



## RETHINKING LEGAL PATHWAYS TO SUSTAINABLE URBAN GOVERNANCE IN NIGERIA: AN APPRAISAL OF SDG 11 IMPLEMENTATION

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### ABSTRACT

2030 is fast approaching and Nigeria is still far from meeting the commitments set under Sustainable Development Goal (SDG) 11 on inclusive, safe, resilient and sustainable cities. This paper therefore assessed why a country with extensive legal and policy frameworks still struggles to achieve basic urban governance outcomes. It adopted doctrinal analysis of constitutional, statutory and policy instruments, together with case law and comparative jurisprudence, to examine the barriers that weaken compliance with SDG 11 targets. The paper argued that the problem is not the absence of laws but the failure to convert statutory duties into enforceable and measurable standards. It found weak regulatory design, poor institutional capacity and limited judicial accountability as core drivers of Nigeria's slow progress. The paper revealed that targeted regulation and strong political will can transform broad SDG 11 objectives into binding obligations for planning, housing, transport, waste control and disaster risk reduction. It also demonstrated that strategic litigation, as seen in jurisdictions like India, South Africa, Pakistan and the Netherlands, can compel compliance where administrative systems fail. The paper concluded that sustainable urban governance in Nigeria requires clear regulatory standards and accountability mechanisms that align legal duties with SDG 11. Based on this submission, it recommended targeted regulation, SDG-linked sectoral conditions and a litigation support fund to strengthen enforcement and drive institutional reform.

**KEYWORDS:** Sustainable urban governance, SDG 11, Nigeria, Targeted Regulation, Strategic Litigation

### 1. INTRODUCTION

Many urban areas in Nigeria face daily pressure from overcrowded districts, broken roads, pollution and the steady spread of informal settlements.<sup>1</sup> These conditions reflect a wider pattern of governance failure that has shaped urban decline across the country.<sup>2</sup> Aba long stood as a casestudy of failed governance with poor roads and deterioration in urban services.<sup>3</sup> However, the recent improvement on urban development in the state under the administration of Alex Otti since 2023<sup>4</sup> shows that sustainable urban development is possible in Nigeria when

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<sup>1</sup> O R Iroka and others, 'The City of Aba and Goal 11 of the United Nations Sustainable Development Goals (SDGs): An Examination' [2021] (11)(9) *International Journal of Scientific and Research Publications*;175-180.

<sup>2</sup> J Ogundeji, 'Poor Urban Planning Worsens Slum Crisis' <<https://punchng.com/poor-urban-planning-worsens-slum-crisis/>> accessed 13 November 2025.

<sup>3</sup> Ibid.

<sup>4</sup> E Chionye, 'Abia Unveils 25-Year Development Plan' <<https://thewhistler.ng/abia-unveils-25-year-development-plan/>> accessed 13 November 2025; K Okoronkwo, 'How Otti's blueprint is rebuilding trust and attracting investment to Abia state' <<https://www.thecable.ng/how-ottis-blueprint-is-rebuilding-trust-and-attracting-investment-to-abia-state/>> accessed 12 November 2025.



strong political leadership, targeted regulation and effective enforcement are prioritised. These changes have begun to reverse decades of neglect, providing a model for other cities in similar conditions. Nigeria joined the United Nations (UN) on 7<sup>th</sup> October 1960 and has since adopted every major global development agenda, including the SDGs.<sup>5</sup> However, the gap between commitment and delivery remains wide.<sup>6</sup> Emah has described Nigeria's progress towards achieving the SDGs as slow and poor due to corruption, poor budgetary allocations, rising poverty and weak development policies.<sup>7</sup>

On SDG 11, the country has legal and institutional structures on planning, housing, waste, water and disaster management, but these laws are not effective because agencies do not convert statutory mandates into enforceable standards. Weak enforcement and fragmented institutions create a governance vacuum that produces slums, unsafe roads, recurrent floods and deep social inequality.<sup>8</sup> The paper therefore addresses this governance failure by arguing that sustainable urban development depends on legal pathways that give existing duties a stronger force. Targeted regulation and strategic litigation offer these pathways by turning dormant obligations into measurable standards and by compelling state actors to meet the substantive content of SDG 11.

## 2. CONCEPTUAL FRAMEWORK

### Sustainable Urban Governance

Sustainable development has been defined as the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.<sup>9</sup> It emphasises the balance between economic growth, social equity and environmental protection, while recognising limitations imposed by technology and social organization on the environment's capacity to meet current and future needs.<sup>10</sup> The term "urban" refers to areas characterised by high population density and infrastructure development, typically including

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<sup>5</sup> I N Ague, 'An Appraisal of the Implementation of Sustainable Development Goals 2030 in Nigeria' [2021](6)(2) *ESUT Journal of Social Sciences*.

<sup>6</sup> C O Oluwasuji, 'Prospects and Challenges to the Attainment of Sustainable Development Goals (SDGs) in Nigeria' [2023](7)(70) *International Journal of Research and Innovation in Social Science (IJRISS)*; 1266-1280.

<sup>7</sup> E M Emah, 'A Mid-Term Review of Nigeria's Progress Towards Achieving the Sustainable Development Goals' [2023](3)(3) *AKSU Journal of Administration and Corporate Governance*, 35-47.

<sup>8</sup> I Olufadewa and others, 'Climate, Health, and Living Condition Crises in the Expanding Informal Settlements and Slums of South-West Nigeria: A Case Report of Ogun and Oyo states' [2015](15) *Journal of Glob Health*;

<sup>9</sup> World Commission on Environment and Development, *Our Common Future* (OUP 1987).

