

CHANNELS AND INSTITUTIONS OF INFORMAL LAND DELIVERY IN THE URBANIZING FRINGES OF BENIN CITY

Agheyisi E. Justin

*Department of Geography and Regional Planning
University of Benin, Benin City, Nigeria
Agheyisijustin@yahoo.com*

Abstract

The informal channels of land delivery have dominated the land market in Benin metropolis and the actors appear to operate unfettered. Why these channels of land delivery have succeeded while state sanctioned channel seems to be failing in Benin City has not been documented and well understood. The study aims to investigate the major channels of land delivery for residential use in the Benin metropolis and to improve understanding of contemporary informal land market and the institutions that regulate it. Informal channels of land delivery operate according to a variety of social rules collectively referred to as institutions that enable land transactions to occur and regulate relations among actors in the land delivery system. To understand this fully, semi-structured questionnaire was administered to 200 randomly selected resident plot holders in four communities in Benin metropolis. The study revealed that the primary channels through which land for residential development has been made available, especially to the middle and lower income households are sales of privately-held land, informal land subdivision and sales of subdivided plots by land – buying co-operatives, informal subdivision and sales of customary land and sharing of customary land to members of the community. Access to land through these channels varies according to the social institutions that governed the land transaction. In addition to these, squatting and state sanctioned channel were found to contribute insignificant amount of land for residential development in the study area. The success of informal land delivery systems in supplying a high per centage of land for residential development can be attributed to their practical attributes and social legitimacy.

Wide understanding and acceptance of the social rules and institutions that govern land transactions and relations among actors in the system serve to secure wider compliance than is common for formal land regulation. The paper concludes that state guidance and intervention in informal channels and institutions of land delivery are indispensable in order to check the inherent weaknesses in the system.

Key words: *Land delivery, Land subdivision, Land market, Actors, Informal*

Introduction

In the early years of rapid urban growth of Benin City, many land developers were able to get access to land for the construction of their own houses with little or no payment through claims to family land, customary land, or similar arrangements. Access to land through the market was through formal state approved channel. However, in recent years, informal land delivery processes have provided a high percentage of all residential land in Benin City. The practical attributes of informal land delivery as it was suggested by Rakodi and Leduka (2003) make the arrangements more suited to the needs of urban land rights holders and those seeking land for housing, including the urban poor. In addition, wide understanding and acceptance of the social rules and institutions that enable transactions to occur and govern relations between actors in the system serve to secure wider compliance than is common for formal land regulation. Thus, Rakodi (2005) hypothesized that the success of informal land delivery systems in supplying a high percentage of all land for residential development, including land for the urban poor can be attributed to their practical attributes and their social legitimacy and that as urban development proceeds, the informal institutions that regulate land transactions and use change over time, vary between communities and sometimes break down altogether. Rakodi was of the opinion that the pressures generated by urban land markets and increase in land demand resulted in

changes in traditional social institutions in order to make them more suited to the circumstances of urban areas. In newly urbanizing areas (urbanized fringe zones) of Benin metropolis, the modified versions of traditional social institutions underlie quite smooth processes of conversion of agricultural land for urban uses. As newly urbanized areas consolidate and the density of development increases, the rules and social relationships governing land transactions and regulating land uses become increasingly strained and may eventually result in disputes.

For a very long time, the informal sector has dominated the land market in Benin metropolis and it appears to operate unfettered. Why it has succeeded while state sanctioned channel of land delivery seems to be failing has not been documented and well understood. Rakodi (2005) opined that informal systems for delivery and accessing land operate according to a variety of social rules that are understood and complied with by actors in the system. These were conceptualized as institutions that enable transactions to occur and regulate relations between actors. Thus, institutions of land delivery are social rules and their formal or informal enforcement mechanisms associated with the development of urban land market (Ikejiolor, 2009). Government's silence on the activities of informal sector in land management in Benin City is an indication of accommodation and this tends to give it some sort of legality. Policy framework that encourages integration between formal and informal land management can therefore be developed. The aim of this

study is to investigate the major channels of land delivery for residential use in the city and to improve understanding of contemporary informal land market and the institutions that underpin and regulate it.

