

Determinants of Informal Land Transactions on Land Market in Owerri Urban, Imo State, Nigeria

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Abstract

In Owerri, Imo State, just like other major towns in Nigeria, it has been observed that the government's land administration technique currently in use (the Land Use Act of 1978) has not been able to meet the demand for urban land when and where needed for its population especially the low, the middle and even some high income earners. This has led to frustration and disappointments to majority of the urban dwellers thereby compelling those who are not able to access land from this formal system to look for an affordable alternative source of land acquisition for their use. This they find in the informal land market (private land market transactions). The situation has made informal land market become a much more patronized avenue of land acquisition by a large proportion of most urban dwellers in Imo State. The aim of this study therefore was to analyse the factors that push for informal land transactions on land market in Owerri urban, Nigeria. The study adopted the survey research. Stratified, systematic and simple random sampling techniques were used to elicit data from three classes of respondents. Six settlements were selected for the study through stratified random sampling method and three key sets of respondents were identified from the six settlements namely; the land owners, the land agents and the land administrators. The study concentrated on communities in the high and medium residential density areas of Owerri urban. These were areas where informal land transactions thrive. Principal Component analysis was used to identify and classified four factors that caused the predominance of informal land acquisition in Owerri Urban. These four components accounted for 79.75% of the observed variability. The clustered factors are: promptness in processing, low cost in processing, land accessibility and acceptability of title documents. The policy implications of the study was include that the government should harmonize the land market for better land transactions and local land registration and information offices be established at the local government levels.

Keywords: Informal Land Markets, Formal Land Markets, Urban.

1. INTRODUCTION

Land, is one basic resource which is exploited for development by the application and management of capital, labour and technology. Its physical supply is limited even as the demand for its use increases daily. A careful analysis of what role land plays in the lives of people and more importantly, how the system of land tenure has evolved shows how land has affected the lives, beliefs and general disposition of people. It is where people build houses to live in, farm to get food, carry out other economic activities and are buried in when they die. This implies that man's attachment to land is inevitable. Informal land market is achieved by the ability of the land owners who hold customary rights over land for urban development to subdivide them for sale and purchase while the formal land market in Nigeria is regulated by the Land Use Act of 1978. The aim of the Act was to unify the land tenure systems in Nigeria and make land easily accessible to all Nigerians.

An urban area is an area with increased density of human created structures in comparison to areas surrounding it. It is an activity spot, a survivalist setting, center of attraction, a concentration of opportunities, a sociological focal point, a cultural milieu as well as a service provider (Ozigbo and Ozigbo, 2008). It may be a city, town or conurbation and differs from the rural areas in the following ways: greater isolation from nature and no fundamental occupation. The urban environment is usually a product of urbanization with its environmental and social problems. The climax is in its character of constant and rapid changes in social life. In our Nigerian setting today as in other parts of the world, the urban areas attract a massive influx of people mostly from the rural areas in search of better social amenities that make life more comfortable. Its population is heterogeneous with a high degree of social stratification and less social solidarity. However, this has always met with a lot of problems. Little wonder then that Berner (2001) stated that all environmental and social problems in our urban areas are essentially caused by population growth. The elements of size in terms of population, amenities and space are used in the determination of urban phenomenon (Oyebanji, 2005).

In Nigeria, land defines the social, political, economic and spiritual relations in the society. Its accessibility and availability on demand when and where needed is a critical factor to development and the urbanized population. In Owerri, Imo State, it has been observed that the government's land administration technique currently in use (the Land Use Act of 1978) has not been able to meet the demand for urban land when and where needed for its population especially the low, the middle and even some high income earners. Its implementation has not been very successful as it is frustrating, time consuming, cumbersome and highly bureaucratic. These have given rise to significant transaction costs in terms of fees, delays, bribery, and so on

(Mortimore, 1986; Antwi and Adams, 2003; Ikejiofor, 2009; Emeasoba, 2011). These problems have limited the supply of land more and pushed up prices beyond the reach of majority of the urban dwellers especially the urban poor thus making land acquisition through the informal land market to become compelling. The aim of this study is to analyse the factors that drive the informal land transactions on land market in Owerri Urban with a view to evolving better land administration process and delivery system in the State. The study hypothesized that the factors that caused for predominance of informal land acquisition in Owerri Urban cannot be clustered.