<sup>10</sup> (n9).



cities and towns.<sup>11</sup> Urban areas are centres of economic, social and cultural activities that often feature multi-functional settlements, industrialisation and advanced services such as transportation, housing, education and healthcare.<sup>12</sup> Urbanization involves the growth in size and number of these areas, often driven by rural-to-urban migration and economic opportunities.<sup>13</sup>

According to the UNDP, governance is ‘the exercise of political, economic and administrative authority in the management of a country’s affairs at all levels.’<sup>14</sup> It comprises the mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.<sup>15</sup> According to McCarney and others, governance is defined as “the relationship between civil society and the state, between rulers and ruled, the government and the governed.”<sup>16</sup> Flowing from the foregoing, sustainable urban governance, for the purpose of this paper, is therefore defined as the organisation and management of urban spaces in a way that aligns economic activity, social welfare and environmental protection through clear rules, accountable institutions and inclusive decision making.

### **SDG 11 and its Targets**

SDG 11 seeks to make cities and human settlements inclusive, safe, resilient and sustainable. Under the SDG 11, the UN defined 10 targets and 15 indicators. While Targets specify the goals, indicators provide the metrics by which the world aims to track whether these targets are achieved. Among these 10 targets, 6 are to be achieved by the year 2030,<sup>17</sup> 1 is to be achieved by the year 2020<sup>18</sup> and the remaining 3 targets have no target years.<sup>19</sup> The following are the targets of SDG 11: it specifically requires adequate, safe and affordable housing and basic

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<sup>11</sup> A D Jiboye, 'Sustainable Urbanization: Issues and Challenges for Effective Urban Governance in Nigeria' [2011](4)(6) *Journal of Sustainable Development*, 211-224, 213.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> UNDP, 'Governance for Sustainable Human Development' (New York. United Nations Development Programme 1997).

<sup>15</sup> Ibid.

<sup>16</sup> R McCarney and others, 'Towards an Understanding of Governance: The Emergence of an idea and its implications for Urban research in Developing countries in Urban Research in the Developing World' [1995](4) cited in R Stren and J Bell (Eds.), *Perspectives on the City* (Centre for Urban and Community studies, University of Toronto) 91.

<sup>17</sup>SDG 11, Targets, 1, 2, 3, 5, 6 and 7.

<sup>18</sup>(n17), target 11b.

<sup>19</sup> Ibid, targets 4, 11a and 11c.



services for all and the upgrading of slums.<sup>20</sup> This would mean planned settlements with secure tenure, regulated rents, reliable water and sanitation and the gradual replacement of informal housing with serviced neighbourhoods; and it calls for safe, affordable and sustainable transport systems with improved road safety and expanded public transport for vulnerable groups.<sup>21</sup> In an ideal society, this would produce organised bus and rail systems, protected pedestrian routes, regulated commercial transport and transport infrastructure that serves women, children, older persons and persons with disabilities. Others are; it seeks inclusive and sustainable urbanisation and stronger capacity for participatory and integrated planning.<sup>22</sup> For Nigeria this would mean coordinated planning between federal, state and local agencies, public participation in city plans and coherent land use decisions backed by enforceable planning laws;<sup>23</sup> it demands protection of cultural and natural heritage.<sup>24</sup> This target seeks to safeguard historic sites, preserve traditional landscapes and enforce environmental rules around forests, wetlands and waterways; it seeks a reduction in deaths, affected populations and economic losses from disasters including floods.<sup>25</sup> Attaining this target would require early warning systems, strict building standards in flood prone areas and government institutions that act before (that is proactively) rather than after disasters (reactively); and it aims to cut the environmental impact of cities by improving air quality and managing municipal and other waste.<sup>26</sup> This requires regulated emissions, controlled waste disposal, functional recycling systems and city authorities with the power and resources to enforce environmental standards. Furthermore, it requires universal access to safe, inclusive and accessible green and public spaces.<sup>27</sup> Implementing this target would result in parks, playgrounds and open spaces that are secure, well maintained and usable by women, children, older persons and persons with disabilities; and it also seeks stronger links between urban, peri urban and rural areas through coordinated national and regional planning.<sup>28</sup> This requires the integration of housing,

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<sup>20</sup> SGG 11, T 11.1.

<sup>21</sup> Ibid, T 11.2.

<sup>22</sup> SGG 11, T 11.3.

<sup>23</sup> A Yemi and S H M Yekeen, 'Urban Management in the Context of Liveability and Social Exclusion in Nigeria: A Review' [2024](8)(4) *International Journal of Research and Innovation in Social Science (IJRISS)*; 2812-2828.

<sup>24</sup> SDG 11, Targets, T 11.4.

<sup>25</sup> Ibid, T 11.5.

<sup>26</sup> Ibid, T 11.6.

<sup>27</sup> Ibid, T 11.7.

<sup>28</sup>(n24), T 11a.



transport, agriculture and industrial policy so that city growth does not displace rural livelihoods.

Finally, it also calls for integrated policies that support inclusion, resource efficiency, climate adaptation and disaster resilience consistent with the Sendai Framework.<sup>29</sup> Proper implementation in Nigeria would produce coherent climate and disaster laws that guide city planning; and seeks support for least developed countries to build sustainable and resilient buildings using local materials.

### **3. LEGAL AND POLICY FRAMEWORKS RELEVANT TO URBAN GOVERNANCE IN NIGERIA**

#### **Constitution of the Federal Republic of Nigeria 1999 (as amended)**

In Nigeria, the Constitution of the Federal Republic of Nigeria (CFRN) 1999 is the foundational legal framework for sustainable urban governance.<sup>30</sup> It prescribes legislative powers and grants the National Assembly authority over matters in the Exclusive Legislative List (ELL), such as urban planning and environmental protection.<sup>31</sup> It should be noted that the CFRN 1999 (as amended) does not expressly list ‘urban planning’ or ‘environmental protection’ as standalone items under the ELL. However, certain items on the EEL relate to these areas, and such specified items are within the exclusive legislative competence of the National Assembly.<sup>32</sup>

Urban planning can be linked to the following items: item 11 which deals with construction, alteration and maintenance of such roads as may be declared by the National Assembly to be Federal trunk roads;<sup>33</sup> and Item 62 dealing with trade and commerce, including the establishment of a purchasing authority and regulation of standards of goods and commodities.<sup>34</sup>

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<sup>29</sup> SGD 11, T 11b.