The Historical Antecedent of Informal Land Delivery System in Benin City

On 20th September 1955, the Benin City Council was established under the Western Regional Local Government Law of 1952. By the establishing instrument (W.R.L.N. 192 of 1955) the Council had power, among other things, to provide and maintain such services as the removal and disposal of refuse, creation and maintenance of cemeteries, creation of housing estates and urban layouts. It was not part of the statutory functions of a Local Council under the Local Government Law to allocate plots in its area of authority. Its duty was only to enforce building rules and regulations in the township. The Council later tried to assume the power, which properly belonged to the Oba of Benin under Customary Law, to approve applications for allocation of building plots. This led to a conflict between the Council and the Oba of Benin who immediately set up a "Plot Allocation Committee" in each ward of the City to advise him, after due investigation and inspection on whether applications for plots should be granted or not. The setting up of a "Plot Allocation Committee" was accepted, and the Council was so warned by the government that the power to allocate plots of land

was the prerogative of the Oba, and not of the Council. This power was then qualified by the fact that no plot allocation can be made in an area which has not been surveyed and laid out (i.e. subdivided) by the Council. However, to by-pass and paralyze the power of the Oba and his Plot Allocation Committees on land matters, the Council refused to further demarcate and subdivide or lay out new areas for allocation. Ignoring this tactics of the Local Councils, some of the Plot Allocation Committees proceeded, without the Council's supervision and with disregards to layout regulations and standards, to lay out plots in order to accept applications from people in respect of such plots. Thus informal land subdivision was born. This led to the allocation of land earlier reserved for refuse disposal and other public uses by a Local Council to individuals for residential buildings by a Plot Allotment Committee (Ogbobine, 1974 p 23 - 24).

According to Ogbobine (1974), the Building Plots Allotment Committees are not statutory bodies but were only created by the Oba of Benin to assist him in carrying out his traditional functions of granting land to people who are desirous of owning building plots in Benin City. Prior to the creation of the Local Councils in 1955, requests for land had to be made to Quarter Chiefs as the whole of Benin City was divided into Quarters. Each Quarter was headed by one of the Oba's chiefs who were assisted by some other chiefs and elders. If anyone wanted a piece of land to build on, he would apply to the Quarter Chiefs. If the Quarter Chiefs were satisfied that the land for which the

application was made was vacant and free of encumbrance, and if they had no objection to the applicant, the application was then taken to the Oba for his approval. The practice continued until 1957 when Ward Councils were created to replace the Quarter Chiefs. The functions of the Ward Councils with regard to recommendations of applications for building plots to the Oba were identical with those of the Quarter Chiefs. Members of the Ward Councils were selected by the Oba from the administrative or Local Council Wards in the City and Sub-Urban Districts. Beginning from 1956 the Ward Councils were replaced by Building Plots Allotment Committees for each of the wards. Members of the Building Plot Allotment Committees were directly appointed through a written letter by the Oba and they continued to serve until their appointments were revoked. The main function of a Plot Allotment Committee is to receive and recommend applications for building plots within its area of operation to the Oba (Ogbobine, 1974).

Anybody who wanted a plot in a particular area had to apply to the Oba of Benin through the Ward Allotment Committee for that area for a grant to be made to him. The application is signed by members of the committee of that ward before it is recommended to the Oba for his approval. Before the application is forwarded to the Oba, the committee members have to ascertain that the plot of land is vacant and that it is without dispute. If the Oba is satisfied that the land has not previously been the subject of a previous grant, he endorses the word

