

THE ROLE OF GOVERNMENT IN URBAN DEVELOPMENT: THE CASE OF ADAMAWA STATE

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ABSTRACT

Land is man's most valuable resource that is used as a platform in displaying the potentials for urban development. The Government as we know it today act as a major tool in the various systems of urban development. Against this background, this paper examines the "The Role of Government in Urban Development" with a view to identify problems and its inability to perform as required by law. It examines the urban land development systems through its Legislations, Decrees, Acts and Bye Laws. The paper enumerates the constraints militating against urban development from both the public and private viewpoint including the inability for enforcement of legal provisions, the dearth of technical professionals, authoritative autonomy, developers attitudes, funding, professional enlightenment, the phenomenon of the Nigerian factor syndrome etc. Finally, suggestions and recommendations are put forward to ameliorate not only the latitudinal role of government but also solution to the enumerated constraints.

KEYWORDS: Urban Development, Legislations, Constraints, Decision-Making, and Development

INTRODUCTION

One must understand that urban development by the government does not exist alone as an entity. The government enhances its activities through planning authorities, boards or agencies, they exercise control on private landed properties through planning legislations and laws within the legal framework, master plans prepared by the government with the objectives of controlling and directing development taking place in a city or town or a regional area. Although the application of modern town planning concepts to guide urban development is relatively new in Adamawa State, planning existed before independence but it was the traditional role which was necessitated due to massive land crisis and here, planning was palace centred as the Emir acting as administrator, protector and trustee of the land, with the combination of some of the prevailing social and economic constraints associated with the traditional systems extending to colonial administration brought the necessitated need for planning control in Nigeria which lead to the intervention of government through planning regulatory measures and bye-laws that will ensure the best utilization of land based on national interest, Yola was basically a traditional settlement and a colonial settlements so this led to planning in form of preparation of local plans which later came to creation of the master plan in 1976.

From the foregoing, this paper aim at examining the major role of government in promoting urban development with a view to making suggestions and recommendations for enhancement

The specific objective includes:

- To examine the various issues and legislations governing urban planning and development

- To examine the constraints to government efforts in urban development and planning
- To make suggestions and recommendations towards the enhancement of government role and ameliorating the identified constraints

MATERIALS AND METHODS

The data sources for the Role of Government in Urban Development as it affects Adamawa State came primarily from government establishments, parastatals, urban planning ministries, experts and consultants, administrative institutions involved in physical planning, urban development authorities, the planning professionals within and outside Adamawa State, personal interviews, surveys and legislative agencies. Other primary sources include; legal practitioners in land development matters, administrators, government agencies etc.

The secondary data sources came from extensive library research work on the subject matter, relevant documentary evidence, journals, government gazettes, litigations, published and unpublished information, seminars and submissions from annual conferences, book reviews.

Issues Related to Urban Development

The environment is a very broad concept. In order to be more specific in policy measures, it is essential to perceive it in terms of its various sub-systems with the urban sub-systems at the fore. So the legal and institutional framework for urban development management plays a domineering role in ordering the societies growth.

The legal framework and the responsible authority involved in urban development depends to a large extent on the efficiency of the institutional framework at the federal, state and local government levels in matters related to urban management.

The perspective of this research work is focused on the following:

Government role in decision taken, urban land development system and Evaluation of planning legislation.

(i) Government Role in Decision Taking

According to Izeogu (1988), government takes decisions through appointments at panels to make these decision as it relates to serious issues that deals with the public interest i.e when the need for a land use act was eminent due to massive land crisis. The late Justice Aguda Akintola report of 1976 led to the promulgation of the land use decree No. 6 of 1978.

The Adamawa State government in the past played the role of taking decision through such system based on public interest. In 1972, the North Eastern State government commissioned the Greater Yola Master- plan, which was prepared by Marx-Locks group, to widen the development of Yola and its environment.

The decisions were effected through the use of relevant planning agencies or boards to actualise the goals and aspirations of the public.

