

**Property Rights Challenges on Housing in Southwest Nigeria.**

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**Abstract:** Studies have revealed that many social and environmental components have constituted obstacles to housing production in the southwest Nigeria resulting in acute housing needs like other urbanizing world. Creating a strong institutional framework to enable quick access and security to property rights will help citizens and private investors to participate in housing production. Conflicting claims of property titles exist in most residential lands in peri-urban areas without planned layouts. This investigation which is domiciled in Ikorodu as a microcosm of southwest Nigeria examined the challenges of property ownership title and its implications on housing production. The research methodology used is a mixed approach of information gathering through a questionnaire distributed within some selected cities in the southwest of Nigeria and structured interviews with selected household heads among the sample population. A questionnaire was administered on 150 household heads and 120 were retrieved, which were analyzed using descriptive and analytical statistics to arrive at conclusions. The qualitative data was analyzed by thematic analysis. The results show that duality of right claims exists on most properties even when there is property title. While the government issues the property title based on the social contract theory of property rights, the traditional family owners claim ownership rights from the traditional inheritance theory. It was discovered that the Land Use Act of 1978 did not provide enough solutions to this conflict of rights, especially in the suburbs and peri-urban areas. This created social conflict and struggles over properties characterized by the incessant disturbances from traditional family groups known as “Omo-Onile” in Lagos State; The study recommended that more inclusive legislative works that will address the interest of all parties on land were needed to strengthen the land use act and that quick access and security to property titles was necessary for property owners and will encourage private investors in housing production.

**Keywords:** housing solution; Land Use Act; property; property rights; urbanization.

## 1.0 INTRODUCTION

The challenge of housing is real in the urbanizing world as more people move from the villages to the cities in search of better livelihood, shelter being one of the basic needs of man after food. Urbanization is occurring much faster in developing countries in the context of weak institutions, particularly those governing land (Cai et al., 2018). To regulate the ownership, use and development of land and land resources, nations the world over have instituted land ownership systems aimed at consistently balancing the interests of the government, the land-owning class and the landless class (Udoekanem et al., 2014). This research attempts to proffer housing solutions by addressing the property rights debacle and land tenure system in Nigeria. The obstacles posed by the difficulty in accessing formal rights to land have prevented private investors from providing the capital needed for housing projects. The land tenure system of a given society is the institutional framework within which decisions are taken about the use of land, embodying the legal or customary rights the individuals, groups or organizations use to gain access to use of the land (Ghebru et al., 2014).

Nigeria has passed through many phases of the land tenure system dating back to the pre-colonial period, the colonial period, the post-independence period and lastly the present stage of unified land tenure under the Land Use Decree, now Act of 1978 (Babalola & Hull, 2019). These phases affected property ownership rights in different ways. Property rights are commonly identified as a right to own or possess something, such as land or building, and to be able to dispose of it as one chooses. To have a property right is also to have an enforceable claim to the use or benefit of the same; the concept of property right distinguishes between momentary use or possession of something and a claim to the thing which will be enforced by society or the state (Peluso & Lund, 2011). There seem to be impediments to property rights in most parts of the peri-urban areas of Nigeria due to the difficulties faced in getting formal titles to properties. This paper argues that no meaningful investment could be made in housing which is land designated without legal ownership rights obtained by the investor. The ease with which such rights are obtained will determine the amount of investment that such real estate will attract. It is obvious that the huge capital need for housing requires more than the government budget but capital from the private sector in Nigeria (Omotosho et al., 2020). This study was localized at Ikorodu Local Government Area in Lagos State which has grown to become the 12<sup>th</sup> largest city in Nigeria and 3<sup>rd</sup> most populous city in the southwest by The United Nations delineation.

## 2.0 LITERATURE REVIEW

To understand the challenges faced by individuals, groups and organizations in securing property title in Nigeria, it is necessary to have an overview of the dispensations of land tenure systems or land governance in Nigeria, accessibility to formal title ownership and other ownership title challenges that challenge investors in landed properties. The housing provision dynamics in Ikorodu area also need to be well understood to establish the type of relationship that exists between property rights challenges and housing provision in the study area.

