

# **SUSTAINING A PRESERVED ENVIRONMENT IN NIGERIA: WORKABLE PLANNING LAWS AND REGULATIONS AS NECESSARY TOOLS FOR NATION BUILDING**

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## **Abstract**

In Nigeria, Urban and rural areas have little or nothing to showcase, in terms of investment on infrastructure and services. This has led to a feasible decline in the quality and quantity of services and the environment. The need to preserve environment from deterioration due to human and natural sources is now inevitable in order not to allow it degenerate to a level where it may be difficult to revive it. This paper examines the present situation of urban environment viz a viz the level of deterioration. It goes further to discuss the various planning laws and regulations that have been enacted in the country, inadequacy of laws and regulations to formalize preservation of our environment and finally identifies solution to the problems in order to ensure sustainable environment where human beings, animals and plants would co-exist. The paper concluded by recommending that planning laws be enforced without fare or favour, constant review of planning laws to meet present day and future needs and the need for collaborative efforts among professionals in the building environment among others.

## **Introduction**

There is no gainsaying the fact that the history of every society, Nigeria inclusive has faced the problem of shaping its inhabited environment. Nigeria like most developing countries is facing numerous and rapidly increasing socio-economic problems not only because of its high population growth but also its rapid rate of urbanization. Fadairo (2005). The growing population figures resulting from high birth rate, economic development through oil-boom and rural exodus are the main causes of an increasing urbanized world. Shrodder (2002).

Concomitant with this situation, Nigeria with the population of about 140 Million people is currently ranked high among the most rapidly urbanizing countries in Africa. Onibokun (2003).

Though Nigerian towns and cities have adopted physical planning regulations since colonial periods, they have witnessed unprecedented growth, as well as other associated land use policies. Unfortunately, most of these cities have become heavily plagued with such environmental problems such as desertification, deterioration of urban physical quality, land degradation, overcrowding, pollution, rapid urbanization, poverty, street trading, unemployment and lack of basic services (water, electricity, good road networking) Egunjobi (1993), Fadairo (1998). All these have consequential effect on social equity, human health and wellbeing, economic welfare, social and political stability, housing infrastructures and services as well as sustainability of natural environment.

The problems facing Nigeria towns and cities are so immense that no single actor whether environmental, private sector, professionals or an aroused populace sector can meet the challenges alone. A genuine alliance by all members of the Nigerian Society including the relevant professionals is imminent in order to rid the ever growing Nigerian Urban Centres of their environmental problems. The citizens, professionals and indeed all stakeholders should get involved in the effective and workable planning laws and regulations and more efficient management of the process of urban development. Hence, the concern of this paper is to highlight the problems of urbanization,

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government interventions in the past through planning laws and regulations, problems associated with its execution and recommendations for effectiveness and workability.

### **Urbanization problem in Nigeria**

Urbanization is the agglomeration of people in urban areas. According to Kelet , (1983) urbanization is defined as the increase in the number of cities and populations living in urban areas. In general, the difference between birth and mortality rate and rural-urban migrations are the two primary factors used in defining the population increase Soyombo, (1987), Onibokun, (1990).

Urbanization is a process and it is continuous, initiated by a lot of dynamic interactions. It differs from urbanism, which distinguishes the way of the life of urbanites from that of the countrymen. Urbanization therefore is a process whereby comparatively increasing number of people lives in urban centers as against the rural areas. The existence of urban centres in themselves does not imply urbanization. Urbanization has to do with the proportion of people living in the urban centers as compared with those in the rural areas.

