

# STRENGTHENING THE IMPLEMENTATION OF TOWN PLANNING LAWS AND PROPERTY MANAGEMENT: PANACEA FOR REDUCING INCIDENCE OF BUILDING COLLAPSE IN NIGERIA

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## ABSTRACT

**Purpose:** The incidents of Building collapse in Nigeria is becoming increasingly alarming with a lot of aspersion on the integrity of professionals in the built environment. Despite many efforts aimed at ameliorating the urban problems through the enactment of plethora of planning laws and regulations, the administration and implementation of these laws and regulation have been problematic. The research is aimed at strengthening Town Planning Laws and property management as a measure of reducing the incidence of building collapse in Nigeria.

**Design/methodology/approach:** The research relies mostly on secondary source of data.

**Findings:** Findings revealed that the lack of proper implementation of town planning laws has contributed to the incidence of building collapse. Corruption seems to be a “canker worm” that has eaten deep into the fabric of professionals in the built environment. Furthermore, non-involvement of Estate Surveyors and Valuers in the management of private and public properties has to some extent contributed the menace.

**Originality/value:** The study recommends that all states of the federation should domesticate and implement Urban and Regional Planning Law; and that all stakeholders, contractors, building developers, state government and the general public should be more proactive at addressing this scourge and nib the problem of building collapse in the bud. More so, professional bodies saddled with the responsibility of regulating building development should find ways of raising the standard of practice; develop sustainable approach to tackle the emerging development challenges.

**Keywords:** Building collapse; implementation; laws; property management; town planning.

## 1. INTRODUCTION

The spates of building collapse of recent have assumed a very worrisome dimension. Although building collapse is a common phenomenon all over the world but the trend

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of its occurrence in developing countries is begging for attention by stakeholders and professionals in the built environment. As observed by Uzokwe (2001) that the causes of building failure are due to the quality of the blocks used, quality of concrete used, poor compaction, consolidation of foundation soil and weak soil. Also Ede (2010) identified that the causes of building collapse is not limited to design flaws, ageing, material fatigue, extreme operational and environmental conditions, accidents, terrorist attacks and natural hazard.

The idea of strengthening the implementation of Town Planning Laws in Nigeria is hinged on the fact that Planning Agencies are the regulatory body for every development on land and also being that a lot of human and material resources have been lost. According to National Building research and Road Institute NBRRI, (2018) between 2014 and 2016 four major building collapses have claimed 199 lives. Furthermore, Yaqub, (2019) says that Nigeria has recorded over 56 cases of building collapse in the last four years. Lawal, (2016) reported that there are a total of 178 casualties and 226 injuries recorded in 33 cases of building collapse. Out of the statistics, Lagos State records the highest cases of deaths and is closely followed by Abuja the Federal Capital Territory (FCT) with a total of 131 deaths and 26 injuries. Considering the statistics, there is the need for all stakeholders, building owners, contractors, policymakers, state planning agencies, state and the general public to put more effort at addressing this scourge and nib the problem of building collapse in the bud. More so, professional bodies saddled with the responsibility of regulating building development should find ways of raising the standard of practice; develop sustainable approaches to tackle the emerging development challenges.

Political interference has been one of the issues resulting in building collapse in the country. It is a known fact, that Urban Planning in Nigeria usually encounters service problems as a result of political interference which is sequel to the observation made by Mosher (1978) that one of the most obscure sectors in professional education and much of its practice is the realm of government and politics. The action of politicians have resulted in politically motivated urban plans, layouts, buildings plans and construction of houses on unplanned locations which at the instance of hurriedly developing the site without recourse to laid down standard results in building collapse.

The rate of urbanization is having a corresponding increase in demand for housing development in developing countries. As reported by UN- Habitat III (2016) which says that more than 90% of urban growth is occurring in the developing countries and is estimated that 70 million new residents are added to urban areas of developing countries each year. However, many new urban dwellers projected to be low-income groups are not able to participate in the formal housing market rather they develop the informal housing which constitute slum. The most worrisome aspect is that properties are not properly managed which result in decay existing housing facilities. Also, the private developers have controlled the prices in such a way that low income groups are unable to afford decent housing. This action usually results in a rush to meet up with the demand for housing thereby increasing the incidence of building collapse.

Town Planning laws in some states of the federation have not given statutory powers to Planning Agencies to initiate, approve and monitor development from planning to completion. Some Planning Agencies are still operating the 1946 Town Planning ordinance which is aching and not in-line with our prevailing environment and culture. The Urban and Regional Planning law of 1992 is an improvement of the 1946 Town Planning Ordinance and was adopted for the whole country yet very few states have

domesticated the law but no state has fully implemented the law which has contributed to the occurrences of building collapse in the country.

