Effectiveness of Government Policies and Approaches in Curbing Informal Land Market in Calabar, Nigeria

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ABSTRACT

Background and context:

Calabar, Nigeria, faces challenges with its informal land market, impacting urban development and equitable land distribution. Government policies and approaches play a crucial role in addressing this issue. Understanding the effectiveness of these interventions is essential for sustainable urban growth and social welfare.

Goal and objectives:

This study examined the effectiveness of government policies and approaches in curbing the informal land market in Calabar. Consideration was given to government strategies in implementing land policies for their effectiveness.

Research Design and Methodology:

This empirical study adopted a qualitative research design in data gathering. The research data were sourced from community leaders in Calabar and key informants from the state Ministry of Lands and Urban Development. To attain data saturation, 23 community leaders /land-owners participated in the study while a total of 7 participants were involved from the Ministry. Thematic and content analysis were adopted as a method of data analysis to further give specific direction to respondents' opinions based on recurring themes. This was done using ATLAS.ti. The respondents' opinions were further reduced and represented in a frequency distribution table.

Results:

It is evident from the findings of this survey that the government through the state Ministry of Lands and Urban Development has implemented different land policies that incorporate Land Title Registration, Land Information Systems, and Awareness Campaigns as well as policies that provide a legal basis for land ownership in an attempt to curb informal land transactions. These strategies collectively contribute to the overall effectiveness of government policies in formal land registration.

Conclusion/Recommendation:

It is evident that there is a consensus amongst the study respondents that government policies have effectively reduced informal land market transactions. However, this study recommends collaborative efforts between government agencies within the Ministry of lands and Urban Development and local communities. This will improve compliance and reduce the prevalence of informal land transactions in the study area.

Key Words:

Effectiveness, Government Policies, Approaches, Informal Land Market.

1.0 INTRODUCTION

Land transactions are highly locational specific; thus, the capacity of government institutions needs to be strengthened to formulate and implement holistic policies that have direct bearings on informal land market transactions. Institutional frameworks are useful when dealing with complex socio-cultural issues. For instance, ensuring effective policies to checkmate informal land market transactions requires technical reforms, institutional framework, and effective policy implementation. Policy implementation regulates how land market transactions should be carried out. For effective implementation of the policy statement, it is necessary to build a strong functioning institutional set-up (Ugonabo et al., 2023). Land policies and institutional approaches to these policies represent effective means of mitigating the rate of informal land market transactions. Despite multiple government policies and strategic interventions meant to tackle the informal land market in African cities, land market transactions still incorporate both formal and informal systems (Kuma, 2016; UN-Habitat, 2010). In Nigeria, it is estimated that 80% of urban land holdings are through the informal land market (Aribigbola, 2007), and less than 5% of these transactions are properly documented (Adeniyi, 2024).

Formal and informal land market systems have relatively similar rules, regulations, processes, and actors (UN-Habitat, 2010). Accordingly, the government, property professionals, regulators, investors/developers, financiers, and landowners are all actors in the formal land delivery system. However, the same applies to the informal land market sector except for the government and property professionals (UN-Habitat, 2010). In Nigeria, land markets exist in three categories, which authors, such as Butler (2009); and Olapade and Aluko (2021) have discussed this includes the formal land market that involves a government certificate of occupancy, the market for the transfer of land rights documented by certificate of occupancy (which takes the nature of formal and informal land transactions), and land market with no certificate of occupancy (informal land market). Formal land transactions have been established as the use of an administrative system rather than a market system in the allocation of land rights (Olapade & Aluko, 2021). This process could be traced to the colonial era governed by formal rules set in legislative and administrative procedures (Okeahialam & Ogbuefi, 2017). This reflects land transactions that are legally recognized by law (UN-HABITAT, 2010; Olapade & Aluko, 2021), and its tenets lie with institutions being able to provide individuals and corporate bodies with equal access to land, resolve land disputes, improve land security, streamlining land market transparency, while guiding sustainable land development (Iddi, 2021).

