

URBANIZATION, PROPERTY RIGHTS, AND LAND USE REGULATION: LEGAL IMPLICATIONS FOR SUSTAINABLE DEVELOPMENT IN NIGERIAN CITIES

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Abstract

This paper examines the complex interrelationship between urbanization, property rights, and land use regulation in the context of Nigeria's rapidly expanding cities. As urban centers continue to grow at unprecedented rates, the lack of coherent legal frameworks and the persistence of dual land tenure systems, customary and statutory, have exacerbated challenges related to housing, infrastructure, and environmental sustainability. The analysis critiques the legal inadequacies of instruments such as the Land Use Act of 1978 and identifies the enforcement deficits and institutional overlaps that hinder sustainable urban planning. Drawing from recent legal and planning literature between 2010 and 2020, the paper argues that without meaningful reforms to Nigeria's land governance system, including harmonization of land laws and clearer regulatory mandates, the prospects for achieving inclusive, equitable, and sustainable urban development remain bleak. The discussion also discovers how weak land tenure security and policy fragmentation negatively impact Nigeria's ability to meet national development priorities and international obligations such as the United Nations Sustainable Development Goals. To promote sustainable urban development in Nigeria, there is a pressing need to reform the outdated Land Use Act of 1978. This reform should focus on harmonizing customary and statutory land tenure systems, strengthening institutional coordination, and enforcing land use regulations. Such measures will enhance tenure security, equitable land access, and efficient urban planning, thereby aligning legal frameworks with contemporary development needs.

Keywords: Urbanization, property rights, land tenure, land use regulation, sustainable development

Introduction

Urbanization in Nigeria has emerged as a defining challenge of the 21st century, with its cities expanding at rates that far exceed the legal, infrastructural, and environmental capacity of urban governance systems. The United Nations Department of Economic and Social Affairs projected that by 2050, over 60 percent of Nigeria's population will reside in urban areas¹. However, this demographic shift is occurring in a legal environment that is largely unprepared to accommodate its scale and complexity. The rapid urban transformation has brought with it increased demand for land, rising land values, spatial inequality, and escalating disputes over ownership and usage, all of which are compounded by outdated and inadequate property

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¹ United Nations Department of Economic and Social Affairs. (2018). World urbanization prospects: The 2018 revision. New York: United Nations Publications.

rights frameworks. In Nigeria, land is not merely an economic asset; it is also a source of political power, cultural identity, and social security. The legal regime that governs land particularly the Land Use Act of 1978 has remained rigid and out of sync with urban realities. The Act vests all urban land in the hands of state governors, who hold it in trust for the people, yet this arrangement, has led to bureaucratic bottlenecks, political interference, and inequitable access to land. As observed by Adedeji Akinsanmi, the centralization of land control has weakened local planning authorities, discouraged private investment, and undermined the legitimacy of land allocation processes, especially in informal urban settlements.²

Moreover, the intersection between property rights and land use regulation is often overlooked in Nigerian policy discourse, even though both are essential to achieving sustainable urban development. When land rights are insecure, individuals and communities lack the incentive to invest in long-term improvements or comply with planning regulations. This fuels the growth of slums, informal markets, and uncoordinated development. Ojiako Ukoha emphasized that the lack of legal clarity surrounding land tenure has become one of the main drivers of urban poverty, environmental degradation, and social exclusion in Nigerian cities.³ Sustainable development, as outlined in Goal 11 of the United Nations Sustainable Development Goals, requires cities to be inclusive, safe, resilient, and sustainable. However, achieving this vision in Nigeria is impeded by legal inconsistencies, fragmented land governance, and weak enforcement mechanisms. Effective legal reform must therefore begin with a re-examination of the roles of land tenure security, equitable access, zoning regulations, and participatory urban planning in managing urban growth. Importantly, this paper argues that addressing the legal implications of urbanization requires a bold, forward-looking approach to land governance. It contends that the reform of property rights and land use regulation is not only a legal necessity but a strategic pathway to achieving sustainable development in Nigerian cities. The paper reflects on the current shortcomings of the Nigerian legal framework and proposes a realignment of urban law and policy to meet the demands of a rapidly urbanizing society.

