

# **The Growth of middle and high income informal Settlements in Port Harcourt**

## **1.0 Introduction**

The concept of informality is one that has been applied in various contexts. Specifically in the context of urban studies in less developed countries. (LDCs), informality has been used to describe the economic sub-sector, certain types of housing and even urban development. According to Nwaka (2005), “the informal sector encompasses a wide range of areas of informality – environmental, spatial, economic, and social, covering business activities, employment, markets, settlements, and neighbourhoods”. Leduka (2000) argues that settlements have been variously labeled as ‘informal’, ‘irregular’, ‘illegal or extra-legal’. These descriptions Leduka further stated imply that something legalistic about the settlement and their land and housing markets is not working according to expectations. The further implication of this argument is that a dichotomy exists within the urban system in LDCs with parts of the system planned, formal in terms of having been approved by established governmental processes and parts that are not. Nwaka (2005) adds that the informal sector has since the early days of independence been the dominant provider of urban land and housing, as only about 20% to 40% of the physical development in Nigerian cities is carried out with formal government approval.

This trend has been attributed to the weakness of government planning controls, and the haphazard development associated with the informal sector. Leduka (2000) has attributed the growth of informal settlements to the difficulty of obtaining land and housing through established legal or formal processes. Thus, the development of informal settlements involves not only the urban poor but also the urban wealthy political leaders and state bureaucrats. Furthermore, a lot is still unknown about many of the processes that structure and sustain the development of these settlements. Much of the research and literature on informal settlements in African urban studies have focused on these predominantly occupied by the urban poor, poorly serviced, developed on land that has not been properly purchased through the formal system and zoned for residential development. Other features attributable to these settlements include the fact that developments defy official building and planning regulations (UNCHS,1996). Mabogunje (1992), has made the point that the scale and pace of urban development coupled with a high rate of land development cannot be matched by the official/ and public sector planning and existing formal land management system.

Port Harcourt, like other fast growing cities of the third world, has its many low income informal settlements. These are located on the waterfronts of the city and are locally called “watersides”. These are however not the areas of concern in this paper. The focus in this paper is on the growth of informal settlements that are not predominantly occupied by the urban poor but middle and even high income people in Port Harcourt, Nigeria. The concept of informal settlement used in this paper refers to settlements development that occurs outside the conventional planning system and regulation existing in the state.

### **1.1 Aim and Objectives of Study**

The aim of this paper is to document the growth of informal settlements in Port Harcourt, with particular focus on predominantly middle and high income settlements.

Specific objectives of the paper are as follows:

- i. Identify the factors that have given rise to the growth of middle and high income informal settlements
- ii. examine the impact on the urban system; and
- iii. examine the challenges this poses for urban management.

