

Legal Recognition and Policy Integration on Informal Urbanism and Environmental Governance in Nigeria

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ABSTRACT

The phenomenon of rapid urbanization in Nigeria has led to the emergence of informal settlements and informal urban activities. There is a clear gap between the socio-economic significance of informal urbanism and its recognition by existing legal and policy instruments for environmental governance. This paper explores how much Uganda's environmental governance system recognizes and integrates informal urbanism. Specifically, it aims at analyzing existing laws and policies, identify gaps in governance, and consider the implications of exclusionary urban governance on environmental sustainability and social inclusivity. This study utilizes a doctrinal approach involving an in-depth qualitative analysis of statutes, policies, judicial decisions, scholarly literature, and international environmental laws and conventions. It is found that inadequate institutional cooperation, ineffective implementation, and poor public participation constitute obstacles to efficient environmental governance in informal urban areas. Consequently, this paper argues that for the sustainable development of urban areas in Uganda, legal reform must be conducted taking into account informal urban communities as key actors in environmental governance.

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1. INTRODUCTION

The phenomenon of informal urbanism in Nigeria can be seen as one of the key features of the demographic development of this country at present because the

country is considered to be among the three most populous states in Africa¹. The urban population of the continent has increased from 27 million people in 1950 to about 500 million people². Nigeria is a typical case since it is associated with the rapid growth of such cities as Lagos and Abuja. Lagos, being the largest Nigerian city, is an excellent illustration of unequal distribution of population when hundreds of people migrate to find better lives³. The fast population growth leads to a lack of sufficient housing and essential urban infrastructure provided by the government, thus contributing to the emergence of peri-urbanisation and urban sprawl⁴. Moreover, many informal zones can be observed even in the capital city of Abuja; however, they are perceived as obstacles in the process of becoming more modern and developed instead of representing elements of any urban system. The "spatializing" of informality can become another term describing the huge disparity between housing needs and capacities of the state⁵. As a result, the country faces a densification process during which informality is a strategic response to resource scarcity for both the poor and the elite.

The growth of informal urbanism in Nigeria stems from the history of geographical exclusion as well as the inability of formal institutions to keep up with population surges in the region⁶. As a result of both historical contexts and the rapid rate of urbanization in Sub-Saharan Africa, marginalized populations in these urban settings end up on the geographic periphery of cities. Urbanization in Lagos' peripheral locations, like the Lekki Corridor, takes place at differing rates, owing to public-private partnerships initiated by elites, as well as informal settlements established on agricultural lands purchased illegally⁷. Informal urbanization refers to unplanned or illegal building on lands leading to settlements in the form of shanty towns and informal markets. Land access in these settlements often happens through informal land markets without permits as opposed to formalised channels, which might also involve powerful individuals within the real estate sector as well as people living in poverty⁸. To the occupants of such settlements, informal urbanization represents a more viable option than the statutory systems, which may be deemed

¹ Kwasi Gyau Baffour Awuah, "Urban Development and Governance in Nigeria: Challenges, Opportunities and Policy Direction," *International Development Planning Review* 40, no. 1 (2018): 27–49.

² Victoria N. Azu, "Issues and Challenges of Urban Governance in Africa: The Nigerian Experience," *Global Journal of Political Science and Administration* 6, no. 2 (2018): 1–12.

³ Chukwunonye Ezeah and Clive L. Roberts, "Waste Governance Agenda in Nigerian Cities: A Comparative Analysis," *Habitat International* 41 (2014): 121–128.

⁴ Oguntokun Babajide Femi and Abegunde Adebare Samuel, "Sustainable Urban Growth: Assessing the Role of Environmental Management Policies in Ibadan, Nigeria," *Ibadan Planning Journal* 11, no. 2 (2025): 91–102.

⁵ Jessica Lamond, B. K. Awuah, Emma Lewis, Robin Bloch, and B. J. Falade, *Urban Land, Planning and Governance Systems in Nigeria*, Urbanisation Research Nigeria (URN) Research Report (London: ICF International, 2015).

⁶ Peter Oluchukwu Mbah and Thaddeus Chidi Nzeadibe, "Inclusive Municipal Solid Waste Management Policy in Nigeria: Engaging the Informal Economy in Post-2015 Development Agenda," *Local Environment* 22, no. 2 (2017): 203–224.

⁷ Geoffrey I. Nwaka, "The Urban Informal Sector in Nigeria: Towards Economic Development, Environmental Health, and Social Harmony," *Global Urban Development Magazine* 1, no. 1 (2005): 1–11.

⁸ David V. Ogunkan, "Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration," *Urban Governance* 2, no. 1 (2022): 212–220.

inappropriate and too costly. Ultimately, informal settlements represent a hub for economic activity⁹, with street vending forming the basis of livelihood for millions of Nigerians.