(a) The Administrative Network in Adamawa State

There are various systems of network used in the comprehensive management of the state, although some are politically motivated but for the sake of this research, the professional component will be a priority, i.e., the planning

authority such as ASUPDA; (Adamawa state urban planning and development Authority). The content of Adamawa State administrative net-work is related to land and here consideration is being focused on the land administration instruments found within the study area, i.e. certificate of occupancy, survey plan, land registration, title and deeds, building plans, neighbourhood plans, planning schemes, layouts

(b)The Town Planning Department

This is responsible for the physical planning of all designated urban centres in the state, Adamu, (1995) in his study on “Development control in Adamawa state” observed that an average time of 21 months is taking before a piece of land is acquired while other states take 3 months for building permit and certificate of occupancy. In Edo State it takes 36 months for a certificate of occupancy to be issued while in Taraba State it is 1 month.

(c) Site Inspectors

Site inspections involves the movement of officers round the designated urban areas to see if development on sites conforms to master plans and building regulations for such development as commercial, residential, educational and recreational developments etc. All these information are received in the form of a planning brief report written by the field officers to sites for further documentation by the authority.

(ii) Urban Land Development Systems

The government as we know is not unaware of urbanization and its environmental consequences as manifested in most towns within the state due to the segregation views of the presence of planning in some selected towns and cities, which in turn led to the disparity in city growth. Government, according to Olujimi, (1998) is termed to mean the responsible authorities (at various levels) and its agencies and parastatals run and licensed by government. Oluleye, (1985) and Agboola, (1989) gave their views that, planning authorities, boards or agencies exercises their control on private landed property through planning regulations and laws within the legal framework, master plans prepared by the government with the objectives of controlling and directing development taking place in a city or town.

a. Land as a Tool for Development

To an ordinary man, land is the earth surface, so Nigeria has a very large expanse of un-used land throughout the country even though there sizes vary from place to place depending on population density.

NITP, (2000) identified the main problems faced with land availability both that of accessibility, ownership and rational use; so the physical constraints faced based on the views of Sada,(1988) are: Land ownership, accessibility to land and rational use of land.

Land Ownership

According to observation from the planning board (ASUPDA), the most common problems are: Land title, insecurity due to poor identification of lots, uncertainty of titles, multiplicity of ownership and lack of uniformity in tenure system. Based on the effectiveness of these instruments for land administration, about forty percent on certificate was very effective, while thirty six percent was partially effective and the other percentage was categorized as not effective in a field survey of Yola town, Adamawa State.

Accessibility to Land: This could be linked to the vagaries of market forces, land speculations, the low level of land supply in relation to its demand and the process of land acquisition as a result of cumbersome registration, transaction and validation procedures. The institutions involved in land administration and management needs institutional returns Olujmi, (2000); there is need for stream lining of procedures for land acquisition through simplification and acceleration of the process involved in order to reduce costs. Time frame to obtain building permits, certificate of occupancy in Adamawa State varies based on political manipulations.

Decentralization of land registration offices to the local level so as to expedite land registration transaction and ensure greater accuracy should be part of the return package as a way of easing centralization

Rational Use of Land

This can be attributed to the poor institutional monitoring of land development (land use planning), adherence to outdated laws and regulations and limited institutional capacity for regulating land development that could be achieved through development control. Vagale, (1975) defines it as a physical planning instrument that generally involves regulating, restraining, keeping in order or checking material changes on land. Looking back at the legal preamble of 1979 constitution, it agreed that development control is the major area of level exercise in planning process; It involves technical procedural roles, abstract concept and general legal principle such as natural justice, the land use act of 1978 and decree 88 of the Nigerian Urban and regional planning law of 1992, some provision of both laws provides for development control like the land use act, section 1-3, section 27 subsection1 and section 3-4 talks on the need for controlling development.