The informal land market, for instance, runs contrary to the formal land delivery channel. Informal land markets are used to describe land delivery system that operates outside state-regulated land supply channels (Agheyisi, 2019), and are not recognized by the state as legal, though are socially accepted as legitimate by a variety of urban actors (UN-Habitat, 2010). Such transactions are often recognized by the government as part of the regularisation processes in an attempt to mitigate informal land settlement (Alabi et al., 2020). Government intervenes in informal occupied lands with the intent of legally recognizing property rights through informal land regularisation. Conflicting land delivery channels such as informal land transactions are major obstacles in the practical implementation of government policies on land (Kuma, 2016).

The informal land market reflects a variety of practices that contain customary and civil codes as well as social practices (UN-Habitat, 2010). This transaction occurs through varieties of channels. Agheyisi (2012); Olapade and Aluko (2021), and Rakodi (2007) listed these channels as ranging from individual transactions to family, corporate, customary, and neo-customary market channels. It represents each homogenous landholding family and community that allocates developable plots to individuals or corporate bodies (Olapade & Aluko, 2021). These market transactions are often attributed to being driven by an inadequate formal land delivery system (Kuma, 2016), a dysfunctional legal system (Oloyede et al., 2007), low-income earners, and unrealistic urban planning (Okeahialam & Ogbuefi, 2017). Moreso, the authors have credited the strength of the informal land market to its procedural mechanism that promotes fast transactions between the parties involved and relatively being within the reach of the populace (Okeahialam & Ogbuefi, 2017).

The informal land market in Nigeria is deeply ingrained in the country's socio-economic fabric. These market transactions are determined by market dynamics and are characterized by undocumented and unregulated land transactions that do not conform to formal land transaction practices. Informal land markets have thrived due to historical factors. These factors include the colonial legacies and population growth. The market impacts the livelihoods and well-being of millions of Nigerians, especially in suburban areas where there is rapid urban spill-over development, and its transactions often result in land disputes, tenure insecurity, and loss of property rights. The informal land market hampers urban planning and infrastructural development, leading to inefficient land use patterns. This makes it difficult for governments to plan and implement essential projects such as road networks, hospitals, schools, and public utilities amongst others. This inefficiency results in increased construction costs and delays in infrastructure development, ultimately affecting the overall economic growth of the nation (UN-Habitat, 2008). It further undermines the potential for foreign and domestic investment in the country's real estate sector, hindering economic growth and poverty reduction efforts by the government.

In recent decades, the government has been challenged by the problem of solving informal land market transactions and preventing further informal land transactions. As a result of this, different strategies and policy interventions have been put in place that reflect the global and national agenda in an attempt to tackle the informal land markets in Nigeria. It is against this background that this study is set to conduct a comprehensive examination of the effectiveness of government policies and approaches in curbing the informal land market in Nigeria using Calabar as a case study.

2.0 LITERATURE REVIEW

2.1   The Historical Perspective

The historical context of the informal land market in Nigeria is deeply rooted in the country's colonial past and subsequent post-independence developments. During British colonial rule, land was often taken from communities and vested in the government. This process disrupts traditional land tenure systems that are more indigenous to the people. The colonial legacy left a fragmented and complex land tenure structure, with various forms of land ownership, including communal, family, and individual holdings. Additionally, the Land Use Act (LUA) of 1978 (now Land Use Act, Cap 202 Laws of the Federal Republic of Nigeria, 2004), which vested all lands in the control of each state executive governor, further compounded the issue by centralizing land ownership and control. This historical

context laid the foundation for the informality observed in land transactions today. The LUA of 1978 seeks to make land available and accessible to all citizens of the country with equal rights and interests but fails in its broadest application in achieving this goal. This could be linked to the weak institutional framework and poor implementation of the Act due to corrupt practices and bureaucratic issues (Kuna, 2016).

