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Domestication of the Urban and Regional Planning Law in Nigeria: The Cross River State Experience

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Abstract

The Urban and Regional Planning Law in Nigeria was enacted, and introduced three levels of physical developments to be supervised by the Commission, Board, and Authority. The Board particularly, was to be constituted by the State Governor and charged with the responsibility of controlling physical developments within the State. This study is aimed at evaluating the technicalities involved in domesticating the Urban and Regional Planning Law in Cross River State with a view to ensuring guided physical developments. This was done by examining policies of the institutions of government and the professional bodies towards domestication of the Urban and Regional Planning law. The study also examined various activities of the agencies of government that have involvement in domesticating and possible implementation of the law for the past 20 years. The study adopted a longitudinal survey method spanning across 20 years (from 2003 to 2023). Both primary and secondary sources of data were used. The primary sources of data were sourced from focused group interviews from professionals and town planning officials in the Ministry and the state legislators. Secondary sources of data on the other hand, were sourced from journal articles, test books, periodicals and government gazetted documents to supplement the primary data. Findings of the study show that government of Cross River State is technically uninformed about the fundamentals of conceptualizing the Urban and Regional Planning law. The legislative arm of government has consistently remained unwilling to pass related bills into law and deliberately shifted grounds from enunciating the relevance of the Urban and Regional Planning Law to physical development in Cross River State. The study, therefore, recommended that the NITP/TOPREC should take up these concerns by compelling the Cross River State Government and its agencies to take responsibility of conceptualizing and advancing extant policies that would enable awareness and promulgation of the Urban and Regional Planning law. Town planning practice in Cross River State has been on very low ebb and would only improve if the Urban and Regional Planning Law is made popular to all stakeholders in physical development. Finally, conceptualizing and domesticating the Urban and Regional Planning Law would serve as perspectives and catalysts that underpin the improvement of professional planning practice in Cross River State, Nigeria.

Keywords: Conceptualized, Development Control, Domestication, NITP, Ordinance, TOPREC, Town Planning Profession, Urban and Regional Planning Law

1.0: Introduction

Law could be seen as a body of principles, rules and regulations that binds a community, organization, institution, state, and country together with its members and citizens. The introduction of indirect rule system by Lord Lugard during the colonial period empowered the native rulers to exercise control over the

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administration of urban settlements in Nigeria. The Colonial Masters were not interested in controlling physical developments as well as differentiating between urban and rural areas. The policy of minimum interference in the core north or traditional northern communities, for example, restrained the Colonial Masters from carrying out urban planning and land use development in the traditional northern cities (Ola, 1977). Physical planning in Nigeria evolved from Public Health Legislation as it were in the United Kingdom. For example, in 1902, the Government of Southern Nigeria was empowered by the Colonial Masters to declare any area as European Reservation. The Governor was also permitted to establish a Local Board of Health in its Reservation. The main function of the Board was to help and improve on the health condition in the environment of the Reservation. While in the Northern Nigeria, these Reservations were referred to as Cantonments and were set up in 1904. Cantonments were controlled by the Magistrate and his/her duties were sanitary supervision, regulation of streets, buildings, development of open spaces, and fencing among others (NITP, 1992).

In 1908, the Public Health Ordinance was set up and established the sanitary district of Lagos under the Lagos Municipal Board of Health, while Local Boards were created in other towns with the mandate to make regulations on sanitary matters. In 1909, the incorporation ordinance extended the sanitary powers of the Board to include other matters indirectly related to health (Obateru, 2012). The first comprehensive attempt in enhancing physical development in Nigeria was invigorated by the Township Ordinance No. 29 of 1917. One of the primary objective of the Township Ordinance was to separate health and sanitation matters from physical development. While matters related to public health were incorporated in the Public Health Ordinance and enforced by the medical and sanitary department. On the other hand, the Township Ordinance was enforced by the administrative and public works department which introduced and defined boundaries of three classes of township (NITP, 1992). The second objective of the Township Ordinance No. 29 of 1917 was enforcement of standards, regulations, and guidelines for physical development of the three classes of township. The ordinance spelt out that the first, second, and third-class towns had a European Reservation each. The implication was to encourage legalization of segregation between the European and the African settlements. In this circumstance, urban

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development planning was exclusively confined to the European Reservations with provision of infrastructure and facilities required by the Colonial Masters. However, the Township Ordinance of 1917 seemed to have set a systematic pace for urban planning in Nigeria (NITP, 1992). In 1924, Township Committees were established for the northern and southern provinces. These committees were charged with the responsibilities of considering approval of planning schemes that were submitted to them by the Local Planning Authorities. The committees were also permitted to initiate and introduce planning schemes in any locality where such schemes were deemed necessary. In the southern province, a number of local sub-committees were created and charged with the responsibilities of preparing and submitting planning schemes to the main committee (Ola, 1977).

