

**Explaining Informal Land Delivery Systems and Institutions in African Cities:
Conceptual Framework and Emerging Evidence**

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Introduction

Much research on urban land and property in African towns and cities assume that the state has both the obligation and the capacity to intervene in land management. As a result, analyses of urban development is often premised on compliance with formal state law and regulations, and the weaknesses of the public land management systems, thereby elevating formal state law over other socially embedded rules that actors often draw upon to access land. In the research from which this draws, attempts were made to afford non-statutory law and custom, as well as social relations between various actors in informal land delivery systems, equal status with state law and organisations, and to focus on the predominant contemporary processes of land delivery and not merely the weaknesses of public land administration. This implies a pluralist view of law, which sees non-state legal forms, whether or not recognised in state law, as relevant to understanding the complementary or competitively normative and regulatory orders which shape practices and relations with respect to land (Rakodi and Leduka, 2003; see also Benda-Beckman, 2001). It is this pluralist perspective that influenced the conceptual framework for this research. The paper begins by briefly outlining the conceptual frameworks that inspired thinking in this research and their relevance to the research and a brief articulation of the conceptual framework that guided the study. Some examples from recently completed research in African cities are then drawn upon to demonstrate the potential strengths of this framework in explaining and understanding informal land delivery systems. The last section summarises and concludes the paper and briefly highlights the policy implications.

A Brief Review of Conceptual Frameworks for Explaining Social Institutions

Structure and Agency

The idea of structure and agency (Giddens, 1984) draws our attention to issues of decision-making, action and power relations between actors who, in terms of outward appearance, might appear unequal with respect to control over the societal institutions that might ensure access to resources, for example, urban land. *Structure* is understood to refer to rules (and resources) that are necessary for a social system to exist and function. Such rules are both formal and informal, the latter referring to norms of behaviour that actors know and, together with formal rules, habitually follow in structuring their everyday practices. *Agency* denotes power and control – the ability to act and to influence the actions of others. In structuration theory, power is not perceived in terms of asymmetries, where the dominance of some actors over others is absolute, but in terms of power dispersals, where power lies with the dominant, as well as dominated social groups, albeit unevenly. This is because, similar to dominant counterparts, dominated actors often possess resources that might enable them to influence the actions of their superiors. These resources might effectively give agency and, therefore, power, to the dominated groups. Sahay and Walsham (1997) perceive power relations between structure and agency in terms of active engagement rather than passive embeddedness. Therefore, within the context of structuration, it is possible to see how various actors might interpret, use and challenge formal state rules and how these challenges might create opportunities for changes to the rules themselves and the relationships between state structures that control land delivery and non-state actors (Rakodi, 2004; Mbiba and Huchzermeyer, 2002).

Institutional Analysis (IA)

Institutional analysis is neither a unified nor a monolithic body of ideas. Nabli and Nugent (1989) argue that two very broad approaches exist within the literature. First, the transaction cost theory (TCT) and the theory of collective action (TCA). The two perspectives differ in terms of concepts and techniques, as well as the strengths and weaknesses in the analysis of institutions. However, although there is consensus in the IA literature that institutions are central to economic development, there is no such agreement on how institutions might be defined. There is, on the one hand, a *behavioural* perspective, which sees institutions as a 'complex of norms of behaviour that persist over time by serving collectively valued purposes' (Uphoff in Nabli and Nugent, 1989: 1335) and, on the other, a *rules* perspective, which defines institutions as 'the rules of the game in a society or, more fundamentally, the humanly devised constraints that shape human interaction' (North, 1989: 1321; Nabli and Nugent, 1989). To North (1989), social institutions can either be formal or informal. Formal institutions refer to formally created rules of the game, such as national constitutions, government statutes or common law and contracts, which formally specify rules to be followed in performing certain activities or fulfilling obligations. Informal institutions represent conventions or codes of conduct that are not formally

specified but nonetheless structure social relations. However, informal institutions do not exist in isolation or as appendages to formal ones, but are derived in part from formal institutions and actors' perceptions and experiences.

Although IA evolved to explain market transactions, the applicability of its tools of analysis has extended far beyond pure economic markets. For example, in urban studies in the developing countries, IA has been deployed to explain land disputes in informal settlements in Jordan (Razzaz, 1994); land and housing markets and informal credit finance in Trinidad (Pamuk, 2000); the provision of infrastructure services to informal settlements in Turkey (Leitmann and Baharoglu, 1998; 1999) and Egypt (Assaad, 1996); assessment of the strengths and weaknesses of informal land management systems in Kenya (UCLAS/IRPUD, 2000; Kombe, 2000) and Lesotho (Leduka, 2000).