2. LITERATURE REVIEW

The formal method of land acquisition in Nigeria has its origin in the colonial era where land administration systems which were inherited at independence are governed by formal rules set out in legislation and administrative procedures. This implies that formal land markets are those institutions backed by law based on the legal system introduced by the government (Dale and McLaughlin 2000, Ikejiofor 2009 and UN- habitat, 2010). According to Kironde (2000), formal land delivery system entails transaction in laid out plots as approved by the law and for which there are titles (certificates) deeds or conveyance documents.

Formal land transaction in Nigeria is regulated by the Land Use Act of 1978. The main objectives of the Act according to Oyedokun et al (2012) are as follows:

- Reducing land conflicts among citizens
- Unifying and simplifying land tenure concepts and land administration procedures throughout the country.
- Achieving a more equitable distribution of and access to land rights for all citizens regardless of wealth and position.
- Facilitating greater government control over land use and development.

In implementation, the operation of the Act is time consuming, cumbersome and highly bureaucratic which has given rise to significant transaction costs in terms of taxes, fees, delays, bribery etc (Emeasoba, 2011). No one seems satisfied with the procedure for obtaining legal title to land. Opportunities for corruption abound and it is questionable whether the legal and professional costs are socially desirable for the poor (Mortimore, 1986). These problems have limited the supply of land more and pushed up prices beyond the reach of majority of the urban dwellers. As a result, only the enlightened in the upper and middle class strata that have the resources to contain with these problems can access land easily from this market. The poor/the low income class rely on the informal market to access land for their uses. The law therefore marginalized majority of the people that do not have the resources to face the difficulties in acquiring land from the market.

Marx and Roystone (2007) queried the legality of laws and regulations that effectively marginalized majority of the people from gaining easy access to land and added that in many African countries, the political and economic elites favour the retention of the existing complex legal system that can be manipulated to their advantage due to their greater access to resources and power. In agreement to the above, Antwi and Adams (2003) stated that land acquisition through the formal process is too costly for the low income earners to bear due to the array of bureaucratic and professional undertakings it entails.

In reality, the proportion of the urban economy that could be seen as legal or formal is small and excludes a greater percentage of the urban population. This is an apt description that can be applied to the situation of affluence in Nigeria's cities including Owerri where few have access to the state and formal land markets and enjoy the benefits of planned urban settlement while the majority subsists on the margins in the lands they acquire through informal land markets (Ikejiofor 2009). But the good thing about the Act is that it made land acquisition cheaper and easier for public use. Omirin (2009) observed that while indeed land has become easier and cheaper for public use under the Act, access to land for private developers appears to have become more difficult than before. The Act therefore merely guarantees equal accessibility to land in concept only (Bello 2007 and Omirin (2009).

2.1. Informal land Market Transactions

The context "informal" is an umbrella term used to recognize a variety of practices which vary from one context to another. The term informal land market is used to describe urban land transactions that are neither recognized by the state law nor registered in the governments systems but are nevertheless socially accepted as legitimate by the urban actors (UN Habitat, 2010). Its practices contain elements of customary and civil code laws and social practices adapted to suit existing urban land conditions. Antwi (2002) and kironde (2000) defined informal land transactions as transactions in land outside the government legal system for which the necessary government prescriptions for formalization have not been met. These lands are owned by indigenous communities in cities who hold customary tenure right and command recognised authority over these lands for urban development irrespective of the law(s) that declare all lands to be of public ownership.

According to Marx and Roystone (2007), a large number of land transactions in the urban areas take place outside the officially recognized (formal) system of land management and property ownership. It is achieved by

the ability of the land owners who hold customary rights over land for urban development to subdivide them for sale and purchase. This market according to the law is illegal but the government most often quietly consent to its functioning.

There is no clear definition of what constitutes informal urban land. The Land Use Act of 1978 gave the Governors the power to designate urban lands in their respective states. It is therefore the only government document of note to the issue of formal and informal land in Nigeria. To complicate matters, the fact that customary land (that is all urban lands before some of them are acquired and turned formal by the government) are described as informal does not necessarily mean that such lands cannot be transacted in the formal markets (Ikejiofor 2009). It does not also mean that land acquired from the formal market cannot be transacted in the informal market.