Environmental stress due to informal urbanization in Nigeria is becoming more apparent through differences in infrastructure as well as the degradation of natural resources¹⁰. In places where informal settlements exist alongside wealthier parts of the city, the presence of underdeveloped infrastructure in such informal settlements causes serious problems regarding waste disposal and sanitation¹¹. Informal urbanization in Nigeria has been identified as a cause of major environmental pollution and degradation due to higher energy usage and transportation demands that are a burden to the urban environment. Areas affected by informal urbanization in Nigeria tend to be marginalized locations that are very vulnerable to environmental hazards as well as lacking emergency aid systems¹². Failure to provide sanitation and water systems in such marginalized areas leads to a situation of vulnerability which endangers both the environment as well as the lives of citizens residing there. Moreover, transforming rural agricultural areas into Transition zones due to the expansion of informal urbanization has caused considerable harm to the environment through destroying natural filtering systems and leading to flooding risks¹³.

The current laws and policies related to urban planning in Nigeria lack consideration for the complexity of informality and therefore lead to a problem statement characterized by the tension between modernity objectives and reality. Urban planning procedures such as those of Abuja fail to see the potential of informal areas as being central to urban history and essential for creating jobs¹⁴. There is an apparent deficiency in the existence of any policy concerning solid waste management within the municipality that would include the informal economy, especially in the new developmental agenda post-2015. Additionally, there exists a link between corruption in Nigeria and informality, which leads to increasing income inequality, thereby disempowering the members of the informal community even more¹⁵. Informal areas are formed in places where there is a weak presence of a formal

⁹ Thaddeus Chidi Nzeadibe, "Solid Waste Reforms and Informal Recycling in Enugu Urban Area, Nigeria," *Habitat International* 33, no. 1 (2009): 93–99.

¹⁰ Awashima Kristen Orkpeh and Funmilayo Mokunfayo Adedire, "African Urban Peripheries and Informal Development: A Review of Challenges and Sustainable Approaches to Inclusive Cities," *Norsk Geografisk Tidsskrift–Norwegian Journal of Geography* 78, no. 1 (2024): 40–53.

¹¹ Olusola Joshua Olujobi, Oshobugie Suleiman Irumekhai, and Adetutu Deborah Aina-Pelemo, "Sustainable Development and National Integration: A Catalyst for Enhancing Environmental Law Compliance in Nigeria," *Environmental Policy and Law* 54, no. 1 (2024): 27–41.

¹² Osikemekha A. Anani, Abel Inobeme, Osayomwanbo Osarenotor, Frances Ngozi Olisaka, Paul Atagamen Aidonojie, Emmanuel Olusegun Olatunji, and Aishatu Idris Habib, "Application of Microorganisms as Biofactories to Produce Biogenic Nanoparticles for Environmental Cleanup: Current Advances and Challenges," *Current Nanoscience* 19, no. 6 (2023): 770–782.

¹³ Ibid

¹⁴ Kingsley Eghonghon Ukhurebor, Uyiosa Osagie Aigbe, Robert Birundu Onyancha, Hussain Athar, Benedict Okundaye, Paul Atagamen Aidonojie, Benita Ebindu Siloko, Ismail Hossain, Heri Septya Kusuma, and Handoko Darmokoesoemo, "Environmental Influence of Gas Flaring: Perspective from the Niger Delta Region of Nigeria," *Geofluids* 2024, no. 1 (2024): 1321022.

¹⁵ Thaddeus Chidi Nzeadibe and Raymond N. C. Anyadike, "Social Participation in City Governance and Urban Livelihoods: Constraints to the Informal Recycling Economy in Aba, Nigeria," *City, Culture and Society* 3, no. 4 (2012): 313–325.

institution that can deal with the problem of a shortage of houses due to regulatory deficiencies. As a result, informality leads to barriers to environmental governance required to meet Sustainable Development Goal 11. Therefore, the basic problem faced is not only related to slums but to the overall form of governance that treats informality as a barrier to development¹⁶.

The innovative feature of the "Legal Recognition and Policy Integration on Informal Urbanism and Environmental Governance in Nigeria" lies in its focus on the idea of acknowledging the strategic nature of informality. Contrary to other descriptive literature reviews, the paper seeks to understand the phenomenon of informality within the context of the "hybridity" of the formal and informal system¹⁷. That is to say, how the infrastructure, which belongs to the formal sphere of governance, and practices of informal governance create a unique urban landscape. The innovation in this research is seen in its examination of the strategic application of informality, both on the part of the poor as well as on the part of the urban elite, to compensate for the state's inability to cater to all the needs of urban populations. In this regard, the paper looks at how informal entities, such as transportation "Agberos" in Lagos, work as markers of the strategic informality integrated into urban governance processes. By focusing on infrastructural disparities and breaking free from the stereotypical view of informality as something associated exclusively with poverty, the study aims to provide an insight into how legal recognition can help to promote investments¹⁸.

