took place on May 21, 2016 at the Scripture Union Church Hall. The organisation of the discussion sessions and the recordings of the outcomes followed the same format as that of Nyikangbe. Thirty-seven participants took part in the discussions. They were also drawn from the leadership of the community, the elderly (men and women) and the youth based on purposive and convenience sampling techniques. The participants were divided into three groups. However, for consistency a separate group was also created for women. The participants were divided into three groups as follows: (1) FGG1 (men), (2) FGG2 (women), and (3) FGG3 (the youth). The discussion sessions were organised with the assistance of NEMA. The focus group discussions, thus, predominantly explored equity and helped to revise and expand the indicators for analysing equity in the case study informal communities (see table 1 below).

INSERT TABLE 1 HERE

571 Questionnaire surveys were undertaken between June and August 2016. The
572 questionnaire covered issues, such as background of respondents, and equity in the land
573 development and management processes in the case study communities. The questions
574 relating to equity were designed using Likert scales. The questionnaire was pre-tested
575 prior to its administration. This was to ensure that it passed face and content validities
576 tests. Eight questionnaires were sent to residents within the Nyikangbe Community to
577 evaluate the questionnaire with respect to whether it covered what it sought to achieve,
578 and the effectiveness of how the research variables were to be measured. The outcome
579 of the pre-test showed the research variables were appropriate and that the questions
580 set for the survey were clear and understandable. The questionnaires were self-
581 administered (face-to-face questionnaire administration) with the help of a team of
582 academics/researchers from the FUT who were recruited and trained for that purpose.
583 The questionnaire administration in Ugbo Odogwu was carried-out with the assistance
584 of the NEMA office in Enugu.

585 A set each of 120 questionnaires were administered to the respondents in both case
586 study communities based on a systematic sampling procedure with development
587 patterns in the communities as guides. Thus, proceeding from one end of the various
588 development patterns encountered in the communities, the first house was selected,
589 and the questionnaire(s) administered to suitable occupant(s) of the development. This
590 was then followed by the selection of every third development for the questionnaire
591 administration. The stakeholder workshops, and the focus group discussions and the
592 interview surveys held prior to the questionnaire administration helped to sensitise the
593 respondents about the research and the questionnaire survey. This partly facilitated the
594 smooth administration of the questionnaires as the respondents had already become

familiar with the research. Nevertheless, the questionnaire administration team got in touch with the communities' leadership who in turn informed members of the communities about the questionnaire administration. Response rates of 72.5% and 83% were obtained for the questionnaire administration in Nyikangbe and Ugbo Odogwu, respectively.

Discussions at the stakeholder workshops were recorded in noted books and later re-written in a clearer and organised manner. This ensured that agreements and disagreements were noted. The focus group discussions were analysed using the thematic analysis procedure.

Questionnaire survey data were first entered in Microsoft Excel spreadsheets and thereafter coded and transferred to (SPSS). Descriptive statistics - mean, median and percentages were predominantly used to analyse the data on the background of respondents. The data on equity within the land development and management processes were obtained based on a five-point Likert scale and using the equity indicators (Table 1). Details of the Likert scale were: (1 = Very low, 2= Low, 3=Quite low, 4=High and 5=Very high). The responses were analysed with the consensus/agreement around the mean analytical framework identified by Tastle and Wierman (2007), and subsequently modified by Tastle et. al (2009) to allow for consensus around a given target. The target used in this instance was five, the highest score on the Likert scale. The formula used is as follows:

$$Agr(X|5) = 1 + \sum_{i=1}^n p_i \log_2 \left(1 - \frac{|X_i - 5|}{2d} \right)$$

Where:

618 Agr = The level of agreement on evaluation of an attribute;

619 X = The scores;

620 5 = The highest score;

621 X_i = Each score; and

622 d_x = The range of X ($d_x = X_{\max} - X_{\min}$)

623

624 The above formula is designed to cater for the ordinal nature of the Likert scale scores,
625 and it ranges between zero and One. One signifies complete agreement. Conversely,
626 zero indicates a complete lack of agreement. Thus, the measure in this research calibrates
627 the extent of the respondents' agreement towards the last option on the Likert scale (5
628 on a scale of 1-5). Given that five was the highest and the target score, if all the
629 respondents, for example, rated their feeling of inclusion in the land development
630 processes in their communities very high by selecting five on the Likert scale, then the
631 consensus measure will result in one. However, if they rated it very low by choosing
632 one on the scale, then the consensus measure will be zero.

633

634 **Research Findings**

635 Findings from the empirical section of the study are divided into three parts. These are
636 outcomes from the stakeholder workshops, and findings from the focus group
637 discussions and the questionnaire surveys. However, prior to detailing the findings it is
638 imperative to profile the two informal communities used for this study.

