

Chapter 10

Revisiting the Legal Framework of Urban Planning in the Global South: An Explanatory Example of Nigeria

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ABSTRACT

This chapter discusses the profession of urban planning within the context of the Nigerian legal system. In Nigeria, there is an array of legislation relevant to urban planning that is aimed at securing sustainable cities through various planning activities. The chapter establishes the relationship between law and urban planning activities and puts it that the latter is an offshoot of the former. It further discusses the legal framework of urban planning in Nigeria, with due consideration to the problems inherent in it and the effects of such problems on urban development in the country. The chapter also suggests a need for paradigm shift by providing for strategies rooted in law towards viable urban and regional development and economic growth in Nigeria. The chapter concludes that strengthening the legal framework of urban planning will provide opportunities for equitable and spatial allocation of resources that takes cognizance of the social, economic, institutional, and environmental dimensions of an urban center.

INTRODUCTION

In the current era of globalisation, cities have become more important. They are the physical manifestation and incubators of innovation, industry, technology, entrepreneurship and creativity (UN-HABITAT and UNEP, 2008). They serve as engines of economic growth and drive national economies through their ability for wealth creation, enhanced social development and employment provision. These roles have made the rate of city growth across the world highly unprecedented. Many cities have changed both in population, spatial extent and morphology. In many cases, the change is associated with improved human development, rising incomes and better living standards. However, these benefits do not come

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automatically; they require well-devised public policies that can steer demographic growth, turn urban accumulation of activities and resources into healthy economies, and ensure equitable distribution of wealth (European Union, 2011). When these policies are absent or ineffective, cities can be a mixture of order and chaos, splendour and squalor, virtues and vices. They can be the repository of society's ills and the breeding grounds for poverty, exclusion and environmental degradation (UN-HABITAT and UNEP, 2008).

Fewer countries in the world affirm the prediction of the UN-HABITAT that the 21st century is an urban millennium more than Nigeria. Nigeria, the most populous African country, experiences rapid urbanisation accompanied by several adverse development challenges. Many cities in Nigeria have experienced changes in size and morphology but in an uncoordinated manner. They are mostly characterised with organic development, poor service delivery and weak employment base. As put by Falade (2010), despite Nigeria's rapid urbanization, it is a paradox that no sustained effort has been made to plan and manage her several fast-growing cities to contribute to national economic growth in a globalised world economy.

The crises of Nigerian urban growth can be attributed to the inability of the city authorities and urban managers to deal effectively with the aftermath of rapid urbanization process. A notable issue in this sense is that the sustainability of Nigerian urbanism suffers from inadequate urban planning. The place of poor or lack of urban planning as the causal factor of uncoordinated urban growth in Nigeria is well documented (Olayemi, 2000; Fadare and Daramola, 2008; Falade 2010; Alabi & Akinbode, 2010; Daramola and Olojede, 2011; Olawuni and Daramola, 2013); a factor that accounts for their poor state and lack of significant contributions to the national economy.

Urban planning is an activity that is subjected to plethora of definitions (Oyesiku, 1997; Olayemi, 2000; Okpala, 2008; Alabi and Akinbode, 2010). Nevertheless, the adopted operating definition for this chapter was given by Okpala (2008). He defined urban planning as the process of programming the co-ordination of the direction, structure and pattern of the development, growth and management of urban settlements with the goal of ensuring that all necessary land-use needs (economic, social, environmental, institutional, cultural, recreational and leisure needs), for all the socio-economic population groups in society, are provided for in compatible and symbiotic locational relationships and densities. From the foregoing, the major goal of urban planning is the enhancement of efficient functioning of the urban system through effective coordination of various land uses.

Basically, urban planning is saddled with two responsibilities: preparation and implementation of development plans (the logical arrangement of activities in space) and the control of development (the reasonable ordering of developmental activities in pursuit of strategic ends). These responsibilities are means of achieving the aim of well-planned, safe and healthy cities (Nigerian Institute of Town Planners [NITP], Undated). This is because urban issues offer special opportunities towards achievement of concrete policies through array of stakeholders such the government, the private sector and the civil society operating at the household and community levels, including regional and national levels (Olokesusi 2008; UN-HABITAT, 2009). Regardless of the level in which urban planning responsibilities are carried out and regardless of the stakeholders involved, the responsibilities of urban planning is with recourse to law (a rule of conduct or procedure recognized by a community as binding or enforceable by authority). As such, urban planning activities are derivatives of law and their effectiveness in any jurisdiction is subjected to the effectiveness of the operative urban planning law in the jurisdiction.

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