Again, the post-independence period in Nigeria also witnessed rapid urbanization and population growth, leading to an increase in demand for land in both urban and suburban areas. In Nigeria, the rate of urbanization has outgrown the capacity of the government at various levels in planning and delivering land for urban dwellers (Agheyisi, 2019). This inability has led to the rapid development and expansion of the informal urban land market (Agheyisi, 2012; Emmanuel & Emmanuel, 2012; Rakodi, 2007). The perception of this has made the practical application of the formal land delivery channel very challenging (Kuma, 2016). Individuals and communities sought to secure land through an informal land market, often without formal documentation and recognition by the government or its agencies (Agheyisi, 2019). Additionally, the scarcity of affordable housing and limited access to credit pushes many Nigerians towards informal land markets, where land could be acquired at lower costs but with uncertain tenure security,

In many Nigerian cities, informal land market transactions prevail (UN-Habitata, 2010; Rakodi & Leduka, 2003), which are not recognized by formal legal frameworks. The interplay of these historical, economic, and cultural factors contributes to the ongoing informality in Nigeria's land market, making it a complex issue. From a social perspective, the informality in the land market perpetuates inequality and social exclusion. Vulnerable populations, such as women and marginalized communities, often bear the brunt of informal land transactions. Moreso, this promotes a cycle of poverty, as those without secure land titles are often unable to access credit and invest in their land, inhibiting their ability to improve their living conditions.

2.2   Review of Past Studies

There have been several longitudinal studies that have examined different aspects of government policies about land transactions. Most studies in the field of informal land market have only focused on public land policy (Bashar, 2008), government interventions for enhancing land access and tenure security (City Alliance, 2021), regularisation of informal settlement (Manandhar, 2019), factors influencing informal land market (Kuma, 2016), challenges of informal land regularisation (Nuhu et al., 2023), informal land market and policies implementation (Oloyede et al., 2020), informal development control dynamics (Iddi, 2022), land delivery institutions (Olapade & Aluko, 2021).

For instance, a study conducted by Kuma (2016) uses a quantitative research method to assess the factors responsible for informal land market transactions in Minna. From the study findings, inefficiency in the urban land administration, planning, and development control issues were found as major factors sustaining the informal land market in the study area. An earlier study by Bashar (2008) reported that the technicality enshrined in the Land Use Act of 1978 has created parallel land market transactions. This technicality was noted by the author as oriented towards the government's needs and further promotes the inappropriate application of the Act by the state government. The study further established that the Act isolates community leaders in its implementation. In a separate study by Butler (2009) reported that most land with and without a certificate of occupancy has been

transacted without the governors' consent as stipulated by the Act. Again, the study opined that the high-cost implications and time required to obtain a certificate of occupancy and the approval to transfer land rights have kept most land transactions within the informal land market.

2.3   Government Policies and Approaches in Curbing Informal Land Transactions

In Nigeria, governments at several levels have implemented various policies and strategies in an attempt to curb the informal land market. Inspite of these, the informal land market continues to have high patronage in Nigeria (Oloyede et al., 2020). Accordingly, a report by Adeniyi (2024) shows that less than 5% of Nigerria's land is properly documented. This report reflects the percentage of land transactions that occur within the informal land market regardless of different land policies in operation. Land policy consists of two elements. The elements are subtle strategy and land reform. According to Bashar (2008), subtle strategies regulate how land rights are been exercised and these include Town and Country Planning Laws, Residential Tenancy Laws, and Public Health Laws amongst others. The principal among the land reforms is the Land Use Act of 1978. (Bashar, 2008). Authors have opined formal land transactions as the creation of the Land Use Act of 1978 which vested all land within each state's boundaries in the control of the executive state governors (Olapade & Aluko, 2021). This policy aims to simplify land administration and ownership (Aluko & Abdul-Rasheed, 2006). The land administration system aims to achieve the implementation of land policies and land management strategies that will support sustainable land development (Bashar, 2008). Land administration and management in Nigeria have sought to improve land registration and documentation processes to reduce informality. Efforts to replace the customary system by the Land Use Act of 1978 made land less accessible to most Nigerians.