Conceptual Framework

Urbanization in Nigeria has emerged as a defining challenge of the 21st century, with cities expanding at rates that far exceed the legal, infrastructural, and environmental capacity of urban governance systems. The United Nations Department of Economic and Social Affairs projected that by 2050, over 60 percent of Nigeria's population will reside in urban areas.¹ However, this demographic shift is occurring in a legal environment that is largely unprepared

² Adedeji, A. (2013). Urban land tenure and the legal framework in Nigeria: Challenges and opportunities. *Nigerian Journal of Sustainable Urban Development*, 5(1), 33–47.

³ Ojiako, U. (2017). Legal gaps in land use planning and their impact on sustainable urban growth in Nigeria. *African Journal of Environmental Law and Policy*, 8, 112–126.

to accommodate its scale and complexity. The rapid urban transformation has brought with it increased demand for land, rising land values, spatial inequality, and escalating disputes over ownership and usage all of which are compounded by outdated and inadequate property rights frameworks. In Nigeria, land is not merely an economic asset; it is also a source of political power, cultural identity, and social security. The legal regime that governs land, particularly the Land Use Act of 1978 has remained rigid and out of sync with urban realities. The Act vests all urban land in the hands of state governors, who hold it in trust for the people, yet this arrangement has led to bureaucratic bottlenecks, political interference, and inequitable access to land. As observed by Adedeji Akinsanmi², the centralization of land control has weakened local planning authorities, discouraged private investment, and undermined the legitimacy of land allocation processes, especially in informal urban settlements. Moreover, the intersection between property rights and land use regulation is often overlooked in Nigerian policy discourse, even though both are essential to achieving sustainable urban development. When land rights are insecure, individuals and communities lack the incentive to invest in long-term improvements or comply with planning regulations. This fuels the growth of slums, informal markets, and uncoordinated development. Ojiako Ukoha emphasized that the lack of legal clarity surrounding land tenure has become one of the main drivers of urban poverty, environmental degradation, and social exclusion in Nigerian cities.³

Sustainable development, as outlined in Goal 11 of the United Nations Sustainable Development Goals, requires cities to be inclusive, safe, resilient, and sustainable. However, achieving this vision in Nigeria is impeded by legal inconsistencies, fragmented land governance, and weak enforcement mechanisms. Effective legal reform must therefore begin with a re-examination of the roles of land tenure security, equitable access, zoning regulations, and participatory urban planning in managing urban growth. This paper argues that addressing the legal implications of urbanization requires a bold, forward-looking approach to land governance. It contends that the reform of property rights and land use regulation is not only a legal necessity but a strategic pathway to achieving sustainable development in Nigerian cities. The paper reflects on the current shortcomings of the Nigerian legal framework and proposes a realignment of urban law and policy to meet the demands of a rapidly urbanizing society.

Urbanization is the foundational phenomenon driving spatial transformation in modern societies, particularly in developing countries like Nigeria. It refers to the increasing movement of people from rural to urban areas, resulting in the expansion of cities and metropolitan regions. According to Olanrewaju David, urbanization in Nigeria is characterized by population growth in cities without a corresponding increase in infrastructure and legal support systems. Ayedun Caleb and Oluwatayo Olamide described urbanization as a demographic and socio-economic transition where the concentration of population in urban

areas generates pressure on land, housing, and services.⁴ Similarly, Egunjobi Layi defined urbanization as a spatial and structural process through which settlements grow in density, complexity, and institutional demand, requiring robust legal frameworks to manage land use and development. In this paper, urbanization refers to the rapid and often unregulated growth of Nigerian cities, accompanied by increased demand for land, pressure on infrastructure, and legal tensions around land access and urban planning.⁵ As cities urbanize, land becomes a contested resource, bringing us to the issue of property rights, a key determinant of how land is accessed and utilized in expanding urban environments.