The first goal of this study is to assess the Nigerian environmental and urban regulatory framework with a view to determining the opportunities and challenges to the involvement of actors in informal settlements. This study hopes to identify ways through which regulatory regimes can be modified to ensure that the involvement of both formal and informal actors in areas such as waste management and energy is possible. Another goal of this research will be to determine the factors behind vulnerability, particularly in sanitation and waste management, to influence urban risk reduction policies in Nigerian peripheral settlements. The study plans to assess ways in which informal settlements can be upgraded in terms of land tenure and service provision. Another aspect will be to look at community-based information collection initiatives as tools for informing the urban policy development process. Lastly, this research will seek to encourage a diversified regulation regime that takes into account the informal "way of life" so as to foster sustainable urbanization.

2. METHOD

This research is based on the doctrinal legal research method of examining how informal urbanism is recognized and integrated into policies in environmental

¹⁶ Emmanuel Joseph Odoyi and Kirsikka Riekkinen, "Exploring Land Policy Tools and Instruments for Formalising Informal Settlements in Nigeria," *Habitat International* 166 (2025): 103605.

¹⁷ Temitope Olufolahan Olaniran and Thomas Terna Aule, "Systematic Approach to Sustainable Urban Development: Reviewing Challenges of Informal Settlements and Peri-Urban Growth in Sub-Saharan Africa," *Urban, Planning and Transport Research* 13, no. 1 (2025): 2495660.

¹⁸ Muhammad Mutawalli Mukhlis, Maskun Maskun, Muhammad Saleh Tajuddin, Andi Tentri Yeyeng, and Paul Atagamen Aidonojie, "The Crisis in Red Sea Region: Legal and Socio-Economic Impact on International Commerce," *Al-Risalah: Forum Kajian Hukum dan Sosial Kemasyarakatan* 24, no. 2 (2024): 17–35.

governance in Nigeria. The methods of analysis and data gathering will be described below.

Research Approach: The qualitative doctrinal approach is used in this research by analyzing and evaluating legal principles, laws, court rulings, and policy frameworks that pertain to informal settlements, urban planning, land management, and environmental protection in Nigeria.

Data Collection Instruments: The main tools of data gathering for this research are documentary analysis and library research. Primary data sources will be the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Land Use Act, the Nigerian Urban and Regional Planning Act, the NESREA Act, the Environmental Impact Assessment Act, and related policies. Secondary sources will be articles from peer-reviewed journals, textbooks, and reports from UN-Habitat, UNEP, the World Bank, and the African Union.

Validity and Reliability of Instruments: Validity and reliability of the instruments were guaranteed through triangulation using statutory sources, case laws, government policies, and academic literature drawn from credible legal databases and institutional repositories.

Data Collection Procedures: Data were systematically gathered from Scopus, Web of Science, HeinOnline, Google Scholar, official government sites, and international institutional repositories with specific keywords.

Data Analysis Tools: The gathered data was subjected to doctrinal, thematic, and comparative analysis with the help of a Legal and Policy Integration Matrix to assess the efficiency of the Nigerian environmental governance regime on informal urbanism.

3. RESULTS AND DISCUSSION

3.1. Growth of Informal Urbanism in Nigeria

The country of Nigeria ranks third among the most populated countries in Africa, and is facing a tremendous demographic challenge of a growing urban population, which causes pressure on infrastructure, as well as on land¹⁹. In terms of population in urban areas on the African continent, while in 1950 the number was recorded as 27 million, currently the number has grown to almost 500 million; Nigeria leads the trend through the explosive growth of the cities. The increase is mainly caused by the migration of people from rural to urban areas due to the search for better living conditions; however, the rate of growth always surpasses the rate at which the government can supply enough accommodation and services to the citizens²⁰. Hence, the phenomenon of informal urbanism has become part of Nigeria, emerging in both central areas of the city as well as geographically on its outskirts. It is not just a response to the lack of resources as far as housing, but rather what may be described as "the spatializing of informality".

In Lagos, Nigeria's most populated city, the emergence of informal urbanization takes place through varied rhythms in the development of its peripheries. Studies

¹⁹ Akeem Oladiti Abiodun, Olutayo Odunola Olaitan, and Theophilus Alabi Abimbola, "Planning Regulations and Implementation Mechanisms in Postcolonial Lagos," *Journal of Globalization Studies* 9, no. 1 (2018): 91–106.

²⁰ Louis G. Alcorn and Alex Karner, "Integrating Formal and Informal Transit into One Hybrid Passenger Transport System in Lagos, Nigeria," *Transportation* 48, no. 3 (2021): 1361–1377.

reveal that the peripheries of Lagos have developed at different times²¹, with the development of the "Lekki corridor" being an exceptional case because it represents the coexistence of developments driven by elites through PPPs, along with informal development. While the state develops high-standard infrastructure, much of the urban development in its surroundings is through the efforts of individual households, which have built their dwellings illegally using agricultural land that was acquired without any license or permission. It shows how there is a huge disparity between the need for low-cost housing and the ability of the state to control or provide the needed affordable housing²². In addition, the practice of informality in Lagos has been used strategically by both elites and the poor. It reflects how informality is not restricted to zones of deep poverty, but it is an urban phenomenon practised throughout the urban realm.