### 2.1 Colonial administration of property titles

The predominant land tenure system in Nigeria during the pre-colonial period was the customary land tenancy where land holdings were owned by villages, towns, communities and families. Land was deemed not owned by individuals but by communities and families in trust for all the family members (Pierce, 2013). The legal estate under customary land tenancy is vested in the family or community as a unit. During this period, land belonged to the community or a vast family of which many are dead, few are living and countless members yet unborn. Thus, the Interests or rights of individuals in community land were derivative interests. This period in the southern part of Nigeria witnessed the Stool or Chieftaincy lands, Family lands, Communal lands, and Individual or Separate property derived from the family lands (Osegbue, 2017).

The colonial masters adjusted the land administration in 1900 through the Land Proclamation Ordinance enacted by Lord Lugard. The legislation disregarded the principles of native law and custom and provided that title to land could only be acquired through the High Commissioner. The Land Proclamation Ordinance was enacted to kill the institution of family and communal land ownership by facilitating the acquisition of title to land through the High Commissioner (Udoekanem et al., 2014). The Land and Native Rights Act was enacted in 1916 to vest in the colonial Governor all rights over all native lands in Northern Nigeria. Sections 3 and 4 of the Act provided as follows: -

*“(3) All native lands and rights over the same are hereby declared to be under the control and subject to the disposition of the Governor and shall be held and administered for the use and common benefit of the natives of Northern Nigeria and no title to the occupation and use of any such lands shall be valid without the consent of the Governor. (4) The Governor, in the exercise of the powers conferred upon him by his Proclamation with respect to any land, shall have regard to the native laws and customs existing in the district in which such land is situated”* (Elias (1971).

### 2.2 Land Ownership in Nigeria since Independence.

Since Nigeria gained independence in 1960, private ownership of land became possible through the land tenure system administered by the natives. In the southern part of Nigeria, lands were administered through the families' and communities' customary inheritance while all lands in the territory comprising the Northern States of Nigeria were regarded as owned by the state, based on the provisions of the Land Tenure Law of 1962 (Udoekanem et al.,

2014). However, the Land Use Decree of 1976, now the Land Use Act (LUA) of 1978 harmonized the land administration in Nigeria and brought all lands under one tenure regime. Let us examine some of the salient point in the Land Use Act that will be relevant to this discuss.

### 2.3 The Land Use Act of 1978

The Land Use Act of 1978 by implication was derived from the social contract theory. The social contract theory opines that, in a regulated government, no individual may occupy property hence arises the right of property, and every right must spring from public authority (Amamiyenimighan et al., 2011). The purpose of the LUA is to regulate the ownership, alienation, acquisition, administration and management of land within the Federal Republic of Nigeria. Section 1 of the Land Use Act vests all land comprised in the territory of each state in the Federation of Nigeria in the Governor of that state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of the Act. Section 5(1) of the Act empowers the Governor of a state to grant statutory right of occupancy to any person for all purposes in respect of land, whether or not in an urban area and issue a certificate of occupancy in evidence of such right of occupancy in accordance with the provisions of Section 9(1) of the Act. Also, Section 5(2) of the Act provides that "Upon the grant of a statutory right of occupancy under the provisions of subsection (1) of this section, all existing rights to the use and occupation of the land which is the subject of the statutory right of occupancy shall be extinguished." Thus, the statutory right of occupancy granted by a Governor is presently the highest right to land in Nigeria. This right of occupancy is a right that allows the holder to use or occupy land to the exclusion of all other persons except the Governor and is granted for a maximum holding period of 99 years, subject to the payment of ground rent fixed by the Governor throughout the holding period. Sections 21 and 22 of the Act prohibit alienation, assignment, mortgage, transfer of possession, sublease or otherwise howsoever customary or statutory rights of occupancy in Nigeria without the consent and approval of the Governor of the state where such right of occupancy was granted. The provisions of Sections 21 and 22 of the Act are as follows: 21. It shall not be lawful for any customary right of occupancy or any part thereof to be alienated by assignment, mortgage, transfer of possession, sub-lease or otherwise howsoever (a) without the consent of the Governor in cases where the property is to be sold by or under the order of any court under the provisions of the applicable Sheriffs and Civil Process Law; or (b) in other cases without the approval of the Local Government 22. (1) It shall not be lawful for the holder of a statutory right of occupancy granted by the Governor to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer of possession, sub-lease or otherwise howsoever without the consent of the Governor first had and obtained (Udoekanem et al., 2014). It is good to note that the statutory right of occupancy as interpreted in Section 50 of the Act is a right of occupancy granted by the Governor under the Act for a maximum holding period of 99 years. Customary right of occupancy as also interpreted in that section of the Act is the right of a person or community to lawfully use or occupy land in accordance with customary law and includes a customary right of occupancy granted by a Local Government under the Act. Also, Section 28(1) empowers the Governor of a state to revoke a right of occupancy for overriding public interest, subject to the payment of compensation for the unexhausted improvements based on the provisions of Section 29 (4) of the Act Land property rights are often poorly defined, have partial coverage, and are selectively enforced (Durand-Lasserve and Selod, 2009). While properties within the metropolitan areas are well delineated with titles, most lands in the rural and semi-rural areas have neither layouts nor titles. This led to widespread situations of land tenure informality i.e., the absence of a formal property right and slum development. On the one hand, formal tenure allows urban dwellers to occupy land without fearing eviction (Uwayezu & de Vries, 2018) The cost of formal property rights is too high for some city dwellers, forcing them to choose to hold land informally. They are exposed to adverse slum-like living conditions and disproportionately add to city-wide congestion. Land tenure informality remains a global problem and one of the most widespread phenomena as approximately 75 percent of the world's population cannot access formal systems to register to safeguard their land rights (Cai et al., 2018, Uwayezu & de Vries, 2018).