Property rights serve as the legal backbone of land ownership, determining how individuals and institutions acquire, use, and transfer land resources. In urban settings, the strength and clarity of property rights significantly influence sustainable development outcomes. As stated by Ilesanmi property rights are formal legal claims recognized by statutory or customary laws, ensuring landholders' entitlement to use, transfer, or exclude others from their land.⁶ Ikejiofor Uche argued that in Nigeria, the duality between statutory and customary tenure systems leads to overlapping rights and weak enforcement, especially in peri-urban areas.⁷ Nuhu Sani Ibrahim added that insecure property rights discourage land-based investment and perpetuate informal settlements, especially when legal titles are difficult to obtain.⁸ In this paper, property rights refer to the legally recognized entitlements to occupy, use, or transfer urban land in Nigeria, whether through formal statutory frameworks or customary arrangements, and the extent to which these rights influence urban development and sustainability. The exercise of property rights must be guided by enforceable rules that determine what uses are permissible this leads to the concept of land use regulation.

Land use regulation refers to the legal and institutional mechanisms through which land is allocated, zoned, and controlled for various purposes such as housing, industry, transportation, and conservation. Oyesiku Kayode defined land use regulation as a body of laws, policies, and planning tools used by government authorities to direct land development and protect environmental quality.⁹ According to Agbola Tunde, land use regulation in Nigeria is weakened by poor coordination among planning authorities, outdated laws, and

⁴ Ayedun, C., & Oluwatayo, O. (2011). Challenges of urbanization and housing delivery in Nigeria: Legal implications. *Journal of Land and Urban Development*, 6, 20–38.

⁵ Egunjobi, L. (2014). Managing urbanization in Nigeria: Legal and institutional options. *African Urban Studies Review*, 10, 44–59.

⁶ Ilesanmi, A. O. (2010). Urban sustainability in the context of Lagos mega-city. *Journal of Geography and Regional Planning*, 3(10), 240–252

⁷ Ikejiofor, U. (2013). Customary tenure and statutory rights in Nigerian cities: Legal conflict and land management. *Enugu Journal of Legal Studies*, 4, 39–54.

⁸ Ibrahim, N. S. (2016). Ethical issues in urbanization among the developing world: A case study of Nigeria. In P. I. Ukase, E. O. Akubor, & A. I. Onoja (Eds.), *Urbanization, security, and development issues in Nigeria 1914–2014: Festschrift in honour of Professor Enoch Oyedele* (pp. 250–274). Ahmadu Bello University Press Limited.

⁹ Oyesiku, K. (2012). *Urban land use planning in Nigeria: Legal and institutional perspectives*. Ibadan: Spectrum Books.

political interference.¹⁰ Similarly, Adeyemi Moses posited that a lack of enforcement and legal clarity contributes to disorderly urban expansion and infrastructural failure.¹¹ In this paper, land use regulation refers to the legal rules and planning instruments designed to guide urban growth, prevent misuse of land, and ensure sustainable urban environments in Nigeria. Together, urbanization, property rights, and land use regulation form an interconnected legal triangle that determines how land is distributed, developed, and conserved in Nigerian cities.

Nigeria is experiencing one of the fastest rates of urban growth in Africa, with over 50 percent of its population now residing in urban areas. According to the National Population Commission and the United Nations Department of Economic and Social Affairs, urban centers such as Lagos, Kano, Ibadan, and Abuja are projected to double in population by 2050.¹ However, this growth is occurring without adequate urban infrastructure, environmental planning, or legal safeguards for equitable land use. The urban expansion has often been accompanied by land speculation, weak land registration systems, and political manipulation of land allocation processes. The growth of informal settlements, now home to millions reflects the failure of formal institutions to provide secure land tenure or regulate urban space. For example, Babatunde, Iyanda, Mayowa and Abdulazeez observed that the legal inadequacy of the Land Use Act has failed to prevent uncoordinated development, resulting in congestion, environmental hazards, and social inequality.¹² In the Nigerian context, urbanization is not merely a demographic process but a legal and governance challenge. The inability to reform property rights and enforce land use laws has made cities more vulnerable to climate risks, infrastructure deficits, and land conflicts. This reality reinforces the need to examine urban development not only from a spatial or policy lens but as a fundamentally legal issue.

