



JOURNAL OF THE NIGERIAN INSTITUTE OF TOWN PLANNERS

VOL XV

OCTOBER, 2002

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ISSN 0189 - 8859

Published by: The Nigerian Institute of Town Planners
2, Ilupeju By-Pass, Ilupeju, P. O. Box 53727, Falomo-Ikoyi, Lagos. Tel./fax: 01 - 4522284

ISSN 0189 - 8859

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LOCAL GOVERNMENT, LAWS, ESTATE MANAGEMENT AND DEVELOPMENT: THE LAGOS EXPERIENCE

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ABSTRACT

Local Government in Nigeria today, under the Federal system, is the third tier of government and therefore represents part of the framework of administrative authorities. As organs of government that had experienced a lot of set backs in the past, they are saturated with problems among which are the management of their physical environmental. This has resulted into environmental degradation, urban sprawl, water and transportation and other social problems. This paper examines the management of Local Government within the context of prevailing laws of Nigeria. Existing laws were reviewed, and physical environmental data were collected from survey of selected local government areas in Lagos State. The paper shows that Local Government, management, culture and weak economic base caused by prolong state dominance, poor administration and staffing structure. The paper recommends among other things the need for total re-engineering and empowerment of Local Government to ensure efficient utilisation of their resources.

Introduction

The Federal Republic of Nigeria guidelines for Local Government Reform of 1976 and the fourth schedule of section 7 of 1979 constitution empowered the Local Government as the third tier level of government. To ensure that this institutional framework effectively works, the constitutional responsibilities of the local government were spelt out and provision for its funding was made in section 149 (5) of same constitution. In Nigeria, Local Governments have historically provided services of importance to citizens literally from cradle to grave (Olowu 1988). Being the closest tier of government, people look more towards them for leadership; for example, in the provision of facilities and services aimed at giving the people higher standard of living, and protecting of life and property, through the maintenance of law and order.

Figure 1 shows integrative framework between the physical environment and the people in any society. The figure illustrates

men's attachment to the environment and indicates that interactions, which determine values, economic and learning arrangements take place at the local level. In Nigeria, attempts have been made at different stages of the country's political life to modify the local administrative systems and make them perform their statutory roles effectively. For example, the reform of Local Authority of 1954 expected local governments to maintain law and order, to balance interest among the social forces and to supervise the allocation of resources in the society (Yahaya 1988). The 1976 local government reform and the entrenchment of the 'y' system in (Federal, State and Local government as tripod) 1979 constitution are all efforts towards making local government effective. It may be noted that the 'y' system is a system whereby Nigerians are expected to show a high level of discipline in all their endeavours.

Unfortunately, the local government has not been able to live up to expectation in the country. Local governments in Nigeria today are less important for the issues they