### 2.4 Housing Challenges in Lagos State

Housing data is a big challenge in Lagos State as well as in the other States of Nigeria. The same figure is peddled for a long period as there seems to be no auto-updating system. Despite that, the Federal Government produces statistics for its activities like the Gross Domestic Product (GDP), Inflation Rates, central data for housing information is lacking. While the 17 million estimated national housing deficit figure in circulation since 2012, keeps increasing, there is no reliable data from the National Bureau of Statistics on the actual deficit to date. Some experts

now adopt 22 or 23 million housing deficit estimates without data to justify it (Michael et al., 2023). As far back as 2012, the Lagos State Economic Intelligence Unit (EIU) estimated that Lagos State needed 2.6million housing units for before 2017 to meet up with the housing demand in Lagos (Adedire et al., 2016), while the housing need for Ikorodu peri-urban as of 2016 was estimated to be 312,332 units according to Lagos State housing deficit assessment as presented in the baseline report. With a growth rate of 3% according to the Lagos State Bureau of Statistics, the housing requirement for Ikorodu by 2022 is put at 368,552 housing units. It is difficult to know exactly what the housing shortage in Nigeria is because most of the houses have informal titles and therefore not on the government's radar. Only the houses built on registered and titled land could be recorded in the town planning books.

### Housing Provision in Ikorodu Local Government Area.

Housing needs have become one of the main challenges of urbanization of Ikorodu Sub-Region with the influx of people from the State Metropolis in search of stable and cheaper land to build on. The area has attracted people from all the geopolitical zones of Nigeria and outside the Country, making it an evolving cosmopolitan city. At present, about 39% of Ikorodu LGA is under residential use which is mostly unplanned (Adedire, 2018). Ikorodu is a dynamic area with an average population growth rate of 7% per annum; it grew from 527,917 in 2006 to 1,041,168 in 2022 to become the twelfth largest city in Nigeria and the third most populous city in the Southwest (Adegbile, 2017). There are quite a few decent housing schemes in the area such as Lagoon View Estate and Suru-Ibeshe Gardens at Ibeshe, Fair Haven Homes at Agbowo and Lagos HOMS Millennium Estate at Igbogbo. There are many unplanned residential areas, and some old, dilapidated buildings that do not add to the aesthetics and vitality of the streetscapes will have to give way for contemporary architectural designs that will meet the desire of accommodation seekers.

