

The Challenges of Sustainable Land Use Planning In Nigerian Cities *The Case of Port Harcourt*

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1.0 Introduction

In many developing countries, effective and efficient land use planning and management is not well established. The most patent manifestation of this is the chaotic state of land use activities in the cities. The physical, economic and social conditions of the African city has been well documented (UNHABITAT, 2008). Rapid rates of urbanization have resulted in unplanned and unregulated growth. Millions of Africa's urban dwellers live in poverty in sub – standard housing and degraded environments. Much has been written highlighting the underlying factors to which this state of affairs can be attributed (Nwaka, 2005; Oyesiku 2009, Mabogunje, 2002). In almost all African countries have a history of land use planning processes dating back to the respective periods of colonial rule.

Land use or physical planning has been described as a process aimed at achieving orderly physical development with the overall aim of evolving a functional and liveable environment where individual and common goals can be achieved. In urban centres, the essence of land use planning is to ensure that urban activities are organized and developed in physical space with due consideration for the protection of the public interest which include health, safety, convenience, efficiency, energy conservation, environmental quality, social equity, social choice and amenity (Adeagbo, 1998; Nnah et al, 2007). These are also features of sustainable development. The United Nations Conference on Environment and Development (1992) included sustainable land use planning as one of the eight programme areas of Agenda 21. The objective of the programme area is to provide for the land requirements of human settlement development through environmentally sound physical planning and land use so as to ensure access to land to all households. Oyesiku (2009) argued that planning practice in Nigeria was not creating spatially sustainable new settlement and cities because planning is like preventative medicine whereas professional planners in the country have spent the last generation focusing on curative medicine.

Ogu and Adeniji (1998) observe that the extent to which human communities both urban and rural, but particularly the urban, are sustainable may well depend on the management of such settlements. Land use planning is a key component of urban management. Urban sustainability is directly influenced by land use controls which ensure efficient use is made of urban land. Significantly, the acquisition and development of land is the basis of physical growth. The development control process is subject to plans, regulations and laws. The manifest ineffectiveness of the control processes in Nigerian cities derives to a large extent from the planning, the regulatory and administrative frameworks within which physical development takes place. However, a principal underlying problem for effectively administering land use is the land itself. Planned city expansion in Port Harcourt and other cities across the country is encountering problems. At the centre of this problematic are the questions of who has access to land, how such land is acquired, and what laws exist for regulating land use. For all cities in Nigeria, there is the land question; arguably the most fundamental to be resolved if planning is to have any solid foundation. Not even the Federal government has been able to resolve these.

1.1 Aim and Objectives of the Study

The aim of the study is to make a case for an urban land use policy as the basic framework for achieving sustainable land use planning in Nigerian cities using Port Harcourt as a case study. Specifically the study seeks to address the following objectives:

- i. To raise relevant questions about land acquisition by both public and private sector developers and how this has affected land use in the city;
- ii. To show that existing laws and regulations are inappropriate in managing urban growth.

2.0 Urbanization in Port Harcourt

Port Harcourt is one of Nigeria's major sea ports and the centre of the nation's oil and gas industry. It was established in 1912 by the British colonial government because its site met the locational requirements for a rail and a port – terminus –“deep water rear high ground, which shall be connected to the mainland” (Anyanwu, 1989). Like many cities in Nigeria, Port Harcourt has recorded rapid growth in population and areal spread. From an estimated population of 500 in 1915 it grew to 30,200 in 1944. By 1963, its population was 179,563 and by 1973 it has reached 231, 532 persons. The Port Harcourt municipality's population was given as 440,399 by the 1991 national census. The 2006 national census show this population is more than a million (Obinna, Owei and Mark, 2010)

In terms of its physical size, the city grew from 15.54 sq. km in 1914, to a metropolis covering an area of 360 sq. kilometers in the 1980s. Fig 1 shows the areal extent of Port Harcourt's growth from about 39.60 sq. km in 1975 to 106.77 sq. km in 2008. Physically the spread has occurred in both a south – easterly direction and a northerly direction. To the south, growth was through marshland colonization in squatter settlements locally called “waterfronts”. In the last two years settlements of these waterfronts have been demolished by the Rivers State Government and plans are in progress to demolish many more.