Considering the above background, this work is aimed at strengthening the implementation of Town Planning Laws and Property Management as an essential remedy to reducing the incidence of building collapse in Nigeria.

## 2. AN OVERVIEW OF BUILDING COLLAPSE IN NIGERIA

Building collapse has been a recurrence incidence in major cities of Lagos, Abuja and Port-Harcourt causing serious damages on lives and investments. Oloyede, Omoogun and Akinjare (2010) report that in the year 2006, Lagos recorded two building collapse in Ebute Meta and that incidence claimed 37 lives. Likewise, Adegoreye (2010) reported that Industrial Development Bank building collapsed, killing two (2) persons and injuring 23 others. Also, Folagbade (2001) enumerated that forty-two (42) cases of building collapse have been reported between 1980 and 1999. Consequently, Makinde (2007) listed fifty-four cases of building collapse occurring between January, 2000 and June 2007.

Furthermore, the National Building research and Road Institute NBRRI, (2018) collaborated other researchers' position and further summarized that between 2014 and 2016 four major building collapses have claimed 199 lives. It is worthy of note that the years 2011, 2012, 2014 and 2016 are important watershed in the history of building collapse in Nigeria because of its occurrence and the number of casualties recorded, most of which happened in the churches (NBRRI, 2018). In the year 2012 Lagos alone recorded 33 building collapses while Abuja witnessed 22 building collapses. In the year 2014, a building collapse occurred at Synagogue church, where 115 people were reported dead with several injuries. Likewise, another tragic incident of building collapse occurred in Uyo, Akwa Ibom State at Reigners Bible Church and about 27 persons were killed (Vanguard News, 2018). The above scenarios leave us with thought provoking questions begging for answers. Who is to be blamed for incidence of building collapse? What are the causes of building collapse? Which Professionals in the built environment should be blamed? Should we blame the structural engineer for giving structural calculations to the development? Should we heap the blame on builders or contractors who use poor building materials for construction? Should we blame the Town Planning Agency for compromising standards in granting approvals? Are they Town Planning Laws to regulate the activities of developers? How effective is the implementation of these Laws?

Whichever side of the divide one chooses to stand does not negate the fact that building collapse menace is gradually casting a slur on the competence of building professionals in the country which does not collaborate the assertion made by Oyewobi *et al.* (2011) that the mark of major profession is in its ability to accept responsibility to act in the public interest which requires an overt commitment in the development of environment.

According to Al-sweity (2013) a professional is a person who has attained a high degree of professional competence in a particular activity, noting that such person must be highly educated, enjoys work autonomy, earns a comfortable salary and engages in creative and intellectually challenging work. A professional usually belongs to a given profession; an individual uses skills and intellectual based on an established body of knowledge and practice to provide specialised services to the public. This is not the case in most construction site as contractors or developers may decide to override the decision of professionals and take irrational decision which the aftermath may be disastrous. This is why Alamu and Gana (2014) suggested that professionals should not bear the blame alone because, it has been proved that owners of buildings under construction derail from their

approved plans relying more on imagination and fantasy. Secondly, some approving agencies are known to fail to monitor compliance with approved plans. Thirdly, some building owners shun professionals in order to cut costs. Fourthly, the high cost of building materials has led greedy contractors with eyes on profits, to patronize substandard materials. These short-cut measures have contributed immensely to the occurrence of building collapse in the country.

### **3. TOWN PLANNING ORDINANCES EXPERIENCE IN NIGERIA**

The ordinances have experienced series of transformation since they started in the pre-colonial, through the colonial and post -colonial eras. They have been called laws, bye-laws, edicts, acts and decrees, depending on the ruling force at each of the eras.

#### **3.1. Pre-colonial era**

Contemporary Planning started in Nigeria with Ordinances which were put in place during the colonial period by the then Colonial Masters. Prior to this period, traditional Nigerian settlements were structured according to the local custom and practice, the traditional land tenure system, the Agrarian nature of the economy and the existing mode of transportation. The Legal role as the trustee, beneficiary, allocator, the re-allocator and supervisor of land was vested on the ruler and head of the communities such as the Obas, the Obis, the Ezes and the Emirs. Traditional Nigerian settlements were established around the palaces of traditional rulers and the development and control of the total environment was the joint administrative responsibility of the entire community. This is why Sanni (2006) noted that though there were no professional planners as we do at present, physical development and growth even in villages were coordinated and regulated by considering the relationship of any proposed development to the existing structures, and making adequate provision for circulation and other conveniences. In the opinion of Obialo (1999), planning and control of development in the pre-colonial period in Nigeria was effectively done. Interestingly some of the cities (Kano, Zaria, Koton-Karfi in the North and Abeokuta and Ondo in the South-West) still retain their pre-colonial inner-city settlement structure.