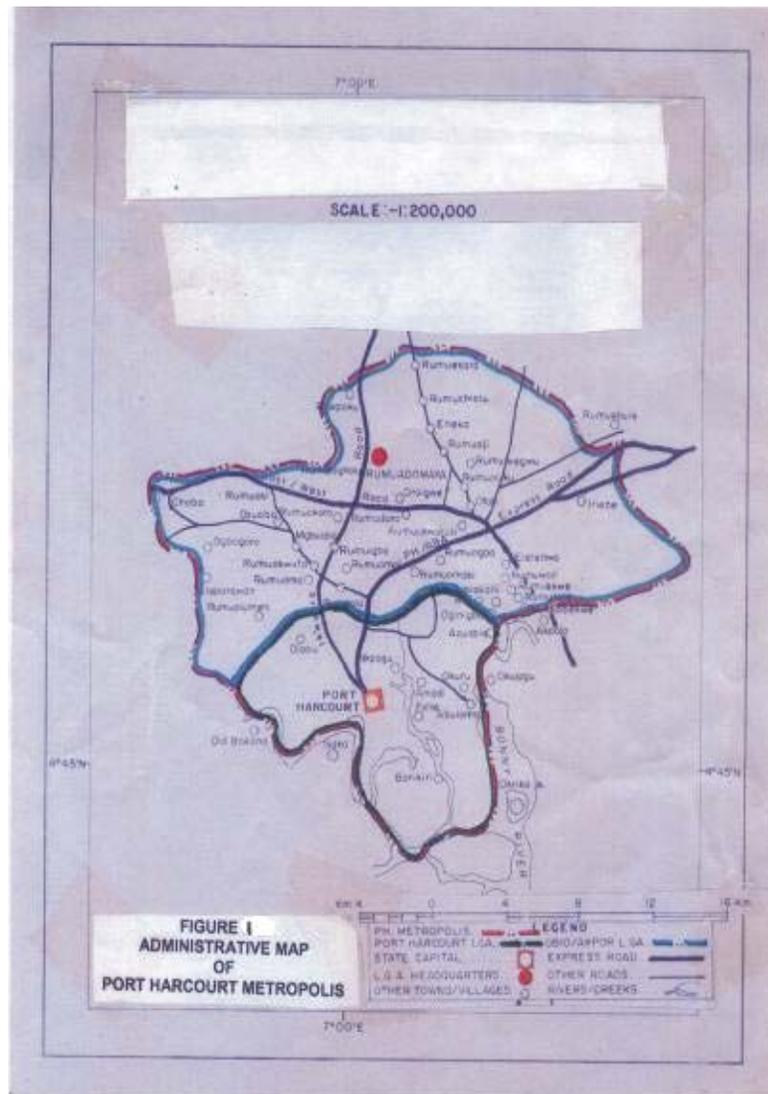


FIGURE I ADMINISTRATIVE MAP OF PORT HARCOURT METROPOLIS

## **2.0 Urban Growth in Port Harcourt**

Port Harcourt, capital city of Rivers state, Nigeria is one of the nation's fastest growing cities. The Rivers state statistical Agency puts the annual growth rate of the city between and at over 5%. The Port Harcourt metropolis covers an area of 180,000 hectares with a population of 1,017,461 in 2004. (See fig.1). It comprises of two local government areas – Obio/Akpor and Port Harcourt City Local Government Council areas (LGAs).

According to Ogionwo (1979), the area comprising the municipality of Port Harcourt was prior to 1918, largely farmland and secondary forest. The urban area was established by the colonial government when in May 1913; Lord Lugard acquired approximately 25sq miles of land from the indigenous Ikwerre and Okrika people. As a modern city, its development was made possible by the enactment in 1917 of the Public Lands Acquisition Ordinance and the Township Ordinance. The Public Lands Acquisition Ordinance empowered the then governor to acquire land compulsorily for public purposes. The land so acquired became known first as “crown” land and after political independence as “state” land. Under the Township Ordinance, Port Harcourt was classified as a second class township with the consequent provision of specific urban services and infrastructure.

The growth of Port Harcourt is tied to the social and economic history of Nigeria following the construction of a seaport, railway and railway terminus in 1927. Today, it is the centre of the nation's oil and gas industry. With growth has come population pressure and rapid development of new residential areas especially within and around indigenous village settlements. Many of these areas have become engulfed into the city's neighbourhood system as the villages have lost their distinctiveness. Ogionwo (1979) identified fourteen (14) residential neighbourhoods within Port Harcourt. Today, there are over thirty (30) neighbourhoods. The spread of the city has been mainly northward and westward, where land is available. The southern section is constrained by the river.

The historical and political contexts of Port Harcourt's growth from the on set, introduced distinct neighbourhoods distinguished by plot sizes, services and planning. The Government Reservation Areas (GRAs) were reserved for Europeans and Africans occupying top positions in the colonial administration. Plot sizes here were typically 200m/200m whereas the African Township (Native areas) which were planned had plot sizes of 50m/75m. This duality in neighbourhood development has continued to the present, not along racial lines but in terms of planned areas (usually on land formally acquired by government) and unplanned areas left under the control of customary rights to land and private ownership. Thus, the land question is at the centre of the growth of informal settlements in Port Harcourt. Other factors include the absence of appropriate institutions to manage land use planning, the failure to implement the Port Harcourt Master Plan and also the failure to implement existing laws on land use. However, it would be short-sighted to look at these factors in isolation from the broader contexts of political processes and governance especially the rule of law.

## **3.0 Factors underlying the growth of Informal Settlements**

There are three issues here- the issue of land ownership; the issue of land use control and institutional weaknesses. These will form the kernel of discussion of the factors underlying growth of middle and high income informal settlements in the city.

### **3.1 *The Land question in Port Harcourt***

Two key issues emanate from the land question. First is the issue of land ownership and secondly, is the issue of land use control.