<sup>30</sup> K Akut and others, 'Legal, Policy and Constitutional Framework for Urban Planning in Nigeria' [2022](5)(1) *International Journal of Science and Applied Research*; 66-75.

<sup>31</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended), s 4

<sup>32</sup> *Akuma v Abia State Govt.* (2020) 1 NWLR (Pt. 1704) 170.

<sup>33</sup> Exclusive Legislative List to the CFRN 1999 (as amended), item 11.

<sup>34</sup> *Ibid.*, item 62.



Environmental protection can be linked to these items: item 39 on mines and minerals, including oilfields, oil mining, geological surveys, and natural gas;<sup>35</sup> item 64 on water from such sources as may be declared by the National Assembly to be sources affecting more than one State.<sup>36</sup> Concurrent powers under Part II of the Second Schedule allow both federal and state governments to legislate on issues like land governance and environmental management, fostering collaboration.<sup>37</sup> Section 7 of the CFRN 1999 guarantees the existence of democratically elected local government councils, empowering them to manage urban development, waste disposal and public health services as outlined in the Fourth Schedule. The CFRN 1999 also obligates the state to safeguard the air, water, and land resources, which are critical for urban sustainability.<sup>38</sup> Fundamental human rights, such as the right to life<sup>39</sup> and freedom from discrimination<sup>40</sup> also reinforce equitable access to urban resources and services. However, the division of legislative powers between federal, state and local governments often leads to jurisdictional conflicts, especially in land governance and environmental management.

### **Land Use Act 1978**

The Land Use Act (LUA) 1978<sup>41</sup> centralizes land ownership in state governors, granting them authority to allocate land for urban development, housing, agriculture, and public purposes.<sup>42</sup> This aligns with SDG 11 targets on sustainable cities by enabling planned urban development and tenure security through statutory and customary rights of occupancy. However, the LUA's broad powers for governors, including revocation of rights for 'overriding public interest,'<sup>43</sup> can hinder tenure security and inclusive governance due to potential misuse or lack of transparency. While the LUA makes provisions for compensation,<sup>44</sup> disputes over its adequacy<sup>45</sup> and delays in payment highlight enforcement gaps. The designation of urban areas<sup>46</sup> supports planning but lacks clear criteria, which creates ambiguities. Local governments'

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<sup>35</sup> CFRN 1999, item 39.

<sup>36</sup>(n35), item 64.

<sup>37</sup> Ibid, Concurrent Legislative List to the CFRN 1999 (as amended), item 25.

<sup>38</sup>Ibid, ss 13 and 20.

<sup>39</sup>Ibid, s 33.

<sup>40</sup>Ibid, s 42.

<sup>41</sup>Land Use Act (LUA) 1978 Cap L1 LFN 2004.

<sup>42</sup>Ibid, preamble.

<sup>43</sup>LUA 1978, s 28.

<sup>44</sup>Ibid, s 29.

<sup>45</sup>Ibid, s 30.

<sup>46</sup>Ibid, s 3.



limited capacity to manage non-urban land<sup>47</sup> also undermines effective rural development. Institutional roles, such as advisory committees under section 2 of the LUA, are underutilised, thereby reducing their impact on disaster risk reduction and environmental protection.

### **Environmental Impacts Assessment Act 1992**

The Environmental Impact Assessment Act<sup>48</sup> establishes a policy framework for evaluating environmental impacts of public and private projects.<sup>49</sup> Its mandatory study list and thresholds for activities like housing,<sup>50</sup> waste management<sup>51</sup> and infrastructure development<sup>52</sup> promote sustainable planning and pollution control. Provisions for disaster risk reduction are evident in requirements for assessing environmental effects of projects during emergencies<sup>53</sup> and mitigating adverse impacts.<sup>54</sup> Heritage protection is supported by restrictions on projects affecting national parks and marine reserves.<sup>55</sup> Waste management is addressed through mandatory assessments for waste treatment facilities.<sup>56</sup> However, enforcement powers, such as injunctions<sup>57</sup> and prohibitions<sup>58</sup> are limited by reliance on presidential approval, which could potentially delay action. There are also institutional gaps in coordination with state agencies, leading to fragmented governance. Also, compliance failures and lack of public awareness contribute in hindering effective implementation of the EIA policy. These challenges undermine SDG 11's holistic urban sustainability goal and targets.

### **Nigerian Urban and Regional Planning Act**

The Nigerian Urban and Regional Planning Act establishes a multi-tiered institutional structure comprising the National Urban and Regional Planning Commission, State Urban and Regional Planning Boards, and Local Planning Authorities.<sup>59</sup> These bodies are tasked with preparing and implementing physical development plans at federal, state, and local levels to ensure

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<sup>47</sup>Ibid, s 6.

<sup>48</sup>Environmental Impact Assessment Act 1992 Cap E12 LFN 2004.

<sup>49</sup>Ibid, ss 1 and 2.

<sup>50</sup> Ibid, item 7 of the schedule.

<sup>51</sup> Ibid, item 18 of the schedule.

<sup>52</sup> Ibid, item 9 of the schedule.

<sup>53</sup>Ibid, s 16(4).

<sup>54</sup>Ibid, s 19.

<sup>55</sup> Ibid, schedule.

<sup>56</sup> EIA Act 1992, item 18 of the schedule.

<sup>57</sup>Ibid, s 52.

<sup>58</sup>Ibid, s 51.