“Approved” on the application, followed by his signature and date. It is also necessary that before the application is forwarded to the Oba for his approval, the land should be inspected by some members of the Committee, after which the plot pointer for the Ward takes the applicant to the plot and shows him the extent and boundaries of the plot. The application should show the dimensions of the land and where applicable the numbers on the beacons forming the boundaries of the land should also appear on the application. On approval of the application by the Oba, the Ward Committee retains a copy and a copy is also retained in the Oba’s office and other available copies are given to the grantee. The rather unfortunate practice of giving more than one approved copy of the application to the grantee has led to various acts of fraud being committed by some unscrupulous people who used the approval as a valid document of title in alienating the same land to two or more persons. Stressing the legal capacity of the Plot Allotment Committees on land matters in Benin City, Ogbobine (1974) maintained that the Plot Allotment Committees have nothing to do with any village or community outside the Benin City Council Area in asserting their rights over a parcel of land to which they lay claim. Communities outside the Benin City Council Area cannot assert their rights over land through the Plot Allotment Committees which are not accountable to them but to the Oba of Benin.

The dynamics of urban land market manifests in a three-fold framework within which the use of land resource takes place

(Dinye, 2003). The framework involves the physical, economic and institutional factors that affect the use of land resource. In terms of operation, these three factors are not mutually exclusive. For analytical purposes, their separate consideration allows an understanding of the individual factoral effect that influences human behaviour with respect to land use. The physical factor is concerned with the natural situation, which provides physical support for the site for man's activities. It provides the factors that hinder or enhance the use of land. This factor is important in its effect regarding the total supply of land resource and the demand for its uses. The economic factor deals with the operation of the price mechanism as it affects the profitable use of land resource. It concerns the tendency of the land user to maximize returns from land. It has to do with the economic concepts of demand and supply. The land market is the outcome of the inter-relationships of demand and supply factors that affect land resource. On the supply side, land is limited to the sum total of land resource provided by the earth's surface. The demand for land is a derived type in that people want land because it provides a means to an end. In most if not all countries land deals are transactions not in land itself but in interests or rights in, on, under and over land. These rights in aggregate are known as 'real property' (Balchin *et al*, 1982). The economic significance of land prevails when man sufficiently shows interest in using it physically as well as its inherent resources. In that sense, there is an exhibition of demand for the use, backed by the willingness to undertake the costs

involved. The supply of land is responsive to price and demand forces which reflect scarcity or abundance. The availability is reflected in terms of their relative accessibility and capacity utilization. The institutional factor comprises man's socio-cultural environment involving the forces of collective action that influence the behaviour of the individual as a member of his family, group or community. It is concerned with the impact of cultural attitude, customs, traditions, and habitual ways of doing things, legal arrangements, religious beliefs and similar factors upon man-to-man and man-to-land behaviour involving ownership and use of land. Social institutions govern the social, economic and political relations between individual actors in land delivery process. They may be divided into formal institutions, which devised rules of the game (in particular state law), and informal social institutions, which are embedded in social norms and cultural practices, including customary rules (Pamuk, 2000; van Horen, 1999). These are revealed through land transactions and land disputes (Razzaz, 1998).

Methodology

There exists limitation in the collection of data in a traditional Nigerian city. The situation is even worse in a study dealing with an unrecorded activity like informal land market. In the absence of well-documented data required for this study, the researcher relied on primary data collected from four communities in the four corners of Benin Metropolis. These communities are densified informal settlements in the urbanized fringe zones

of the city. Formal and informal interviews were conducted for the study. Formal interviews involved the use of semi-structured questionnaire that served as interview guide. Purposive sampling technique was adopted for the study. A sample size of 200 plot holders was targeted for the study and 50 plot holders in each selected community were randomly selected. Based on the understanding of the communities involved, the major arterial road that traversed the community was used to divide each of the community into two major zones and from each zone, 25 plot owners were interviewed such that a sample size of 200 plot holders were selected in the four communities. Only resident plot owners (home owners) were randomly selected for interview and not more than two resident plot owners were interviewed in a street. Non-resident plot holders were left out of the survey because of the difficulty involved in tracking them. Informal interview was in the form of discussion with community leaders, leaders of community development association (CDA) in the selected communities, legal practitioners and estate agents in the city with a view to corroborating the responses of the surveyed plot holders in the study areas.