The purpose of this paper is to reflect on the legal dimensions of urbanization in Nigeria, with particular focus on how property rights and land use regulation shape or hinder sustainable development. It explores the limitations of Nigeria's existing land governance frameworks and advocates for legal reforms that promote equitable, inclusive, and environmentally sound urban growth. This paper also argues that sustainable development in Nigerian cities cannot be achieved without a comprehensive legal realignment of property rights and land use regulation frameworks to address the realities of rapid urbanization, insecure land tenure, and ineffective spatial planning. Interestingly, the existing literature often addresses urbanization or land governance in isolation, but there is a lack of integrated legal analysis that connects urban growth, property rights, and land use regulation with the

¹⁰ Agbola, T. (2016). Planning and land use control in Nigerian cities: Legal tools, political realities. *Journal of Urban and Regional Policy Studies*, 9, 90–106.

¹¹ Adeyemi, M. (2020). Land use regulation and urban management in Nigeria: Evaluating the legal instruments. *Nigerian Planning Law Journal*, 9, 95–112.

¹² Babatunde, I. R., Iyanda, B. A., Mayowa, R. W., & Abdulazeez, A. (2014). Appraisal of urbanization trends in Ilorin, Nigeria. *Journal of Sustainable Development in Africa*, 16(8).

broader goal of sustainable development in Nigerian cities. This paper fills that gap by examining their intersection and legal implications.

Overview of Urbanization in Nigerian Cities

Urbanization in Nigeria is unfolding at a dramatic pace, driven by both population growth and rural-to-urban migration. Nigerian cities such as Lagos, Abuja, Kano, Ibadan, and Port Harcourt have witnessed exponential growth in the last two decades. This expansion is often unplanned, resulting in fragmented urban spaces that lack sufficient legal and infrastructural coordination. According to the United Nations Department of Economic and Social Affairs, Nigeria is projected to become one of the world's top five most urbanized countries by 2050, with an urban population growth rate exceeding 4.3 percent annually.¹ This rapid growth has outpaced the institutional capacity of local authorities to enforce urban planning regulations, creating a landscape of informal settlements, congested neighborhoods, and inadequate public services. The trends of urbanization in Nigeria reveal a pattern of growth that is both horizontal and vertical. Cities are sprawling into peripheral areas where land governance is either weak or non-existent. As Oyesiku Kayode observes, peri-urban expansion in Nigeria often occurs without zoning guidelines or infrastructural support, thereby contributing to the emergence of slums and unregulated housing estates.¹³ Simultaneously, central business districts and high-density urban cores are experiencing vertical expansion, with high-rise residential and commercial buildings often constructed in defiance of building codes or environmental standards. The result is a dual crisis of overconcentration and fragmentation, leading to legal confusion, spatial inequality, and environmental degradation.

The unregulated nature of Nigeria's urban expansion presents numerous challenges. Land speculation, weak property registration systems, and inadequate enforcement of planning laws have resulted in indiscriminate development. Agbola Tunde pointed out that this kind of expansion is usually driven by political influence, not by adherence to urban master plans.¹¹ Furthermore, the institutional conflict between federal, state, and local authorities creates gaps in urban governance. The Land Use Act, which centralizes land control under state governors, has also contributed to delays and corruption in land allocation, as documented by Ayedun and Oluwatayo. These challenges have had severe implications for housing, infrastructure, and the environment. Nigeria faces an estimated housing deficit of over 17 million units, with demand far exceeding formal housing supply.⁵ Informal housing structures have proliferated in both urban cores and peripheries, often lacking access to potable water, sanitation, or legal tenure. Infrastructure such as roads, drainage, electricity, and waste management systems are either overstretched or completely absent in these areas. Egunjobi Layi noted that this has led to recurring issues such as traffic gridlock, flooding, and public health crises.⁶ From an environmental perspective, unchecked urbanization has

¹³ Oyesiku, K. (2012). *Urban land use planning in Nigeria: Legal and institutional perspectives*. Ibadan: Spectrum Books.

accelerated deforestation, wetland encroachment, and pollution of air and water bodies, further complicating efforts toward sustainable urban development. Hence, the pattern of urbanization in Nigeria reflects a crisis of legal and institutional capacity. Cities are growing without legal direction, regulatory coherence, or infrastructural readiness. This section underscores the urgent need for legal reform in urban land use regulation and property rights to prevent future collapse of Nigeria's urban systems.