Growth has also occurred in a north – westerly and northerly – easterly direction through the entrapment of indigenous enclaves of semi – rural and rural communities within the built – up area of the city. The Port Harcourt urban fringe today stretches to Choba, Rumuokoro, Elelewon Rukpoku and Woji.

Much of this growth is unplanned and unregulated (Owei and Ikpoki, 2006). As part of its efforts to manage the city's growth, the Rivers State Government in 2009 established the Greater Port Harcourt City Development Authority with jurisdiction covering Port Harcourt city and Obio Akpor Local Government Areas (LGA) and parts of eight other local government areas. It covers an area of approximately 1,900 square kilometers (40,000 hectares of land) with a projected population of about two (2) million people.

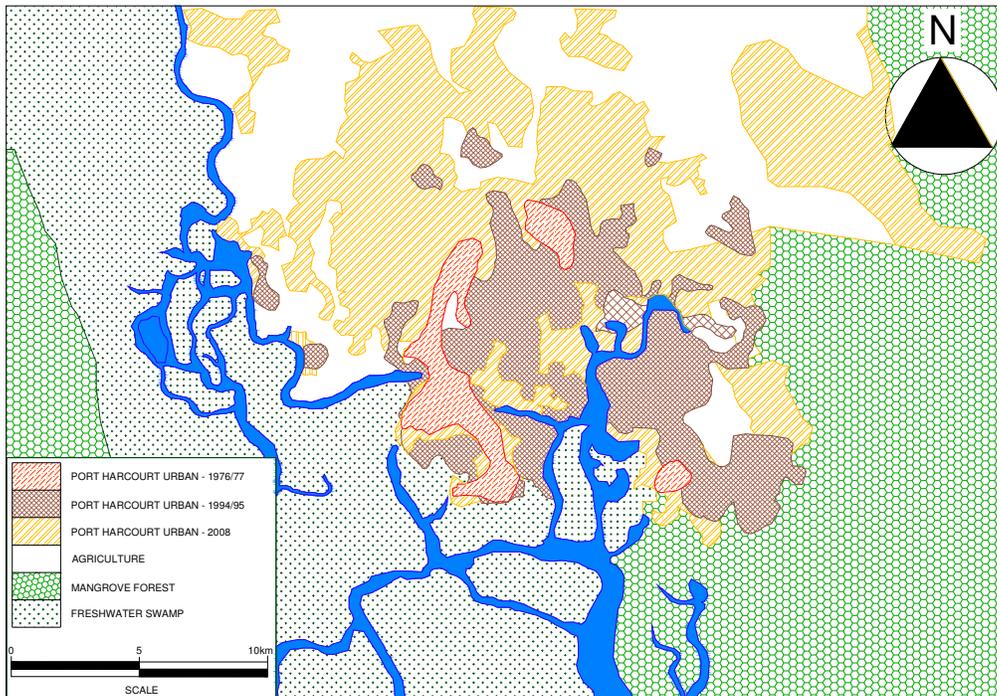


Figure 1: Spatial Growth of Port Harcourt, From 1976 – 2008.

Source: Google maps showing urban expansion of Port Harcourt from 1994 to 2008.

Urban growth and expansion primarily derive from large scale development of settlements that occur outside the formal processes of public land use controls. In the process, increasing informal settlements especially on the urban periphery make it difficult to provide services such as water supply and sanitation; and also such infrastructure as roads, drainage, markets and open spaces for recreation. Yet an efficient system of managing land and providing sustainable infrastructure are important aspects of urban growth management. In Port Harcourt, this is not the case. The kernel of discussion in this paper is an attempt to examine the land factor as it impacts on land use.

3.0 Land Question in Port Harcourt

To provide a better understanding of the multi – linked processes that generate the land question, the discussion in this section will adopt a historical perspective.