The questionnaires were analyzed and the results presented in a table.

Results and Discussions

In recent years, due to the rapid commercialization of urban lands in Benin City, the primary channels (Table 1) through which land for residential development have been made available, especially to the middle and lower income households have been:

- Sales of privately-held land,
- Informal subdivision and sales of subdivided plots by land – buying co-operatives,
- Informal subdivision and sales of subdivided plots by local communities and
- Sharing of Customary Land

Access to land is, therefore, restricted very largely to upper-low, middle and upper-income individuals with the necessary financial means to purchase it. While it was possible for some poor households to obtain access to plots of land for free in the past, today, they cannot become plot owners. Ways in which the urban poor can access land for residential development are through plot sharing of a subdivided plot by a parent for his/her children and inheritance, in which case the plot of land is too small for further subdivision.

Table 1: Channels of Land Delivery for Residential Use in Four Informal Settlements

Land Delivery Channels	Ugbekun	Ogida	Ikhuen-Niro	Evbukhu	Total	Per centage
	No. of Response	No. of Response	No. of Response	No. of Response		
Sales of Private Land	35	42	25	10	112	56
Sales of Customary Land	9	5	10	30	54	27
Sales of Cooperative Land	–	–	5	–	5	2.5
Sharing of Customary Land	6	3	10	10	29	14.5
Total	50	50	50	50	200	100

Source: Fieldwork, 2013.

Sales of Privately - Held Land: Table 1 showed that purchase of privately-held land is the major means of accessing land for housing for all income groups in the study areas. Private sales of land to individual purchasers provide significant numbers of housing plots, constituting 56 per cent of land delivery in the study areas. This is so because land constitutes a major saleable commodity for a privileged few in the city who have held land for speculation purpose. Purchase of land through this channel is very easy and flexible as long as the willingness to sell is there. However, it carries a high risk of tenure insecurity if the seller is a dubious character and if there is dispute over the land in question.

Sales of Customary Land: The sale of land held by customary rights is another means of delivering land for new residential development in Benin City. Many communities in the fringes of the city have

engaged in land pooling whereby farm plots belonging to individual farmers in the community are pooled together and subdivided into residential plots, streets and lanes. This channel of land delivery can either be planned layouts or unplanned informal subdivisions. The planned layout is when the landowning community decides to formally subdivide the community land (with or without approved plot) as urban expansion catches up with the community. Some of the plots are allocated to the original land owners while the rest are kept as customary land to be sold to members of the public and to members of the community. An example of a planned subdivision in the study area is Ugbekun community which has an approved subdivision plot. Although resubdivision has greatly altered the approved plot (i.e. subdivision plan) to the extent that the community can only qualify to be regarded as an informal settlement. The sale of customary land

accounts for 27 per cent of land acquired by the respondents in the study communities. Those that have acquired land through this channel have confidence that they have de facto security of tenure. It is a well known fact in Benin City that buying a plot of land directly from the community is more secure than buying from an individual plot holder. However, communities do occasionally sell the same plot to a different buyer if the first buyer seems not to be ready to develop the plot after waiting for a long time. The sale of customary land provides access to land for non-members of the community. Also, members of the community who would normally not be entitled to free allocation such as women can buy cheaply from the community. The prices of plots of land are often lower than plots purchased through formal and informal private land markets. Sale of customary land also facilitates access to land for women, especially where customary rules exclude them from land allocation.

Sales of Cooperative Land: The current trend in land acquisition in Benin City is the purchase of large tracts of land by cooperative societies which then subdivided the land into plots and sell to willing members. One of the major objectives of cooperative societies is to help members acquire properties at reasonable cost. Often cooperatives give out loans to members at a very low interest rate to enable them purchase whatever they want. As the cost of plot of land becomes high, often beyond the reach of the low income group, many workers in the city have joined one

cooperative or the other for the purpose of compulsory savings. Many workers in the city have been able to acquire plots of land either by borrowing from their cooperative to buy plots of land in their choice location or are allocated plot of land from cooperative acquired land where they are made to pay for the plot of land on installment basis from monthly deductions. Only Ikhuen-Niro community was found to have cooperative acquired land among the selected communities under study. The cooperative lands belong to Power Holding Company of Nigeria (PHCN) and University of Benin Teaching Hospital (UBTH) Multi-purpose Cooperative Societies. Although much of the tracts of land are still under speculative holdings, they have nevertheless supplied 5 per cent plots of land to people in the community.