Urbanization in Nigeria has created various physical and social problems. However, urbanization problem can be considered in three aspects in line with Jie S., (1999) propositions. The first being that urbanization involves changes in the size, the density and the composition of population in different areas. Secondly, it involves fundamental changes in the economic structure of a society. And thirdly, changes in human behaviour. According to Onibokun, (1990) the process of urbanization in the country can be seen in such situations as rural migration into urban areas, mankind's wealth flowing into cities and towns and many cities witnessing overcrowding, thus bringing about shortage of housing, pressure on facilities, deterioration of environment and serious social problems as enumerated below:

### **Economic Structural Problems**

UNDP (1997) attested to the fact that the most significant problem experienced at the macro-scale in the urbanization movement is the emergence of an economic structure in the cities following waves of migration with an excess of unemployed and disguised unemployment, which leans heavily on the service sector. This has led to the emergency of irrational land uses and uncontrolled development resulting in speculative construction of buildings.

### **Physical Problems**

The main focus here is on the problem of shelter. Housing and associated facilities such as water, electricity and waste disposal are grossly inadequate as a result of inability to cope with the amount of need. The demand for housing becomes a great threat to urban landmass thus leaving the city centres a decaying zone as if there is no operational framework guiding development.

Most of the urban peripheries emerge in an unplanned manner without the necessary infrastructural amenities e.g Gwagwalada, Kubua and Yanyan in the Federal Capital Territories (Abuja). The inability of government to implement the decision of land use plans under the pressure of population concentration has worsened the situation of urban centres.

### **Social Problems**

The cheap labour from rural areas moving to urban cities riding on the wave of urbanization has created new trade in the society such as vendors: cobblers, hawking of all sorts e.t.c. Defined as the marginal sector, which is gaining a noticeable position in the urban economy. In the large cities like Lagos, Kaduna, Abuja, Kano, Enugu and Ibadan, high cost of living as well as the physical

problems created by urbanization has started affecting the psychological wellbeing of the urban dwellers.

Decaying infrastructures, especially electricity, water and road network has forced many companies to close down throwing thousands of workers into labour market. The crime rate is so high because of the new breathing grounds for Juvenile Delinquencies.

### **Planning Law and Administration in Nigeria**

Town and country planning legislation in Nigeria grew out in response to the rapid socio-economic changes, which occurred in the last one hundred years. Perhaps, of the most significant of these changes are natural increase in the population of the nation and the scale of urban population, Oyesiku, (1998).

The pressure created by rapid population growth on little investment in infrastructure and services in the urban and rural areas is indeed so great that decline in quality and quantity of services are inevitable. The fact that little attempt has always been made to plan for rapid development of cities in Nigeria has made physical planners and public managers more confused as to where the problems of planning in Nigerian settlement should be tackled first, Oyesiku, (1998).

However, unlike the situation for almost 80 years, there is much awareness of the need to plan as a result of persistent problems of the cities and deterioration of the environment. In doing this, planning laws become very important in formulating the principles that guide an efficient environment conducive for human life.

Planning laws are tools to guide orderly arrangement of physical development activities in accordance with contemporary planning principles in any society. Planning laws, therefore, are to provide legal basis for directing and controlling the present and future of the built environment in the interest of the society a whole. An harmonious relationship between and among various land uses should be ensured. Planning laws are also to provide framework for properly planned environment for all activities, be it economic, socio-cultural, and residential, institution, municipal service and facilities.

### **Public Sector Responses and Interventions**

Nigeria's successive governments in response to these urbanization problems have introduced a number of legislations and taken some far-reaching actions. Paramount amongst these numerous policy measures are those taken during the colonial period (1900-1960) which include the Cantonment Proclamations of 1904, Ordinance No 9 of 1914; the road and Township Ordinance No 29 of 1917; The Lagos Town and Country Planning Ordinance No 4 of 1946.

Those of the post independence period (1960-to date) include: the first to fourth National Development Plans (1963-1985); the Concepts of New Towns, the World Bank Assisted Nigerian States, Urban Development Programme, (UNDP); Land Use Decree of 1978, the creation of the Infrastructure Development Fund (IDF) in 1985, the promulgation of Decree No. 3 establishing the National Housing Fund; establishment of Urban Development Bank in 1982; adoption of the Nigerian Urban and Regional Planning Decree No. 88 of 1992.