(iii) Evaluation of Planning Legislation

The need for an evaluation of planning ordinances is to facilitate preparation and implementation of development plans and planning schemes by phased programmers Smith, (1995). They come inform of planning control in order to ensure the best utilization of land in the National interest, and to prevent individual landowners from using their land to the detriment of the body politics. This will also enable the authorities to prepare schemes for the development of their areas and to control the development for the benefit of the country and the state involved.

Town and country planning ordinance (Nigeria) The town-planning ordinance was enacted in 1946 known as caption 155 of the 1948 edition of the laws of Nigeria. It was modeled on the 1932 Town and country-planning act of the United Kingdom.

The aim of the ordinance was to enhance planning improvement and development at different parts of Nigeria that was to provide appointments for relevant planning authorities and secure control of development.

The ordinance came into existence due to the combination of various planning law caps of the northern, western and Eastern zones of Nigeria. For example, the northern Nigeria town and country planning law caption 130 of 1963, the eastern Nigeria caption 126 and western Nigeria caption 123 of 1959. The ordinance of 1948 was very comprehensive. It was supported by various subsidiary legislations including the building line regulation of 1948, the adopted laws to return local government in 1976. However, the meaning of “development” under the town and country planning ordinance of 1946 applies to various states.

Land Use Act of 1978

The act was enacted as decree No. 6 of 1978. The decree brought radical changes in the system of land ownership

and transfer of interest in land Layi, (1999), relevant extracts of the act will be reviewed in order to evaluate its relevance to the Adamawa State urban development as elucidated below:

Powers of Governors relating to land

Section 5(1) of the act: Governors can:

- Grant statutory right of occupancy to any person for all purpose
- To grant easement to statutory right of occupancy
- Demand rentals for any such land granted to any person
- To revise the said rentals.
- Customary Right of Occupancy

Section 6 of the act provides that it shall be lawful for a local government in respect to land in an urban area to:

- Grant customary right of occupancy to any person
- Grant customary right of occupancy to any person for grazing
- Certificate of Occupancy and Right of Occupancy

Section 9 and 10 of the act relates to certificate of occupancy, section 9 states that, it shall be

Lawful for the Governor

- When granting statutory right of occupancy to any person.
- When any person in occupancy of land under a customary right of occupancy applies in the
- Prescribed manner.
- Developed and Undeveloped Land

Section 21 (1) of the act states that: If a right of occupancy is revoked, the occupier shall be entitled to compensation only for the value of the date of revocation of their unexhausted improvement on the land for rent paid.

From the observations made, as regards the act, there are twenty- two regulations. Eight of the regulations cover scope, preparation, approval and content of development.

Nigerian Urban and Regional Planning Decree 88 of 1992 (Nigeria)

The decree 88 of 1992 planning law is the unduly used planning law document designed to enhance the role of government in urban development. Ola, (1977) in his book called for the need for a planning law based on national policy. It is important to note that the objective is to facilitate the preparation and implementation of development plans and planning schemes by phased programmers, with a view of creating a better environment for living, working and recreation.

Therefore it forms the basis of national planning for the whole country.

Important Features of the Decree

(a) Assignment of Planning Roles to the three Tiers of Government

- Emphasis on development control with each tier of government responsible
- Encouragement of public participation in physical planning
- Establishment of planning tribunals to allow for appeals and allow for enforcement of development control

(b) Physical Development Plan Provision

As stipulated in section 91 of the decree, this defines the meaning of physical development as given in section 1 which is further classified here

(c) Development Control Regulatory Provision

These are further discussed in some relevant section 27, section 30 and section 33

Section 27: It is clearly stated in sub-section 2 that the development control department as a multidisciplinary department charge with responsibility for matters relating to development control and implementation of physical development plans, but the situation in Adamawa state is not in complete reality with indiscriminate physical development of structure taking place in areas like Doubeli, Iugerrei area due to inadequacies in vehicular facilities needed in monitoring developments (ASUPDA,) 2001.