Property Rights and Land Tenure Systems in Nigeria

Property rights and land tenure systems in Nigeria are complex and often contested, reflecting the country's legal dualism and historical transitions. Land in Nigeria is governed through a combination of statutory and customary frameworks that frequently overlap and conflict. The principal statutory regulation of land is the Land Use Act of 1978, which vests all land within a state in the hands of the state governor, to be held in trust for the people. This Act was intended to simplify land administration, improve equitable access to land, and facilitate public acquisition of land for development purposes. However, over the decades, the Act has drawn criticism for contributing to bureaucratic inefficiencies, undermining traditional land systems, and creating legal uncertainty.¹⁴ The legal background of the Land Use Act reveals its centralizing tendencies. It abolished the freehold system of ownership and subordinated customary rights to gubernatorial consent. As observed by Uche Ikejiofor, this has weakened local land tenure security and has placed excessive administrative power in the hands of state officials, often leading to corruption and political manipulation in land allocation.¹⁵ In many cases, access to Certificates of Occupancy and land titles has become a protracted and expensive process, discouraging private investment and formal registration. The slow titling process also alienates rural and peri-urban dwellers whose land rights remain undocumented and vulnerable to expropriation.

Nigeria operates a dual land ownership system, where both customary and statutory laws co-exist, often uneasily. Customary tenure systems are prevalent in rural areas and among indigenous communities, based on communal ownership and ancestral lineage. According to Nuhu Sani Ibrahim (2016), these customary arrangements are typically governed by local chiefs and family heads, who allocate land based on traditional norms and family structures. In contrast, statutory tenure is administered through formal legal instruments and institutions, requiring compliance with national legislation, particularly the Land Use Act and urban planning laws. The tension between these systems creates legal ambiguity and undermines efforts to establish secure, transferable, and marketable property rights. The challenge of tenure insecurity remains one of the most significant barriers to

¹⁴ Olujimi, A. (2015). Urban governance, property rights and the Land Use Act: A legal critique. *Nigerian Law Review Journal*, 6(1), 25–38.

¹⁵ Uche, I. (2013). Customary tenure and statutory rights in Nigerian cities: Legal conflict and land management. *Enugu Journal of Legal Studies*, 4, 39–54.

inclusive and sustainable urban development in Nigeria. Many urban dwellers, especially those in informal settlements, lack legal documentation proving their rights to occupy land. As Ayedun and Oluwatayo observed, this insecurity limits access to credit, hinders infrastructure development, and discourages long-term investment.⁵ Moreover, the fear of eviction without compensation has become widespread, especially in high-value urban areas where land speculation is rampant. Ibrahim argued that secure tenure is fundamental to poverty reduction and social stability, yet existing legal structures have failed to deliver that security to millions of Nigerians.

The issues of access and equity in land distribution are further complicated by political and economic disparities. Women and marginalized groups often face systemic exclusion from land ownership due to both cultural norms and legal barriers. Additionally, access to statutory land titles is often determined by political connections or financial capacity, rather than transparent legal procedures. These disparities reflect a broader failure of the Nigerian land tenure system to uphold social justice, environmental stewardship, and economic inclusion. However, the current property rights and land tenure systems in Nigeria present both legal and developmental challenges. The coexistence of customary and statutory systems without clear harmonization has resulted in uncertainty, inequity, and inefficiency in land access and use. For urbanization to support sustainable development, property rights must be secure, accessible, and legally enforceable. Reforms aimed at clarifying tenure systems, strengthening documentation, and integrating customary rights into statutory frameworks are therefore essential.

Land Use Regulation in Urban Development

Effective land use regulation is fundamental to the orderly development of urban spaces, ensuring that land is utilized in a way that balances economic growth, social equity, and environmental sustainability. In the Nigerian context, however, the legal and institutional frameworks guiding land use regulation are often fragmented, outdated, and weakly enforced. As cities expand rapidly, these regulatory deficiencies have contributed to spatial chaos, infrastructural failure, and growing socio-economic disparities.