Profile of Nyikangbe and Ugbo Odogwu

Nyikangbe is located within Chanchaga Local Government Area. It is within the south western region of Minna, less than 28 kilometers away from the Minna-Bida Road axis with a geographical coordinate of 6 30' 25'' E, 9 35' 45''N. The settlement shares a common boundary to the west, east, north east and south with Gbarako River and Gidan Mangoro, Dutsen Kura, Kpakungu and the Bida-Kwarankota Road, respectively. Nyikangbe covers an approximate land area of about 3.81 square kilometers. Discussions with the community leader established that the community is predominantly a Gbagyi settlement, which has been in existence for centuries. Originally, a farming community founded by a single family with two structures, it has turned into a settlement characterised by thousands of people, likewise thousands of structures developed without direction from formal planning. Although the people in the area were predominantly Gbagyis, with the rapid growth and development of the core area (Minna), which have had influence in the area, the ethnic structure of residents has become diversified, and now comprise Yorubas, Igbo, Tiv, Fulani and Nupe among others. Similarly, there has been a diversification of the nature of occupation of residents, which used to be predominantly farming and fishing, to include service provision –, such as mechanics, other forms of artisans, crafting and formal sector occupations. Figure 1 is a map of Minna showing the location of Nyikangbe.

INSERT FIGURE 1 HERE

Ugbo Odogwu is an informal settlement with a population estimation of 7100 people at the maximum, an average household size of 10 and room occupancy ratio of 6.2

(Ezenwaji and Nwafor, 2018). The community is an escarpment on the Udi Hill and it is located in Enugu-East Local Government Area, along the Enugu Expressway, which is close to the Ekulu River (Ejidike et al., 2006). Residents are mainly former coal miners, railway workers, and farmers who migrated from different places in south east Nigeria and formed a very strong farming community (Ejidike et al., 2006). However, there are other forms of occupation, such as crafting, mechanic and other artisan works, as well as public and civil service occupations (Ejidike et al., 2006, Ezenwaji and Nwafor, 2018). As an informal settlement, the community is characterized mainly by unplanned houses, poor medical and social facilities, lack of access roads and irregular supply of electricity, as well as poverty. Nevertheless, there are few amenities including two missionary centres that provide primary school education (Ejidike et al., 2006). Figure 2 is a map of Enugu showing the location of Ugbo Odogwu.

INSERT FIGURE 2 HERE

The case study sites were chosen because although they are all informal settlements they manifested varying dynamics of land ownership as evidenced by socio-economic and cultural mix, which allowed for robust analysis and bringing different perspectives to bear.

Outcome from the Stakeholder Workshops

Although the outcomes from the workshops held in Minna and Enugu showed agreement on the meaning and coverage of equity there were variations in opinions

on prevalence of equity and recommendations for its improvement in the informal land development system (see Table 2).

INSERT TABLE 2 HERE

Findings from the Focus Group Discussions

Similar findings in terms of the meaning of equity were obtained from the focus discussions. These findings were also similar across the study communities. However, mixed outcomes were recorded for prevalence of equity within the land development system of the study communities (see Table 3).

INSERT TABLE 3 HERE

Findings from the Questionnaire Surveys

Responses were obtained for 87 out of the 120 questionnaires administered to land/property owners and residents of Nyikangbe. This represents 72.5% response rate. One hundred questionnaires were completed in Ugbo Odogwu, which is 83.3% of the

120 questionnaires administered. The response rates compare favourably with studies, such as Aribigbola (2007) and Egbu et al. (2008). Further, for Nyikangbe, a total of 97.7% of the respondents were male compared to 2.3% who were females. The striking difference between the male respondents and their female counterparts stemmed from the rather low level of female land ownership rate in the community as well as the fact that custom required that men who were mostly heads of households in the communities responded to the questionnaire. Although this is a possible limitation to the study as it may affect the generalisation of the results, it reflected the situation in the community in terms of who is in an advantageous position amongst men and women when it comes to decision-making as reported during the focus group discussions. This partly corroborated the state of equity in the land development processes in the community.

The educational level of the respondents ranged between primary and tertiary levels of education. Most respondents, however, had post-secondary level of education (52%). This was followed by primary and secondary/technical/vocational levels of education (10.3% each), Junior Secondary School (J.S.S)/Elementary and tertiary levels of education (8% each), and other forms of education, such as Quranic education (3.4%). For Ugbo Odogwu, 82% of the respondents were male compared to 18% who were female. Also, respondents with tertiary and secondary/technical/vocational levels of education had the highest frequency (25% each) compared to (9%) who had no formal education. Further, 20% of the respondents had post-secondary level of education, whilst 13% and 8% had primary and (J.S.S)/elementary levels of education respectively.