### 2.5 Ikorodu Housing Deficit.

According to the housing deficit assessment as presented in the baseline report, the housing deficit of the Ikorodu LGA as of 2016 was estimated to be 66,775 units. Surplus dwelling units found especially in Igbogbo-Baiyeku and Ikosi-Ejirin are attributed to several unoccupied housing units built by private developers, as well as mass housing projects of the Lagos State and the Federal governments.

Table 1 Housing deficit in Ikorodu Local Government Area (2016)

LCDA	POPULATION 2016	AVERAGE HOUSEHOLD SIZE 2016	HOUSING REQUIREMENT 2016	HOUSING ESTIMATE 2016	SHORTAGE/ EXCESS 2016
Igbogbo-Baiyeku	184,413	4	41,805	70,939	29,134
Ikorodu North	356,587	4	85,104	52,191	(32,913)
Ijede	84,596	4	20,940	27,306	6,366
Imota	72,121	4	16,618	31,500	14,882
Ikorodu	407,823	4	101,449	69,144	(32,305)
Ikorodu West	282,026	4	68,955	61,252	(7,703)
Ikosi Ejirin	42,229	5	9,240	23,328	14,088
Ikosi Isheri	151,233	3	45,967	4,561	(41,406)
Agboyi Ketu	171,375	4	41,479	11,888	(29,591)
Ikorodu Sub-Region	1,752,403	4	418,884	352,109	(66,775)

Source: Cityscape Planning, 2016.

## 2.6 Property Rights Challenges in Ikorodu

The good intentions of the government, (power) that was in operation which crafted the land use policy could not be achieved as it created a bureaucratic bottleneck and restrictive implications for housing considering the population dynamics of Nigeria against the limited outlets for actualizing these provisions of the law (Uzoamaka et al., 2021). However, legislation on properties has not favoured the urban poor as many homes in informal settlements have no land title, and there is little or no plan to upgrade informal homes. Instead, there has been a continual demolition of such homes. The land is indeed fundamental to physical development activities, and it is a scarce resource that must be guided jealously by whoever owns it. Through the land use policy of Lagos State, the land is categorized into different uses and types for registration and titling. There are residential lands, agricultural lands, industrial lands, etc., with different land title registrations with the Lagos State Land Bureau. Land, which is the most important part of housing development, is not easy to come by in Lagos State. The adoption of the Nigerian Land Use Act of 1978 and its land nationalization agenda implied a sharp deviation from the status quo.

Land administration entails the “process of determining, recording, and disseminating information about ownership, value and use of land and its associated resources (Babalola & Hull, 2019). The heterogeneous nature of the country precipitated the existence of pluralistic tenure arrangements in attempts to accommodate, respect and preserve the definitive characteristics and the socio-cultural, ethno-tribal, linguistic, and religious divides that characterize the Nigerian state (Babalola & Hull, 2019). Before the Land Use Act of 1978, four major distinctive forms of land administrative and land tenure systems operated in Nigeria namely: tenurial arrangements under the Received English Law, tenurial rights under the State Land Law, tenurial rights under the Land Tenure Law, and the indigenous tenurial rights under the customary law. The accompanying litigations, disputes and communal clashes that follow acquisitions based on leverages provided by the above decree often reduce such acquisitions to a pyrrhic accomplishment (Agheyisi, 2020). Powerful members of society used their positions to rob the poor of their lands forcefully and dubiously through the LUA 1978. The obvious dysfunctional and ineffectiveness of the prevailing land administration system in Nigeria re-enforces the call for urgent reforms and adoption of workable, innovative, fit-for-purpose and responsible land reform approaches reflective of socio-cultural dynamics and peculiarities of the Nigerian state (Otubu, 2018).

According to an oral interview conducted among the household heads during this research, lands in Ikorodu were under the customs and traditions of the various communities with the Chiefs, community or family heads holding the lands in trust for their family or community. This was also confirmed by the Land survey titles and purchase receipts issues on properties purchased in Ikorodu (picture 2. 11) which bear the names of the families and communities from whom the land was purchased. Also, emotional, social, and institutional attachments to native lands were very strong, being the usual burial places of ancestors among other considerations. (Yusuf, 2019). Alienating such land to the Government’s power of eminent domain was resisted especially when it was felt that the monetary compensation was going to be inadequate compared to what they were used to soliciting from prospective developers.