<sup>59</sup> Nigerian Urban and Regional Planning Act, ss 2-4.



integration and consistency across planning scales.<sup>60</sup> The Act mandates public participation in planning processes by allowing objections to draft plans<sup>61</sup> and consulting stakeholders in improvement areas.<sup>62</sup> This aligns with SDG 11 targets on inclusive urban governance and public participation.<sup>63</sup> However, the hierarchical structure of the Act may mirror a top-down approach and limit local autonomy. This structural hierarchy can frustrate grassroots initiatives which are essential for addressing housing and transport challenges.

Furthermore, Part II of the Act focuses on development control. It empowers authorities to regulate land use, enforce environmental impact assessments<sup>64</sup> and issue stop-work orders for unauthorized developments.<sup>65</sup> These measures support the attainment of the SDG 11 targets on sustainable land use and environmental protection.<sup>66</sup> The Act also makes provisions for improvement areas,<sup>67</sup> enable rehabilitation and upgrading of urban infrastructure.<sup>68</sup> These provisions are essential as they help in addressing housing and disaster risk reduction. However, the Act's reliance on enforcement notices and penalties<sup>69</sup> may deter compliance if not paired with adequate incentives or support for developers. Furthermore, the lack of explicit mechanisms for integrating climate resilience into planning procedures could hinder progress on disaster risk reduction.

It is argued that although the Act provides a robust framework for urban planning, its effectiveness in advancing SDG 11 depends on implementation. Challenges such as weak enforcement, poor technical capacity and lack of funding at local levels often undermine its statutory duties. For example, the provision of alternative accommodation for displaced persons under section 85 of the Act is rarely realised in practice. Similarly, the emphasis of the Act on centralised control may overlook the unique needs of diverse urban communities. This can limit the impact of the Act on equitable transport and land use planning. Strengthening

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<sup>60</sup> Ibid.

<sup>61</sup>(n59), s 15.

<sup>62</sup>Ibid, s 81.

<sup>63</sup> SDG 11, Target 11.3.

<sup>64</sup>Nigerian Urban and Regional Planning Act, s 33.

<sup>65</sup>Ibid, s 53.

<sup>66</sup>SDG 11 Targets.

<sup>67</sup>Ibid, s 80.

<sup>68</sup> Ibid, pt V.

<sup>69</sup> Ibid, ss 47-59.



local capacity and fostering inter-agency collaboration are essential to fully realize the Act's potential in achieving sustainable urban development.

### **Establishment of National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 (as amended).**

The NESREA Act<sup>70</sup> 2007 (as amended in 2018) and regulations made under it create a framework for enforcing environmental standards and regulations in Nigeria. Its provisions on air quality<sup>71</sup> empower the NESREA to set emission standards and monitor atmospheric pollution, targeting industrial emissions and vehicular pollution in urban areas where air quality has become a growing concern. Waste control regulations<sup>72</sup> mandate effluent limitations and proper waste management practices, which are critical for addressing market waste and blocked drains that exacerbate flooding during heavy rains. Under section 25, the Act also emphasises public health and environmental sanitation as a way to mitigate disaster risks caused by poor waste disposal and urban planning. However, enforcement challenges, such as limited resources and non-compliance by industries, often hinder the realisation of these measures and goals.

As per enforcement, the NESREA Act permits NESREA officers to inspect premises, seize non-compliant materials and impose penalties for violations.<sup>73</sup> These statutory enforcement mechanisms are essential for ensuring improved compliance. Provisions on noise control<sup>74</sup> and land resource management<sup>75</sup> support sustainable urban planning by addressing issues like industrial noise and flood prevention through zoning and building codes. To improve its deterrence effect, section 20 of the NESREA Act was amended to impose a fine of not less than ₦2,000,000 for corporate bodies that contravene the Act, with an additional fine of ₦50,000 for every day the offence persists.<sup>76</sup> However, inadequate monitoring of industrial emissions and poor coordination with local authorities are some of the barriers that undermine the effectiveness and adequacy of the NESREA Act in protecting urban heritage and reducing

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<sup>70</sup> Establishment of National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 (as amended),

<sup>71</sup>Ibid, s 20.

<sup>72</sup>Ibid, ss 23 and 24.

<sup>73</sup>Ibid, s 30.

<sup>74</sup>Ibid, s 22.

<sup>75</sup>Ibid, s 26.

<sup>76</sup>NESREA (Establishment) (Amendment) Act 2018, s 7.



disaster risks. Flooding in cities like Port Harcourt and Lagos often results from blocked drainage systems due to poor waste management.

### **National Housing Fund (NHF) Act 2018**

The National Housing Fund (NHF) Act<sup>77</sup> 2018 seeks to address Nigeria's housing deficit and advance SDG 11 targets on affordable housing and inclusive urban development through mandatory contributions from employees, self-employed individuals and levies on cement. However, its funding structure disproportionately burdens low-income workers, with contributions being regressive and unaffordable for minimum wage earners.<sup>78</sup> The lending rules, such as a 2% annual return on contributions, fail to account for inflation, thereby eroding the value of savings over time and limiting access to affordable mortgages.<sup>79</sup> Also, high mortgage default rates and poor uptake by low-income workers hinder the effectiveness of the NHF Act. It has been argued that the imposition of 2.5 percent levy on cement<sup>80</sup> is a tax on property development which will make housing even less affordable.<sup>81</sup> In addition to that, the lack of focus on slum upgrading and inclusive urban development limits progress toward SDG 11 targets.

### **Federal Roads Maintenance Agency (FERMA) Act 2002 (as amended)**

The Federal Roads Maintenance Agency (FERMA) Act<sup>82</sup> established FERMA to oversee the maintenance, rehabilitation and emergency repair of federal roads. Its funding sources are expanded under section 14 of the 2007 amendment to include toll revenues, road concessions and a 5% user charge on petrol and diesel. These provisions specifically support SDG 11 targets for safe, accessible and sustainable transport. Section 7 of the Act 2002 mandates efficient and effective maintenance of all existing Federal trunk roads or such other roads as may be declared, from time to time, as Federal trunk roads by the National Assembly. However, delays

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<sup>77</sup>National Housing Fund (NHF) Act 2018.