Under the Land Use Act of 1978, individuals and entities can apply and obtain a statutory right of occupancy for land located in urban areas. The recipient of this certificate is obliged to pay rent to the government or its agencies as stipulated by the Act. Subject to this Act, land rights are transferable subject to the authorization of the executive state governor of the state. Moreso, the customary right of occupancy is granted by the local government on land located in any non-urban area to any person or entities for agricultural, residential, and other purposes, including grazing and other customary purposes ancillary to agricultural use. The term of years granted for any use has a limit of 50 years and may be renewed for another term of 50 years. Recipients of customary rights of occupancy must pay an annual tax on the land and cannot transfer any portion of the rights without the written approval of the state governor (for sales of rights) or the local government (other transfers) (Land Use Act 1978). This requires procedural documentation.

The establishment of land registries and the introduction of digital land registration systems in some states are steps in the right direction in achieving formality in land transactions. Again, government policies have established monitoring and enforcement agencies responsible for overseeing land transactions and ensuring compliance (Bashar (2008). These agencies play a critical role in curbing informality by conducting inspections, investigations, and audits of land transactions. Often, informal land transactions occur due to a lack of enforcement of land use regulations and zoning laws. This

made the physical planning and zoning ordinance one of the major policies geared to curb the informal land market. Authors, such as Nuhu et al. (2023); Olapade and Aluko (2021); Manandhar (2019) have opined land reform initiatives as a crucial aspect of government policies aimed at addressing informality in Nigeria's land market. These initiatives often aim to enhance land tenure security, promote equitable land distribution (Manandhar, 2019), and reduce land disputes (Olapade & Aluko, 2021). Land reforms encourage the regularization of informal land transactions and provide pathways for converting informal land holdings into formal titles. Informal land regularisation is important to reduce threats of eviction from formal authorities (Manandhar, 2019). The regularisation of informal land transactions has become a common initiative used by the government and its agencies in addressing the informal land market in African cities (Nuhu et al., 2023).

3.0 METHODOLOGY

3.1   The Study Area and its Characteristics

Calabar is the area delineated for this study. Calabar served as the Capital of the Oil River Protectorate (1885 -18893), the Niger Coast Protectorate (1893 – 1900), and Southern Nigeria Protectorate (1900 – 1906) until the British administrative headquarters were moved to Lagos. Calabar is one of the fastest developing states in Southern Nigeria. This could be seen from the rapid expansion of the city towards the northern part of the state. It lies between latitude 04'30" North of the equator and longitude 811'12" and 830'00" East of the meridian. It has an area of 406 km2 and a population of 657,000 projected (National Population Commission, 2023). The area is situated in the Southern geographical zone of the state which comprises Calabar Municipality and Calabar South local governments. It is the Capital of Cross River State. Cross River as a South-South state was created on 27th May 1967 by General Yakubu Gowon's regime and was later changed to Cross River State in 1976 by General Murtala Mohammed's regime during the state creation exercise. Calabar has two clear identification seasons; the rainy season lasts from March to November. It has a total precipitation that exceeds 3000mm annually. Temperature is respectively constant throughout the year with an average temperature usually ranging from 250 - 280 Celsius (NMS, 2022).

3.2   Data Source and Analysis

This study adopts a qualitative research design in sourcing primary data using key informant interviews. The target population for the study includes two distinctive categories of respondents which are the government representatives working with the state ministry of Lands and Urban Development and the landowners/communities' leaders in Ikot-Omin, Ikot-Efanga and Ekorinim 1 and 2 respectively. This allows triangulation of data from the four communities that were involved. These communities were selected on the criteria of newly opened areas for development and are currently experiencing rapid residential and commercial development. An in-depth interview was conducted with government officials working with the state Ministry of Lands and Urban Development as well as the communities' leaders/landowners within the study area. To attain data saturation, 23 participants were involved as community leaders /landowners while a total of 7 participants were involved as government officials.

Data that were required mainly reflects those on informal land market transactions which avail the study respondents the opportunities to express pertinent and salient points. The study qualitative

data were analysed thematically which involves systematically coding and categorizing the study data based on recurring themes. This was done using ATLAS.ti. Participants' responses to questions were tape-recorded and transcribed into a Microsoft Word document manually. The transcription was read thoroughly and quotations were generated. Codes (phrases that summarise the meaning of quotations) were further extracted from the quotations as a means of summarising the study respondents' views. Frequency distribution tables where necessary were used to show variables under each category. This method of data analysis allows for a deep understanding of the underlying meanings, perceptions, and experiences within the data (Olapade & Aluko, 2022).