#### ***Land Ownership and struggles over land***

Land ownership in Port Harcourt, like other cities in Nigeria, comes in four main categories – land owned by the government or public land; family and individually owned land and communally owned land. Communally owned land is fast disappearing in the urban areas as land values rise with rapid growth. The proof of ownership is the title to land. Prior to the enactment of the Land Use Act in 1978, land ownership required that the document of acquisition and survey plan be registered with the State land Registry. The Land Use Act nationalized land, vesting rights on all urban lands in the governor of the state. The Act empowers the governor to grant statutory rights of occupancy to any person for all purposes and the local government to grant customary rights to any person or organization for the use of land in the local government area for agricultural, residential and other purposes. Ownership rights were replaced by user rights. This means in principle that land can be acquired at will by any Planning Authority for which schemes can be prepared. However, land owners do not cooperate. For individuals, the Certificate of Occupancy signed by the governor became the title to land and proof of ownership. In practice, implementing the Act has become very problematic. The significance of the C of O issued under the hand of the governor lies merely in evidencing title as opposed to conferment of title. Where title is defective, the C of O evidences nothing and becomes a worthless piece of paper.

Access to land for development is perhaps the most contextual issue in Port Harcourt. Under the powers of public land acquisition, government has over the years acquired land through negotiation. Large areas of primarily farmland from the indigenous population of Port Harcourt were acquired for development of site and service housing schemes, schools, health facilities and other public uses. Port Harcourt has as many as seven designated government reservation areas, all on land acquired between 1970 and 1999. These were expected to be for low density, high income residential development. The residential layouts were properly prepared by the Town Planning Department, and plots allocated to wealthy individuals. Certificates of Occupancy were issued to those who got plot allocations. The original land owners claim that in many cases compensation was not paid and that the promises made to the local community when government was negotiating for the land were not fulfilled. Based on such claims, communities have been known to recourse to legal and illegal actions. They have in some instances taken government to court had won cases. In these cases, the un- developed portions of the land have been given back to the local communities. In other instances, the local people, especially the youths have forcefully repossessed all undeveloped plots, balkanized them and sold them off to other buyers. Subsequent development on such plots, no longer conform to the original layout. The government has been silent on this and as has been suggested in some circles, has used them as “vote catching” measures. The certificates of occupancy issued by the government to the original allottees can no longer protect the rights to use the land by the allottees. Allottees, who can buy back the land, negotiate with the local people and pay current market prices for their plots. Land owners were also inclined to sell their land to private buyers at market prices rather than allow government to acquire and pay what they regarded as inadequate compensation.

Perhaps the worst cases of unplanned settlement development have occurred around village areas within the metropolitan area, especially those on the periphery. Apart from the case of two villages, none of the land surrounding original village settlements was planned. As pressure for land increased and price of land appreciated, land owners arbitrarily demarcated and sold off plots between buildings and streets on the other hand is so small that pedestrians and vehicular traffic movement are almost impossible within the traditional village areas of the city and so are rapidly growing fringe areas of urban settlements. Thus, it is difficult to prepare layout, which is a way of enabling orderly physical development. Without any type of systematic layouts incidences have been recorded where land reserved for roads were also sold off to appease aggrieved family members. The greatest number of incidences of abuse of planning regulations, emanate from these private land transactions.

Such transactions are also often not formally registered by the State Land Registry nor any formal title to land given by government. In the absence of a residential lay-out plan, development is haphazard and access and service lines not accommodated. Gaining access to such houses when finally, developed is extremely difficult, especially as the road network is without any planning and road right- of- way is not an integral part of sale of the plots. Over time the neighbourhood grows without space for markets, open spaces and other services. There are no provisions for water mains, electricity supply lines or drainage lines. Many households provide their own water and power from private boreholes and generators, respectively. Density standards are not adhered to as the developments did not go through the building plan approval process. With landowners trying to maximize the use of their plots, these village neighbourhoods have recorded some of the highest densities of development in the city.

In an important study of land use plan implementation in Port Harcourt Metropolis, Kings – Amadi (2004) showed that only about 50 out of 200 plots covered in the study had been registered with appropriate government agency (see table 1 below). Factors responsible for the low percentage of land registration are as shown in table 2 below.