Sharing of Customary Land to Members of the Community: Land supplied through the customary channels to members of the community is often supplied free of charge or in exchange for a token of appreciation. Thus, it is one of the only ways in which poor households can obtain access to land in Benin metropolis. This process of land delivery primarily occurs where land is effectively owned by extended families and is able to obtain land for new housing in the family homestead areas. Nevertheless, inheritance is a significant means by which new households obtain family land. Men allocated plots through this channel have security of tenure. Access to land through this channel is restricted almost entirely to men. It is a straightforward way of obtaining a plot of land since eligibility

criteria are well known by members of the group and the process is simple. The social institutions that govern land allocation and dispute resolution in this channel of land delivery are widely understood and generally respected within the group. However, Table 1 shows that the amount of land available through this channel is increasingly limited (14.5 per cent) in the study areas. In addition, there are occasional threats to the security of tenure enjoyed by those allocated land through this system as a result of dispute among family members over land sharing formula, and there are also cases of the customary dispute resolution procedures being challenged leading to cases ending up in court.

The Chi-Square (χ^2) test was used to assess the degree of closeness of the observed frequencies of the responses. The level of significance was set at 0.05 and the computed value of $\chi^2 = 64.61$ and the table value of χ^2 at 9 degree of freedom is $\chi^2_{cv} = 16.919$. The computed value is thus higher or greater than the critical or table value (χ^2_{cv}) which shows that there is a significant relationship between the land delivery channels and the responses from the selected communities. This means that the responses are significant at the critical limit and does not happen by chance. The outcome of the informal interview with community leaders, CDA youth leaders, legal practitioners and estate agents in the city reveals other channels of land delivery in the study areas other than the ones identified in Table 1 and discussed above. These include self allocation (Squatting)

and purchase of land in government layouts.

Self-Allocation (Squatting): There is little opportunity in contemporary cities for people to obtain land through non-commercial channels by their own actions and free-will (Rakodi, 2007). This opportunity, however, occurs through self-allocation of land or squatting. Interviews revealed that self-allocation of land occurs through three different methods in Benin City. First, some households have settled on areas liable to flood. This strategy provides one of the ways in which poor households can gain access to land for free in the city, but it has problems from the point of view of both the settlers and the government. Settlers face extreme insecurity on the hands of the government since building in these areas is prohibited by the government and their houses are prone to demolition in the future. Not only is settlement forbidden in such areas for environmental reasons but also the topographical conditions make the areas difficult to service. Second, women may allocate plots of family or customary land to themselves without the permission of their families. As noted earlier, under the customary rules of access to land, women are not normally allocated land. However, some bold women have decided to take matters into their own hands, usually with the backing of their husbands and children. Family members may occupy an area of family land to which they considered themselves entitled without obtaining the express permission of those with decision-making power in the community. This process can be labelled

'squatting' since the land was acquired without due permission. This usually resulted in long and bitter disputes among family members with cases often ending in court. The third is the illegal squatting under the power transmission lines that criss-crossed the city, in total disregard of the right of ways of the power transmission lines. This is another way through which some people get free or cheap access to land in the city. Some occupiers did this with the hope that one day when the houses are demolished by the government they will receive compensations. Investigation revealed that people who acquired plots of land under the power transmission lines and wetland of rivers do pay some levies to the host communities, especially during house construction. Although such levies are called development levies, they actually represent the money they could have paid to acquire the land. Thus land delivery through squatting is not totally free.