Hence the tussle over land in Ikorodu became a serious issue for housing development. The Land Use Act of 1978, which now takes this traditional role of the customs and traditions seems to conflict with the status quo on land acquisition. This gave rise to families organizing themselves into political power groups known as “Omo Onile” meaning “Sons of the Land” to protect their family lands against intruders whether from the government or individuals. It was confirmed by the family heads and the property developing public during the interview survey that “Omo Onile” may not allow land purchased in Ikorodu without the family receipt to be developed whether it has the Governor’s consent or not. This accedes to the postulation that the Land Use Act did not resolve the land ownership challenges of the people in Ikorodu and many other parts of the country and should be reviewed in line with current reality. The most affected by this challenge is the housing development which seems to occupy more land.

Lagos State Government Lands Bureau grants Title Documents to applicants over land to hold for a tenure of 99 years for residential, 50 years for commercial, and 25 years for industrial purposes by the provision of the Land Use Act, 1978.



### 3.0 RESEARCH RESULTS

After the conduct of questionnaire administration, field observation and target interviews, the investigations revealed a lot of information and data on the subject matter. There are positions of general consensus and other issues that had the resident population having divergent views. The major grouse of the property owners in the study area is the incessant challenges to title by individuals who claim parallel ownership. These social groups who call themselves “Omo onile” continue to claim ownership of property even after selling the properties. They engage in harassment of property owners through legal and other means to extort money from them. They sometimes re-sell the property to unsuspecting individuals without recourse to the occupiers. There are many cases where they forcibly take over properties that have been duly paid for by investors. Their activities continue unchecked because they enjoy sponsorship and support from politicians and traditional institutions. These social groups directly challenge all types of property titles held by individuals and are a cause for concern despite the provisions of the Land Use Decree of 1978. There is no security of title under the shadow of the marauding individuals. Investors in the housing sector can either shy away from the phenomenon which is rampant in southwest Nigeria (Ayodele, 2017; Odunfa et al., 2023; Victor et al., 2023) or find means to accommodate them. It is important to sift the general notions for those of individuals that have the means to actually invest meaningfully in the housing sector. Among those that have the wherewithal to build houses, there exist two non-distinct groups; those who are keen to invest in housing for personal use and those who can go further to invest in housing for financial returns. In the course of the field research, there were hardly any respondents who do not wish to invest in housing. The interviews also revealed that some people believe that returns on housing investment in Ikorodu may not measure up with those from other parts of the metropolis due to high costs and low availability of land in viable areas. The parts of the city where land is easily available command low returns. The growth axes of the city which are along the major highways that lead out of the city need to be made more assessable to attract higher returns on investment in the housing sector. Public infrastructure exists at very low levels in the suburbs and outer lying areas. The city is however growing at a very fast rate (Adenaike & Kosoko, 2024). There is also a general consensus that housing provision needs to be improved in the city.

The responses from the field survey questionnaire on the types and conditions of property rights and the tendency of respondents to invest in housing around Ikorodu and other enquiries that are related to the subject matter were analyzed and coded on the 5-point Likert scale legend as shown in Table 2.

**Table 2 5-Point Likert Scale Legend**

Code	Significance
0 to 1	Strongly Disagree
1 to 2	Disagree
2 to 3	Undecided
3 to 4	Agree
4 to 5	Strongly Agree

For easy reference, the table can be interpreted as follows; 0-0.99 is strongly disagree; 1.0-1.99 is disagree; 2.0-2.99 is undecided; 3.0-3.99 is agree; and 4.0-4.99 is strongly agree. The results from the survey questions are presented in Table 2

**Table 3. Responses to survey questionnaire on property rights and housing provision**

Perception	Likert Score	Inference
Housing is good investment in Ikorodu	4.12	Strongly agree
It is good to invest in Ikorodu housing if possible	3.62	Agree
It is better to take investment beyond Ikorodu	4.08	Strongly agree
Official property right like Government Allocation or Certificate of Occupancy is the ultimate right on property	2.75	Undecided
Customary right is good enough to hold on to	2.47	Undecided