Informal land markets have the advantage of providing land for a large percentage of the low income group and in-coming population to the urban areas (Rakodi, 2007). This is achieved by the ability of the land owners to sub-divide their land for sale and purchase by the in-coming population and the urban dwellers, thereby providing affordable land for the provision of additional housing stocks in the cities (Michael, 1992). The resultant effect is the growth of unauthorized settlements that lack basic amenities (Odum and Ibem, 2011). But today, it has been observed that unplanned areas or unauthorized settlements are no longer occupied by the low income group alone but also by the middle and the high income groups and basic infrastructural amenities are also found in some of them.

The strength of the informal land transaction lies on the fact that its acquisition process is fast and at the reach of both the rich and the poor while its weakness lies on the inappropriate locations in which settlements are occasionally located and the poor layouts that emerge with almost infrastructural deficiency. However, these problems associated with informal land transaction notwithstanding, it has continued to be tolerated by the government because of difficulties experienced in the implementation of the formal system which arise from its cumbersome and costly procedures, preventing many aspiring land owners and purchasers from coping with it. Other reasons for its tolerance include; to secure political support from the people and also to raise substantial revenue (Rakodi and Leduka 2003).

According to Oloyede, Ajibola and Oni, (2007), Informal land transaction is thriving because various land policies and administrative reforms embarked upon by the governments seemed to be ill-informed and ill-suited to both the urban and rural dwellers. The seemingly non-compliance by the populace and inability to enforce laws by government agencies may partly be because the policies were not based on the understanding of the social norms and cultural practices governing how people operate their local land delivery system.

Again, Rakodi and Leduka (2003) noted that the success of Informal land transaction in urban areas can be attributed to its practical attributes and its social legitimacy. The practical attributes relates to the fact that informal land transactions suited the immediate needs of urban land sellers and purchasers while the social legitimacy derives from the widely understood and accepted social institutions that regulate the transaction which take advantage over the formal rules. Here sale and purchase of land is by open market transactions from recognized owners whether they are in the planned or unplanned location. The transaction involves land agents who act as middlemen between the vendors and the vendees and attestation ranges from mere issuance of purchase receipts signed by both parties for the money that has exchanged hands to the drawing up of formal conveyance document which is eventually executed by a lawyer (Mabogunje 1990, cited by Kironde, 2000).

Also, much time is not spent in the sales transaction. Purchasers are able to negotiate flexible methods of payment and sales agreements are witnessed by elders and friends of the parties. To crown it all, the validity of such agreements are generally accepted and respected by the courts in case of disputes (Rakodi and Leduka, 2003; Olayede, Ajibola and Oni, 2007, and Gando (2008) cited by Adamu 2014). These advantages has made informal land market become a much more patronized avenue of land acquisition by a large proportion of most urban dwellers and as a consequence has generated negative effects to the buyer and the environment by encouraging haphazard developments, poor circulation, illegal subdivision of land, multiple sales, double payment on a piece of land, duping, fighting, litigation, poor land use planning and land speculation. Suffice it to state that informal land transaction becomes the only optimal solution to access to land where the formal system becomes of limited value because of the excessive bureaucracy and cost it is riddled with.

In order to cope with informal land delivery problems in urban areas, Gando (2008) cited by Adamu (2014) said that the land administration process should be made to thrive along relationship building process right from the land acquisition stage through issuance of land title documents. This is a good approach because informal land delivery process appears to be inevitable in urban land development.

Mertins et al (1998) cited by Adamu (2014), stated that it is better to offer sites without services since sites and services have failed having turned out to be too costly for the target group. But if the site and services scheme failed the target group because it turned out to be too costly for them, there is still the possibility that site without services will even be more costly and will also fail the target group.

Derand-Lasserve (1996), cited by Adamu (2014) suggested the “guided-development” approach as recently

observed in Rwanda and Cameroon. This approach is similar to site and service project but integrates informal actors into the system. The described developments above show that besides imitating non-conformist forms of land management, countries nowadays increasingly integrate them into their formal systems. This applies mainly to customary rights which are either recognized by national land policies or at least taken into consideration at the local level. Along with the recognition of customary and non-formal property rights goes with the intervention in non-conformist activities at the land market. It therefore becomes necessary to establish local land register which recognizes the rules of the local community such as their forms of inheritance.