Purchase of Land in Government Layouts:

Purchase of land through the state sanctioned channel is the least important means of accessing land for housing for all income groups in Benin City. It provides insignificant numbers of housing plots compared to other channels of land delivery in the city. Government lands in the city are acquired by its agency – Edo Development and Property Authority (EDPA) which acquire land from suburban communities, subdivided them into plots and allocate to developers for residential purposes. Government layouts in the city where plots of land for allocation are available include Etete Layout, Evboerhiarhia Layout and Ogbe-Ibuya Layout. Government

has acquired lands in other communities such as Ugboiyokho, Oka ne Aruovia (Oka 4) and Eyaen but they are yet to be subdivided and serviced. Although this channel has the potential to supply significant publicly subdivided and serviced land for both the high and low-income households within the city boundaries, the eligibility criteria are difficult for the urban poor to meet and allocation process is very slow, cumbersome and fraught with corruption. These have resulted in a very long waiting and allocation is often granted to political party loyalists. In addition, the prescription of higher building standards in government layouts has made the serviced plots unaffordable to low-income households.

However, acquisition of land by the EDPA for allocation is hindered by disputes over compensation payable to customary rights holders. Where compensation is delayed or adjudged not to be commensurate with the land acquired, the host communities have often responded by encroaching into the acquired land by subdividing part of it and sell to developers. This has happened virtually in all the communities where the State Government has acquired land in the city.

In addition, individual plots have not been subdivided and serviced in most of the government layouts prior to allocation because the property board (EDPA) lacks the financial and technical resources needed to achieve this on time. Therefore, demand exceeds supply which encourages prospective land buyers to seek ways around the system, and tempting government officials to favour those who have something to offer as bribe. If the board officially allocates a plot with a

certificate, then the land acquirer has security of tenure, including the right to pass on the land to heirs and to mortgage it even though in principle the board is entitled to demand the return of the land after a specified period of up to ninety-nine (99) years.

Institutions of Land Delivery

From the historical antecedent of land delivery system in Benin City earlier discussed, every community in Benin metropolis has its own Plot Allotment Committee within the umbrella body of Community Development Association. As newly urbanized areas consolidate and the density of development increases, the rules and social relationships governing land transactions and regulating land uses become organized by major actors in land management comprising the duke (Enogie or elders and the youths of the community which constitute a strong body of land regulator known as Community Development Association (CDA). Investigation in the study areas through interviews and questionnaires administration revealed that all the communities under study have CDAs. They are well organized with laid out functions for its members. Traditionally, the Oba of Benin is the overall custodian of all lands in Benin metropolis. Nevertheless, the Enogie (Dukes) and Ediwere (most senior community heads) have exercised supervisory and administrative functions in respect of land allocation. Before now, individual land owners make private land transaction by awarding Land Approval Certificate duly signed by the Oba of Benin and the community elders to developers as the

legal document covering such land deal. In recent years, however, such land certificate can no longer guarantee the tenure security of land. Instead, deed of transfer written, stamped and sealed by a legal practitioner and witnessed by the relations of both the seller and the buyer is now used as a legal document covering the land transaction. Such a legal document is generally respected by all the actors in the land delivery process, including the government (if land title is applied for) and the court (in the event of land dispute). However, it is possible for a land owner to sell a plot of land more than once, using a different set of witnesses to a subsequent sale. This posed the greatest threat to land tenure security in Benin City. Disputes resulting from such multiple sales of a particular plot of land to more than one persons are usually resolved by refund of money or transfer of one of the contending buyers (usually the weaker one) to a distant land in less developed part of the community.

In the past, allocations of customary land, especially to the members of the community were verbal. However, written evidence of a transaction between the allottee and the community is increasingly secured by deed of transfer involving lawyers to draft and senior members of the community serving as witnesses. Although letters of agreement are exchanged, tenure may be relatively insecure if sales have to be concealed from key members of the community. In many cases, consultations within the community precede the sale or free allocation of land. Where these have not been done challenges from members

of the community may arise at a later date. In addition, systems of record keeping of land transactions are undeveloped or non-existent, which tends to cause more problems as time passes. The social institutions underpinning customary land sharing and sales are widely understood and generally respected, even by the formal legal system, which often accepts letters

of sale and written agreements as valid evidence of a transaction. However, the land documents duly signed by the Oba of Benin produced by the communities are not always valid or trusted, leading many wary purchasers to regularize and upgrade their plots to state titles through land surveying and acquisition of certificate of occupancy ('C of O').