Customary right is enough to secure investment in housing	2.26	Undecided
Investment in housing without any formal rights is unacceptable	3.29	Agree
Outcomes of contested property rights cases in courts are fair	1.98	Disagree
Individuals are able to use their personal influence to influence outcomes of contested rights in court	3.89	Agree
Investment in housing should be avoided if there are risks involved in property rights	3.09	Agree
There are no absolute property rights in Nigeria	3.94	Agree
The 1978 land use decree is fair in its disposition	2.35	Undecided

Within the questionnaire survey, data was obtained on the ability of respondents to invest in housing beyond personal consumption. The chi-square test was run with the following significance figures for 95% confidence level for the following opinion variables. Among the respondents that have the ability to invest in housing beyond personal consumption, the following results of significance were obtained using the Pierson’s Chi-Square Test and presented in Table 3.

**Table 4. Pierson’s Chi-Square Test results on relationship between respondents that have ability to invest in housing and different questionnaire opinions**

Opinion	Value	df	Asymp. Sig. (2-sided)
It is good to invest in Ikorodu housing if possible	26.451 <sup>b</sup>	1	.000
Investment in housing should be avoided if there are risks involved in property rights	31.227 <sup>b</sup>	1	.000
Investment in housing without any formal rights is unacceptable	28.320 <sup>b</sup>	1	.000

The [Mann–Whitney U](#) test was also used to check the correlation between the distribution of those who believe that investment in Ikorodu is a good investment and those who believe that housing without formal property right is unacceptable. The result is presented in Table 4.

**Table 5 [Mann–Whitney U](#) Test results for the relationship between Ikorodu is good housing investment and housing without formal right is unacceptable**

	N	Mean Rank	Sum of Ranks	Z	Asymp. Sig. (2-tailed)
<b>Negative Ranks</b>	73 <sup>a</sup>	63.00	13054.50	-3.912 <sup>b</sup>	0.000
<b>Positive Ranks</b>	29 <sup>b</sup>	68.41	6845.50		
<b>Ties</b>	18 <sup>c</sup>				
<b>Total</b>	120				
<b>Negative Ranks</b>	61 <sup>d</sup>	58.44	21122.50	-1.182 <sup>b</sup>	0.039
<b>Positive Ranks</b>	32 <sup>e</sup>	39.29	14277.70		
<b>Ties</b>	27 <sup>f</sup>				
<b>Total</b>	120				

- a. Ikorodu housing is good investment < no housing without property rights
- b. Ikorodu housing is good investment > no housing without property rights
- c. Ikorodu housing is good investment = no housing without property rights

#### 4.0 DISCUSSION

Among other factors that can influence investment in housing such as strong demand (Yun & Kim, 2019), affordability (Wetzstein, 2017) and availability of funds (Festus & Amos, 2015), are the critical factors of land availability and acquisition procedures (Owoeye & Adedeji, 2015). While none of the mentioned factors can be deemed as most expedient, the focus on any factor varies according to the peculiarity of the environment. In Nigeria, land disputes and litigations on landed property are very serious issues that can transcend generations. The land use decree of 1978 which was enacted to minimize the occurrences of title conflicts is yet to put paid to the problem after almost 50 years. A major problem is the lack of documentation of property details. Most of the landed area in the country are not documented. This has led to a situation where official title resides with the first to lay claims on land via documentation. Customary and historical claims which are not well defined can also come up on the same property leading to disputes and litigation. Investors in landed properties have to navigate this morass to acquire land for housing. The areas that have a long history of documentation of landed property may witness less of such conflicts though they still exist. The study area which is Ikorodu falls among the areas where documentation is very low (Adedire, 2018). With land availability and acquisition procedures challenging prospective investors in housing within the study area, there is urgent need to ensure that it has not become a major encumbrance for housing provision. Despite the fact that processing of property registration documents in Lagos state is expensive and very challenging (Olapade et al., 2019), such titles can sometimes be challenged, lost through litigation or even withdrawn leaving investors at a great loss (Shittu & Adeosun, 2020).