4.0 FINDINGS AND DISCUSSION

The findings from the field survey are presented in this sub-section. The sub-section is broadly divided into three parts: the respondents' background information, views of community leaders/land-owners, and the last part reflects the view of government officials working with the state Ministry of Land and Urban Development.

4.1   Table 1:   Background Information of the Study Participants

This table represents the background information of all the study participants of 23 community leaders/land-owners and 7 government officials working with the state ministry of land and Urban Development Cross River State.

Background Information		Participants' Group	
		Community leaders/land-owners	Government officials
Gender	Male	21	6
	Female	2	1
Age Range	36-45 years	7	0
	46-55 years	4	3
	56 and above	12	4
Qualification	FSLC	5	0
	O-Level	3	0
	NCE/OND/HND	3	0
	B.Sc	8	4
	M.Sc/Ph.D	4	3
Position of Government officials	Heads of Units	NA	3
	Directors	NA	4
Years of experience	0-10 years	NA	0
	11-20 years	NA	1
	21-30 years	NA	3
	31 and above	NA	3
Ranks of community leaders/Home-owners	Chief	8	NA
	Home-owners	15	NA

The study participants cut across four communities in Calabar as mentioned earlier. These communities are Ikot-Omin, Ikot-Efanga and Ekorinim 1 and 2 respectively. From the analysis above, 21(87.5%) participants were males from the category of community leaders/land owners while only 2(12.5%) were females. Under the category of government officials, 6(75%) were males and only 1(25%) was female amongst them. 7(29.2%) participants were within the age bracket of 36-45 years, 4(16.7%) made up the age range of 46-55 years, and 12(50%) were categorised under 56 and above years respectively. The age distribution for government officials reflects 3 (42.9%) as 46-55 years while 4 (57.1%). The percentage distribution for the respondents' qualification in the category of community leaders/land-owners are FSLC 5(21.7%), O-Level 3 (13%), NCE/OND/HND 3(13%), B.Sc 8(34.8%), M.Sc and Ph.D 4(17.4%) while hose under the category of a government official is B.Sc 4(57.1%), M.Sc and Ph.D 3(42.9%). 3(42.9%) were Heads of Department while 4(57.1%) were Directors in the Ministry. Under this category, the number of years of experience for those within the years' bracket of 11-20 = 1(14.3%), 21-30 years =3(42.9%), and 31 and above 3(42.9%) respectively. Under the community leaders/landowners, a total of 8 participants (34.8%) were chiefs while 15 (65.2%) were land owners.

Views of respondents

Table 2:   Frequency of quotations and themes generated from the study respondents on the effectiveness of government policy on curtailing informal land transactions.

Category	Theme	Codes	Frequency of Quotations		
			Government officials	Community leaders/ landowners	Total count
Community leaders/land-owners	**Awareness**	I'm knowledgeable about government efforts in land registration	0	11	11
		Quite familiar with policies regarding formal land registration	0	5	5
		I have a good understanding about formal land initiative	0	7	7
		Theme Sub-Total	**0**	**23**	**23**
	Effectiveness	Government policies have substantial rise in formal land registration activities	0	3	3
		There is a rise in the formalization of land ownership	0	8	8
		Land transactions still occurs effectively in the informal land market	0	5	5
		Government initiatives have reasonably succeeded in increasing appreciation for the benefits of formal land registration	0	2	2
		Government policies have reduced the prevalence of informal land transactions	0	3	3