Figures 3 and 4 present the occupation details of the respondents from Nyikangbe and Ugbo Odogwu, respectively.

INSERT FIGURES 3 & 4 HERE

A total of 32.2% of the respondents were employed as civil servants compared to 6.9% of them who were in other forms of occupation in Nyikangbe. Twenty-three percent of the respondents were public servants whilst trading, farming and artisanal works constituted 12.6% each of the occupation of the respondents. For Ugbo Odogwu, 44% of the respondents were engaged in trading compared to 5% who were artisans. Further, 18%, 14% and 8% of the respondents were civil servants, farmers and public servants, respectively, whilst 11% of them were engaged in other forms of occupation.

Most of the respondents in Nyikangbe (64.4%), on average, earned an income of N (Naira – the Nigerian currency) 80, 000 per month, compared to only 6.9% respondents whose monthly average incomes were between N20, 000 and 39,000, and 28.7% who earned between N40, 000 and 79,000. For Ugbo Odogwu, 44% of the respondents, on average, earned N80, 000 or more per month compared to 7% who earned between N60, 000 and N79, 000 per month, on average. Eighteen percent of the respondents earned, on average, a monthly income of below N20,000, whilst 20% and 21% earned between N20,000 and N39,000, and N40,000 and N59,000, respectively.

Extent of Equity in Land Development and Management

Tables 4 and 5 provide details of the scaling and the ratings of the provision of equity in the two communities respectively. The results show that except for the indicator – the presence of and the degree of conflicts in land development and management activities, which the respondents rated high or very high ($\text{Agr}|5 = 0.72$) in Nyikangbe all the other equity indicators were rated very low or low (Table 4). The rating of the presence of and the degree of conflicts in land development and management activities high or very high even somewhat reinforce the overall finding as it could suggest the presence of dissatisfaction from some of the actors in the land development and management processes. The outcomes from the ratings of the equity indicators in Ugbo Odogwu were predominantly like findings on Nyikangbe. Indeed, the extent of the provision of all the indicators in the community was rated very low or low (Table 5) meaning the provision of equity in land development and management process in the communities is low or very low. Ordinarily, the disaggregated results based on respondents' background variables, such as gender, educational level and occupation should have been reported. However, the results reflected the same outcome as the overall results. Therefore, they were not striking to merit additional attention.

INSERT TABLES 4 & 5 HERE

Discussion of Findings

Contrary to the literature, findings from the questionnaire survey highlight that informal land developments are not the preserve of a specific group(s) of people as previously mentioned. Rather, informal urban developments are undertaken by all categories of people including those from low, middle- and high-income groups, as well as those with different levels of education, and engaged in both formal and informal sector employment. For example, it was found that most of the respondents (Nyikangbe (64.4%) and Ugbo Odogwu (44%)) earned, on average, N80, 000.00 or more a month. This implies most respondents were in the middle-income category or above (Robertson et al. 2011). It was also found that 32% and 23% of the respondents were civil and public servants, respectively, in Nyikangbe. Further, most of the respondents (59.8%) had a post-secondary level of education in Nyikangbe whilst 25% of Ugbo Odogwu respondents had tertiary level of education. The foregoing reflects the relevance of informal developments and the informal land development system in Nigeria in terms of provision of developable lands and systems to address the housing needs of all categories of people. This resonates with the existing knowledge that the informal land development system provides accommodation for most of the urban population not only in Nigeria, but across the SSA region (Rakodi, 2007; Lamond et al., 2015).

Literature highlights equity in land development and management is very elusive to determine. Nevertheless, the findings demonstrate it was predominantly perceived in terms of access to land and other resources, as well as participation and inclusion of community members and stakeholders especially the marginalised, such as the poor and women in the land development and management processes. The survey results largely

796 corroborate with the outcomes of the stakeholder workshops and the focus group
797 discussions that the provision of equity under the system is low or very low. The findings
798 highlight unequal access to land and other resources, as well as a lack of participation
799 and inclusion of community members in land development and management processes,
800 with the poor and women mostly being at a disadvantaged position, which corroborate
801 what exists in the literature. In Nyikangbe, the discrimination against women was both
802 in terms of access to land and participation in the land development process particularly
803 with respect to decision-making, whilst that of Ugbo Odogwu was in relation to
804 participation in the land development process. Although discrimination against women
805 in land acquisition was not clear from the focus group discussions in Ugbo Odogwu,
806 literature makes it clear that such discrimination exists in Igbo land (Ikejiofor, 2009).
807 Literature further shows the discrimination against women in land acquisition and the
808 development processes are steeped in cultural practices in both Igbo and Gbagyi
809 (Lamond et al., 2015; Baffour Awuah, 2018). Indeed, it came to the fore in the
810 Nyikangbe focus group discussions that access to land through sharing of family
811 properties or inheritance does not favour women as the prevailing customary norms
812 and practices give men precedence over them. That said, it is clear from the focus group
813 discussions in both study communities that women groups lament greatly about the
814 discrimination against them. Therefore, a different result was expected from the
815 questionnaire surveys given women constituted a comparatively small proportion of
816 the samples that were drawn (2.3% in Nyikangbe and 18% in Ugbo Odogwu).
817 However, the survey result corroborated the findings from the focus group discussions.
818 From Sager (2006) transaction cost analysis, the findings suggest that the cost-raising
819 strategies for the powerful actors, such as the community and family heads, elders and