Abuja, the capital city of Nigeria, provides an illustrative example in which informal settlements and informal trading tend to be labeled by the government as "obstacles to modernization²³." In spite of being a city that was designed according to urban plans, the presence of numerous informal settlements and informal economic activities has proliferated in Abuja because of the fact that the migrant skills were unable to match urban skills. In Abuja, informal spaces have been treated by city planners through brutal planning mechanisms like demolition and forced eviction instead of accepting the fact that informal spaces play an important role in the urban history of the city and creation of livelihoods²⁴. This problem in Abuja is a common phenomenon that occurs in African cities where the state regards the informal sector as an unregulated aspect that hampers the world-class status of the city and needs to be eliminated. Nonetheless, these informal spaces serve as resilient centers that create subsistence livelihoods for urban citizens through informal trade and cottage industries.

Systemic corruption and informal economic activities are among the most important determinants of urban informality in Nigeria. The relationship between corruption in the country and the existence of informal economic activities seems to worsen income inequality²⁵. Research indicates that both systemic corruption in Nigeria and the informal sector contribute to rising inequality since informal actors are more susceptible to corruption and exploitation than others while having no access to formal credit or welfare programs. Many informal organizations exert considerable economic power in Nigerian cities and are integrated into governance institutions

²¹ Ibid

²² Faisal Koko Auwalu and Muhammed Bello, "Exploring the Contemporary Challenges of Urbanization and the Role of Sustainable Urban Development: A Study of Lagos City, Nigeria," *Journal of Contemporary Urban Affairs* 7, no. 1 (2023): 175–188.

²³ Patrick Brandful Cobbinah and Brandon Marc Finn, "Planning and Climate Change in African Cities: Informal Urbanization and 'Just' Urban Transformations," *Journal of Planning Literature* 38, no. 3 (2023): 361–379.

²⁴ Teshome Taffa Dadi, *The Influence of Land Management on the Prevalence of Informal Settlement and Its Implication for Environmental Management in Bahir Dar City, Ethiopia* (PQDT-Global, 2018).

²⁵ Masika Sarah Bino and Paul Atagamen Aidonojie, "Achieving Environmental Sustainability through Carbon Neutrality in Uganda: Legal Issues and Strategic Solutions," *Cogito: Multidisciplinary Research Journal* 17 (2025): 72.

even though they have no legal status²⁶. Such groups demonstrate that informality in urban areas is not only a spatial phenomenon, but also a political issue. For example, the "transportation Agberos" in Lagos are among well-established informal entities that play a key role in governance. Moreover, in the situation when formal governance institutions experience instability because of changes in politics, for instance, community-based and informal institutions take charge of land allocation and service delivery²⁷.

The present urban policy and legal frameworks within the context of Nigeria are not geared towards integrating the practices of the informal sector in urban governance, which causes a "regulatory dilemma." The informal sector remains unacknowledged within the scope of Nigeria's urban policies in some crucial spheres of municipal life, such as the disposal of municipal solid wastes²⁸. It appears that Nigerian urban policies tend to ignore the informal sector despite its significant impact on the provision of municipal services. Hence, although informal settlements accommodate most people, these neighborhoods are typically not recognized by the authorities and fall beyond the jurisdiction for services²⁹. According to the research, the provision of formal recognition of land ownership rights is key to enabling these informal settlers to build their dwellings and develop local infrastructure. Otherwise, it would be impossible to achieve Sustainable Development Goal 11 without integrating informal actors into urban planning³⁰.

3.2. Environmental pressures associated with informal urbanization

The environmental effects that arise out of informal urbanization in Nigeria occur mostly in the form of infrastructure disparity and contamination of the country's water resources³¹. There is always a juxtaposition of poverty-stricken informal settlements and the wealthy ones within major Nigerian cities; however, the former are plagued by inadequate development in infrastructure, resulting in serious difficulties regarding proper waste disposal and provision of drinking water. The fast pace at which urbanization occurs brings about environmental hazards because increased demands for energy and transport create great pressure on the ecosystem of the city³². Being informal settlements, these places are built on the fringes of the urban centers and are not planned for proper facilities, leaving the citizens to utilize water from contaminated groundwater or unprotected springs. These informal settlements also exist in areas with high risks of disaster occurrences, like flood

²⁶ Ibid

²⁷ Cyril J. Effiong, "Climate Justice in Land Use Planning: Exploring the Potential and Challenges of Nature-Based Solutions Integration in Nigeria," *Journal of Environmental Management* 377 (2025): 124717.

²⁸ Izuoma Egeruoh-Adindu, "Leveraging Indigenous Knowledge for Effective Environmental Governance in West Africa," *Beijing Law Review* 13 (2022): 931-950.

²⁹ Ernest Etim and Olawande Daramola, "The Informal Sector and Economic Growth of South Africa and Nigeria: A Comparative Systematic Review," *Journal of Open Innovation: Technology, Market, and Complexity* 6, no. 4 (2020): 134.