Another approach is by introducing a local land administrator. Fourie, (1997), cited by Adamu, (2014) stated that this administrator should fit into the local social scene and manage change at the local level. A prerequisite for this would be good social skills and technical capacity as well as access to information concerning the range of issues that affect land delivery and sustainability. The local land administrator could then identify who owns what right and assist in the transfer and entering them into maps and land records. Such a land administrator who would also be responsible for coordinating land use controls at the local level should also serve to bring informal land delivery system into the formal urban land management system.

3. METHODOLOGY

The study was conducted in Owerri Municipal which is one of the 27 local government areas of Imo State, located in the south eastern part of Nigeria. Owerri Municipal is traditionally called Owerri Nchi Ise and has five indigenous kindreds namely: Umuororonjo, Amawon, Umuonyeche, Umuodu and Umuoyima in their order of seniority. It is bounded on the North by Amakohia, on the North East by Uratta, on the East by Egbu, on the South East by Naze, on the South by Nekede and on the North West by Irete. It has on average temperature of about 27°C (80°F). Its vegetation is typically rain forest. According to 2006 census figure of Nigeria, Owerri Municipal has a population of 127,213. Using an annual growth rate of 3.5%, the population in 2016 is 179,446 inhabitants with about 17,000 households including shops and offices. Its inhabitants are mainly civil servants, traders and farmers who are predominantly native.

The sample population in the study constitutes land owners/developers, land agents (which include professionals such as estate surveyors and valuers, lawyers and other non-professionals who actively participate in land transactions in the area, and land administrators – professionals in the State Ministry of Lands, Survey and Urban Planning.

Three sampling techniques were used in this study. They are: Stratified sampling technique, systematic sampling technique and simple random sampling technique. Owerri urban was stratified into three residential densities. These are high, medium and low density areas. Since this study dwelt on informal land transactions which is pronounced and predominant in high and medium density areas (Ikejiofor, 2009, Kombe, 1994), only the high and medium residential areas in Owerri urban were selected. Twelve settlements were selected; six from the medium density namely; Naze, Avu, Nekede, Egbeada, Ulakwo and Eziobodo while another six was selected from the high density area namely; Orji, Egbu, Irete, Akwakuma, Ihiagwa and Agbala. From the six settlements in the medium density area, Avu, Nekede and Egbeada were sampled while Orji, Egbu and Irete, were sampled in the high density area. The choice of these settlements allowed for comparisons of possible variations in the operation and accommodation of spatial effects of location on land values surrounding the metropolis while the choice of the Ministry was because a flourishing land market exists there as it is the Ministry that allocates land to Nigerian citizens.

A total of 112,786 registered developers were obtained from the Imo State Ministry of Lands, Survey and Urban Planning from these two residential densities as at 2012.

The sample size was calculated using Cronbach Alpha formular: $n = z^2pq/d$. Applying the above formula, a sample size n of 421 was arrived at after the addition of an assumed 10% attrition. Then systematic sampling technique was used to select developers or land owners from the selected communities. Each landlord in the 10th house/plot was selected for sampling from the sampled streets. The sample size for each community was proportional to the population of the area. Apart from the 421 respondents (land owners) from the communities, land administrators from the Imo State Ministry of Lands, Survey and Urban Planning also formed the sample population. These administrators were all the Unit heads who are professionals in the ministry. They are 10 estate surveyors, 5 Town planners and 3 land surveyors hence, 18 professional who are land administrators were sampled from the Ministry. Furthermore, a total of 34 land agents were also randomly sampled from the six communities selected for the study.

The survey design was a descriptive cross sectional survey. Each completed questionnaire was reviewed for completeness prior to analysis. The data collected was sorted and analyzed with SPSS version 20. Principal Component Analysis was used to test the hypothesis that states that; factors that caused for predominance of informal land acquisition in Owerri Urban cannot be clustered.

4. RESULTS AND DISCUSSION

Table 1: Reasons for Preferring Informal Method of Land Transaction.