From Table 3, the research confirmed that investment in housing in Ikorodu is good. It also confirmed that Ikorodu may not be the best location to invest in housing with Likert score of 4.12 which indicates a preponderance of “strongly agree” in questionnaire responses. The reasons for the finding is not far-fetched as other sections of the metropolis have the potential of yielding higher returns on investment due to locational and economic advantages over Ikorodu. Empirically, economic benefits tend to drive investment more than any other factors. Such findings indicate that the study area needs to be made more attractive to prospective investors. Within the findings of this research is a threshold that Ikorodu area is viable for investment in housing.

Respondents also agreed that investment in housing without formal rights should not be embarked upon with a Likert score of 3.29 and that investment should also be discouraged if the right possessed has some risks attached to it with a Likert score of 3.09. This brings the investigation to another threshold that the respondents have high regards for property rights, be it formal or not when it comes to the issue of investment in housing.

In Nigeria everybody wants to own property to live in. As a developing economy, inflation levels are difficult to control leading to ever rising rents for accommodation and other uses. There are also high levels of interactions between landlords and tenants which lead to conflicts of interests with the tenants mostly feeling oppressed. Investing in property apart from giving a great hedge against inflation also saves people from the vicissitudes of being tenants. While the drive to own properties should easily transcend to having more units to alleviate the housing problem, the people are unable to consummate this drive to a large extent due to low wages and economic hardship which has become highly protracted in recent times. Among the populace, very few are actually able to build houses for letting. This smaller group of people are actually the ones that can make meaningful contributions in the short term to housing provision beyond government efforts. The opinion of this group is very important in the conduct of any survey that investigates housing delivery as they form a distinct social group with interests that may differ from the rest of the population. The research went further to extract the position of this group from that of other respondents as it gives better chances of arriving at practical solutions to the research problem. Since the data collected were non-parametric, the Pierson's Chi-Square T-Test was used to test for significance in the relationship between this group of individuals who have the ability to directly invest in housing and the thresholds that had been established from the Likert scores of the general respondents to the research. All the three positions returned figures of 0.0 at 95% levels of confidence. It affirms that in real terms, those who have the ability to invest



in housing believe that; (i) housing is a good investment in Ikorodu; (ii) investment in housing should be avoided if there are no formal property rights and (iii) investment in housing should also be avoided if the property rights possessed carry some risks.

Among the property rights that can be obtained in Nigeria are transaction receipts, non-registered written agreements, registered written agreements, title documents issued by communal land owners and Certificates of Occupancy issued by state governments. Among these title documents, the Certificate of Occupancy is the only document that subsumes the dictates of the 1978 Land Use Decree in its contents which makes it superior to the other documents. It is however very difficult to obtain without presenting one or more of the other documents. The respondents to the questionnaire survey however returned a Likert score of 2.75 that the Certificate of Occupancy is the ultimate property title. Though the score falls in the range of indecision, it must be noted that it tends more towards agreement. Property right titles in well-structured societies are absolute. They cannot be contested and cannot be withdrawn without legislation and adequate compensation. The Certificate of Occupancy in Nigeria can be contested in court. It can be withdrawn by executive fiat without compensation and can be forged. It is not an absolute title. This may form part of the reasons why respondents are slightly undecided in their position of it being an ultimate property title. It nevertheless places a holder of the title on a better legal standing when property title is in doubt. The last level of investigation tested for correlation between the responses that investment in housing in Ikorodu is good and housing investment in Ikorodu without formal property rights documents is unacceptable. The two variables being compared are ordinal and the dependent variable is not normally distributed. The Mann-Whitney U test was thus selected to test for significance in the relationship in both directions and results were positive at 95% confidence level. The outcome of the test brings the investigation to another threshold. It confirms that investors actually need formal property right title especially the Certificates of Occupancy among other incentives to encourage them to put their resources in housing in Ikorodu.