³⁰ Chukwunonye Ezeah, Jak A. Fazakerley, and Clive L. Roberts, "Emerging Trends in Informal Sector Recycling in Developing and Transition Countries," *Waste Management* 33, no. 11 (2013): 2509-2519.

³¹ Reza Darma Al Fariz, Ramdiana Muis, Nani Anggraini, Indriyani Rachman, and Toru Matsumoto, "Good Environmental Governance Roles in Sustainable Solid Waste Management in Indonesia: A Review," *Journal of Community Based Environmental Engineering and Management* 8, no. 1 (2024): 45-56.

³² Wubalem Fekade, "Deficits of Formal Urban Land Management and Informal Responses under Rapid Urban Growth: An International Perspective," *Habitat International* 24, no. 2 (2000): 127-150.

plains³³. Thus, urban expansion creates an environmentally fragile urban environment in which governance is weak in enforcing environmental sustainability.

Water and sanitation vulnerabilities remain the major environmental hazards that affect the lives of people living in informal settlements in Nigeria. Clean water infrastructure is normally tied to property ownership and connection costs, making piped water unaffordable for most of the inhabitants who live in informal settlements, as they do not own the land they live on³⁴. This makes most individuals turn to open sources of water that have been polluted or buy water from unscrupulous merchants at unreasonable prices. The absence of any sewerage system leads to many people using pit latrines or septic systems that are normally leaky and contribute immensely to groundwater pollution. In the rainy season, most people tend to dispose of their waste straight into the drainage ditches, thereby contaminating surface waters and water bodies with disease-causing pathogens, thus increasing the chances of contracting waterborne diseases such as cholera³⁵. Environmental hazards in Nigeria are worsened by the fact that farmlands are increasingly being converted to transition zones, hence destroying filtration processes and causing heavy flooding of low-lying areas.

Municipal solid waste management constitutes a huge environmental challenge facing Nigeria's growing urban centers, where low rates of waste collection prevail along with inadequate policy integration about the informal sector of waste management³⁶. Studies confirm that municipal policies in Nigeria's urban centers have been ineffective in involving the informal sector of the economy in their waste management practices, while the latter has been known to be engaged mainly in the poorest areas. As uncollected waste is typically made up of a considerable portion of organic materials and plastics, it often causes blockage of stormwater drains and drainage systems, thus contributing directly to urban flooding problems³⁷. Such standing water is the cause of the breeding of mosquitoes that create additional risks to public health in densely populated centers. Moreover, since no proper disposal sites are designated, illegal waste disposal occurs on the edges of towns, in "no man's land" and wetlands, resulting in the pollution of surface and underground waters.

Use of these "dirty" sources of energy in informal settlements has serious environmental and public health implications such as increased rates of deforestation and indoor air pollution³⁸. While data on Nigerian fuel consumption is not readily available, people living in informal communities in sub-Saharan Africa are known to use biomass energy in large amounts, such as charcoal and paraffin, because of the high costs associated with connection to the national grid system. Burning of this energy source in inadequately ventilated rooms produces severe indoor air pollution,

³³ Ibid

³⁴ Ibid

³⁵ Brandon Marc Finn and Patrick Brandful Cobbinah, "African Urbanisation at the Confluence of Informality and Climate Change," *Urban Studies* 60, no. 3 (2023): 405–424.

³⁶ Dumiso Moyo and Adebola Olowosegun, "Resilience of Informal Public Transport and Urban Land Governance in Ibadan, Nigeria," in *Land Issues for Urban Governance in Sub-Saharan Africa* (2020), 281–297.

³⁷ Okechukwu Joseph Ndubueze, *Urban Housing Affordability and Housing Policy Dilemmas in Nigeria* (Birmingham: University of Birmingham, 2009).

³⁸ Ibid

which results in respiratory ailments and exacerbations of diseases such as tuberculosis. On a larger scale, the ever-growing demand for charcoal means further depletion of forest reserves, a matter which may prompt governments to ban charcoal production, worsening energy poverty among the urban poor population. The problem of "information deficit" about the health risks associated with these energy sources presents a barrier to shifting towards clean energy since culture plays a role here³⁹.

The spatial development of informal urbanism on marginal areas affects the environmental sustainability of the whole urban fabric, reinforcing the loop of disaster risk in a continuous way. Settlements in the informal sector in Africa are located in the geographic margins or environmentally vulnerable areas such as marshy areas since their access to the formal land market is hindered⁴⁰. Major construction projects tend to exacerbate the situation by relocating people who inhabit the marginal areas into even more environmentally sensitive zones, thus contributing to further environmental pollution and erosion. Lack of a holistic national urban strategy, together with conflicting mandates between different agencies dealing with environmental issues, contributes to duplication and gaps in policy implementation. The gap between formal planning laws and informal practices means that the former tends to complicate the process of environmental management required for achieving sustainable development⁴¹. In conclusion, addressing environmental concerns in Nigeria's urban space necessitates an integrated approach that recognizes informal urbanism as part of the equation.