In 1946, the United Kingdom Town and Country Planning Act of 1932 was introduced in Nigeria. This Act was referred to as the Nigerian Town and Country Ordinance No. 4 of 1946. The Ordinance made provision for planning, re-planning, improvement, and development of different parts of Nigeria by means of planning schemes. The 1946 Ordinance formed the only legislative basis for all laws, rules, and regulations governing Urban and Regional Planning in Nigeria. Its introduction marked the origin of legal basis for planning in Nigeria. From the 1946 Ordinance, we got the Town and Country Planning Laws of Eastern Nigeria, Western Nigeria, Northern Nigeria, and those of the States including Cross River State (Obateru, 2012). The Nigerian Urban and Regional Planning Law (Decree No. 88 of 1992 and No. 18 of 1999) were the first laws which were exclusively Nigerian. These Laws have been amended as CAP No. 138 LFN 2004 and provided three planning bodies namely: the Commission, Board and Authority. The planning bodies were instituted to carry out initiation, preparation, and implementation of the Federal, State, and Local levels physical development plans/schemes (Federal Republic of Nigeria, 2004). As Law made by the National Assembly in 2004, all the States of the Federation were expected to key into these laws by domesticating them in the various State Assemblies of the 36 States and the FCT. However, Lagos State is the only State in Nigeria currently experiencing what could be regarded as partial implementation of the Urban and Regional Planning Law in Nigeria. It was implemented in 2010 as the Lagos State Physical Planning Law with the Lagos State Physical Planning Permit Authority

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(LASPPPA) being responsible for processing and issuing planning permits. On the other hand, the Lagos State Ministry of Physical Planning and Urban Development (MPP&UD) takes the responsibility of setting the overall policies and strategies for physical planning and urban development in Lagos State.

In Cross River State, for example, it has become a persistent issue by successive administrations in the State to play politics with domesticating the Urban and Regional Planning Law. From the inception of the Urban and Regional Planning Law in 2004, Cross River State has had four successive administrative regimes. The 1999-2007 administration was the first democratic experiment after the military era. This administration had keen interest in physical development of the State and established a functional relationship with Professional Planners in the State. The height of it was the award of contract to indigenous Town Planners to review the 1973 Calabar urban master plan in the year 2000 (Obongha, 2024). This administration also used indigenous Professionals and embarked on urban renewal projects in major urban centres of Cross River State, namely; Calabar, Ugep, Ikom, Ogoja, and Obudu but technically failed to domesticate the Urban and Regional Planning Law.

The next administration took off from 2007-2015 and continued from the previous administration with urban renewal projects in Calabar Metropolis and rural development in some of the rural communities in Cross River State.

Town Planners were also involved in some of the projects executed by this administration but tactically avoided setting up an executive bill for the domestication of the Urban and Regional Planning Law. This administration also attempted a review of the Calabar urban master plan and renamed it “Greater Calabar mater plan” to cover the entire areas of Calabar Metropolis that were originally not covered by the old master plan (Obongha, 2024). The contract was awarded to the Canadian Pacific Consulting Services (CPCS) in 2012. CPCS started the processes and have made some preliminary plan preparation/presentation to stakeholders, professional bodies, and government officials but the project was abandoned by the administration that took off from 2015-2023 after huge commitment of 1,200,000,000.00 USD to CPCS by the previous government (Obongha, 2024; CPCS Transcom, 2015). However, the failure of continuity of the project by CPCS could better be described as administrative negligence, incompetency, and

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lack of policy continuum by successive administrators (caused by political differences, personal interest, and inability to consult and look into previous administrative records).