Option	Frequency	Mean percentage
The process is fast.	155	45.8
Land is at the reach of both the rich and the poor.	78	23
Land can be sub-divided and sold.	30	8.8
It does not entail much protocols and costs.	22	6.5
No preferential treatment.	18	5.3
The governors consent is not first obtained before sale is affected.	22	6.5
Government recognizes title acquired from the transaction.	14	4.1
Total	339	100

Source: Field Survey 2015.

Table 1 show that 45.8% of the respondents prefer land transaction through the informal market than the formal because the process is fast, 6.5% said because the governors consent is not sought and obtained before sale is carried out, 8.8% said that land sub-division is acceptable, 23% said that land in the market is at the reach of both the rich and the poor, another 6.5% said it does not entail much protocols and costs, 5.3% said that there is no preferential treatment in the market and 4.1% said the government recognizes land titles acquired from the transaction. This presentation makes for an understand that all the stated options are reasons for preferring informal land transaction, but the speed at which land is acquired in the market ranks highest as the major reason.

Table 2: Effects of Informal Land Transactions on Land Market in Owerri Urban.

Option	Total Number.	Mean Percentage
Haphazard development	133	29.4
Illegal Sub- division of land	271	60
Poor circulation	354	78.3
Land speculation	279	61.7
Fighting	373	82.5
Litigation	402	89
Multiple sales of a piece of land	430	90.5
Total	452	>100 *

Source: field Survey, 2015.

*Mean percentage sum more than 100 because of multiple responses from the respondents.

Table 2 show that 29.4% of the respondents said that haphazard development was the consequence, 78.3% said it was poor circulation, 60% said illegal sub-division of land was the consequence. 61.7% adduced that its effect was land speculation. 82.5% said that fighting was the consequence. 89% said it was litigation while 90.5% said it was multiple sales. Therefore we can generally conclude that all the above-mentioned problems are implications/effects of informal land transaction in Owerri urban with the problem of multiple sale of a piece of land ranking highest

Table 3: Effects of Informal Land Transactions on Land Market Owerri in the various communities in the study area.

EFFECSTS in %	COMMUNITIES					
	Avu	Nekede	Egbeada	Orji	Egbu	Naze
Haphazard development.	78	65	45	88	56	34
Illegal Sub-division.	34	87	23	56	32	89
Poor circulation.	67	87	65	45	63	45
Land speculation.	34	13	25	31	42	56
Fighting.	23	43	23	56	43	56
Litigation.	67	87	56	89	67	54
Multiple sales of a piece of land.	45	78	34	54	66	86

Source: Field Survey 2015.

The study as shown in table 3 shows the effects of these Informal Land Transactions on Land Market in the various communities in the study area. It revealed that haphazard development was much on Orji and least on Naze. Illegal sub-division was much on Naze and the least on Egbeada. The effect on Orji was 56%. On issues of multiple sales of a piece of land, it has the highest effect on Naze and least on Egbeada.

4.1. Selected Primary Factors that Cause for Predominance of Informal Land Acquisition in Owerri Urban

In the course of the study, 8 primary variables were identified as the factors that caused for predominance of informal land acquisition in Owerri Urban. However, they were later transformed into a fewer orthogonal

secondary variables for better management of the data. The primary variables identified are as follows:-

Table 4: Eight Primary Variables were Identified

Variable Identity	Variables
X 1.	Fast processing of documents.
X 2.	Ease of land subdivision.
X 3.	Cheap.
X 4.	Government acceptability of documents.
X 5.	No governors approval is required.
X 6.	Less cumbersome.
X 7.	No preferential treatments.
X 8.	Easy accessibility to land.

Source: Authors compilation 2015.

Principal Component Analysis (PCA), a statistical tool was then used to reduce the 8 identified primary satisfaction variables to 4 orthogonal dimensions. These 4 dimensions derived formed the secondary variables (factors). Their respective eigen-values were got, and the 4 dimensions were selected in their order of importance as presented in table 5.

Each of the factors will be given a component name and it is important to note from the table 5 that each factor has high loadings of between ± 0.4512 and ± 0.750 approximately.

Each of the factors was named to match the variables that are found in them.

- Factor 1 - Low cost of processing factor.
- Factor 2 - Promptness in processing factor.
- Factor 3 - Land accessibility factor.
- Factor 4 - Acceptability factor.