3.3. Legal Framework on the Integration of Informal Urbanism and Environmental Governance in Nigeria

The recognition of informal urbanism in Nigeria within the legal sphere can be said to be largely based on the 1999 Nigerian Constitution⁴². Specifically, Section 16(2)(d) of the Constitution states that the State should provide "suitable and adequate shelter" for its citizens⁴³. However, this provision comes under the rubric of Fundamental Objectives and Directive Principles, which are, as the name implies, non-justiciable, thus meaning that they cannot be enforced through law. Non-justiciability leads to an absence of governance, which explains why such informal housing is common within this framework and becomes a means of survival for poor people (making up more than 90 per cent of Nigeria's population). While the State, under Section 20 of the constitution⁴⁴, has an obligation "to protect and improve the environment," this may prove difficult due to the non-legal status of informal urbanisation. In essence, informal urbanism leads to the development of what could be described as "a sub-standard and sub-human environment."

³⁹ Ibid

⁴⁰ Emmanuel Nzazi, "Unraveling the Urban Landscape: Assessing the Influence of Informal Settlements on Spatial Planning in Lusaka, Zambia," *Open Access Library Journal* 12, no. 2 (2025): 1–20.

⁴¹ Ahmed M. Soliman, "The Paradigm of Urban Informality: Laws, Norms, and Practices," in *Urban Informality: Experiences and Urban Sustainability Transitions in Middle East Cities* (2021), 121–156.

⁴² the 1999 Nigerian Constitution

⁴³ Ibid

⁴⁴ Ibid

The Land Use Act of 1978⁴⁵ emerges as one of the legal impediments to the assimilation of informal urbanism into formal environmental management processes. Under the Act, "all land belongs to the Government of each state to hold in trust for the people" but at the same time "provides cumbersome and costly procedures for obtaining titles". According to Section 22 of the Act⁴⁶, any alienation of land is subject to "the prior consent of the Governor". Consequently, such cumbersome land acquisition procedures force many Nigerians to resort to informal market transactions and thus give rise to "uncontrolled and unplanned urban growth". The National Housing Policy perceives the Act as a constraining factor and refers to it as "the single biggest constraint in Nigeria's aspiration to turn around its economy". Therefore, if policy integration were to achieve success, "the Act would have to be removed from the constitution and amended accordingly" so as to facilitate "land titling and registration".

The Nigerian Urban and Regional Planning Act of 1992⁴⁷ offers the possibility of a legal mechanism for slum upgrading through its clause on "Improvement Areas." Section 80 permits planning authorities to designate areas of "blighted residential character" as improvement areas to "rehabilitate, renovate and upgrade" the environment and infrastructure. In other words, the reality of informality is being recognized and incorporated into planning policy instead of being demolished. Moreover, the Act obligates authorities to "consult" the people and form "liaison or consultative committees" to oversee the process of slum upgrading. Lastly, Section 85⁴⁸ specifies that provision must be made either for alternative accommodation or financial assistance if demolition is required. However, as pointed out by the National Housing Policy, there exists a "lack of political will and uncoordinated approach" in the implementation of the policy. As a result, although the legal instruments for slum upgrading are available, they are hardly ever put to effective use, leading to an enormous disconnect between policy and reality.

The process of environmental governance within the context of unplanned spaces is supposed to be regulated under the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007⁴⁹. NESREA is identified as "the agency charged with enforcing 'environmental standards, regulations, rules, laws, policies and guidelines'". According to section 7(h), NESREA is mandated to regulate the issue of noise, air, land, seas, oceans and other water bodies. Nevertheless, the Act does not apply to the oil and gas industry, which might be a relevant environmental consideration in some urban environments⁵⁰. The provision in the Act that gives NESREA powers to "prohibit processes" that threaten the environmental condition may turn out to be a problem because such strict policies tend to "alienate those living in sub-standard houses." It is necessary to move away from punitive strategies to sustainable environmental management, which involves educating the general public.

⁴⁵ Land Use Act of 1978

⁴⁶ Ibid

⁴⁷ Nigerian Urban and Regional Planning Act of 1992

⁴⁸ Ibid

⁴⁹ National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007

⁵⁰ Michael Winter and Fanan Ujoh, "A Review of Institutional Frameworks and Financing Arrangements for Waste Management in Nigerian Cities," *Urban Studies and Public Administration* 3, no. 2 (2020): 21–36.

This will ensure the creation of a "conducive living environment." The need to integrate these environmental considerations into the informal spaces of the urban environment is better served by a "home-grown" strategy.