3.1 The Colonial Period

Following the signing of the Hargrove Agreement between the British government and the indigenous Ikwerre and Okrika peoples, in 1911, land was acquired for the development of a European Township, a Native Township, Commercial corridors and industrial area. Land so acquired was referred to as “Crown Land” in deference to the British monarchy.

From Port Harcourt's inception to 1960, there have been various town planning activities by the colonial administration which conveniently forgot the indigenous settlements that were distinct village communities at the time the city was established. As Gyuse (2009) explained the land in these villages was regulated by customary land tenure with traditional ownership structures, but the colonial state chose not to understand them. Rather the colonial state created for itself tenure with the widest and most exclusive rights possible. Under the 1917 Public Land Acquisition Ordinance, the British colonial powers imposed statutory tenure with freehold and leasehold rights. Freeholding of land connoted absolute owner. The holder of a free hold title had absolute right to own, control, use and dispose of land at will. Normally the grant was perpetual, which meant that the land could be passed down the generations without let. Lease holding connotes the idea of rental for long periods of time. Titles to land registered under statutory tenure were valid for a period of ninety – nine years.

Under this ordinance, and tenure system, the spatial structure of the city was balkanized administratively comprising of several parts. There were the European Residential Area, the African Township, Commercial and Industrial areas. These areas were laid out along Garden City ideals in gridiron pattern. The main difference between the European and African townships were the size of the plots and the services provided. Whereas the old indigenous settlements remained under customary tenure large partisan of the indigenes farmland around them were systematically acquired. Development schemes were prepared, plots allocated. The immediate results were in the loss of farmland and therefore livelihoods but also very intense and high density development within such enclaves as their populations grew but spatially they were now landless and could no longer provide for their own physical growth (Obinna, Owei and Okwakpam, 2010).

The colonial 1946 Town and Country Planning Ordinance erected a legislative and administrative framework for land use planning in Nigeria. In December, 1946, government established the Port Harcourt Planning Authority with an area of jurisdiction covering 64.75 sq. kilometers (Anyanwu, 1979). In 1958, it was renamed Port Harcourt – Obio Planning Authority. It is significant to note that this ordinance paved the way for the declaration of Planning Areas. By 1963, a total of ten planning areas were declared for the city and seventeen planning schemes prepared (CAP 126 of the Laws of Eastern Nigeria, 1963). Development control was based on the standard applicable at the time.

3.2 The Post Colonial Period

In the immediate post – colonial era, the Port Harcourt – Obio Planning Authority remained the key institution responsible for planning in Port Harcourt. However the outbreak of Civil War which lasted three years (1967 – 1970) and the creation of Rivers State by military fiat not only changed the administrative status of Port Harcourt but gave a new administrative framework for land use planning. Port Harcourt moved from being a provincial headquarters to become the capital of Rivers State. Whereas the Town and Country Planning Ordinance remained in force, no new planning authorities were created in spite of the obvious need for development schemes. Rather, government embarked on the preparation of Master Plans for Port Harcourt and over 20 administrative centres across the state. Within the Port Harcourt City, two master plans were prepared. These are:

- i. Port Harcourt Master Plan covering the period from 1975 to 2005; and
- ii. An urban renewal Master Plan for Diobu and Borikiri. These are in reality neighbourhoods within the city but facing intense housing pressure due to rapid population growth.

Large scale compulsory acquisition from indigenous urban communities were made at paltry compensation rates (Oruwari and Owei, 2006; Owei, 2007). As military regimes, government used the powers of eminent domain to facilitate such acquisitions. The indigenes were systematically divested of their rights to land even for their own developmental needs. What happened was widespread dissatisfaction particularly with the younger generation (Obinna, Owei and Mark 2010).

However the socio – demographics had also changed rapidly with the very rapid growth of the urban population due to migration from other parts of the Rivers State. The city experienced rapid rise in the demand for housing for all income groups. Consequently land for development became increasingly scarce. Impatient with delays in processing compensation claims on government acquired land and the low rates of compensation actually paid, indigenous land owners began selling their land to private buyers who offered better rates.