<sup>78</sup> T Oyedele, 'The National Housing Fund (Establishment) Act 2018: What You Need to Know and Ten Cogent Reasons Nigeria Cannot Afford the New Law!' (PwC Nigeria, 2019)

<sup>79</sup> Ibid.

<sup>80</sup>National Housing Fund (NHF) Act 2018, s 4.

<sup>81</sup>Oyedele (n 77).

<sup>82</sup>Federal Roads Maintenance Agency (Amendment) Act, of 2002 (as amended 2007).



in repairs and road maintenance have allowed federal roads to deteriorate into unsafe corridors marked by potholes and recurrent accidents that undermine mobility and obstruct safe-transport. In addition, section 28 of the 2002 Act calls for road camps in local government areas, but poor coordination with state works ministries has led to overlapping mandates and inefficiencies. To better align with SDG 11, FERMA must address these operational challenges, improve federal-state collaboration and ensure transparent utilisation of funds as outlined in section 14(1) and (2) of the 2007 amendment.<sup>83</sup>

### **National Disaster Risk Management Policy 2018**

The National Disaster Risk Management Policy<sup>84</sup> aligns with SDG 11 targets by emphasising risk identification, early warning systems, institutional coordination, emergency response and resilience strategies.<sup>85</sup> It addresses disaster reduction through risk-informed development and early warning systems,<sup>86</sup> but implementation is poor, particularly in flood-prone areas like Lagos and the Niger Delta, where settlements in floodplains and inadequate drainage systems exacerbate vulnerability. Although the policy promotes resilient urban planning and safe housing, weak dissemination of early warnings and fragmented mandates among agencies like NEMA, SEMAs, and LEMAs hinder effective coordination and response.<sup>87</sup> Also, the integration of climate adaptation into urban planning and disaster management is promising but requires stronger enforcement and resource allocation to address issues like desertification in the north and coastal erosion in the south.<sup>88</sup> At the surface level therefore, this policy provides a comprehensive framework for sustainable urban governance.<sup>89</sup> However, its success depends on addressing gaps in institutional capacity and ensuring robust implementation.

### **Water Resources Act**

The Water Resources Act (WRA) centralizes control of Nigeria's water resources under the Federal Government so as to optimize planning, development and management.<sup>90</sup> Its provisions on water allocation, basin management, pollution control, licensing, and infrastructure duties

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<sup>83</sup>(n82), 4.

<sup>84</sup>National Disaster Risk Management Policy 2018

<sup>85</sup>NEMA, (National Disaster Risk Management Policy 2018) ix.

<sup>86</sup> Ibid.

<sup>87</sup> NEMA, (National Disaster Risk Management Policy 2018)

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

<sup>90</sup>Water Resources Act, s 1.



seek to address urban water shortages, flood control and sustainable service delivery.<sup>91</sup> Section 5 of the WRA mandates the Minister to ensure adequate water supply for domestic use, safe disposal of sewage, and control of flooding, which are critical for safe housing and resilient cities. Section 14 of the WRA allows the imposition of fees for water services.<sup>92</sup> This provision can enable sustainable financing for infrastructure development.

### **Nigerian Meteorological Agency Act 2022**

The Nigerian Meteorological Agency (NMA) Act<sup>93</sup> 2022 regulates meteorology in Nigeria. It emphasizes weather observation, climate data generation, forecasting, early warning dissemination, and sector-specific advisory services.<sup>94</sup> The NMA Act mandates the NMA to issue weather forecasts for safe operations in aviation, marine, and oil rigs, provide services for agricultural, hydrological, and environmental activities, and monitor meteorological components of environmental pollution and natural disasters.<sup>95</sup> These provisions are relevant for disaster risk reduction, resilient planning and urban safety by ensuring accurate and timely meteorological data to mitigate risks and enhance preparedness. However, the NMA Act did not clearly address the integration of local communities and stakeholders in decision-making processes, which is a critical aspect of achieving inclusive and sustainable urban development under SDG 11.

### **National Hydrological Services Agency Act 2010**

The Nigeria Hydrological Services Agency (Establishment) Act 2010 establishes the Nigeria Hydrological Services Agency (NHSA) to provide hydrological services,<sup>96</sup> such as hydrological mapping, flood forecasting, groundwater assessment, basin monitoring and data services.<sup>97</sup> These functions directly support the SDG 11 especially in disaster risk reduction, resilient urban planning and water management. The NHSA is empowered under the Act to

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<sup>91</sup>Ibid.,s 5.

<sup>92</sup> (n90),s 14.

<sup>93</sup> Nigerian Meteorological Agency Act 2022,

<sup>94</sup>Ibid, s 7.

<sup>95</sup> Ibid.

<sup>96</sup> By virtue of section 25 of the NHSA (Establishment) Act, hydrological services include activities such as providing information on river or stream flow, groundwater fluctuation, surface and groundwater levels and quality, aquifer studies, salinity studies and management, flood forecasting and other services related to hydrological activities

<sup>97</sup>National Hydrological Services Agency Act 2010, s 7.



issue flood forecasts in collaboration with meteorological services,<sup>98</sup> monitor groundwater pollution<sup>99</sup> and ensure uniform standards for hydrological observations.<sup>100</sup> These provisions enable proactive measures to mitigate disaster risks and enhance urban resilience. In addition, the role of the NHSA in collecting, processing and disseminating hydrological data under section 7(f) of the NSHSA Act supports evidence-based water management and urban planning.