Fig. 1: Integrative Framework

Fig. 1a: Interactions between people and environments

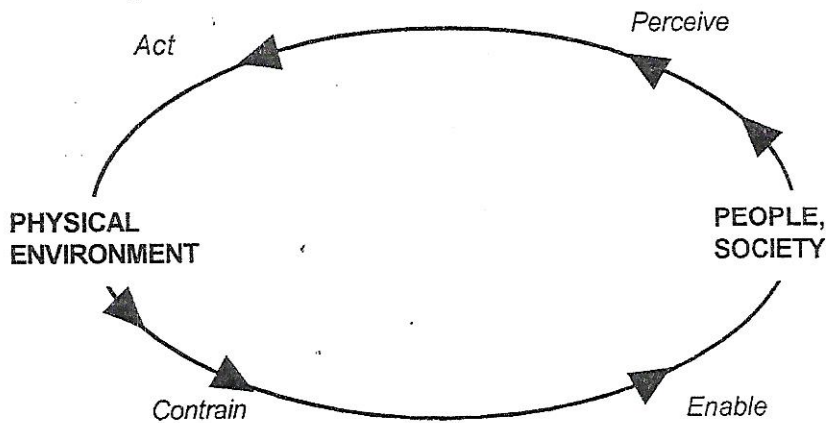


Fig. 1b: Societal and geographic scale

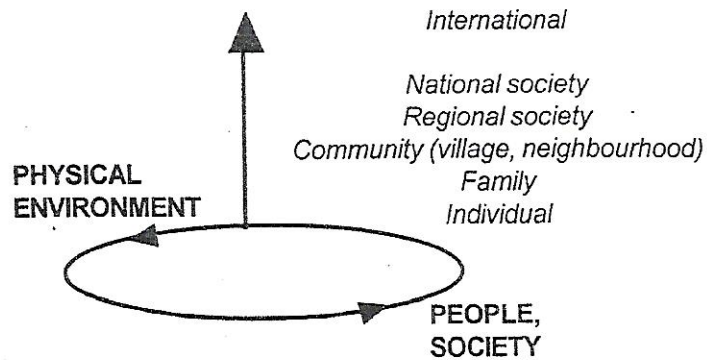
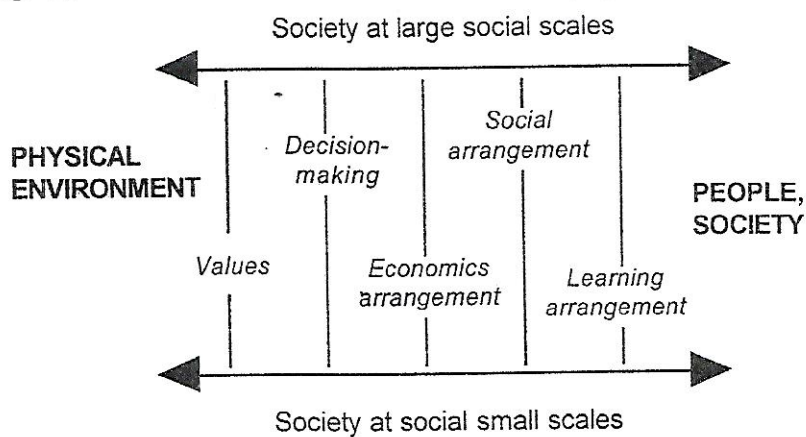


Fig. 1c: Societal functions at collective levels (e.g. community, national)



Source: Ross, Pongsomlee et al, (2000).

decide than for the issues they keep submerged (Almond and Coleman 1960). Many reasons have been given for this failure. Among these are, (a) State Government dominance, poor staffing of local government and inertia on the part of administrative staff (Nubi 1995) and (b) Funding and problems usually associated with urbanisation, especially its attendant population explosion and increase in demand for local government services. The inability of local governments to perform effectively in Nigeria has led to urban degradation, rapid slum formation, and total collapse of urban infrastructure, housing crisis, transportation problems, increase in poverty level and other social vices especially in the urban centres. This paper discusses some of these problems, the challenges facing local governments and the prospects of improvement in the effectiveness of their responsibility with particular reference to Local governments in Lagos State.

Theoretical Framework

The concept of Estate connotes different things to different people. For example, geographers and cartographers tend to see real estate as a physical entity that can be seen, felt and measured. Lawyers view it as a bundle of legal rights related to land and its use. To economist, Real Estate is the economic value created by activities associated with land and its improvements. In reality, Real Estate is all of these: it is the economic exploitation of legal rights to the land. (Richmond 1985)

Certainly, land is the foundation of all real estate activities. Technically, land is the outer crust of the earth's surface, including soil and vegetation. The management of Estate simply means the art and science of planning, co-ordinating and controlling the use of the interest in landed properties to achieve optimum returns. In case of local government estate, the return is not usually measured monetarily but overall benefits to the society

at large.

There are three schools of thought on reasons for the establishment of local governments. First, there is the Democratic Participatory School – which sees Local Government existing solely for the purpose of bringing about democracy with attendant opportunities for citizens participating in social and political issues. Secondly, there is the Efficiency Services School, which states that in addition to the above, Local Government exists to provide services and it must be judged by its success in producing the services (Sharp 1954). Thirdly, the Holistic Integration School believes that Local Government exists to decongest power at the centre, increase understanding of economic development at community level, foster social and economic betterment at local level and train people in the art of self government. It is difficult to draw a line between these three schools but one can be seen as a progression after the other. The need to integrate the three has been the concern worldwide, but not much of these have been examined in Nigeria.

Management of Local Government Landed Properties

From the standpoint of this paper, Local government Landed property is not limited to Local government Secretariat, markets and parks but extends to every nook and corner of the local government. It extends from the city centre to the most remote street in urban area and from the centres of the towns and villages to the farmland in the rural area. The rate of slum formation and urban sprawl in Nigeria towns and cities, the problems of poor settings of villages and inaccessibility of farmlands showcase the poor management of local landed properties. (Aluko, 2001).

The level of failure of local government in their constitutional responsibilities is appalling. A pragmatic look at mile 12 market within Kosofe local government area of Lagos State gives a vivid illustration of

this observation. The market is a Regional Shopping Centre and one of the 'biggest' in the country yet its management has been left in the hands of 'touts' who make their millions by milking the sellers. Rent passing in the market amounts to N2000,00 per square meter. This goes to the purse of the touts while the local government always complains of lack of funds to finance capital projects.