Section 30: sub-section 1 states that a developer shall apply for a development permit in such manner using forms and providing and providing information like plans, designs, drawings as stipulated, there is also an area that talks about approvals for relevant development authority. Also emphasis has been placed on plans to be made by architects and professionals in accordance with provision of the decree. But when contrasting the situation to Adamawa State, Adamu. (1995) and Shallakuza, (2001) all argued on the need for professionals to hold on to their legitimate professional roles as cases observed in ASUPDA that developers tend to carry their plans to quacks as “corner jobs” paying a lesser fee and getting an unapproved design work due to complexities in design and faults noticed by professionals.

Section 33: A developer is expected to submit a complete E.I.A (Environmental Impact Assessment) document to the control department but this is not the case in most development cases embarked upon in the state, rather the developers continue with the development as the case may be in most physical government project i.e. renovation and building of new schools by PTF was mainly politically motivated.

(d) Zoning Ordinances

There are among the many measures of government to guide the use and development of privately owned real estate, it is considered useful tool for combating land use conflicts Essaghah, (1997).

It acts as a process in preventing legal and personal problems that might result from the development of incompatible uses on adjacent tracts, for example disputes between drive-in restaurants and homeowners. There are three ways of categorizing zoning ordinances: Distinguish between regulatory provisions that seek to control the location of different terms of land uses Zoning regulations can be categorized according to the geographical area of application which is in a technical sense refereeing to standards. A third classification is the scheme that can be used., Those for population density i.e. lot size, those concerning land structure relationship, minimum frontage, set back distances etc

Restriction on dimensions of structural improvement i.e. height and floor space area.

Those controlling land use, orderliness of the uses.

The incorporation of most of these principles has been imbedded in the master plan Febuins, (1998), detailing of these zoning plans which is conceptually characterized into the demarcation of the urban community into districts for the purpose of regulating structural development.

Problems of Urban Development

Inability of Enforcement of the Legal Provisions

The development authority; ASUPDA is seen as a toothless bull dog which can only bark and not bite, in the urban area there are low income mud and wattle residential units erected are all out of proportion and standards.

All efforts by the authority to stop this haphazard development failed. Attempt to embark on demolition has been criticized resulting in severe clashes between officials and residents, e.g in Shinko (Doubeli) area, the Jambutu area with wards like Wuri- Jabe etc.

Inadequate Technical Professionals

There is an acute shortage of professionals and sub- professionals town planners to adequately monitor the on the-site development of physical structure, rather, this has resulted to occasional schedules of site visit leading to inconsistency in monitoring of site inspections, also the zonal offices, by mere observation shows that qualified professional planners are really limited in supply in most of the zonal offices.

Lack of Autonomy

The provisions of the decree 88, section 27, subsection 2; section 30, and sub-section 3 and 4 of the law grants powers to the head of the organization to accept and work with appointments made to organization through the commissioner from the governor and most issues relating to land has to be approved by a working committee from the government office which create a scenario for the saying “He who plays the piper dictates the tune”

Attitude of Ignorance Exhibited by Developers

The provision of section 33 stipulates that developers are to submit E. I. A statement on their proposed landed property to the authority for inspection, but this is hardly done by the developers, so the authority finds it difficult to ascertain the level of impact. There are cases where developers even go out of the provision of the building plans approved for them by not observing the set- back standards, the height of fencing of building etc.

Lack of Awareness and Enlightenment of the Laws

The public are not aware of the planning legislation and bye-laws, rather more awareness is being given to civil and corporate laws thereby neglecting the laws used by professionals in the field of construction of physical development.