Societal non-compliance

In urban studies, institutional analysis has primarily focussed on the efficiency and inefficiency of rules in enhancing or constraining market transactions, but has been rather silent on issues of equity, distribution and power relations between market actors. In contrast, power relations are central to structuration theory, although the theory does not specify the way in which power might lie with all actors except that resources, which might have material or only virtual existence, might be used to influence relations between actors. The notion of societal non-compliance in its various guises (Moore, 1973; Scott, 1987; Razzaz, 1993; 1994; Trip, 1997; Bayat, 2000) aims to move the perception of power relations under structuration theory a step further by suggesting that non-compliance might be conceived as a virtual resource, which might be mobilised by disadvantaged actors to access livelihood opportunities that might ordinarily lie outside their reach.

Moore (1973) invokes the notion of semi-autonomous social fields (SASFs) as an organising principle for the study of the social rules, which might be defined to suit the problem under investigation. SASFs could, for instance, be thought of as a group of people, a neighbourhood or a city. What constitutes a social field is not its organisational attribute, but its 'processual characteristics, the fact that it can generate rules and coerce or induce compliance to them' (Moore, 1973: 722). A social field is considered semi-autonomous because, although it generates its own rules, it is at the same time embedded 'in a larger social matrix which can, and does, affect and invade it ...' (Moore, 1973: 720). However, because of existing webs of obligations within SASFs, their invasion, especially by governments, often leads to unplanned and unexpected outcomes.

Razzaz (1994) conceives of informal settlements in the cities of the developing countries as representing non-compliant SASFs to the extent that they represent areas of continuing challenge to state rules and authority albeit frequently coupled with adherence to certain state rules and regulations. To Razzaz (1994), the most compelling attribute of non-complaint SASFs is their ability to carve out operational niches within the realm of state rules by taking advantage of inconsistencies and indeterminacies in the rules and the enforcement strategies of the state.

However, Razzaz's (1994) work is premised on instances of open confrontation between property owners, the state and informal actors, and misses important aspects of non-compliant strategies that assume 'covert' or 'quiet strategies' with no discernible forms of organisation or planning, and in which actors ordinarily avoid direct confrontation with authority. These strategies are what Scott calls the 'weapons of the weak' (1987: 419; see also Tripp, 1997). To Bayat, they represent 'quiet encroachment of the ordinary' (2000: 548). However, Bayat (2000) contends that the struggles by the poor or disadvantaged are neither always defensive nor reactive, nor routinely hidden, quiet and individualistic as Scott (1984) seems to argue, but can also be decidedly offensive, aimed at encroaching on or capturing segments of the 'life chances' of the rich (land, capital, power). Most actions by the poor also represent genuine coping strategies that often produce unintended consequences, rather protest. It is also true that instead of protest, disadvantaged people might opt for political patronage to obtain access to resources or redress for grievances, or appeal to discourses based on the rights enshrined in state law to assert claims if circumstances permit.

The notion of quiet resistance or encroachment has significant implications in the context of informal urban delivery systems the developing countries, which has historically involved open acts of confrontation by way of land invasions and clandestine land markets, all underwritten by non-compliant strategies. In most developing countries, therefore, the largest proportion of urban growth has resulted from non-compliance with most formal rules and could illustrate how the so-called 'weapons of the weak' might have facilitated popular access to urban housing land. Thus, the 'weapons of the weak' might be thought of as having conferred agency to disadvantaged groups and thereby permitted them to

assert their rights to work (Tripp, 1997; Assaad, 1993) and to shelter (Razzaz, 1993; 1994) against those wielding institutional power.