Table 2: Role of Community Development Associations (CDAs) in Land Matters

Community	Role of Youth Associations			
	Land Subdivision or demarcation	Land dispute resolution	Collection of development and other sundry levies	Protection of community land against trespasses
Ugbekun	✓	✓	✓	✓
Ogida	✓	✓	✓	✓
Ikhuen-Niro	✓	✓	✓	✓
Evbukhu	✓	✓	✓	✓

Source: Field Survey, 2011

Land market in Benin City involves complex processes, procedures and many actors. This has to do with land ownership, transfer and development of the land. The actors may be categorized into three groups namely; the indigenes, community development associations (CDAs) locally referred to as Youth Associations, and the final developers. The efficiency of land market in Benin City has improved as land agents and brokers have emerged as

institutions to improve information flows about land transactions. Before the commencement of building projects, developers are made to pay several levies ranging from community development fee, elders money, street money, infrastructural development levy, measurement and beacon fees, foundation fee and other sundry fees depending on the community concerned. These monies may be paid severally if there are factions in the community

development association such as in the case of Ikhuen-Niro Community. Different factions can demand for the same levy or fee, in most cases by the use of force if they are resisted. The money derived from these various fees and levies (collectively called 'settlement') are usually shared among the community elders and members of youth associations. Such money is also used to contest litigation to protect community land against neighbouring communities that may have encroached or trespass on the community's land. Overall, the money serves as a means of livelihood for the community land watchers and caretakers. The payment of these sundry fees represents informal method of land regularization with the host community because no development will be allowed to take place without the payment of these fees. The enforcers of these payments are usually the community youth associations. Table 2 above shows the various roles of youth associations in the communities under investigation meaning that these associations play major roles in land matters.

Conclusion

The dominant channels and institutions of land delivery in Benin metropolis are informal ones. Informal land delivery systems are, first, a response to the failing of the formal channel and land administration system, including the low compensation paid by the government when it expropriates land which leads to resistance to such acquisitions on the part of the land owners and customary rights

holders. Second, it is clear from empirical evidence that informal land delivery systems are often more effective in delivering land for housing purposes, because of their user-friendly characteristics and social legitimacy. This legitimacy is derived from the widely understood and accepted social institutions that regulate land transactions in these informal systems. These institutions tend to be derived from customary institutions, but the latter have evolved over time and often are very different from those that operated in pre-colonial times in the rural areas. Experience on informal land delivery systems in Benin City as well as literature from other developing countries are substantiating the position that the socially regularized land management is often based on institutions and guided by norms and procedures which are substituting the deficiencies of the formal public sector to a surprising degree. It is thus clear that the informal sector, based on the social rules of indigenous tenure systems, has been making up for the shortfalls of the formal or public land delivery system. The informal land market is adaptive and responsive in providing the bulk of the urban population with buildable land. The involvement of CDAs and their leaders in land transactions and management is a voluntary activity because these institutions do not have explicit statutory powers or a legal mandate to regulate land development in their areas of jurisdiction. Their leaderships are constituted by community members and they are remunerated from the payment of development levies and other sundry fees, and oftentimes through illegal extortions from developers. Leadership succession is

sometimes democratic but most times through the use of force.