#### 4. CURRENT STATE OF URBAN GOVERNANCE IN NIGERIA

70 percent of Nigeria's population is projected to live in urban areas by 2050.<sup>101</sup> This requires an urban governance regime that can control land use, regulate city growth, deliver basic services and enforce environmental and building standards with consistency and competence for the benefit of present and future generations. However, as it is today, urban governance in Nigeria struggles to meet the basic conditions and targets set by SDG 11.<sup>102</sup> Cities expand faster than the institutions that should regulate land use, housing, transport and environmental safety.<sup>103</sup> Although there are laws that assign planning and environmental duties, the enforcement agencies lack the capacity and political will to enforce them.<sup>104</sup> As a result, informal settlements have continued to grow, poor waste management clogs drainage systems, floods destroy property and air pollution rises unchecked.<sup>105</sup> In explaining the poor urban governance system in Lagos State and its resulting flood crisis, Ojiehanor stated as follows:<sup>106</sup>

The root causes of Lagos's flooding problem are multifaceted and deeply entrenched in the city's rapid and

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<sup>98</sup>Ibid, s 7(c).

<sup>99</sup>Ibid, s 7(l).

<sup>100</sup>National Hydrological Services Agency Act 2010,s 7(h).

<sup>101</sup> S Anyanwu, 'Federal Executive Council Approves Revised National Urban Development Policy to Transform Nigeria's Urban Future' <<https://fmino.gov.ng/federal-executive-council-approves-revised-national-urban-development-policy-to-transform-nigerias-urban-future/>> accessed 23 November 2025.

<sup>102</sup> L B Juta and others, 'Reimagine the Progress of Implementation Strategies of Sustainable Development Goal 11 in Nigerian State' [2024](19)(11) *International Journal of Sustainable Development and Planning*;4251-4261.

<sup>103</sup> G Wilson, 'Urban Governance in Nigeria: Importance and Challenges' (Icheke Journal of the Faculty of Humanities, Ignatius Ajuru University of Education, Port Harcourt, Rivers State, Nigeria)

<sup>104</sup> M Zubairu, 'Assessment of the Implementation of the National Urban Policy, 2012 and Formulation of Sub-National Urban Policy and Smart City Strategy by Niger State Government, Nigeria' In D Kundu and others (eds), *Developing National Urban Policies* (Springer, Singapore 2020).

<sup>105</sup> I Olufadewa and others, 'Climate, health, and living condition crises in the expanding informal settlements and slums of South-West Nigeria: a case report of Ogun and Oyo states' [2025](15) *Journal of Global Health* <<https://jogh.org/2025/jogh-15-03031/>> accessed 21 November 2025.

<sup>106</sup> C O Ojiehanor, 'Lagos Chokes on its Own Waste: Flood Crisis a Tale of Neglect, Corruption and Environmental Degradation' <<https://lightraymedia.org/2024/07/09/lagos-chokes-on-its-own-waste-flood-crisis-a-tale-of-neglect-corruption-and-environmental-degradation>> accessed 16 November 2025.



often unplanned urban development. At the heart of the issue lies the proliferation of illegal structures. Unauthorized buildings and makeshift shops that have mushroomed across Lagos, obstructing natural waterways and drainage channels. These illegal constructions highlight a broader systemic challenges, the lack of effective urban planning and the weak enforcement of building regulations. As a result, many of the city's drainage systems are clogged or entirely blocked, rendering them incapable of handling the heavy rains that frequently batter Lagos.<sup>107</sup>

These failures show how weak governance turns legal mandates into empty promises and how the absence of coordinated planning leaves 'mega' cities unable to absorb rapid growth. Also, water agencies have not been effective in supplying safe water to most households and most cities operate without a functional sewage system,<sup>108</sup> which leaves millions reliant on unsafe alternatives.<sup>109</sup> Public transport networks are also fragmented and unsafe.<sup>110</sup> In his keynote address, Badejo said that, 'Nigeria's transport sector is riddled with policy inconsistency and a proliferation of agencies. This creates confusion, duplication, and inefficiency.'<sup>111</sup> This is also supported by Obisanya and others who argued that urban governance in Nigeria is uncoordinated and lack administrative tools and that the local governments are given little or no technical or financial capacity to govern urban areas.<sup>112</sup> Political instability, lack of continuity in urban projects, and bureaucratic hurdles (for instance, land tenure issues) also hinder sustainable urban development.<sup>113</sup> Also, the exclusion of local communities and stakeholders from decision-making reduces the effectiveness and sustainability of urban interventions.<sup>114</sup>

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<sup>107</sup> Ibid.

<sup>108</sup> B A Odoko, 'Nigerian Cities Needs Underground Sanitary Sewage Pipe System Fed to Treatment Plant' [2018](10)(4) *Journal of Environmental Sciences and Resources Management*;1-6.

<sup>109</sup> VerivAfrica, 'Nigeria's Urban Water Provision Crisis' <<https://www.verivafrika.com/insights/nigerias-urban-water-provision-crisis?id=nigerias-urban-water-provision-crisis>> accessed 19 November 2025;

<sup>110</sup> H Matris, 'World Sustainable Transport Day 2025: Dealing with Nigeria's Transportation Challenges' <<https://theaccomplishmagazine.com/world-sustainable-transport-day-2025-dealing-with-nigerias-transportation-challenges/>> accessed 19 November 2025.

<sup>111</sup> E Odjegba, 'Maritime'Policy Fragmentation, Human Capital Gaps Undermining Nigeria's Transport Goals' – Stakeholders' <<https://pinnacletime.ng/policy-fragmentation-human-capital-gaps-undermining-nigerias-transport-goals-stakeholders/>> accessed 19 November 2025.

<sup>112</sup> A R Obisanya and others, 'Local Government and Sustainable Urbanisation in Nigeria' [2021](20) *Journal of Public Administration, Finance and Law*;234-248.

<sup>113</sup> Ibid.

<sup>114</sup> Ibid.