Table 5: The parameters

	Component (Factor loading)			
	Low cost	Promptness	Land accessibility	Acceptability
No preferential treatment.	.954			
Cheap.	.929			
Easy land subdivision.		.688		
Less cumbersome.		.832		
No governors approval.		.630		
Fast processing.		.564		
Easy accessibility.			.919	
Government acceptability.				.898
Eigen value	2.289	1.745	1.214	1.133
% of variance explained	28.611	21.810	15.170	14.165
Cumulative	28.611	50.421	65.591	79.756

Source: PCA output

The result of the of hypothesis using the PCA clustered the factors that caused for predominance of informal land acquisition in Owerri Urban into 4 components that explained for 79.756 percent of observed variability. These factors were promptness in processing, low cost in processing, land accessibility and acceptability of title documents.

Factor 1: Low Cost of Processing Factor

This factor was positively loaded and it has 2 variables out of the 8 variables. It included; No preferential treatments (.954), and Cheapness of the process (.929). This Factor 1 with an Eigen value of 2.289, explains 28.611% of the determining variables of the factors causing for predominance of informal land acquisition in Owerri Urban. Factor 1 is therefore the most significant factor contributing to 28.611% of the predominance of informal land acquisition in Owerri Urban. This factor 1 defined by low cost of processing factor is therefore identified and classified as one of the major determinants influencing the predominance of informal land acquisition in Owerri Urban.

Factor 2: Promptness in Processing Factor

These were negatively loaded with 4 variables which included; Easy land subdivision, less cumbersome, No governors approval and fast processing of documents. This Factor 2 having an Eigen value of 1.745 explains 21.810% of the determining variables of the factors causing for predominance of informal land acquisition in Owerri Urban. It is therefore the second most significant factor contributing 21.810% of the predominance of informal land acquisition in Owerri Urban. Factor 2 was defined as promptness in processing.

Factor 3: Land Accessibility

This was highly and positively loaded on 1 variable out of the 8 variables in the study. The defining variable in this factor was easy accessibility to land with the factor loading of 0.919. This Factor 3 with an Eigen value of 1.214 explained 15.170% of the determining variables influencing predominance of informal land acquisition in Owerri Urban. Factor 3 was defined as land accessibility.

Factor 4: Acceptability of Title Documents

This was highly and positively loaded on 1 variable out of the 8 variables in the study. The variable in this factor was easy accessibility to land with the factor loading of 0.898. With an Eigen value of 1.133, it explained another 14.165% of the determining variables causing predominance of informal land acquisition in Owerri Urban. Factor 4 defined by acceptability of title documents has been clustered as the fourth major determinant influencing informal land acquisition in Owerri Urban.

5. CONCLUSION AND RECOMMENDATION.

From the study, we can conclude that the dominance of informal land transaction in Owerri urban stems from the fact that the formal market (government land allocation system) has failed to meet the demand for land for the urban population thereby compelling the urban dwellers to resort to land acquisition through the informal land market. This is because in the informal land market, land is available to all levels of economic power and unregulated accessibility to the market places those with greater financial resources at advantage over others. This makes the economically stronger members of the society have more control over land which eventually results in land speculation. The ease with which land is acquired from the informal land market because of its advantages over the formal market has generated negative effects to the buyer and the environment by encouraging haphazard developments, poor circulation, illegal subdivision of land, multiple sales, double payment on a piece of land, duping, fighting, litigation, poor land use planning and land speculation. The study deduced that four major components were responsible for this dominance of the informal land transaction in Owerri. The factors were low cost in processing, promptness in processing, land accessibility and acceptability of title documents.

The study recommended among others that the government should enact enabling law that will ensure that all land sold and unsold within the urban area must be registered. This will check the spate of multiple sale of a particular piece of land. Also, all land agents must be registered so that buyers can easily identify the genuine ones and deal them. This will reduce to a large extent transactions with fake agents who end up duping unsuspecting clients. Stiff sanctions must be meted out to defaulters.

Furthermore, the government should give compensatory plots to land owners whose land are compulsorily acquired to avoid the temptation of sub-division and sale by land owners when it has been acquired and allocated to other people. The government should also pay adequate compensation promptly to land owners once the land has been acquired. This will minimise the problems allottees encounter when taking possession of allotted lands.

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