Existing Planning and Zoning Laws: The primary legal framework for urban planning and development in Nigeria is anchored in the *Urban and Regional Planning Act of 1992*, which mandates the preparation of national, regional, and local development plans. Despite this provision, many cities operate without functional or updated master plans. Where such plans exist, their implementation is frequently overridden by political interests or speculative pressures. For instance, Lagos, Nigeria's most urbanized city has seen numerous encroachments on green belts, waterfronts, and conservation areas due to inconsistent application of zoning regulations.⁶ In addition, informal developers often disregard zoning classifications, converting residential areas into commercial or industrial zones without approval.

Institutional and Legal Overlaps: The problem of institutional overlap further complicates land use regulation. Numerous bodies including federal ministries, state urban development boards, and local government planning authorities share responsibilities for land management, often without clear jurisdictional boundaries. For example, a proposed housing estate may require approvals from the Ministry of Environment (for environmental clearance), the Ministry of Housing (for development permits), and the local planning authority (for zoning conformity). This multiplicity of actors leads to duplication, regulatory delays, and exploitation of legal loopholes. Umeh stressed that this institutional ambiguity fosters bribery, inefficiency, and political interference.¹⁶

Enforcement Challenges: Enforcement mechanisms are critically weak, particularly at the local level. Most development control agencies lack the financial and technical capacity to monitor land use violations. This has led to unchecked proliferation of illegal structures, including buildings erected without permits or in breach of approved plans. Furthermore, enforcement efforts are often compromised by political interference, where influential developers are shielded from legal sanctions. As Ede and Eni observed, regulatory institutions have not been able to check the widespread practice of building on drainage paths, wetlands, and other ecologically sensitive zones, leading to increased flooding and environmental hazards.¹⁷

Legal Awareness and Civic Participation: Another factor contributing to regulatory failure is the absence of legal awareness and civic engagement. Many urban residents are unaware of their rights and obligations under planning laws. Public participation in the preparation and monitoring of development plans is minimal, further weakening transparency and accountability. In addition, the adjudication of land disputes and enforcement of planning laws in Nigerian courts is slow, expensive, and often inconclusive. This encourages extra-legal resolution of disputes or outright disregard for the legal system.

Implications for Urban Sustainability: The implications of weak land use regulation are far-reaching. Unregulated land use leads to urban sprawl, environmental degradation, traffic congestion, and inefficient service delivery. Informal settlements mushroom in peri-urban areas without access to water, electricity, sanitation, or security of tenure. These conditions exacerbate poverty and social exclusion, especially among low-income households. Moreover, the absence of integrated land use planning undermines national and international efforts toward sustainable urban development, including Nigeria's commitments under the United Nations Sustainable Development Goal 11, to make cities inclusive, safe, resilient, and sustainable. Hence, to reverse these trends, it is essential to overhaul Nigeria's land use

¹⁶ Umeh, D. (2013). Institutional overlaps and legal conflicts in Nigerian urban planning. *Journal of Law and Development*, 8, 33–50.

¹⁷ Ede, C., & Eni, U. (2018). Land use law, informality, and regulatory failure in Nigerian cities. *Urban Legal Studies Journal*, 12, 66–82.

regulatory framework. This includes modernizing planning laws, harmonizing institutional mandates, strengthening enforcement agencies, and promoting inclusive stakeholder participation. Legal reform must be matched with political commitment and resource investment to ensure that urban development is guided by principles of equity, legality, and sustainability.

Legal Implications for Sustainable Development

Urban governance in Nigeria is at a crossroads, where the existing legal architecture must either evolve to support sustainability or continue to reinforce systemic inefficiencies and social inequality. As urbanization intensifies, especially in major Nigerian cities, the legal framework surrounding land use, property rights, and development control plays a defining role in determining whether growth will be sustainable or chaotic. The implications of legal gaps, misalignments, and enforcement failures are not only environmental but deeply socio-economic and political. This section explores seven key legal implications of land use regulation as they relate to the broader goals of sustainable development in Nigeria.