From the foregoing review, two general perspectives seem to emerge with respect to relations between formal and informal institutions and actors. First, relations might be characterised by conflictual co-existence, in which on-going tension exists between formal and informal institutions and actors, with the latter in some instances eventually prevailing over the former. Second, relations might be characterised by interactive or synergistic co-existence, in which elements of formal and informal institutions are used by different actors to minimise the costs of transactions. However, neither of these perspectives on its own adequately captures the spectrum of land delivery processes and institutions in African cities, given the experiences and governance arrangements that characterise land administration legacies and practices in these cities. In real life, conflictual relations often mark the initial moments of contact between institutions, which might develop into institutional synergies, such as when land invasions are accorded state recognition through regularisation, or deteriorate into irreconcilable conflicts, characterised by demolition or forced removal. For purposes of this paper, which adopts a pluralist perspective as indicated earlier, the two perspectives are combined to provide a realistic benchmark against which to explain the dynamics of institutions that govern informal land delivery systems in African cities. Therefore, the realities of relations between state structures and informal actors might assume complex and unpredictable forms, including, but not limited to tolerance or benign neglect, acquiescence and accommodation, and false compliance interspersed with moments of open confrontation and repression, not least the relations of patronage and clientelism mediated through the political system. These complex social articulations are possible because, although formal state rules might theoretically be omnipotent, in practice, they are negotiable, and it is this negotiability that leads to quite complex relations and unpredictable outcomes (Rakodi and Leduka, 2003). The examples cited below are meant to illustrate some of these complexities.

Methodological Approach

The examples in this paper are drawn from a comparative research that was carried out in 2003 and 2004 in six Anglophone African cities, selected from eastern, southern and western Africa. The countries in which the study cities were located varied in terms of colonial experiences with respect to land and urban development, depending on whether a system of colonial rule was direct or indirect rule. The countries ranged from free-market Kenya to state-led Botswana and Zambia. Also included were countries which had been subject to military or single party rule in the period since independence (Nigeria, Zambia, Kenya, Lesotho), as well as a country which had been a stable multi-party democracy throughout (Botswana). Some countries had attempted to nationalise land and introduce other reforms in the 1970s, and some had not. In some countries, these early reforms have subsequently been reversed, while in others the process of revision is underway. Governance arrangements at both national and local levels, including the role of customary authorities also varied between the countries and the responsibilities for urban land delivery, regulation and tenure registration were apportioned differently between government levels and agencies. The research focused on six medium-sized cities, some capitals of relatively small states and others secondary cities. They were: Eldoret in Kenya, Kampala in Uganda, Enugu in Nigeria, Gaborone in Botswana, Maseru in Lesotho and Lusaka in Zambia.

The general aim of the research was to improve understanding of informal land delivery processes in the selected cities and their relationships with formal land administrative systems. In each city, two levels of analysis were undertaken. First, a city-level analysis which largely utilised secondary data. The second, which was meant to complement the first, involved detailed studies in three informal settlements- a peripheral developing area, in which active subdivision and development was still under way, a partly consolidated area and a consolidated inner (or nearly so) city area with relatively high densities, where it was assumed that pressures on land were likely to produce a higher level of problems and disputes. A combination of quantitative and qualitative methods was used, drawing on both secondary sources and primary data collection. In each case study area, a sample survey of plot-holders was undertaken using a structured questionnaire, which was complemented by key informant interviews and a series of focus group discussions. Each team also enlisted the services of a legal practitioner to examine court cases that were relevant to the issues that were being investigated, especially land disputes, including cases initially dealt with through informal/customary mechanisms which ended up in the formal courts.

Conflict or Resistance? Some Evidence from the Case Study Cities

Examples reported on in this section come from four cities for which complete draft reports were available at the time of writing this paper. The Lusaka report was still to be completed and a revised final draft of the Enugu report which ought to have contained detailed experiences of relational webs between state and non-state actors was not available. For each city, a brief description of formal land delivery systems and state policy on informal settlements is provided followed by example(s) meant to illustrate the forms of non-compliance or resistance that the research has uncovered.

Gaborone (Botswana): The Tribal Lands and Inheritance

Gaborone is the capital of Botswana, and as of 2001 had a population of approximately 186 000 people. The city has predominantly developed on state land, being crown land that was inherited at independence. A good part of the city is surrounded by freehold farms, except on the eastern side, where tribal land occurs. Compared to the other cities in the study, the formal land delivery system in Gaborone has been significant and exemplary, but state (national and local) policy towards informal settlements has been one of intolerance characterized by regular demolition of informal settlements. As a result of relatively efficient formal land delivery system and state intolerance, no informal settlement has developed within Gaborone city boundaries, with the exception of Old Naledi during the 1960s and 1970s. Outside the boundaries of Gaborone city, informal settlements have occurred in Mogoditshane, but these have been ruthlessly demolished by the Gaborone City Council (Kalabamu & Morolong, 2004).