Having arrived at these thresholds, the focus of the investigation should move towards how property title can be made more available for investors and how the risk factors inherent in the property rights can be reduced. The availability of formal property rights rests with the state government and the communal land owners who issue intermediate titles which are recognized by Lagos State government. Risks in title ownership rests in the purview of the government and the arbitrators who should resolve conflicts arising from title ownership without delay. In Lagos State, applications for Certificates of Occupancy are usually stalled once there is change of government. The governor usually appoints a member of the state executive to sign on his behalf and the appointment may take a long time. Applicants also witness long delays at the public verification office for the processing of these certificates. There are usually long delays by the publicity section of the land's registry calling for signification of conflicting interests before those being processed are issued. These delays are just some of the hurdles that intending title owners are having to deal with. Transfer of titles is also very expensive as the government places very high taxes on both sides involved in transfers which the buyer eventually has to shoulder because the sellers transfer most of the expenses to the buyers. This turn of events is detrimental to the interest of investors who are trying to formalize their property rights. On the question of risks involved in property titles, they are usually clustered around conflicting claims to property and litigation. Title claims that are taken to the courts take very long to resolve. In western Nigeria, judgments given on land matters are sometimes contingent. The questionnaire survey results show that the respondents do not trust the judiciary to equitably resolve land issues. There is a very strong agreement level of 3.8 on the Likert scale that individuals can use their influence to influence the outcome of land disputes in the courts. There are several cases of judgment position reversals and transfers among contestants especially among families claiming customary land title in courts (Oyalowo et al, 2020). A common occurrence in southwest Nigeria. A further confirmation of the transient and risky nature of property right titles in southwest Nigeria. Without other incentives, the results of this survey investigation and interviews paint a gloomy outlook for property rights titles in the study area. Having established that possession and security of property rights impact directly on investment in housing. More efforts should be directed at ensuring the issues surrounding property rights to alleviate the negative implications on housing investment. Different approaches with good results have been adopted in other climes to resolve the issue. In Australia, an approach was to involve institutional investors in housing provision ((Vivienne et al., 2015). Institutional investors have a better chance at obtaining and securing property rights than private individuals. They have the funds to acquire property and fight to secure it even when it comes to litigation. The government also tend to align with institutional investors as they are able to provide greater number of housing units to address the housing problem. They also pay more taxes which helps government in its revenue drive. Another approach which was tried in Kenya is Land Value Capture and Inclusionary Development. This approach

is public (Nzau & Trillo, 2020). The government acquires the land and jointly finances development with private inclusion of individuals. The approach absolves the private investors from having to obtain and secure property rights since government land is the most secure in the polity. Developing a framework for issuance of property rights that is more accessible and less prone to controversies is a direct responsibility of government if investors are to be encouraged to put their money in housing and many suggestions to this effect have been made in past and present publications (Goodfellow & Owen, 2020; Omoniyi, 2017; Thontteh & Omirin, 2015). The context is ripe for proper intervention in the property rights accessibility and security for better performance in housing provision to address the housing deficit problem. There is however very little that can be done by private individuals. Government and corporate organizations are better equipped to make meaningful inputs into the research question.

## 5. CONCLUSION

The challenge of housing provision is a global phenomenon. The developing countries are particularly more vulnerable due to fast population growth, low income for individuals and weak economies among other issues. It is difficult to surmount the problem of housing deficit and provision of better living conditions without the contributions of private concerns to make up for low funding by governments. Beyond the inadequate funding that governments can provide is the need to make provisions for conditions that will encourage the private sector and aid agencies to provide more units that can reduce housing deficit. Despite the weak economies of these countries, investment in housing provides security even where returns are low. Against this backdrop is the need to ensure better accessibility and security of property rights which is evident in this study of southwest Nigeria and Ikorodu in particular. It a goal that can only be achieved by government policy and enforcement in the first instance. There must be particular dictates that target property rights and security in the provision of laws that cover land ownership. Such dictates must address the current problems like the 'omo onile' issues being faced by individuals in the area. Some executive pronouncements were made to curb omo onile harassments and land grabbing in Lagos State in 2005 but enforcement has been very weak. There are also loopholes in the order which are easily being exploited to the detriment of private investors in housing. There is need for a robust debate and government support to provide and protect property rights to improve housing provision in the area.

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