Link between Urban Law and Environmental Sustainability: A well-structured urban legal system is essential for achieving environmental sustainability. When land use is properly regulated through enforceable laws, cities can preserve green spaces, control pollution, manage waste, and prevent ecologically damaging developments. Unfortunately, Nigeria's urban laws often fail to incorporate environmental safeguards. In cities like Lagos and Port Harcourt, the absence of strict legal provisions for floodplain management has contributed to chronic flooding and environmental degradation.¹⁸ The absence of legally mandated Environmental Impact Assessments (EIAs) in many construction projects further weakens the ecological balance.

Legal Gaps and Institutional Fragmentation: The proliferation of overlapping responsibilities between local, state, and federal authorities creates a legal vacuum that undermines planning. Nigeria lacks a unified legislative approach to urban development, resulting in conflicts between statutory bodies and customary institutions. According to Ajayi and Bello, multiple agencies issue land use permits without coordination, allowing for double allocations, irregular developments, and legal disputes.¹⁹ This fragmentation not only causes inefficiencies but also opens loopholes for corruption and weakens citizens' trust in land governance.

Tenure Insecurity and Land Access Inequity: Legal inconsistencies in land tenure especially the conflict between customary land ownership and statutory provisions under the

¹⁸ Ukoje, J. E., & Kanu, A. (2014). Environmental challenges of urbanization in Nigeria: Legal and policy perspectives. *Nigerian Journal of Sustainable Cities*, 7(2), 112–126.

¹⁹ Ajayi, M., & Bello, M. O. (2012). Urban planning and policy failures in Nigerian cities: Legal and institutional constraints. *Urban Management Journal*, 9(1), 48–61.

Land Use Act of 1978 have created widespread insecurity. Many urban dwellers, particularly those in informal settlements, lack legal titles, making them vulnerable to eviction and limiting their access to credit or government services. Adewopo observed that the uncertainty of tenure rights discourages long-term investment in urban housing and infrastructure, which in turn hampers efforts toward sustainable urban development.²⁰

Weak Legal Enforcement and the Rise of Informality: The inability of authorities to enforce land use laws has led to the unregulated growth of informal settlements and illegal constructions. Weak enforcement emboldens developers to ignore zoning regulations, encroach on ecological zones, and build without permits. As Ede and Eni noted, the failure to demolish illegal structures or prosecute offenders signals a breakdown of the rule of law.¹⁶ This legal laxity fosters spatial disorder, weakens development planning, and exposes cities to environmental and infrastructural risks.

Disconnect Between National Policies and Local Legal Practices: Although Nigeria has adopted national frameworks such as Paul noted under National Urban Development Policy, these policies are often poorly translated into enforceable laws or coherent planning practices at the state and local levels.²¹ Owei and Ikpoki contend that this misalignment results in disjointed urban interventions that lack legal backing and sustainability.²² Without legal coherence between the federal and subnational governments, achieving consistency in urban development becomes nearly impossible.

Exclusion of Citizens from Legal Planning Processes: A sustainable legal framework must be inclusive and participatory. However, most planning decisions in Nigerian cities are made without meaningful public input. The law rarely mandates community consultation or participatory budgeting, limiting civic engagement in land use decisions. This exclusion breeds resentment and non-compliance. According to Umeh, the top-down legal culture in Nigerian planning alienates the urban poor, who are then left to negotiate access to land and services through informal or illegal channels.¹⁵

Misalignment with Global Development Commitments: Nigeria is a signatory to international agreements like the United Nations Sustainable Development Goals (SDGs), particularly Goal 11, which seeks to make cities inclusive, safe, resilient, and sustainable. However, the legal and institutional systems guiding land and urban development are not fully aligned with these commitments. Regulatory delays, non-enforcement of environmental laws,

²⁰ Adewopo, A. (2011). Land rights and land use reform in Nigeria: A legal perspective. *Journal of African Law and Policy*, 5(1), 23–38.