*Technically the Town and Country Planning Ordinance CAP 126 was still in force. It was however grossly inadequate and outdated to be able to handle the rapid social economic change in the city and its spatial growth. Although the Ministry of Land and Housing which comprised the Departments of Lands, Land Surveying and Town Planning tried to function as the *defacto* planning authority, internal conflicts and bureaucratic red tape severely limited its effectiveness.

An attempt in 1977 to create a new Port Harcourt Metropolitan Planning Authority (PHMPA) could not take – off. By PHMPA (declaration of planning area order 1977), all the areas within 24 sq km from the liberation square in Port Harcourt were declared as planning areas for the purpose of town planning. Even after the Edict establishing it was passed, the authority was never given the independence to function and was administratively emasculated by the Ministry of Lands and Housing. Thus, the Port Harcourt Master Plan which had been prepared by the state government was very poorly implemented. By the end of its life – span, it remained largely an academic document and failed to translate the vision of the new Rives State Administration for Port Harcourt. To its credit, a number of government residential schemes were developed as site and service schemes. A few housing schemes were also developed for the low income. The total numbers of plots were few compared to the population in need. Moreover, these schemes benefitted mostly senior civil servants and military officers and their cronies in society. The vast majority of urban dwellers had to fend for themselves.

Thus the formal process of land acquisition by individuals remained the principal source of land for people. Much of Port Harcourt's growth is attributable to this process of informal development of land. With a legal and administrative framework for land use planning that was clearly not working, developers took liberty to carry out their development activities without any controls. Land in the indigenous settlements on the urban periphery was rapidly consumed by growth. As the state government attempted to acquire land, so did resistance by indigenous land owners grow. Even land previously acquired site plans programmed are allocated by government but of the Certificate of Occupancy were quickly re – possessed and sold off to prospective developers by the youths in these communities. This made nonsense of the planning of these layouts. The Land Use Act promulgated by the FGN in March, 1978 to simplify and streamline land management and ownership; and to enable government control land. Its implementation has been problematic. It has not improved land use planning. Most developers actually ignore it.

The Rivers State Government enacted the Rivers State Physical Planning (Law No. 6 of 2003). The objective of the law was, “to provide for the control, planning and development of land in the

state, the establishment and functions of the state Urban and Regional Planning Board, Local Planning Authority and for other connected purposes". The main factor responsible for the ineffectiveness of this law was that it was never implemented. No effort was made to implement it.

The present administration of the state came up with a bold initiative in creating by law the Greater Port Harcourt City Development Authority (GPGDA) in 2009 (Law No. 2 of 2009). The objective of the GPCDA is to ensure implementation of a new development plan for the designated Greater Port Harcourt City. As stated earlier, it covers a substantial area. Negotiations are on-going with local land owners to facilitate the acquisition of land for the development of Phase 1 of the Master Plan. Sec 2 (C) of the GPCD law states thus, "subject to the provisions of this law and other statutes governing same, all lands comprised in the city shall be under the management of the Authority". It is clear that much of the effort in improving land use planning has been in the area of enacting legislation. Implementation has been very poor from the time of creation of the Rivers State to date. Detailed guidelines, for the control of land – use have been lacking.

4.0 Issues emanating from the Land Question

- i. Lack of development control legislation to deal with indigenous enclaves

The neglect of indigenous settlements within Port Harcourt which dates back to the colonial administration, especially the failure to institute an inclusive land use planning system has resulted in the total absence of control of land use within such settlements. Studies have shown that these localities have the largest concentration of informal settlements outside of the waterfront areas of the city. Presently any effort made by government to control land use in these settlement is seriously resisted. Oruwari and Owei (2006) identify several arenas of conflicts emanating from land acquisition and allocation. The thinking of the indigenes is that government cannot control what it does not own.

In the old Port Harcourt Township, the indigenous enclaves have been forcibly absorbed into the urban fabric and the pockets of land occupied by these people have not been developed. Government deliberately skirted these indigenous enclaves. Thus the reaction of the people in these communities to any attempt at controlling what activities they decide to put on their remaining land is largely ignored. There is visible land hunger in communities within the inner core of Port Harcourt. Only communities on the urban periphery still have some undeveloped land. Urban growth pressure is putting such land beyond the reach of the majority of urban dwellers.