Some government approaches to urban development fail to meet the tripods of sustainable development – social sustainability (the people) economic sustainability (profit and revenue growth) and environment (the planet). In their study, Olajide and Lawanson argued that Lagos state policy and urban governance system prioritize market logic and private-sector investments over social logic, inclusion and equity.<sup>115</sup> This has led to socio-spatial inequalities and worsened conditions for the urban poor.<sup>116</sup> The state's role as an active agent of 'creative destruction' has resulted in forced evictions, spatial displacements and loss of livelihoods, as seen in projects like the Lekki Free Trade Zone and Badia-East Housing Estate.<sup>117</sup> This implies that the current urban governance in Nigeria, particularly in Lagos, is characterized by a focus on economic growth and urban modernity at the expense of social equity, further exacerbating poverty and exclusion among marginalized communities.

These conditions and challenges vividly demonstrate the inadequacy of the existing legal and policy framework on urban governance.<sup>118</sup> It also show that cities in Nigeria are far from the inclusive, safe and resilient settlements envisioned under SDG 11.<sup>119</sup> These lead to the overall submission that urban governance in Nigeria is insufficiently effective for achieving SDG 11, and until such is efficiently addressed, Nigeria will most likely miss out the 2030 deadline for the attainment of the SDG 11 targets.

## **5. PROGRESS MADE TOWARDS ACHIEVING SDG 11 TARGETS**

### **Urban Population Living in Slums or Informal Settlements**

The proportion of Nigeria's urban population living in slums, informal settlements or inadequate housing has increased significantly. As stated in Nigeria's SDGs 2024 Progress Report, in 2023, approximately 53% of the urban population lived in such conditions,

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<sup>115</sup> O Olajide and T Lawanson, 'Urban Paradox and the Rise of the Neoliberal City: Case Study of Lagos, Nigeria' (2022) 59(9) *Urban Studies*;1763-1781.

<sup>116</sup> Ibid.

<sup>117</sup> (n115).

<sup>118</sup> E Essien, 'Impacts of Governance towards Sustainable Urbanization in a Medsized City: A Case Study of Uyo, Nigeria' [2022](11)(37) *Land*,1-13.

<sup>119</sup> Ibid.



compared to 30 percent in 2015.<sup>120</sup> This rise shows the growing housing crisis in urban areas, driven by rapid urbanization, inadequate urban planning and insufficient affordable housing.<sup>121</sup>

### **Access to Public Transport**

Access to public transport has improved marginally but remains far from the SDG target. In 2019, about 50% of Nigerians had convenient access to public transport, increasing to 55 percent in 2023. Public transport options include buses, taxis, motorcycles (*Okadas*), tricycles (*Keke Napep*) and rail services.<sup>122</sup> The Federal Government (FG) has expanded rail networks, such as the Abuja-Kaduna and Lagos-Ibadan lines, to improve connectivity.<sup>123</sup> However, challenges persist, including poor road infrastructure, traffic congestion, rising insecurity and high transport costs exacerbated by the removal of fuel subsidies.<sup>124</sup> Promises to introduce alternative energy sources like compressed natural gas (CNG) and electric vehicles have yet to be significantly implemented and deployed across the federation.<sup>125</sup>

Juta and others conducted a research on the implementation of SDG 11 in Osun State.<sup>126</sup> This research found that most of the implementation strategies adopted by the State government have not brought the desired change and transformation needed to make cities and human settlements inclusive, safe, resilient, and sustainable.<sup>127</sup> They submitted that there is a colossal failure in the attainment of SDG 11 in the study area.<sup>128</sup> They attributed this failure to factors such as poor economy, corruption, and funding in the State.<sup>129</sup> Although Nigeria has made marginal progress in improving access to public transport and addressing urban challenges, the rising proportion of urban residents living in slums demonstrates the need for more targeted legal and governance interventions to achieve SDG 11.

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<sup>120</sup> Office of the Senior Special Assistant to the President on SDGs (OSSAP-SDGs), Nigeria SDGs Progress Report December 2024 (Federal Republic of Nigeria, 2024) 52-53; M M Abounaga and others, 'Global Informal Settlements and Urban Slums in Cities and the Coverage' In: *Resilience of Informal Areas in Megacities – Magnitude, Challenges, and Policies*. (Springer, Cham 2021) 1-51.

<sup>121</sup> Ibid.

<sup>122</sup> Office of the Senior Special Assistant to the President on SDGs (OSSAP-SDGs), Nigeria SDGs Progress Report December 2024 (Federal Republic of Nigeria, 2024) 53.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.

<sup>125</sup> OSSAP-SDGs (n 118).

<sup>126</sup> L B Juta and others, 'Reimagine the Progress of Implementation Strategies of Sustainable Development Goal 11 in Nigerian State' [2024](19)(11) *International Journal of Sustainable Development and Planning*, 4251-4261.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

<sup>129</sup> Ibid.



## 6. ROLE OF TARGETED REGULATIONS AND STRATEGIC LITIGATION IN SHAPING URBAN GOVERNANCE IN NIGERIA

Targeted regulation and effective enforcement give force to the duties already embedded in the statutory framework. The spread of informal settlements, poor waste control, unsafe buildings and unregulated transport all stem from a regulatory system that declares standards but rarely applies them with precision. Targeted regulation can correct this by imposing clear, measurable and enforceable rules that track the substance of SDG 11. Regulatory certainty aligns with Lon Fuller's view that law must be clear, public and consistently applied to achieve its purpose. When planning authorities adopt binding rules on land allocation, building safety, emission limits, drainage setbacks and service delivery, they create predictable obligations that constrain arbitrary discretion. This enables coherent and sustainable planning, provides developers and agencies with clear compliance paths and reduces the institutional drift that fuels slums, pollution and unsafe mobility. By structuring governance around enforceable standards rather than broad policy aspirations and dead letters of the law, targeted regulation becomes the operational tool through which Nigeria can close the gap between express provisions of the law and urban outcomes.