		The enforcement of penalties for informal land transactions has reduces the activities that happens in the informal land market	0	2	2
		Theme Sub-Total	**0**	**23**	**23**
Government officials	**Government strategies in implementing land policies**	Adoption of multi-faceted approaches that incorporates Land Title Registration Act	1	0	1
		Providing a legal basis for land ownership	1	0	1
		Land Information System	2	0	2
		Awareness campaigns about the benefits of formal land registration	2	0	2
		Streamlining registration procedures	1	0	1
		Theme Sub-Total	**7**	**0**	**7**
	Challenges faced by government agencies	Corrupt and fraudulent practices.	2	0	2
		Lack of comprehensive and standardized land information system	1	0	1
		Bureaucratic processes and delays in the approval of land-related documents	1	0	1
		The complex nature of land tenure systems and competing customary practices	1	0	1
		Lack of awareness and understanding among the public	1	0	1
		Limited resources and capacity	1	0	1
		Theme Sub-Total	**7**	**0**	**7**
	Factors that influences policy implementation	Digitalization and Technology	1	0	1
		Clear Legal Frameworks	1	0	1
		Government Commitment and Enforcement	1	0	1
		Capacity Building and Training	1	0	1
		Community Involvement and Awareness	1	0	1
		Collaboration Across Government Agencies	1	0	1
		Corruption practices	1	0	1
		Theme Sub-Total	**7**	**0**	**7**
		Grand Total			

From Table 2, the study respondents are grouped under two categories namely; the community leaders/land owners and those working with the state Ministry of Lands and Urban Development. Community leaders/land owners demonstrate significant awareness of government efforts in land registration policies and formal land initiatives. This awareness is crucial for fostering collaboration between government initiatives and community stakeholders. The positive perception of government policies on land indicates a rise in formal land registration activities and the formalization of land ownership. Despite these successes, there is acknowledgment that land transactions still occur effectively in the informal land market, highlighting the need for continued improvement.

Government strategies: The government of Cross River State through the State Ministry of Lands and Urban Development has implemented different land policies that incorporate; Land Title Registration, Land Information System, and Awareness Campaigns as well as policies that provide a legal basis for land ownership/policies that streamlines land registration procedures. These strategies collectively contribute to the overall effectiveness of government policies in formal land registration. Factors influencing policy implementation show the interconnected nature of successful policy implementation and the need for a holistic approach.

5.0 CONCLUSION AND RECOMMENDATIONS

The findings from the study provide valuable insights into the effectiveness of government policies and strategies in curbing informality in land truncation. It is evident that there is a consensus amongst the study respondents that government policies have effectively reduced informal land market transactions. The study further reveals that the government should prioritize investments in modernizing land registration and documentation processes, making them more accessible and efficient for citizens in their policies. The study recommends that the capacity and independence of agencies, and departments saddled with the responsibility of curtailing informality in land transactions should be strengthened to have the necessary tools and training to monitor and enforce land regulations effectively. Collaborative efforts between these agencies and local communities will improve compliance and reduce the prevalence of informal land transactions.

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8.0 AUTHORS' ROLES AND CONTRIBUTIONS

The idea of the study came from the second author, Oladokun who asked the first author, Bassey, to collaborate to conduct the study. The second author, Oladokun largely conducted the literature review. The first author did the data collection, analysis and prepared the draft report. The second author, Oladokun, completed the paper writing for submission. Hence, the paper is a joint effort of the two authors

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9.0 KEY TERMS AND DEFINITIONS

Calabar: is a region in the southern part of Nigeria, a capital city of Cross River State, located. Administratively, the city is divided into Calabar Municipal and Calabar South Local Government Areas. The city has an area of 406 square kilometres.

Land Market: is a system where land is bought and sold. This encompasses both developed and underdeveloped parcels. The land market occurs both in formal, semi-formal, and informal land markets. It operates based on the principles of demand and supply, but with unique considerations due to land's fixed supply and immobility. Factors such as government regulations, location, potential land use, and market participants influence land transactions. The land market plays a key role in urban development, economic activity, and resource allocation.

 Government Policy and Approach: refers to the strategies, plans, actions, and regulations implemented by governments or its agencies to address various societal issues, achieve specific goals, and improve the general well-being of their citizens.

Effectiveness: in the context of government policy, refers to the degree to which a policy achieves its intended goals and objectives. It assesses the extent to which a policy produces the desired

outcomes and impacts within a given set of constraints. These constraints may include implementation capacity, resource availability, and political feasibility. Evaluating effectiveness involves measuring the actual results of policy against its intended target and determining if it has effectively addressed the underlying issue it was designed to solve.