Kings- Amadi concluded that although majority of landowners (59.4%) were aware of the land use regulations, only a few have complied. The reasons for non-compliance include the lack of enlightenment, unwillingness to accept the regulations, bureaucracy, corruption and high cost. This same conclusion was also reached by Nwaka (2005), that in practice, the procedure for obtaining and developing land became excessively bureaucratized, obstructive and riddled with corruption. Restrictions on the availability of land encouraged the growth of more and more irregular settlements on the fringes of the towns and on vacant public land. Within the planned areas, the land supply system has not been able to meet demand. Within the informal

**Table1: Percentage of Registered land in Port Harcourt Metropolis**

% of Land Registration	Absolute Frequency
0 - 10	29
21 - 30	15
61-70	6
Total	50
Total no. of Respondents	200
Average %	40

Source: Kings – Amadi (2004)

**Table 2: Factors Responsible for Low Level of Land Registration by Land Users**

Factors	Absolute Frequency	Relative Frequency
Land Users Ignorance	8	16.00
Land Users refusal to comply due to costs involved	2	4.00
Government Bureaucracy	10	20.00
Logistics factor	-	-
Lack of Public enlightenment by government	5	10.00
All of the above	24	48.00
None of the above	-	-
Total	50	100%

Source: Kings Amadi (2004)

settlement areas, the land supply has been able to a large extent to meet the demand for land and for housing and other purposes but in the process resulted in un-serviced, mixed density development that does not meet official standards and policies.

### **3.2 Institutional weaknesses**

Areas constituting institutional weaknesses include the following: failure of the development control mechanism, absence of appropriate legal instruments, and lack of implementation of the Port Harcourt Master Plan.

#### ***Failure of Land Use Controls and non – implementation of the Port Harcourt Master Plan***

Modern Town planning has its historical antecedents from the 1917 Township Ordinance to the Nigerian Town and Country Planning Ordinance of 1946. The township ordinance introduced spatial orderliness and classified townships into 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> class townships. At this point Planning Authorities were formed in 1<sup>st</sup>. and 2<sup>nd</sup> class townships. Port Harcourt, being a 2<sup>nd</sup> class township had its first planning authority set up for the purpose of land use control. The 1946 ordinance empowered local planning authorities to prepare development schemes A scheme was to provide for reservation of land for roads and establishment of public rights of way regulating the line, width, level, construction and general dimensions and character of roads, size, height, spacing and building line, location of buildings, reservation of sites for public services, open spaces etc; facilitation of construction works in relation to lighting, water supply, sewerage, drainage and refuse disposal or other public utility services (Oyesiku, 1998). This ordinance remained essentially unchanged until 1992 when the federal government enacted the Nigerian Urban and Regional Planning Law, as a military decree. The Land Use Act of 1978 as earlier explained was introduced essentially to facilitate easy access to land especially for public purposes. The weaknesses and abuses of the Land Use Act have also been explained.

Under the operation of the 1946 ordinance, Port Harcourt had several planned development schemes. First, the Port Harcourt planning Authority declared planning areas, and prepared development schemes to guide development in those areas. However, these schemes were limited to government acquired land and the traditional village settlements within the metropolis were left unplanned. Colonial acquisitions were surrounded by indigenous villages where customary tenure prevailed.

Ikpoki's study of effectiveness of development control in Obio-Akpor local government area of the Port Harcourt Metropolis showed that only 17% of building in the local government area had been approved by the local authority. 85% of streets in the LGA were in unplanned layouts with 60% of them untarred. None of the distributor (Collector) roads had the standard 18m to 25m right-of-way; 83% of the service (access) roads did not meet the 12m right-of-way. An estimated 69% of plots had coverage exceeding the planning standards with buildings constructed right up to the property boundary in most cases. The Port Harcourt Master Plan prepared in 1975 has been left un-implemented. The required regulatory back-up necessary for its implementation in the form of the Port Harcourt Metropolitan Planning Authority stopped functioning after only two years in existence. Also the legislative requirement to revise the 1946 Township Ordinance at the time was also not done. This left the implementation of the master plan to the whims and caprices of successive administrations. There has been no revision of the master plan in light of present realities. Besides, the plan's span expired in 2002. In December 2003, government enacted the the Rivers State Physical Planning and Development Law. This law provides for the creation of a State Planning Board and Local Planning Authorities in each of the twenty-three constituent local government areas. None of these provisions has been implemented in spite of the fact that the same government has been in place since May 1999 till date. The result is the failure of regulatory mechanisms to meet the challenges of managing urban growth. Thus, growth is occurring un-planned, un-controlled and un-registered. The interplay of these factors is the sustaining force of rising informality in settlement development in the Port Harcourt metropolis.