Strategic litigation also shapes sustainable urban governance by activating dormant rights, compelling compliance and checking institutional failure. Litigation has played a transformative role in environmental and urban governance across jurisdictions. In *Gbemre v Shell*,<sup>130</sup> the Federal High Court (FHC) recognised the right to a clean environment under sections 33 and 34 of the Constitution and ordered the cessation of gas flaring. That case shows how rights-based arguments can force governments and corporations to meet environmental duties where regulation is weak. Similar judicial interventions can compel state agencies to enforce building codes, respect tenure rights, upgrade informal settlements and protect waterways from illegal construction, as required by SDG 11. Strategic litigation also gives effect to the doctrine of public trust, which holds that the State holds land, air and water in trust for the public and must manage them for collective benefit.<sup>131</sup> Courts can rely on this doctrine to scrutinise land allocations that obstruct drainage channels or violate ecological safeguards.

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<sup>130</sup>(2005) AHRLR 151.

<sup>131</sup> Land Use Act 1978 Cap L1 LFN 2004, s 1.



In this way, litigation becomes a governance tool that forces compliance where administrative systems fail.

Strategic litigation has already driven urban governance reforms in other jurisdictions in ways that mirror SDG 11 concerns. In the case of *Municipal Council, Ratlam v Vardhichand*,<sup>132</sup> the Supreme Court of India rejected the municipality's plea of lack of funds and ordered it to construct drains and provide basic sanitation to abate a public nuisance caused by sewage, open defecation and stagnant wastewater.<sup>133</sup> The Court treated statutory duties on sanitation as binding obligations and grounded its reasoning in the protection of public health and dignity.<sup>134</sup> This judicial reasoning fits squarely with SDG 11, particularly targets 11.1 and 11.6 on adequate housing, safe services and waste management.<sup>135</sup> A similar approach in Nigeria would allow courts to treat failures in drainage, refuse collection and basic sanitation as violations of enforceable duties under existing laws, rather than as mere governance shortcomings, and to compel concrete remedial action.

Courts in South Africa, Pakistan and the Netherlands have also used rights-based litigation to force structural changes that align with SDG style obligations. In *Government of the Republic of South Africa v Grootboom & Ors*,<sup>136</sup> the Constitutional Court (CC) of South Africa held that the State's housing programme was unreasonable because it neglected those in desperate need and required government to redesign policy to cater for informal settlement residents in Cape Metropolitan area.<sup>137</sup> This line of reasoning resonates with SDG 11 target on adequate housing for vulnerable groups. Also, in *Leghari v Federation of Pakistan*,<sup>138</sup> the Lahore High Court held that government inaction on climate change violated fundamental rights, invoked the State's commitments under the SDGs and ordered the creation of a climate change commission to supervise implementation. In *Urgenda Foundation v State of the Netherlands*,<sup>139</sup> the Dutch Supreme Court (DSC) relied on human rights norms to order the State to adopt stronger emission reduction targets, treating climate mitigation as a justiciable obligation.

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<sup>132</sup>(1980) AIR 1622.

<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup>SDG 11 Targets 11.1 and 11.6.

<sup>136</sup>[2000] ZACC 19.

<sup>137</sup>Constitution of South Africa 1996, s 26(2).

<sup>138</sup> W.P. No. 25501/2015.

<sup>139</sup> ECLI:NL:HR:2019:2007.



These precedents show that strategic litigation can transform broad development and urban governance commitments into binding duties, press governments to redesign housing, environmental and disaster policies and create institutional mechanisms for ongoing supervision. Applied in Nigeria, the same model can anchor SDG 11 in concrete judicial standards on housing, transport safety, slum upgrading, drainage and environmental protection, and can force public authorities to align urban governance practice with the substantive content of SDG 11 targets.

## **7. CONCLUSION**

The condition of urban governance in Nigeria shows that the existing legal and policy framework cannot deliver the inclusive, safe and resilient cities demanded by SDG 11. There are gaps in constitutional design, planning laws, environmental statutes and sectoral policies, which lack coordination, measurable obligations and effective enforcement. Local agencies and government policies have produced inconsistent and reactive outcomes. The global good practices emphasise rule-based planning and rights-based accountability, both of which are weak in Nigeria's urban governance system. It is submitted that Nigeria's major challenge is not the absence of laws but the absence of a governance culture that translates legal mandates into visible outcome. Sustainable urban governance therefore requires a shift toward enforceable standards and accountability mechanisms that can align statutory duties with the substantive content of SDG 11.

## **8. RECOMMENDATIONS**

The following are the recommendations of the paper:

1. The government should establish a targeted regulation that translates each SDG 11 target into binding national standards with measurable thresholds for housing, transport, waste, risk reduction and public space. The regulation should assign express duties to named federal, state and local agencies, require city specific implementation plans with annual compliance reports and treat non-compliance as a breach of legal duty rather than a policy failure. It should also give courts clear authority to review these duties, to issue supervisory orders and to invalidate projects or budgets that contradict the adopted SDG 11 standards.



2. The government should introduce SDG 11 linked regulatory conditions into sectoral laws on land use, housing, transport, water and disaster risk management. Access to federal transfers, project approvals and major infrastructure financing should depend on verified compliance with minimum SDG 11 benchmarks, such as slum upgrading plans, drainage protection, safe building controls and inclusive transport schemes.
3. The government should set up a fund that finances public interest litigation and expert support for cases that challenge regulatory failure in sustainable urban governance. This mechanism will lower the financial and technical barriers that prevent residents from taking regulators to court and will convert strategic litigation into an accessible tool for enforcing statutory duties that underpin the SDG 11 and its targets.
4. Finally, to attain sustainable urban governance, major reforms, especially in local capacity, policy integration and participatory governance, are needed to make Nigerian cities more inclusive, safe, resilient and sustainable by 2030.