It is a statement of fact that the level of infrastructural facilities and services in an area is a major determinant of the property value and standard of living of the inhabitants. The literature has confirmed that it is difficult to separate social behaviour from the environment. The quality of human environment determines to a great extent the future of the dwellers – i.e. health, life expectancy and achievement. According to Cohen (2001) study of cities in U. S. proved that geography is destiny.

✓ **Lagos State: Some Historical Background**

Lagos State was created in 1967. The state is on the southwest part of Nigeria with area coverage of 335,000 hectares (3,350 sq. km). It is one of the smallest of the 36 states in Nigeria. The state current population is put at about 12 million. While the national average population density is about 118 people per square kilometre, Lagos state has an average population density of about 1308 persons per square kilometre (eleven times more than the national average). The largest density of 20,000 persons per square kilometre occurs in the oldest core of metropolitan Lagos. (Omirin 1990)

There are 20 Local Government Councils in Lagos State. Fig. 2. There is no doubt that the entire state is under the strong influence of the Lagos metropolis. The population characteristics in the state are heterogeneous with most parts of the nation represented. The growth of the population of Lagos metropolis can be traced to its role as the major seaport and

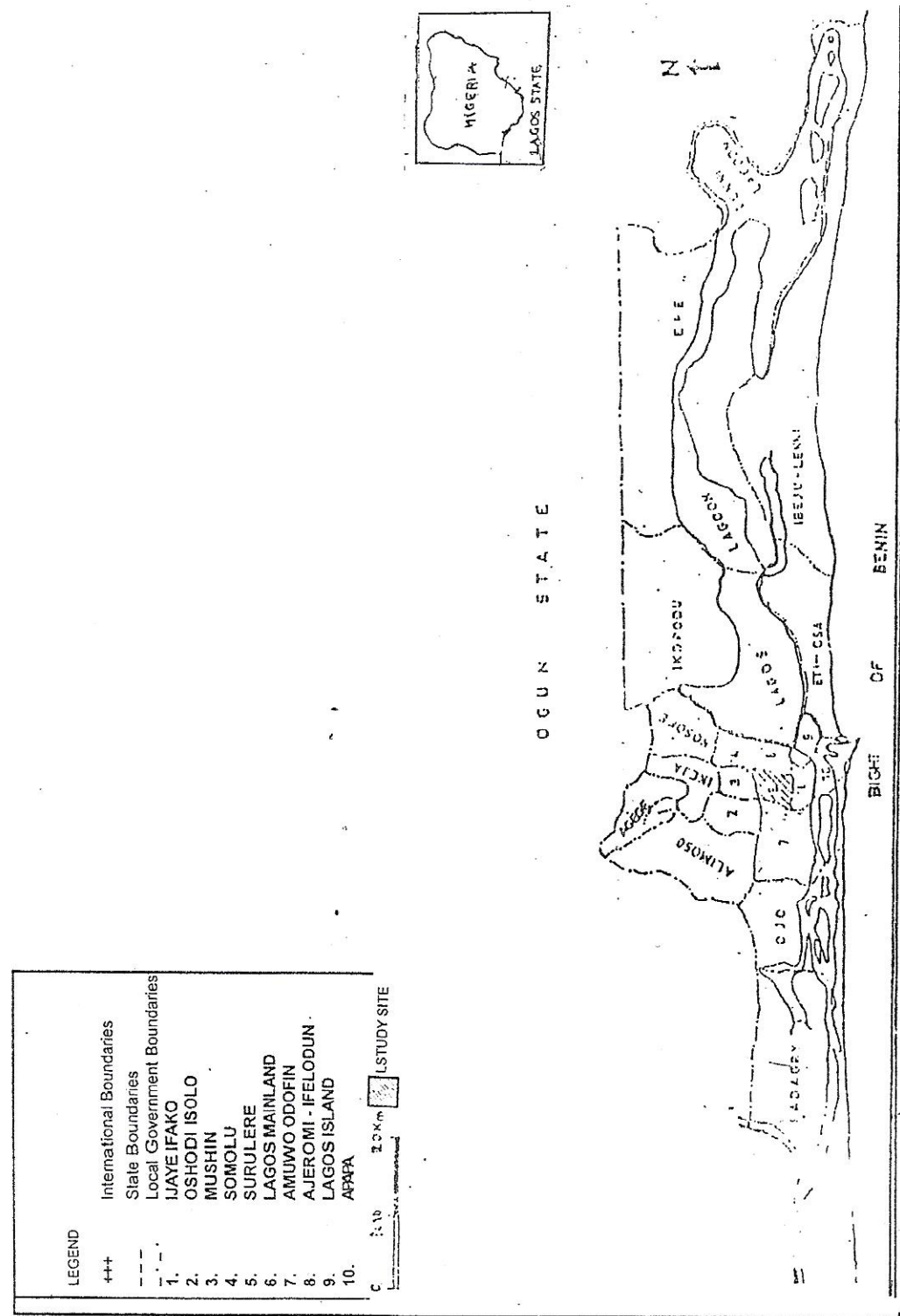
the federal and state capital, as well as a commercial nerve centre of Nigeria. Despite the relocation of the Nigerian federal capital to Abuja, Lagos still strongly remains the commercial capital of Nigeria. It harbours almost all the headquarters of the multinational companies in the country.