- ii Disparate Land Ownership Patterns

Even with the Land Use Act of 1978, pluralism within urban land tenure system remains. By the Act, absolute ownership of land is vested in the Governor of each state who holds the land in trust for the people. The Certificate of Occupancy issued by the governor is only worth the paper on which it is written as actual permission to develop and use the land comes from community groups. There is no response from either the state or local government to this trend. Government is in a dilemma as the Land Use Act is manifestly unjust. Government cannot use the powers of eminent domain as this is a civilian

dispensation. It is forced to use arbitrary standards to pay compensation and this leads to resistance.

iii Lack/Inappropriate Land Use Policy

The principal tool used by the Nigerian state (including Rivers State) to reform land tenure and management has been the Land Use Act of 1978. Despite criticisms from when it was first enacted and its largely negative impact up till now, it has been entrenched in the Federal Constitution such that repeal or amendments are subject to the provisions for amending the constitution.

The Act was welcomed by some who believed that under the Act:

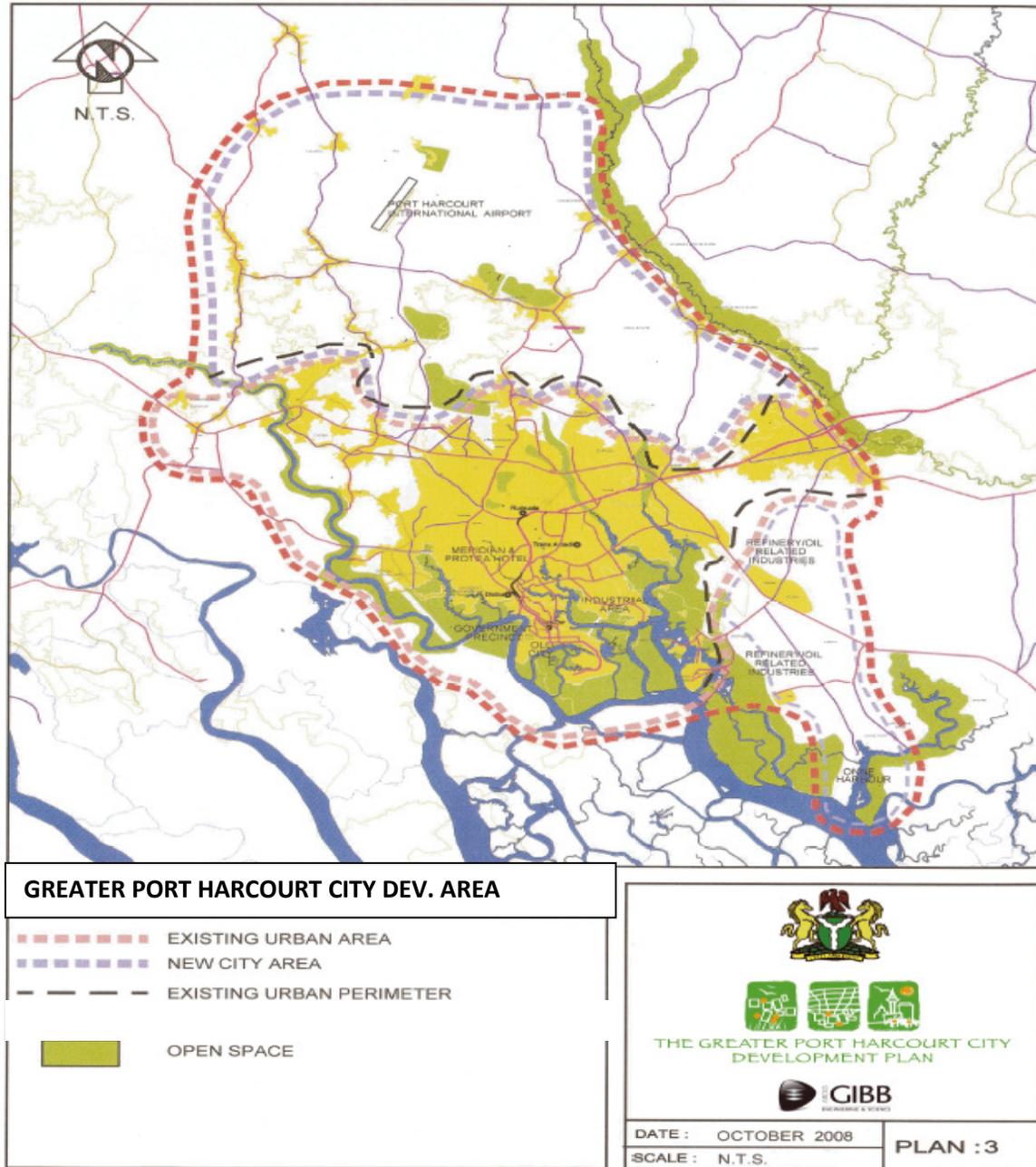
- (i) Every Nigerian would be able to own land anywhere in Nigeria at affordable costs
- (ii) The masses would be able to determine their fate concerning land
- (iii) It will be easier for government to acquire land for development projects
- (iv) Urban areas would be better delineated and therefore there would be better planning and development control (Gyuse, 2009).