However, despite large amounts of land that is being delivered through formal channels, confrontation between the state and tribal land (*masimo*) owners in peri-urban areas has been commonplace, especially Mogoditshane, where *masimo* owners have privately sub-divided their land into residential plots for sale. This is an outcome of indeterminate, if not prejudiced state land acquisition rules. While the state pays handsome compensation when it acquires freehold land, it pays virtually nothing for the acquisition of the land, save only for unexhausted improvements, such as standing crops, boreholes, buildings and so forth. Tribal land boards argue that tribal land is a free good, whose market value is difficult to determine beyond the loss of unexhausted improvements on the land. However, the land boards have been reluctant to use the unit price of freehold land as proxy for equivalent units of tribal land. Inadequate compensation has thus fuelled the informal subdivision and sale of *masimo* land in Mogoditshane and other peri-urban areas (Kalabamu & Morolong, 2004).

Most importantly, perhaps, is that land boards are unwilling to pay compensation for tribal land as they claim that by law tribal land rights in them, while individual *masimo* owners also assert similar claims. This apparent confusion has led to numerous court cases between tribal land boards and *masimo* owners. However, in most court cases that have been taken to the land tribunals, the courts have repeatedly decided in favour of *masimo* owners. (Kalabamu & Morolong, 2004) argue that the court decisions seem to confirm that the informal conversion of *masimo* land to predominantly residential uses without the due authorization by the land boards was lawful. This appears to negate the claim by land boards that *masimo* owners were granted only usufruct rights, which disappeared upon change of use by the tribal holder or when the land was no longer suitable or required for the purpose for which it was initially granted (Kalabamu & Morolong, 2004).

The second example relates to inheritance and how actors in society have obviously taken advantage of ostensibly indeterminate areas in state rules and to thereby widen informal channels of access to housing land in the face of ruthless state suppression of informality in Botswana. Kalabamu & Morolong (2004) argue that inheritance claims have been used to justify occupation of land without due authorization or to resist eviction by the land boards. This is because formal rules would seem not only to recognize land acquisition through inheritance, but to also put such inherited land outside the jurisdiction of the land boards. Kalabamu and Morolong (2004) cite numerous court cases where the land tribunals have found in favour of people whom the land boards claimed to be unlawfully occupying and using land in peri-urban areas. The strength of all these court cases rested on the counterclaim by the accused that they were the lawful heirs of the individuals from whom they had informally acquired the land. These cases, according to Kalabamu and Morolong (2004), have encouraged people to claim fictitious blood relationships in order to circumvent the rules of the land boards. Amendments to the tribal land law have apparently done little to change the situation.

Maseru (Lesotho): The Selected Development Area (SDA) and the Form C

Maseru is the capital of Lesotho, and as of 1996 had a population of approximately 140,000 people. The inner-most part of the city has developed on public land that was inherited as colonial government reserved land at independence. The city is surrounded by traditional villages and extensive areas of informal settlements which have developed on hitherto village agricultural land (*masimo*) held under customary rights. This is because formal land delivery has over the years failed to satisfy demand for urban residential land, with approximately 70 percent of the demand for land being met outside formal land delivery systems established by the state. State policy has consisted largely of benign neglect punctuated with instances of intolerance and repression characterized by eviction and demolitions. However, these outbursts of intolerance have so far been restricted to areas where the state has had financial resources for land servicing and development, largely coming as donor funds (Leduka, 2004).

In order to curb the process of informal development of land, especially in the peri-urban areas, a new land law was put in place on the eve of June 16th 1980, the Land Act of 1979 (LA 1979). This act effectively nationalized all land with rights to be leased from the state. In order to facilitate the acquisition of land for public purposes, the LA 1979 made provision for the designation of areas to be set aside for special development as Selected Development Areas (SDAs). The effect of the SDA declaration is to extinguish existing interests in land, pending the grant of substitute rights by the Minister responsible for Lands.