820 men household heads, amongst others, in the land development processes under the
821 informal development system are not working and that these actors are rather
822 incentivised by low economic and political costs not include the marginalised, such as
823 women from the development processes. Notwithstanding the foregoing, it needs to
824 be recognised that the formal law court system under the present legal pluralism is
825 promoting women access to land and other rights by curtailing the excesses of the
826 customary practices under customary law, although it has also in certain cases fostered
827 through statute law gender inequality as for instance in the area of land grabbing
828 (Nwapi, 2016).

829 Although some focus group respondents in Nyikangbe noted equal opportunities for
830 land purchases, they also recognised one needs to have the financial resources to utilise
831 such opportunities. This means that the poor cannot access such opportunities.
832 Discrimination against the poor in land acquisition was also echoed in Ugbo Odogwu
833 where some respondents even observed the poor are not respected. Indeed, the survey
834 results show most people who patronise the informal land development system are
835 mostly middle to high income households (64.4% of the respondents on average,
836 earned an income of N80,000 per month or more in Nyikangbe and 44% of the
837 respondents, on average, earned N80,000 or more per month in Ugbo Odogwu with
838 a further 7% earning between N60,000 and N79000 per month). As noted previously,
839 discrimination against the poor is also found in participation of the land development
840 process. These findings are corroborated by studies, such as Ikejiofor (2006) and
841 Lamond et al. (2015), which noted among other issues the increasing commodification
842 of lands under the informal urban development system is reducing the urban poor's
843 access to land for development. The foregoing runs contrary to the perception that the

informal urban land development system promotes equity. This requires immediate redress given the system's relevance and, as the results show, the elite and the affluent are increasingly patronising it signifying that the poor and the disadvantaged are being, or may be, priced out.

Conclusions

This study analysed the extent to which the informal urban development system promotes equity in Nigeria based on two informal communities - Nyikangbe in Minna, the Niger State capital city and Ugbo Odogwu in Enugu, the capital city of Enugu State as case studies. Based on a combination of literature review, stakeholder workshops, focus group discussions and questionnaire surveys, the study found that informal urban developments are undertaken by all categories of people including those from low, middle- and high-income groups, as well as those with different levels of education, and engaged in both formal and informal sector employment. The results reflect the increasing participation of the elite and affluent in informal development activities. This signifies wide patronage of the informal urban development system and its relevance. Further, contrary to the perception that the informal urban development system promotes equity, this study found the system's provision of equity is low or very low. Findings imply that informal developments and the informal urban development system are relevant. Thus, they cannot be discounted in any current and future policy debate to achieve sustainable urban development and management. Further, given that equity is a core component of any meaningful sustainable urban development and management agenda, there is a need for an immediate redress of the low or very low

provision of equity under the informal urban development system to spur the country's sustainable urban development and management efforts. These findings provide useful contribution for local urban planning practice in terms of the need to revise its operations to be more receptive and responsive to local needs particularly the inclusion of women and the poor in planning and land use decision making and planning and urban development standards. Therefore, as emerged from the stakeholder workshops, it is recommended that pro-poor and gender sensitive land development and management policies and programmes should be instituted. This should aim to improve access to land by the poor, the removal of customary limitations on women regarding sharing family properties and the inclusion of all interest groups in land development and management processes. In addition, the policies and programmes should promote accountability and ensure community members benefit from the proceeds of their land resources.

Acknowledgements

Both authors would like to thank the United Kingdom's Department of International Department (DFID) for funding this research. Sincere thanks also go to colleagues at the Federal University of Technology (FUT), Minna, Nigeria, ICF International, London, National Emergency Management Agency (NEMA), Nigeria and the leadership of Nyikangbe, Minna and Ugbo Odogwu, Enugu communities, Nigeria for their support towards the delivery of this research.

Data Availability Statement

a. Some or all data, models, or code generated or used during the study are available from the corresponding author by request (raw data from respondents, which were used for the analysis).

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