#### **3.2. Colonial planning ordinances in Nigeria**

In 1861 Lagos was ceded as an annexation of the British Colony and consequently the 1863 Town Improvement Ordinance to control development and urban sanitation. The Land Proclamation Act of 1900 (Title to Land in Northern Nigeria) introduced indirect rule system in respect of land administration and settlement development. In 1904, the Cantonment Proclamation was enacted to segregate Europeans expatriate officials from the native areas. According to Oyesiku (2010), the different planning standards were specified for various segments of the city with physical planning and infrastructure provisions concentrated in the European or Government Reserved Area. The Township Ordinance No. 29 of 1917 constituted the first attempt at introducing spatial orderliness in the Land Use pattern of Nigerian cities. Mabogunje (1968) reported that it was done to advance the segregated tendency of major Nigerian cities.

In 1924, Town Planning Committees were established for the Northern and Southern Provinces mainly first class towns to initiate and develop planning schemes as well as

approve building plans. In 1928 the Lagos Executive Development Board (LEDB), was established and was charged with the development of Lagos territory. It was set up in 1928 under the Lagos Town Planning Ordinance of 1928 in response to the outbreak of bubonic plague. Nigerian Town and Country Planning Ordinance No 4 of 1946 provided for the planning, improvement and development of different parts of the Country through planning schemes carried out by Planning Agencies.

### **3.3. Post-colonial experience**

After the Colonialist gave the Country Independence in 1960, the 1946 Town and Country Planning Ordinance was retained. Also retained were the Chapter 123 of the Town and Country planning Law of Western Nigeria of 1959, Chapter 130 of the law of Northern Nigeria and Chapter 155 of the Law of Eastern Nigeria. As the law was retained so was the problem of discriminatory legislations, inappropriate standard amidst poor and ineffective administrative framework and high level of politics.

The first attempt at organising the administration and development of Land at the grassroots was the enactment of the Local Government Law (1976). The Law made Town and Country Planning a Local Government affair. Thus the State Governments created a Local Planning Authority to control developments and initiate planning schemes at the Local levels.

Land use decree No 6 of 1978 was established to curb land speculation, ease the process of Land Acquisition by the government, co-ordinate and formulate land tenure modernization.

### **3.4. Urban and regional planning law, degree No 88 1992**

The Nigerian Urban and Regional Planning Decree No 88 of 1992 came into effect on the 1st of October, 1992. This is the latest in the sense that the Town and Country Planning Law that was last enacted for the whole of Nigeria before was the 1946 Town and Country Planning Ordinance which came into effect in 1946. The Nigerian Urban and Regional Planning Decree No 88 of 1992, is the latest Law in Urban and Regional Planning that is applicable to the whole Country. However, some States of the Federation are yet to domesticate this law and other States that have passed it into law have not fully implemented it. Lawal (2000) summarizes the main features of the Nigerian Urban and Regional Planning Decree No 88 of 1992 as follows:

1. Assigning roles to the three tiers of government of the federation;
2. Emphasizing development control with each tier of government having responsibility for control of development in respect of lands belonging to that tier of government;
3. Encouraging public participation in physical planning with a view to promote acceptability and support for planning decisions;
4. Establishing Planning Tribunal to allow for appeals by aggrieved developers and also ensure enforcement by Development Control Departments.

## **4. EMERGING ISSUES AS AFFECT BUILDING COLLAPSE IN NIGERIA**

### **4.1. Urbanisation and the rate of building development**

After independence in 1960, Nigeria experienced rapid urbanization as a result of the urban transformation force of rural-urban migration. According to Agbola, (2005) the rapid urbanization was accompanied with a plethora of challenges such as unemployment, environmental degradations, deficiencies in urban services, inadequate housing, deterioration of existing infrastructures, lack of access to key resources, armed robbery and violence. Furthermore, Oyesiku (2010) has reported that as at 1921 when the first Nigeria's population was estimated to be 18.6 million, about 1.5 million were already living in 29 Cities whose population were 20,000 and above. The 2006 census put the figure at 150 million which by 2019 must have risen to 200 million with about half of the population living in Cities and about 130 Cities whose population exceed 20,000 Nigerians (Oyesiku, 2010). It is obvious that the rate of urbanization is having a corresponding increase in demand for building development in major Cities of Nigeria hitherto increasing the rate of building collapse.