The role played by informal institutions as discussed in the foregoing does not mean that the grass roots are persistently efficient in checking externalities arising from the informal land market. The success attributed to informal institutions in urban land delivery and their capability to regulate local land management issues may wither out as the land market heated up. As land disputes intensify and spatial disorganization is no longer checked, uneconomical land use and chaotic development patterns ensue. State guidance and intervention are, therefore,

indispensable as soon as the local regulation is withering as in the case of Ugbekun Community. Informal systems of land delivery, though being the main channel of land supply in Benin metropolis, have both strengths and weaknesses. Their strengths include the ability to provide land in significant volumes to meet the housing needs of various socio-economic groups in the city. Their weaknesses include the poor layouts that sometimes emerge, dearth of land for public uses and the almost complete infrastructural and service deficiencies. Arguably, however, these weaknesses arose from their informal land subdivision activities and lack of government regulations.

References

- Balchin, N. P. and Kieve, L. J. (1982). *Urban Land Economics*. Second Edition. The Macmillan Press Ltd.
- Dinye, R. D. (2003). The Dynamics and Realities of the Peri-Urban Land Market: The Case of Kumasi, Ghana. *International Journal of Environmental Issues*. Vol. 1, No. 1, 2003. Pp 102 – 114.
- Ikejiofor, C. U. (2009). Planning within a Concept of Informality: Issues and Trends in Land Delivery in Enugu, Nigeria. Case study prepared for Revising Urban Planning on Human Settlements, 2009. <http://www.unhabitat.org/grhs/2009>.
- Kombe, J. W. and Kreibich, V. (2001). Informal Land Management in Tanzanian and the Misconception about its Illegality. A paper presented at the ESF/N-Aerus Annual Workshop: “Coping with Informality and Illegality in Human Settlements in Developing Countries” in Leuven and Brussels, May 23 – 26, 2001.
- Leduka, R. C. (2004). *Informal Land Delivery Processes and Access to Land for the Poor in Maseru, Lesotho*. Birmingham: International Development Department, School of Public Policy. University of Birmingham, Informal Land Delivery Processes in African Cities, WP 5.
- North, D. C. (1990). “Institutions and economic growth: an historical introduction”, *World Development*, 17, 9, p. 1319 – 1332. In Rakodi, C. (2007). Land for Housing in African Cities: Are Informal Delivery Systems Institutionally Robust and Pro-poor? *Global Urban Development (GUD) Magazine*, Volume 3, Issue 1, November 2007.
- Ogbobine, R. A. I. (1974). *Materials and Cases on Benin Land Law*. Bendel Land Law Series No.1.
- Pamuk, A. (2000). Informal Institutional Arrangements in Credit, Land Markets and Infrastructure Delivery in Trinidad. *International Journal of Urban and Regional Research*, 24, 2, p. 379 – 396.
- Rakodi, C. and Leduka, R. C. (2003). *Informal Land Delivery Processes and Access to Land for the Poor in Six African Cities: Towards a Conceptual Framework*. Informal Land Delivery Processes in African Cities, WP 1. www.idd.bham.ac.uk.
- Rakodi, C. (2005). Informal Land Delivery Processes in African Cities. www.idd.bham.ac.uk.
- Rakodi, C. (2007). Land for Housing in African Cities: Are Informal Delivery Systems Institutionally Robust and Pro-poor? *Global Urban Development (GUD) Magazine*, Volume 3, Issue 1, November 2007.
- Razzaz, O. M. (1994). “Contestation and mutual adjustment: the process of controlling land in Yajouz, Jordan”, *Law and Society Review*, 28, 1, p. 7 – 39. In Rakodi, C. (2007). *Op cit*.
- Scott, J. C. (1985). *Weapons of the Weak: Everyday Forms of Peasant Resistance*, New Haven and London: Yale University Press. In Rakodi, C. (2007). *Op cit*.
- Tripp, A. M. (1997). *Changing the Rules: The Political Economy of Liberalisation and the Urban Informal Economy in Tanzania*, London and Los Angeles: University of California Press. In Rakodi, C. (2007). *Op cit*.

Van Horen, B. (1999). The de facto Rules: The Growth and Change of an Informal Settlement in Durban, South Africa. *Third*

World Planning Review, Vol. 21, No. 3. p. 261 – 282. In Rakodi, C. (2007). Op cit.