The 2015-2023 administration belittled and reduced physical development and professional practice in Cross River State to very low ebb. The administration shutdown planning practice and created a counterpart Task Force Agency, called Development Control Task Force made up of non-professionals. Many Ministries were also duplicated, conflicting with duties of the Town Planning Staff in the Ministry to the point that the Commissioners for the Ministries of Lands, Green Cities, Environment, Infrastructure, and Urban Renewal and Development claimed ownership of the Department of Town Planning at different points in time. There was serious chaos in the Ministry and the Town Planning Staff in the Ministry were in a state of institutional disarray. The height of it was non-recognition of town planning as an institution of the state.

Today, Town Planners in the State are working on modalities to ensure that the current administration tow a different pathway from its predecessors who made domestication of the State's Urban and Regional Planning Law futile.

From the foregoing, it has been established that law is a body of principles, rules and regulations responsible for guiding a particular institution. However, it is regarded as a vital ingredient for shaping the planning institution in Nigeria and Cross River State in particular. These principles guided the Colonial Masters in administering planning in Nigeria in the time past and would have been a great success to the planning institution and physical developments if the URP Law is given adequate popularity and absolute implementation in all the States of the Federation.

The case of Cross River State became highly degraded between the period of eight years (ie from 2015-2023). This administrative regime brought physical planning practice to zero; developments were not orderly, land grabbing became rampant, institutional failure was in its peak and town planning practice was hijacked by quackery. It is on the basis of all these irregularities that this study was conducted. The study is, therefore, aimed at evaluating the technicalities involved in domesticating the Urban and Regional Planning Law in Cross River State with a view to ensuring guided physical development. To achieve this aim, the following parameters were weighted. (i) the study examined the roles of the institutions of

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government (executive, legislative, and judicial arms) toward domestication of the URP law and (ii) the study determined the influence of professional bodies (practicing town planners) in domesticating the URP law.

2.0: The Study Area

The Study Area is Cross River State. Cross River State is in the South-South Region of Nigeria and it is made up of 18 Local Government Areas with each Local Government Council Headquarters located in an urban centre. That is to say there are 18 urban centres in Cross River State. In terms of population and economic activities, there are 5 major cities in Cross River State and the domestication of the Urban and Regional Planning Law in the State if actualized, would commence in these 5 major cities namely; Calabar. Ugep, Ikom, Ogoja, and Obudu. Figure 1 shows Map of Nigeria indicating Cross River State with the five Local Government Areas containing the 5 major cities in the State.