Firstly, the Environmental Impact Assessment (EIA) Act of 1992⁵¹ imposes a layer of governance, which is usually avoided in cases of informal urbanization. This Act forbids either the public or private sectors from undertaking any project that would be considered significant enough to influence the environment without prior consideration of its impacts. The schedule of the EIA Act clearly lists "Housing" and "Construction of new townships" as activities which require "mandatory studies." Informal urbanization is usually "piecemeal" and therefore is not subjected to these "mitigation measures," which ensure that there will be no environmental derogation. This explains why informal communities end up locating themselves in creeks and mangrove areas instead of "sanitary neighbourhoods". In order for there to be successful integration, the laws need to incorporate ways through which the EIA could be made to accommodate community-based organizations or housing cooperatives. It should be noted that the current EIA Act is merely a legal governance tool that only considers big developers, and the informal sector, contributing to 90% of housing, is excluded.

In the end, policy integration in Nigeria needs to take a step back from the uncoordinated approach, which has been the case for both the housing and environmental sectors in the past. The National Housing Policy recommends a policy on "vertical and horizontal integration of plans and strategies." This refers to ensuring that actions by the Federal, State, and Local governments eliminate "binding constraints" such as the Land Use Act and the lack of an effective regulatory framework⁵². The transition of the National Housing Policy from "direct construction" to an "enabling environment" for the private and informal sectors is key. This includes the "regeneration and slum upgrading of existing degraded areas" and using "locally made building materials" to reduce cost. The process also requires setting up a "National Housing Data Bank," which captures the characteristics of the informal sector. There is a need for a "synthesis of legal instruments," which integrates "environmental sustainability" into mass housing delivery, thus rejuvenating the housing stock without compromising "ecological balance."

3.4. Issues and Challenges

The Nigerian informal urbanism consists of unplanned urban areas, and these areas function as the mainstay survival method for the majority of Nigerians who happen to be urban poor, constituting over 90% of the Nigerian populace (Federal Ministry of Lands⁵³, Housing and Urban Development. However, despite numerous attempts by successive governments, these areas have not yet become part of the

⁵¹ Environmental Impact Assessment (EIA) Act of 1992

⁵² Thaddeus Chidi Nzeadibe and Peter Oluchukwu Mbah, "Beyond Urban Vulnerability: Interrogating the Social Sustainability of a Livelihood in the Informal Economy of Nigerian Cities," *Review of African Political Economy* 42, no. 144 (2015): 279-298.

⁵³ Danny Mulala Simatele, Smangele Dlamini, and Nzalalemba Serge Kubanza, "From Informality to Formality: Perspectives on the Challenges of Integrating Solid Waste Management into the Urban Development and Planning Policy in Johannesburg, South Africa," *Habitat International* 63 (2017): 122-130.

formal legal framework for urban governance in Nigeria⁵⁴. The “rapid rate of uncontrolled and unplanned urban growth” has resulted in a situation where millions of people are forced to live in “sub-standard and sub-human environments”. The first key legal problem arises from the nature of housing rights in the Constitution of Nigeria. Although Section 16(2)(d) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) mandates the state “to provide suitable and adequate shelter for all citizens,” this provision falls under Fundamental Objectives and Directive Principles of State Policy, and, therefore, is non-justiciable and cannot be enforced through judicial action. As a result of this situation, housing is one of the least productive sectors of the economy in Nigeria, with housing contributing only 0.38% of the national GDP, compared to 30-70% in developed nations⁵⁵. Since housing rights are not enforceable by law, inhabitants of informal settlements have no legal claim to the infrastructure that should be used in environmental governance, including drainage systems and waste disposal services. The absence of these provisions leads to 60% of Nigerians existing in the “no-housing” environment, becoming “houseless people” within informal settlements that do not fit the formal planning framework.

In addition, the 1978 Land Use Act is another key legal bottleneck impeding policy integration. It vests ownership of all lands to the Governor (Section 1) while also requiring the Governor's “prior consent” to any sale or grant of land (Section 22). This results in “cumbersome and costly procedures” in obtaining title to land Land Use Act, 1978. In turn, these procedures compel many Nigerians into the informal market, which results in an over 17-million-unit deficit of housing⁵⁶. The National Housing Policy calls the Act “the single biggest constraint” to transforming Nigeria's economy. Due to the predominance of informal sector provision of over 90% of the housing, the strict demands of the Act make illegal settlements out of the communities, thus leaving them incapable of obtaining formal environmental services and secure land tenure⁵⁷. Moreover, since the cost of perfecting mortgages is high due to the high tax and stamp duty, informal citizens cannot afford anything beyond “piecemeal housing” which fails to meet the “Sanitary Neighbourhood” requirements of formal plans for urban settlement.

Despite the Nigerian Urban and Regional Planning Act 1992's provisions on “Improvement Areas” that aim to restore blighted areas of cities (Section 80), it has been poorly executed. According to the Act, consultation should be made and alternative accommodation provided in case of demolitions Urban and Regional Planning Act, 1992. Lack of “political will” and “uncoordinated approach” to this matter has been hindering the proper execution of the Act's provisions. Authorities resort to “slum demolitions,” not slum upgrades, as required by the Act's Section 85 of the Urban and Regional Planning Act, 1992. As a result, environmental governance is

⁵⁴ Thaddeus Chidi Nzeadibe and Raymond N. C. Anyadike, “Solid Waste Governance Innovations: An Appraisal of Recent Developments in the Informal Sector Niche in Urban Nigeria,” *Geography Compass* 4, no. 9 (2010): 1284–1296.