In a bid to address the environmental problems in the urban areas and country sides, the governments have introduced some measures such as : War Against Indiscipline (WAI) in 1984, the establishment of Environmental Sanitation Authorities and Waste Disposal Boards, the creation of the Federal Environmental Protection Agency (FEPA) under Decree N0 58 of 1988, formulation of the National Resource Conservation Council (NRCC) with decree No. 50 of 1989, Environmental Impact

Assessment Decree of 1992 and the National Guideline and Standards for Environmental Pollution Control in 1982.

Despite all these regulatory actions, responses and interventions, the Nigerian urban problems have remained seemingly intractable. UNDP (1997). The cities are still beset with environmental degradation and decay, complex housing crisis, growing rate of unemployment and marginal unemployment, ineffective institutional framework for planning, dearth of basic tools and data for urban planning and declining economic base and fiscal resources. The Federal Government’s concern and sincere desire to find lasting solutions brought about the formulation of the National Urban Development Policy in October 1997.

The main goal of the policy is “to develop a dynamic system of urban settlement which will foster sustainable economic growth, promote efficiently Urban and Regional development and ensure improved standard of living and well-being for all Nigerians”, UNDP (1997).

The nine objectives advanced by the policy range from the promotion of efficient urban development and management through facilitation of the revisions of housing, environment, land use, population, employment and other related policies, to the creation of an enabling environment and encouragement of private sector participation in urban development all to ensure improved standard of living and well being for all Nigerians.

**Planning Administration**

The administration of physical planning has been the responsibility of all the three tiers of government in Nigeria over the years. The extent of involvement of each level of government is dictated by the operations of the various town and country planning legislations as well as the Federal Constitution. A typical composition of bodies for execution of physical development plans as contained in the 1992 Urban and Regional Planning decree is given below in (tables 1 & 2) is currently use.

The decree No 88 of 1992 is the first ever post independence planning law in Nigeria. It came into force on 15<sup>th</sup> December 1992 repealed the 46 years old obsolete and moribund Town and Country Planning Ordinance of 1946 and corrected all the perceived weakness of other planning laws enacted before.

**Table 1-Composition of Bodies for Execution of Physical Development Plans**

<b>All Level</b>	<b>Federal Commission</b>	<b>State Board</b>	<b>Local Authority</b>
Town Planning Architecture, Civil Engineering, Land Surveying, Estate Surveying.	Works and Housing, Agriculture, Water Resources and Rural Development, Finance, Commerce and Tourism, Power and Steel, Environmental Protection Agency, National Electric Power Plc. , Transport and Communication, Nigerian National Petroleum Corporation, Nigerian Telecom Plc., Chamber of commerce, Industry, Mines and Agriculture 10 States and Abuja.	Works and Housing ,Agriculture, Finance Environmental Protection Agency, National Electric Power Plc. Five Local Government.	Works, Education.

**Table 2 – Functions of Physical Planning Bodies**

Federal	Formulation of National Policies of Urban and Regional and subject plans preparation and implementation; urban and regional planning standards establishment and maintenance; conduct of research into urban and regional planning; Coordination of state and local government in the preparation and implementation of their physical development plans; provision of technical assistance to states.
State	Formulation of state policies of urban and regional planning; preparation and implementation of state level development plans; development control of state lands; conduct research in urban and regional planning; provisions of financial and technical assistance to local authorities; co-ordination with federal and local governments in plan preparations; review of annual report submitted by the authorities.
Local	Initiation, preparation and implementation of local level physical development plans; submissions to the Board of annual report on implementation of national and state regional plans; development control on local government lands.