Poor Funding

This is one of the major critical problems facing government own institutions due to the inadequacy in funding. They find it difficult to operate their legitimate function. According to Shallakuza, (2001), the funds given to the authority as subvention is not enough to fund the department activities for 6 months resulting to other avenue in seeking for funds

because of the pressing need to pay over head cost and overtime allowance for the staff. Recommendations

i) A Clearly Stated Land Policy

The State government through professional board should formulate a comprehensive land policy that will be used in ordering physical development of the urban areas of the state just like the Lagos State Urban and Regional planning Board Edict, 1997 which has granted statutory backing by edict No. 2 of 1998, also, other legislation promulgated by the Lagos State government in order to provide the functions of planning commission like the Town and Country Planning Edict No.1 of 1986 was promulgated in order to implement the local government reform law of 1996.

The Adamawa State government relies on the Land Use Act for the north eastern regions which is outdated based on contemporary issues of the society According to Elias,(1962), most of the legislative materials referred to are too general in the context of its relative issues referring to Nigeria as a source issue, since the land use act of the land policy for Nigeria needs reform because certain aspect could not be implemented due to its problematic returns. An attempt was made by the Nigerian Law Reform Commission in 1991 to review the land use act in order to resolve land peculiarities existing in each state, for example, the Land policy of ogun state can be different to that of Adamawa State because of the differential land mass population density and development ability.

ii) Security of Land Tenure is Vital

There is the need to enhance public institutional confidence, security of land tenure and title to land must be guaranteed and also the need to widen the understanding of land registration system so that the public at large would appreciate the enormous benefits of title protection provided by the system.

There is also the need to properly educate the public on the inherent in land registration i.e., evidence of ownership, security of tenure, credit collateral, protection against reduction of land disputes and as a source of rather useful instruction for prospective land buyers and developers.

iii) Institutional Capacity Building and Reform

The institutions involved in land administration in the state i.e. ASUPDA, Adamawa State Ministry of Lands and Survey/Works and Housing etc would have to be strengthened by training of requisite local personnel at all levels. There is need for stepped –up training and capacity building for skills in the land production line, i.e. organization of conferences, seminars, workshops etc by bodies, like the NITP, Institutes for Surveyors, Estate Valuers etc Also institutional reforms on key issues like strengthens of procedures for land acquisition through the simplification and acceleration of the process involved in order to reduce the cost and time frame to obtain building permit, certificate of occupancy and constant mortgage as suggested in some states.

There is the need to decentralize the land registration offices to the local level so as to expedite land transactions and ensure greater accuracy is part of the reform package as a way of easing centralization.

iv) Augmentation of Land Supply

The country endowed with an expansive landmass of approximately 98.3 million hectares of which 80% of this is both habitable and cultivable Sada, (1982). While a place like Yola that occupies an area of about 64,500 hectares, there is the need for a comprehensive plan Garvwa and Ilesanmi, (1998).

It is however encouraged to use site and service scheme where by government acquires a large parcel of land subdivided into sizeable plots serviced with infrastructure facilities for sale to interested members of the public at subsidized rate.

A concept of land banking which aims at regulating the supply and price of land to curb speculations in order to safe guide against future scarcity and make inexpensive land available for public purpose

iv) The Need for Contentious Revision of the Law

The act governing the land use and development control, the various enactments, decrees related to land has not been reviewed when related to contemporary planning issues. Infact, this has created some problems to physical development. For example, a case between NEPA and the state government for illegally trespassing on a piece of land. The court ruled that the government of Adamawa State, not being a military governor, had no legal right to impose conditions for the use of any piece or portion of land in the state in reliance to the land use act. The judge opined that the land use act, had since 1st October, 1979, remained a dormant law and would remain dormant, until the National Assembly resuscitate it. There is the need for continuous change or review of these laws

CONCLUSIONS

After studying the scenario of urban development in Adamawa State, and the role determined by government, it is eminent to note that the state needs a professionally and technically responsive organization, like the establishment of a state bureau for lands and survey as a parastatal on its own subject to its affiliation to the office of the governor This will further enhance and complement the role of urban development as carried out by the state urban development board and also foster the organization and allocation of land which is the main issue creating legal misunderstanding resulting to court litigations.

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