One of the first areas to be declared an SDA in 1980 for the purposes of a World Bank financed low-income housing project was Khubetsoana in the periphery of the city. The state successfully appropriated land here without compensation, which was one of the objects of the SDA declaration. However, although the land acquisition process in Khubetsoana was uneventful, the experiences of *masimo* owners had telling repercussions in adjacent areas, which in turn frustrated further state land appropriation efforts. One such area was Ha Mabote, which is separated from Khubetsoana only by a main road (the Main North 1 Highway). Ha Mabote was declared an SDA in 1984 for the purpose of a mixed income site-and-service project that was co-sponsored by the then British Overseas Development Administration (ODA) and the government of Lesotho. Evidence shows that private (informal) subdivision in this area was engendered by the appropriation of land without compensation in the neighbouring Khubetsoana. In Ha Mabote, the state attempted to evict so-called 'illegal' occupants using policy force, but called off the attempt when it transpired that one of the local customary chiefs had solicited assistance from the armed forces, most of whom had acquired plots from the same chief at concessionary prices. As a result, the enforcement strategy changed from eviction to accommodation, which entailed the state undertaking to recognize existing (albeit illegal) occupations in the process of implementing the project. However, the change of enforcement strategy by the government opened up an opportunity for private (informal) sub-dividers to compile fictitious lists of plot-buyers, which bore no relationship to the sizes of fields owned, burdening the project with accommodating the excess demand for plots. In the end, many field owners were able to make significant profits, as were their local customary chiefs, who charged a fee for every false Form C certificate (see paragraph below) that they issued. When the ensuing chaos could not be resolved, the ODA withdrew its support and the project collapsed (Leduka, 2000; 2004).

The second example relates to the Form C, which is a certificate of ownership of customary use rights to rural land, which emerged in 1965 under Section 13 of the Basutoland Order (1965), Regulation 15 - the Land (Advisory Boards Procedure) Regulations (1965) and carried through to subsequent Acts, the Land Procedure Act of 1967 and the Land Act of 1973. In 1973, rights to urban land ought to have been the leasehold under the provisions of the Administration of Lands Act 1973, which was never implemented, supposedly because of opposition by customary chiefs (Leduka, 2000). The Form C was issued after the local customary chief had (alone or in consultation with his advisory committee, but often alone) made an allocation of land to his/her subject. In the law books, the Form C subsisted until June 16th 1980 when the LA 1979 came into force. All Form Cs that were issued in respect of allocations made prior to this date were considered lawful, and those that were issued on allocations after this date were considered illegal (Leduka, 2000; 2004).

The LA 1979 also extended boundaries of Maseru town to cover most peri-urban traditional villages – most of them still with extensive areas of *masimo* (fields) land, but which were quickly being informally subdivided into residential plots for sale. As indicated earlier, the government had hoped that by extending the town boundaries, the informal

subdivision of *masimo* land would cease. However, local customary chiefs and *masimo* owners continued to subdivide and sell *masimo* land as if no law existed. But to maintain a modicum of compliance, albeit false compliance, the date-stamps on the Form C certificates were (and still are) routinely switched back in time to periods prior to June 16th 1980. This is because until 1986, there was no compensation payable by the state for the acquisition of land held under customary use rights safe for crops and other improvements (if any). Similar to Gaborone, the lack of compensation merely fuelled the informal sub-division process (Leduka, 2004). Maseru has no clue about how to deal with the Form C issue. Two amendments have since been made to the LA 1979, one in 1986 and another in 1992, but with virtually no change to the status quo. A new land bill is now in place, but is yet to be enacted into law.

Eldoret (Kenya): The Letters of Agreement

With a population of about 197 000 as of 1999, Eldoret is the fifth largest town in Kenya after Nairobi, Mombasa, Nakuru, and Kisumu and a major regional administrative, commercial, educational and industrial centre of the Uasin Gishu district. It developed on both council land, which was land reserved for colonial government use and inherited at independence and on private freehold farms around the city. Although squatting is a major feature of urban Kenya, it has not been a major problem in Eldoret partly because there has been limited council land on which to squat. New extension of the city occurs on freehold land, which makes more than half of the municipality. The land-buying companies are the major land suppliers in Eldoret.

Similar to other urban areas in Kenya, formal land delivery has been hopelessly inadequate and cumbersome, which has resulted in extensive areas of informal settlements, especially on private freehold farms surrounding the city. Formal land delivery has been hampered by high planning standards, and corrupt and costly formal procedures of delivering and registering land, which have excluded many people from the formal urban system. As a result, urban land supplied by the state or the Eldoret Municipality is argued to be beyond the reach of the majority of the poor because such delivery requires economic and politico-social patronage, which the poor and other vulnerable groups do not have. However, lack of capacity to provide adequate land through the formal system has been compensated for by the policy of tolerance of informal delivery systems, which co-exist with elements of exploitation and/or manipulation. (Musyoka, 2004).