The development of infrastructural facilities played major roles in the development of Lagos metropolis. These include (a) the construction in 1895, of a railway linking Lagos to the sources of raw materials in the hinterland (b) the development of the Lagos harbour between 1908 and 1917, which provided employment opportunities in goods handling and related activities and (c) the construction of the Carter Bridge in 1900 to link Lagos island with the mainland. In addition, the introduction of social amenities – banks, schools, hospitals, electricity, pipe borne water, the transportation, coupled with the relative glamour of city life brought more influxes of the people.

By the time Nigeria gained independence in 1960, the city had expanded to approximately 70 square kilometres having engulfed the nearest villages existing on the mainland. In 1976, the metropolitan area covered 17,228 hectares and houses more than 3,300,00 people, giving an overall population density of nearly 200 people per hectare of developed land. Today the metropolitan Lagos has distinct land uses: resident, commercial, industrial, agriculture etc. By 1963, Lagos had taken over from Ibadan as Nigeria's most populous city and was growing at a rate four times that of the entire country.

The rate of growth was so rapid that Lagos was classified as the second world fastest growing city. By the United Nations population projection Lagos will be the second most populated city by the year 2015 with population size of about 25 million.

Fig. 2 Lagos State Showing Areas Covered By the Study



Source: Lagos State Survey / Fieldwork. 1999

Functions of Nigerian Local Governments Under The 1999 Constitution

Perhaps, it is necessary to enumerate the functions of the Local Governments under the 1979 constitution, which is the main reference of the powers of these governments. Three categories of functions may be recognised under this constitution.

These include (a) mandatory local government functions, (b) the functions in which local governments are to participate, and (c) the General. (See Fig.3)

Mandatory Local Government Functions include

- (i) Collection of rates (including tenement rates) radio, television and non-mechanically propelled vehicle licences.
- (ii) establishment and maintenance of cemeteries, burial grounds, homes for destitute, infirm, markets, motor-parks, public conveniences, roads, drains, and recreation facilities (including playgrounds and parks).
- (iii) control and regulation of outdoor advertising and hoarding, pets, shops, kiosks, restaurants and laundries and
- (iv) registration of all births and marriages.

The functions in which Local Governments are to participate include

- (i) State Economic Planning and Development.
- (ii) provision and maintenance of primary education.
- (iii) development of agriculture and natural resources (other than the exploitation of minerals)
- (iii) The general functions include any other functions that may be conferred by the State Assembly (Federal Ministry of Information, 1979).

In general, Local Governments in

Nigeria have powers to own land and acquire it for public interest. Furthermore, they can engage/invest their funds in profit-oriented ventures. The Local Governments for example can, build markets and enjoy revenue therefrom, while they can also invest in Real Estate of any description as long as they comply with S. 60 of the 1976 Edict.

Local Governments in Lagos State, by virtue of section 3 of the Local Government Edict of Lagos State 1976, are corporate bodies by the name designated in their enabling instrument, and have perpetual succession and a common seal and powers to acquire and hold land and to sue and be sued.

Laws That Influence Management Of Local Government Estates.

The three tiers of government in Nigeria have Laws for managing Local Government Estates. For example, the Federal Government laws of significance to managing Local Government Estates include (a). 1979 Constitution (b). Land Use Act of 1978 (c). Urban and Regional Planning Decree of 1992 and (d). National housing policy (1997). Similarly the State Laws of significance to Local Governments include: (a) the State Planning Laws 1986, 1999 etc (b) the Rating Edict (c) the Rent Edict of 1999 and (d) the Building Bye Laws. For example, the Land Use Act of 1978, Rating Edict of 1989, and Urban and Regional Planning Decree 88 of 1992 are directly related to ownership of right in landed properties. In particular, the Rating Edict empowers the Local Government to charge rate on hereditaments within its area of jurisdiction to generate funds required for effective management. The planning law also enhances the management structure and other provisions that have direct bearing on the management of physical environmental and development control. Some detailed analyses of the three laws are given below.