However the review of the implementation of the Act found that it did not reduce controversies over land matters and indeed protests and conflicts actually increased. The Act also failed to take cognizance of variations in land tenure systems and so it failed to protect land owners especially those on the urban fringe from exploitation. In practical terms the following observation is pertinent.

If we have a land administration process that is understood by the people in terms of their culture and access, they will use it. Some of the features of such a policy would include principles of: equity in terms of ethnicity and other social variables; efficiency when viewed from the perspective of saving costs and time involved in access and processing of land; accountability such that those who make decisions concerning land are answerable preferably to users; transparency such that all state holders can see, understand and appreciate what is being done, and see the benefits of doing it in the chosen; legitimacy meaning that any intervention increases the common good as understood by the people and finally participation. The people affected must be given voice in the process and their voices need to be heard. (Gyuse, 2007: 21).

Within the old native township of Port Harcourt there is no longer any appreciable land to acquire. It is on the urban fringes that land is still available for acquisition. However land acquisition for both private use and public purpose has become difficult. The relationship between government and indigenous communities is characterized by distrust and marred by threats, aggression and litigation. Urban fringe communities fear they are about to suffer the fate of those communities in the old town. Their land and way of life are under threat. With the decision to implement Phase 1 of the Greater Port Harcourt City Development Plan, communities are resisting the freezing of their our development activities. Government is embarking on large scale land acquisition in phases. Yet, there is no clear policy on what to do with interstitial land. In the planning of the new city (see fig 2) there was no public participation and so the people did not have opportunity to dialogue with government as to how best to protect their own rights. Planners with the Greater Port Harcourt City Development Authority are proposing to create land buffer zones around indigenous settlements. An efficient land use policy is necessary to ensure this. Other important inclusions in such a policy would be such that land is conserved for indigenous urban communities. These communities must breathe.

Thus there must be an urban containment aspect of the policy. Indigenous urban communities have land rights that government policy should seek to protect not just payment of compensation.



Source: Adapted from Arcus GIBB; Urban Development Framework for the Greater Port Harcourt City, 2008.

5.0 Conclusions

Port Harcourt like other cities in Nigeria must find solutions to the land problem that has made sustainable physical planning impossible. The need to resolve issues of land acquisition is important if control measures are to be carried out in any meaningful way. It is obvious that the government cannot achieve this by laws. The people who own the land in urban areas must be involved in fashioning out a solution. The Land Use Act which is the existing law has been shown to be impossible to implement. It is an act of deceit. Aspects of an urban land policy including conservation and protection of the land rights of indigenous urban communities will go a long way in restoring confidence in governmental decision making and open a way for compliance with regulations. The city of Port Harcourt needs urgent attention to be given to its physical planning. As laudable as the idea of the new Port Harcourt city is, not much can be achieved without adequately addressing the land question.

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