### ***Absence of appropriate legal instruments***

Before the 1970s, land use planning and development control in Port Harcourt were in one agency; the Port Harcourt Planning Authority. At least twelve planning areas were declared by the Port Harcourt Planning Authority (as provided under section 10 of the 1946 Town and Country Planning Ordinance between 1946 and 1963. The outbreak of the Nigerian civil war in 1967 ended the activities of the planning authority in Port Harcourt and the Rivers State in general. In 1976, the Port Harcourt Metropolitan Planning Authority was established and from 1976 to 1978, this agency functioned. A total of forty – four planning areas were declared in 1977. However, the activities of the Port Harcourt Metropolitan Planning Authority were later taken over by the State ministry of Housing and Environment (now Housing and Urban Development). This lack of institutional continuity and functions has contributed to the moribund state of physical planning in the city. Political instability has meant urban management instability. Problems of inadequate resources and crisis of legitimacy of town planning itself continue to hinder the formulation of any coherent strategy for managing urban growth in the metropolitan area.

Presently, physical planning of the Port Harcourt metropolis comes under the ambit of both the Rivers State government, and the two local governments (the Obio/Akpor LGA and the Port Harcourt City Council LGA) that make up the metropolitan area. The fact remains however that physical planning in Port Harcourt is limited to development control activities. Even this limited activity is poorly done. Trained planners do not control the process in reality. Often the process is abused by political office holders for purposes of expedience. Moreover, there are no policy guidelines for development control. Ikpoki (2005) showed that 86% of respondents in her study of Obio/Akpor local government area regarded the planning office as ineffective. The Rivers State government is also unable to establish the institutions provided for in its own laws. There is lack of qualified and well motivated personnel at both state and local government levels and

this constitutes a major impediment for planning. Besides, technical incompetence, the equipment and affordable technology to do the job of good urban management are lacking.

#### **4.0 Conclusions**

This paper has tried to explain the factors that have led to increasing growth of informal settlement in Port Harcourt, Nigeria. The growth of informal settlements is marked by unplanned and uncontrolled development occurring especially around traditional village communities, once distinct settlements, but now integral parts of the metropolis, having been assimilated by urban growth. Acquisition of land in these areas is largely unregistered and only a small proportion of the houses have approved building plans. Consequently, all types of urban services and infrastructure are lacking and access to houses is very poor.

Informal settlements in Port Harcourt are the manifestation of poor urban management and the failure of planning response to urban growth. There is a diminishing capacity of the public sector to provide services and manage urban development. Formal planning is facing a problem of legitimacy in Rivers State in the absence of a proper institutional framework and enabling legislation. Without these, much of urban growth in Port Harcourt in post – independence times has occurred outside the control of state laws and regulatory frameworks. Decisions on land development, infrastructure provision are being made by households whose primary objective is to provide shelter. As land prices and house rents increase beyond what most households can afford especially at the inner core of the city, the trend for middle income households is to move to the traditional village areas of the urban periphery where land is relatively cheaper and rents more affordable.

Physical planning has not kept pace with this movement. This has created a backlog of urban infrastructure needs and chaotic development. If urban growth is to be managed with any sense of control, land management must be a critical component. However, managing land use inevitably involves changing the rights and obligations associated with ownership of land. An attempt to achieve this, through the Land Use Act in Port Harcourt, has not been effective neither have other land management tools including development control. Since the formal establishment of Rivers State with Port Harcourt as its capital, physical planning has not found its proper place in the political administration of the state. The preparation of the Port Harcourt Master Plan in 1975 and its implementation would have signaled a good starting point. The implementation of the plan was also not effective. The result is a metropolitan area that is sprawling out of control. Without a decisive change in the current direction of physical planning, the introduction of enabling institutional and legal frameworks and political commitment, urban growth will continue in Port Harcourt mainly as an informal sector activity.

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