²¹ Paul, S. O. (2019). National Urban Development Policy and the Unanswered Development Question of Slum in Nigeria. *International Journal of Public Policy and Administration Research*, 6(2), 102–115. <https://doi.org/10.18488/journal.74.2019.62.102.115>

²² Owei, O. B., & Ikpoki, M. (2015). Urban sustainability and legal frameworks in Nigeria: A critical appraisal. *Journal of Environmental Law and Development Studies*, 11(4), 77–92.

and lack of climate-resilient infrastructure undermine these global targets. As noted by the United Nations, legal reform is essential for translating global development goals into local action.²³ Consequently, the legal implications of land use and property rights regulation are central to Nigeria's prospects for sustainable urban development. Without comprehensive legal reform focused on coherence, enforcement, inclusion, and environmental protection, Nigerian cities risk deepening inequality, ecological degradation, and infrastructural collapse. A proactive legal framework is not optional; it is a prerequisite for a sustainable urban future.

Contribution to Knowledge

This paper contributes to existing scholarship by offering a contextual and interdisciplinary analysis of how property rights and land use laws interact with urbanization processes in Nigeria to influence sustainable development outcomes. Unlike purely empirical or technical planning studies, it advances a legal-opinion perspective that bridges urban law, environmental governance, and socio-economic equity within Nigerian cities. Specifically, the paper highlights the urgent need for legal reforms to address tenure insecurity, institutional overlaps, and regulatory enforcement gaps. It also brings attention to the disconnection between Nigeria's statutory frameworks and global sustainability goals, such as the United Nations Sustainable Development Goals (SDGs). By framing urban growth challenges as fundamentally legal in nature, the paper invites policymakers, legal scholars, and urban planners to consider the transformative potential of law in shaping equitable and resilient urban futures in Nigeria.

Conclusion

The rapid urbanization of Nigerian cities presents both opportunities and challenges that must be addressed through a robust and inclusive legal framework. This paper has argued that sustainable development in urban Nigeria cannot be achieved without urgent reform of the legal instruments governing property rights, land use regulation, and urban planning. The current landscape is marked by fragmented laws, tenure insecurity, poor enforcement, and institutional overlaps that weaken governance and hinder equitable growth. These deficiencies perpetuate environmental degradation, informal settlements, and social exclusion, undermining Nigeria's efforts to create livable and resilient cities. A sustainable path forward for Nigerian cities lies in a deliberate and integrated legal approach that aligns national laws with urban realities and global development goals. Legal reforms should aim to clarify land ownership rights, streamline institutional mandates, and strengthen development control. Moreover, laws must be backed by effective enforcement and must foster participation from all stakeholders government agencies, civil society, customary leaders, and urban residents. Urban development must be guided not only by physical plans but by legal instruments that

²³ United Nations. (2015). Transforming our world: The 2030 agenda for sustainable development. New York: United Nations.

promote equity, environmental stewardship, and long-term economic viability. Hence, the future of Nigerian cities depends on transforming urban governance through law. Legal systems that are responsive, transparent, and inclusive are indispensable tools for managing urban growth and ensuring sustainable development. Without this transformation, the promise of inclusive and resilient Nigerian cities will remain unrealized.

Recommendations

To advance sustainable urban development in Nigeria, a fundamental reform of the country's land laws and urban governance frameworks is imperative. The author strongly recommends that the Land Use Act of 1978 be reviewed or replaced with a more contemporary legislation that reflects current urban realities and promotes secure, equitable land tenure. This reform should prioritize the protection of customary rights while ensuring that statutory rights are clear, enforceable, and accessible to all citizens, especially women, the urban poor, and vulnerable groups. Secondly, there is an urgent need for the harmonization of land and urban development policies across federal, state, and local government levels. Existing legal instruments and urban planning policies should be integrated into a single, coherent framework to reduce institutional conflicts, eliminate duplicative functions, and improve service delivery. A unified legal code for urban land management would enable more transparent development control processes while also minimizing corruption and speculation. In addition, the paper advocates for the strengthening of legal and institutional capacities responsible for urban development. This includes enhancing the capabilities of planning authorities, training legal professionals and surveyors in contemporary land governance, and investing in digital land information systems to facilitate transparent documentation, monitoring, and enforcement. Public participation must also be institutionalized in land use decision-making through inclusive legal provisions that empower communities and foster compliance. Nonetheless, transforming Nigeria's cities into inclusive, sustainable, and resilient urban centers requires more than physical planning—it demands a deliberate, inclusive, and enforceable legal architecture that is responsive to the dynamics of urban growth.