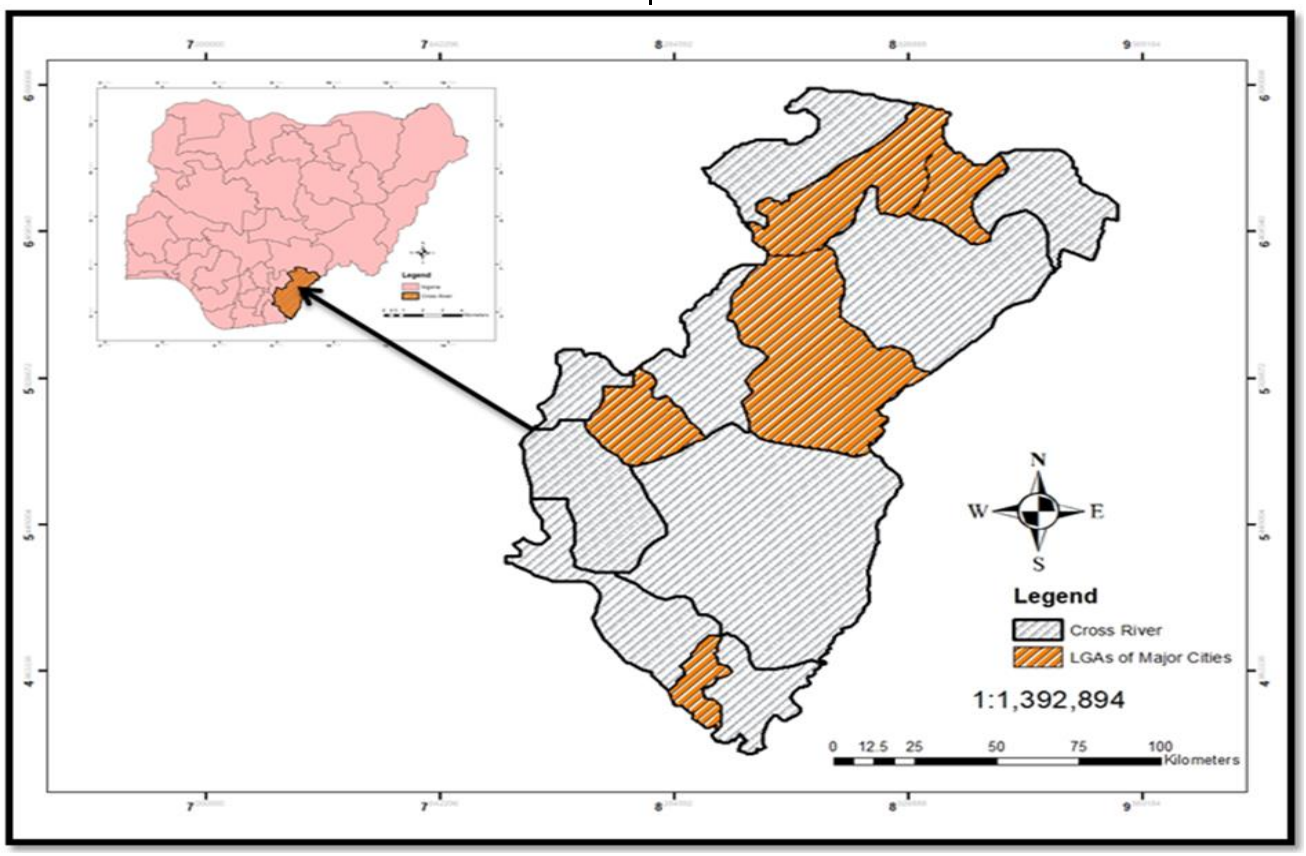


Figure 1: Study Area showing it location in Nigeria and major cities
Source: GIS Unit of Urban and Regional Planning Department, UNICROSS.

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These five cities were selected because of their rates of urbanization and physical development due to the population of each and economic activities that resulted in rapid infrastructure development. However, they are officially known as Area Planning Authorities (APAs), headed by Area Planning Officers, many of which are without TOPREC registration. With the ongoing rapid physical development, domesticating the URP Law would help in guided development toward the right direction and placement of Town Planners with TOPREC registration to head these APAs. Therefore, the population of each of these five urban centres is responsible for its classification as urban areas for example, Calabar, the capital city of Cross River State has a population of over 713,000 people, followed by Ikom with over 314,786 people, then Ogoja with 261,300 people, Ugep with 249,029 people and Obudu with over 210,173 people. With these population and the economic activities taking place in these urban areas, physical and infrastructure developments have been going on concurrently but without professional control. Domestication of the URP Law would provide appropriate personnel, instruments, and political will to effectively control development without prejudice.

3.0: Materials and Methods

The methodology adopted in this study was longitudinal survey with elements of description. This is because the study considered approaches and frameworks undertaken by institutions responsible for the domestication of the Urban and Regional Planning Law for a period of 20 years (that is from 2003 – 2023). 2003 was taken as the base year because the law underwent transformation process as the Nigerian Urban and Regional Planning Decree No. 88 of 1992 as amended in 1999 and Act CAP N138, Laws of the Federation of Nigeria in 2004 respectively. Then, one year was taken behind 2004 which originally became the year of the new law and stopped at 2023 which was considered as the end and beginning of a political season in Nigeria and this gave a duration of 20 years.

This longitudinal survey has elements of description through first-hand information from focused group interviews granted on Professionals, Town Planning Staff in the Ministry, and few members of the 10th Assembly of the Cross River State House of Assembly as primary sources of data. A total 25 Professionals were involved in the focused group interviews, which comprises, 5 members of the 10th Assembly, 10 Town Planning

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Officers from the Ministry in Calabar (including Director, two Deputy Directors, four Zonal Town Planners, and three other Senior Town Planners with TOPREC registration), 6 Practicing Consultant Town Planners, and 4 Heads of APAs each representing Ugep, Ikom, Ogoja, and Obudu. Questions such as:

1. Are you aware of the bill for the domestication of URP law in the State?
2. What is your agency doing towards the domestication of the law?
3. Is there any other law regulating the proliferation of gasoline stations and industries in Calabar Metropolis?
4. What has the government of Cross River State done to make the URP law a success?
5. In your opinion as a professional, what do you think should be done to making the URP law implemented?
6. As professional Town Planner/Assembly member, are you worried about haphazard development of land uses in Calabar Metropolis, Ugep, Ikom, Ogoja, and Obudu? If yes, what do you think the government should do to stop it? These questions were analyzed descriptively as discussion of findings.