### **4.2. The land use Act**

In 1978, the Land Use Act was promulgated and designed to curb land speculation, ease the process of land acquisition by government, coordinate and formulate tenural modernization. However, the provision of the law did not make provision for physical planning of the nationalized land. As posited by Obateru (1986) that the omission of physical planning has caused the greatest disaster to physical planning in Nigeria. This could be the reason why there are so many shanty cities with slums and improper development control which hitherto result in building collapse.

### **4.3. Administration of physical planning**

Administration of physical planning has been the responsibility of all three tiers of government in Nigeria over the years. The extent of involvement of each level of government is dictated by the operations of various Town and Country Planning Legislations as well as the Federal constitution. Currently, there are arguments that, in many parts of the world especially developing countries, Urban Planning Systems have changed very little and are often contributors to urban problems rather than functioning as tools for human and environmental improvement. This situation raises concern for the practice of urban planning to find ways of raising the standard of practice, develop sustainable approach to tackle the emerging urban development challenges.

The issues of technical and administrative manpower are very crucial yet, this is grossly lacking in Nigeria. Currently there are over 4000 registered Town Planners in Nigeria which is a shortfall compared to the over 200 million people in Nigeria. This therefore present a poor City Municipal Management Units which some planning agencies are composed mainly of inexperienced staff with very little or no formal training whatsoever in planning affairs. In such instance giving their best technically becomes a problem as emerging physical planning problem goes beyond marking and demolition of structures.

#### 4.4. Ethical issues

The legal systems underpinning planning regulation are not flexible to accommodate the presence of large-scale land and property developers which often linked to competitive city policies. This process is expanding substantially, creating challenges for national and local planning practices in Nigeria. The situation is even more worrisome when institutions saddled with the responsibility of regulating building development have to compromise ethics in return for money. This is why Ekong, Ofem and Effiong (2018) posited that corruption seems to be a “canker worm” that has eaten deep into the fabric of professionals in the built environment. This situation raises serious lapses in terms of upholding ethical conduct in a polarized environment where professionals juggle between urbanization and inadequate infrastructure at the same time relegating ethical conduct to the background. There is serious over-politicisation of physical planning which is the reason some states are yet to domesticate Urban and Regional Planning Law while states where the law is domesticated; there seems to be no full implementation.

#### 4.5. Property management

Non-involvement of professionals is not peculiar to property management but is evident even from the inception of the building process. The use of inappropriate building materials, below standard materials and lack of professionals in every stage of the building process has contributed to the increase in the incidents of building collapse in our nation.

Property Management is the process of planning, organizing, leading, staffing and controlling the earth's surface extending downward to the centre of the earth and upward into space, including all things permanently attached to it by nature or by people as well as interests, benefits and rights inherent in the ownership with the aim of attaining the objectives of the owner (Udechukwu and Johnson, 2011).

The duties of a property manager include achieving the objectives of the property owner, generating income for the owner and preserving or increasing the value of the investment property. In order to preserve the value of the property and subsequently avoid building collapse, maintenance of the property becomes paramount to the property manager. Property maintenance could be preventive, repair or corrective, routine and new construction. All of which are necessary for the extension of a building lifespan and subsequent reduction of physical deterioration.

### 5. CONCLUSION AND RECOMMENDATIONS

The Nigerian Urban and Regional Planning Decree No. 88 of 1992 is a detailed law and an all-encompassing one which is capable of bringing considerable development to every part of the nation if fully implemented. However, Lagos and few other states have implemented a part of the law by establishing its own Urban and Regional Planning law in line with the Decree. There are number of the provisions of the law which has not been either implemented or enforced at all levels of government. Development in the nation has thus been slowed down and developmental contraventions and series of building collapse pervade the cities of the nation.

To achieve the objectives of strengthening Town Planning Laws, all States of the federation should domesticate and implement Urban and Regional Planning Law. Stakeholders should more proactive at addressing the incidents of building collapse. More

so, professional bodies saddled with the responsibility of regulating building development should find ways of raising the standard of practice; develop sustainable approach to tackle the emerging development challenges.

To achieve the objectives of strengthening Town Planning Laws and property management, there is need for an adequate vertical and horizontal coordination of planning activities and well-structured administrative framework. The local councils should be given support by other tiers of government to be able to participate more actively and diversely in urban and regional planning development process. According to Oyesiku (2004), a successful institutional framework for urban and regional development and planning in Nigeria depends on a good interrelationship between appropriate planning legislation and an effective administration framework. In order to fully reduce the incidence of building collapse government need to functional mechanism which is aimed at achieving urban settlements goals through enactment and careful administration of land use or land development control measures

Also, the professional bodies in the built environment especially the Nigerian Institution of Estate Surveyors and Valuers should sensitive the public on the need to involve professionals' right from the inception of their building process and more especially in Property management.

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