Informal delivery in Eldoret is defined to refer to land that has been acquired from titled land, such as private freehold farms, but for which no formal title was subsequently provided. Most people who have purchased land in informal areas in Eldoret do not have registered titles besides witnessed *letters of agreement*. Under these circumstances, it would be difficult for the municipality to collect revenue from these properties as registered title is a prerequisite for the payment of property tax. However, Musyoka (2004) argues that because of constraints facing the municipality in terms of tenure regularization, there exists an unwritten understanding between the municipality and plot-holders in unregistered areas to use the *letters of agreement* as evidence of ownership. This agreement would seem to represent a tacit acceptance by the Eldoret Municipality that the magnitude of informal development was overwhelming and that the collection of revenue demanded that some formal requirements of title registration be relaxed. The irony here, however, is that while the Municipal Council recognizes *letters of agreement* as credible evidence of ownership for purposes of revenue collection, the Eldoret Municipal Land Control Board refuses to accept the same letters for purposes of granting consent to subdivide, which has further encouraged land owners to follow the informal route. Nevertheless, plot-holders are using the tax recognition as leverage to demand registered titles and services from the municipality, for which they have threatened to withhold the payment of rates (Musyoka, 2004).

Kampala (Uganda): The Mailo Land

Kampala is the commercial and political capital of Uganda, and as of 2002 had a population of 1, 210 000. About 70 percent of Kampala's population lives in informal settlements, with an equal proportion living in privately provided informal tenement rooms. Majority of these tenements also incorporate business enterprises as well. In Kampala, the formal land delivery process is also long and cumbersome, with the acquisition and registration of a formal plot usually taking anything from 1-5 years if the applicant lubricates his/her way through the multi-layered system (Nkurunziza, 2004). Similar to the Eldoret Municipality, the Kampala City Council has been tolerant of informal settlements.

By far the largest source of land in Kampala is the *mailo* land (*mailo* refers to freehold land belonging to the King of Buganda or the Kabaka and his officials in which allotments were measured in English square miles and those allotted the land were regarded as tenants). Uganda's *mailo* illustrates instances where informal actors would also seem to have taken advantage of the political turbulence of the 1970s and 1980s, as well as inconsistencies in the legal system in order to appropriate the land that belonged to the Kabaka and his lieutenants. Nkurunziza (2004) notes that while in the 1970s, individuals escaped from the insecurity of urban areas into the countryside, in the early 1980s, people were driven back into the cities as a result of violence and war in the countryside. This occurred when there was legal confusion relating to land ownership rights, especially to *mailo* land, as a result of land nationalization in 1975 (subsequently reversed in 1998). It was thus possible for people to take advantage of these changes and the collapsed enforcement machinery of the state to acquire land and those who had been *mailo* tenants sold the land under their stewardship when they realized that their landlords had either fled the country or lost interest in the land (Nkurunziza, 2004).

It has also been the case that subdivision regulations were either strategically ignored or were not known. Not surprisingly, the majority of households who had sub-divided their plots had neither sought permission from the lower level councils (LC Is) nor the Kampala City Council (KCC) as required by law. Nkurunziza (2004) argues that despite elaborate legal powers at the disposal of the KCC, planning officers confessed powerlessness in controlling development and use of private land, particularly the *mailo*. This powerlessness was partly due to limited material and human resources and partly to lack of political muscle to confront vested interests of different actors. However, strong evidence exists that the city council planners and surveyors undertook sub-division and survey work privately and, knowing how the system operated, the approval of their sub-division plans was virtually guaranteed. Therefore, it is not only the poor who are implicated in informality, but also the state bureaucrats and well-connected, who are well able to stand astride the divide between state rules and everyday practices outside state rules (Nkurunziza, 2004).

Summary and conclusions

The purpose of this paper was to explain informal land delivery systems in African cities, using a conceptual framework that was developed at the beginning of the research on which this paper is based. The framework was premised on a pluralist conception of institutions of urban land delivery, which was perceived to be underpinned by dispersed power relations between state and non-state actors. From this sort of perspective, it was possible to argue that the outcomes of social articulations between formal and informal institutions, and actors who operated within and across institutional structures, would be unpredictable and diverse. Some examples were cited from Gaborone, Maseru, Eldoret and Kampala to demonstrate this unpredictability and diversity. In terms of policy, it could be concluded that irrespective of the type of land management policy that might be formulated, informality in land delivery is likely to remain a permanent feature of African urban development. Therefore, informality should be anticipated and included in policy formulation, with a view to working with rather than against it.

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