On the other hand, secondary sources of data were also obtained from published and unpublished materials, text books, newspaper publications, and government gazetted documents.

4.0: Discussion of Findings

The Executive: The 1999-2007 and 2007-2015 administrations have had audience with the NITP Cross River State Chapter respectively. The 2015-2023 administration has not recorded any positive development towards physical planning and its professionals. Several moves towards ensuring that an executive bill was sent to the State Assembly were hindered by unhealthy relationship between the political power and the planning profession. The administration avoided having audience with the NITP at both State and National levels. The 2019-2020 NITP National President was in Calabar thrice but was never granted audience with the Chief Executive. This was how degenerated and soured the relationship between institutions meant to domesticate the Urban and Regional Planning Law in Cross River State were with its professional bodies.

The Judiciary and the Professional Body (NITP): Having passed into law by the National Assembly in 2004. The NITP, Cross River State Chapter constituted a Committee Chaired by the TOPREC Representative in the State with Senior Town Planners comprising the Chapter

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Chairman, retired and serving Directors of Town Planning, and Planners/Consultants in the academia. The practicing consultants in Cross River State confirmed that they got a copy of the Lagos State Physical Planning Law of 2010, studied it and used it as a guide for producing what was presented to the committee as a replica of their expectations. This committee hired Lawyers versed with the rudiments and technicalities of drafting parliamentary bills and produced a draft copy of the Cross River State Urban and Regional Planning Bill with the input of the State's Attorney General. The State's Attorney General certified a true copy of the draft bill and presented to the 8th Assembly who never looked into the draft bill throughout the period of their term of office.

The Cross River State Development Control Agency Law: This law came up as an executive bill went through all Parliamentary proceedings of the 7th and 8th Assemblies of the Cross River State and was finally passed into law in 2018. However, the Nigerian Institute of Town Planners (NITP), Cross River State Chapter, welcomed the development at the inception stage with the understanding that the Agency would be manned by Town Planners. During stakeholders engagements, public hearing and presentations of the first, second, and third readings of the bill as well as the committee stage, had representation of Town Planners and professional bodies in attendance with their positive contributions. The NITP, Cross River State Chapter presented a sample copy of the Lagos State Physical Planning Law of 2010 to guide the House of Assembly during their plenaries and in the composition of the Agency. The contributions of the NITP and other professional bodies were jettisoned, when the bill was finally passed into law, followed by appointment into the Agency and its composition was made up of entirely non-professionals but nick-named "Task Force on Development Control" (Obongha, Ukam, & Inah, 2024). This brought about tension, chaos, and total rejection of the Development Control Task Force by Town Planners and other professional bodies in the State (Affe, 2018).

The Legislature: Members of the 10th Assembly were interviewed on the basis of the Urban and Regional Planning Bill and claimed ignorance to the existence of such a bill. In other words, the 8th Assembly did not handover to the 9th Assembly and the 9th Assembly did not present such a draft bill to the 10th Assembly. What is the way forward?

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5.0: Conclusion

The political class has been in the frontline, frustrating the efforts and prowess of particularly, Town Planners in Nigeria as a whole, because, this is not happening only in Cross River State but many other States in the country. For the Town Planning profession to stand on its feet, Town Planners must be willing to be in politics, we must occupy political offices especially legislative seats of the States and National Assemblies. For this to be effective, the NITP and TOPREC must begin to look inward toward funding electioneering processes of its members into various political offices in order to change the narratives for the best interest of our profession if not, the domestication of the Urban and Regional Planning Law would ever remain futile in our States. The NITP/TOPREC should also act by taking up these concerns either through legal means or dialogue to ensure that the Urban and Regional Planning Law is upheld, conceptualized, and domesticated in all the States of Nigeria.

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