*Source: Adapted from FGN (1992)*

**Appraisal of Urban and Regional Planning Decree 88 of 1992 viz a viz Development Control.**

The beauty of this new law is that it provides for the establishment of multi disciplinary development control department by the commission board and the authority under their area of jurisdiction. The more interesting thing to observe in the law is that the control department at each level (Federal, State and Local Government) shall have power over the development control of federal, state and local land and estates respectively. The power and functions of development control departments are the same irrespective of the level. Approval of the Planning Authority (i.e Commission, Board and

Local Authority) shall be sought before any land development and the development permit is given within three months of submission of such proposal. More worthy of note is the provision that government agencies are now to obtain planning approval of the control Department in development of land. Section 29 thus repeals existing law exempting government agencies from obtaining planning approval. This is a positive step as the situation before now allows government agencies to initiate plan and implement development activities without obtaining development (planning) approval. This is seen as one of the steps to put sanity to orderly development control in the country.

In addition to the fact that all developers (whether private or government are to apply for development permit by providing the plans, design drawing and so forth, a detailed environmental impact statement (otherwise known as EIA report) must be submitted for

- i. residential land in excess of two hectares, or
- ii. new plan to build or expand a factory or for the construction of an office building in excess of four floors or 5,000 square meter of a lettable space, or
- iii. a plan for major recreational development.

By this section, the environment is given prominence in the physical activities of urban and rural areas of the country.

**Defectiveness of Urban and Regional Planning decree 88 of 1992**

- i. Specific problems have been identified with the implementation of urban and regional planning decree 1992. One of such problems is lack of consideration for major

- development activities that will not lead to environmental degradation and total abuse of endowed natural resources, Oyesiku, (1993). Environmental Impact Assessment Report (EIA) cannot successfully address the problems emanating from development that would require such report to be written whether positive or negative.
- ii. The land use act is very essential to the implementation of some important sections of the law. However, as argued by Oyesiku and Ande, (1993) the place of the act in the planning law is synonymous with the tale of putting the old wine in a new skin. In other words, some critical problems affecting the successful implementation of the act has been planted in the new law as well.
  - iii. Lack of Attitudinal Change on the part of stakeholders especially the implementers has been responsible for the defectiveness in implementing or executing the planning laws. Corruption has been so endemic that no regard is given to the planning standards, regulations, codes or bye-laws. Preparation of buildings and layout plans are no longer based on approved planning standards.
  - iv. Politicization of the execution of planning laws has become the order of the day. Anybody in power especially at state and local level has little regard for planning standards without any consequential effect even after leaving office.
  - v. Unhealthy competitions among professionals: On who will implement one aspect or the other of planning laws has greatly contributed to the level of decay in/or the environment. Architects, planners, engineers are always in a show of who is who quacks chances, to worsen the situation is the government inability to discourage quacks from practice.

### **Recommendations**

The inability of government to implement the decision of land use plans under the pressure of population concentration and politicization of her policies has resulted in deficiencies of physical and social infrastructures, air and water pollutions, congestion, waste and sewage disposal problems, transportation problems which eventually resulted into slums and squatters development.

The human factor in terms of those to implement the planning laws is a major consideration as their actions and inactions has great influence on the success or otherwise of the resultant effects. Area of distinction of each profession is well spelt out. None should cross his or her own border of operations.

The environment is dynamic, likewise every other areas of human endeavour. A situation where the old planning laws were not touched for improvement for almost thirty years (1960-1988) calls for serious questioning. Regular improvement on these laws from time to time would make them to meet the new demands / challenges in our environment.

As the Army, Navy, Police and other security outfits monitors security branches, so should the operators in the development of the environment be alive to their duties too. If actually we want a safe environment.

Lastly, all professionals in the building industry should see their jobs as collaborating and stop competing with one another for their selfish/personal profits.

### **Conclusion**

Good environment that is managed in a sustainable manner is a necessity for the well being of man, animals and plants. It is also a way of removing the danger that is lurking on the endangered species in the natural environment (plants and wild animals).

With high regard for the rule of law to operate and professionals in the building environment also respecting their professional obligations, our environment would be better preferred and become sustainable.

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