(a) Land Use Act Of 1978.

Section 2 (a) of Land Use Act vests the control and management of land in urban areas in the State Governor, while section 2 (b) expressly confers trusteeship of non-urban land on the local government. However, Section 1 makes the power of the Local government subject to the provision of the Act. In accordance to the provision of the Act, when the Local Government is desirous of land in urban area to prosecute any of its constitutional functions, it must apply to the Governor of the State for land.

By virtue of Section 34 of the Act, the local government has a deemed grant of all landed property, which they owned prior to the Land Use Act, and may use it for whatever they desire as long as it is in pursuant of their functions. Other relevant sections of the 1978 Land Use Act include: Section 28 (revocation of statutory right of occupancy), Section 29 (compensation) and Section 31 (methods for compensation etc.)

Under this Act, the state government has the right to revoke any certificate of occupancy and pay for only physical development on the land if the said land is urban land and for crops if the land is rural. No compensation is paid on land except the ground rent paid at the year of acquisition.

The vesting of urban land in the Governor of a State has created some managerial problems, especially when land is required for development and the local government has to seek the Governor's approval to get such land. Notable among such problems is bottleneck in terms of delay and bureaucracy. In Nigeria, such provision has been used as an oppressive weapon against local governments especially if they belong to political parties different from that of the Federal or State governments. For example, Federal government in 1997, could not acquire land for national housing projects in states under the control of opposing parties.

(b) Urban and Regional Planning Law Decree 88 of 1992.

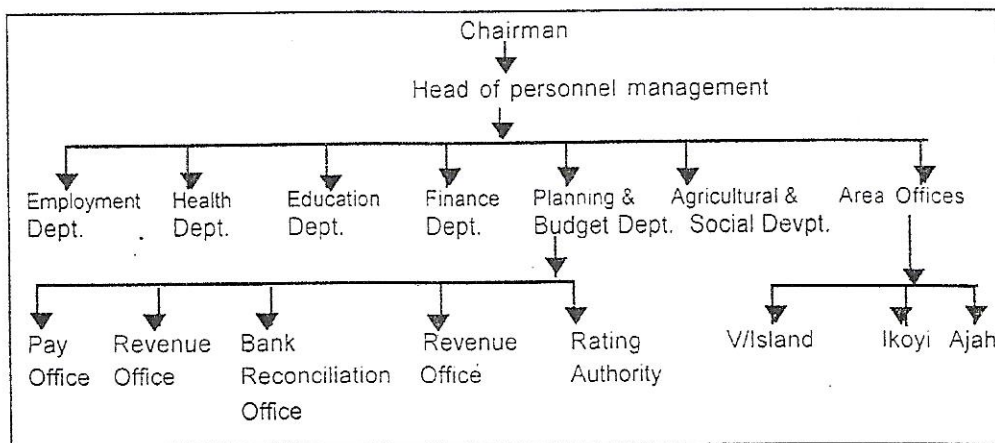
This law states expressly the functions of Local Government Planning Authority (LGPA). According to clause 1 (3) of the law, the Local Government Planning Authority (LGPA) shall prepare (a) a town plan (b) a rural area plan (c) a local plan and (d) a subject plan. In clause 4, local governments shall have the responsibilities for the preparation of all the plans identified above. The plans prepared according to section 11, subsection (1-3) should be submitted to the State Board for approval. Clause 10 of the decree states the composition of the authority thus:

- a. A chairman
- b. Not more than five representatives of the wards in the local government area.
- c. One representative of the following profession who shall be a registered member of the relevant professions. Architecture, Civil Engineering, Land Surveyor and Town Planning.
- d. Workers supervisor of the local government.
- e. Education supervisor of the local government and a secretary to be appointed by the authority who shall be the chief executive.

Clause 10 (2) mentioned the qualifications of the chairman while clause 10 (4) stated that the post of the secretary is a personal one, which means he will be subjected to the conditions of service of the Local Government Service Commission. Clause 13 allows LGPA to make input into the national physical development plan while clause 14 allows her to make her objection known to a draft national physical development plan.

The implication of this is that the three bodies are complementary rather than antagonistic. This is expressly stated in clause 25 (2). Clause 20 makes it mandatory for a copy of the operative national physical development plans to be deposited within the local government areas

Figure 3. Organisation Structure of typical Local Government Council in Lagos State.



Source: Information Unit of the Eti-Osa Local Government

Table 1: Composition of Local Government Labour Force (% of the total)

Type of Skill	1995%	2000%
Professionals	.05	1
Technicians	3	8
Artisans	18	25
Unskilled	74	66
	100	100

Source: Field Survey 1995 and 2000