⁵⁵ Ibid

⁵⁶ Segun Adeola Ogunsola, *Social Sustainability: Guidelines for Urban Development and Practice in Abuja City, Nigeria* (PQDT-Global, 2016).

⁵⁷ Olasunkanmi Habeeb Okunola, “Beyond Institutional Silos: Rethinking Multilevel Disaster Risk Governance in Africa a Decade into the Sendai Framework Implementation,” *International Journal of Disaster Risk Science* 16, no. 3 (2025): 321–332.

complicated because the residents of informal settlements distrust the planning authorities as potential partners in achieving sustainable urban renewal⁵⁸. The absence of a "National Housing and Urban Development Regulatory Commission" in charge of coordinating all these activities adds to the fragmentation of legal aspects related to urban renewal. Informal urban development has been growing in an area of "rapidly deteriorating" infrastructure and ecology (FMLHUD, 2012).

Despite being well structured to address issues of environmental standards, the NESREA Act 2007 has notable legal limitations within its provisions⁵⁹. The Act does not extend its reach in terms of enforcement of standards to the "oil and gas sector" (NESREA Act, 2007) under Section 7(g/h). This poses major problems in the Niger Delta region, as such informal communities live in environmentally sensitive areas termed "creek and mangrove". In such cases, environmental management becomes difficult due to a lack of integrated management since the community lives under threat of both informal development and pollution from industrial activities in the sector⁶⁰. It must be noted that while the Act empowers the Agency to "prohibit processes," the same cannot be easily implemented in the informal sector without implementing the "home-grown standards" to take care of socioeconomic conditions of the poor⁶¹. Without an accompanying social housing program, the rigid implementation will marginalize the "No-income and low-income groups" living in such areas by force.

The Environmental Impact Assessment Act of 1992 states that EIAs must be carried out on all 'Housing' and 'New townships', which will have a significant impact on the environment. Nonetheless, because informal urbanization usually takes place in a 'piecemeal' fashion outside the official channel of approval, there is no compliance with the mandatory mitigation strategy⁶². Consequently, this results in settlement taking place in ecologically sensitive areas without any 'prior consideration' of the effects of environmental degradation. As per the National Housing Policy, Nigeria needs an estimated N60 trillion to cover its housing deficit. Nevertheless, the present legal provisions for carrying out EIAs are geared toward formal large-scale developers, thus leaving out cooperative housing and community-based organizations. This leaves 90% of Nigeria's housing delivery process outside the purview of environmental concerns envisaged by the Act⁶³. For the successful integration of the two policies, it is imperative to make the EIA process accessible to

⁵⁸ Ibid

⁵⁹ Ibid

⁶⁰ Oluwafemi Ayodeji Olajide, *Understanding the Complexity of Factors Which Influence Livelihoods of the Urban Poor in Lagos' Informal Settlements* (Newcastle: Newcastle University, 2015).

⁶¹ Ademola Omoegun, *Street Trader Displacements and the Relevance of the Right to the City Concept in a Rapidly Urbanising African City: Lagos, Nigeria* (Cardiff: Cardiff University, 2015).

⁶² Victor Onyebueke, Julian Walker, Barbara Lipietz, Oliver Ujah, and Victoria Ibezim-Ohaeri, "Urbanisation-Induced Displacements in Peri-Urban Areas: Clashes between Customary Tenure and Statutory Practices in Ugbo-Okonkwo Community in Enugu, Nigeria," *Land Use Policy* 99 (2020): 104884.

⁶³ Emmanuella C. Onyenechere, "The Informal Sector and the Environment in Nigerian Towns: What We Know and What We Still Need to Know," *Research Journal of Environmental and Earth Sciences* 3, no. 1 (2011): 61–69.

the informal sector by using 'Public-Private Partnerships' and 'Community-Based Organizations' to protect the 'ecological balance' of the environment.

The last hindrance is related to the absence of a "National Housing Data Bank" to determine the attributes of the informal sector⁶⁴. Absence of statistics means the inability to design any strategy for environmental governance of informal settlements. According to FMLHUD (2012), access to housing finance among Nigerian citizens is low (0.5%), and the mortgage finance contribution to GDP in Nigeria stands at merely 0.76%. The "high cost of perfecting mortgages" and the "fund mismatch" in the banking system are major challenges to improving informal housing so that they conform to the established environmental standards. Such financial barriers are made worse by the fact that under the Land Use Act of 1978, it is impossible to obtain the "legal title to land," which would make it easier for individuals to gain access to credit⁶⁵. All these factors make it impossible to integrate environmental governance since there is nothing visible about the informal sector in terms of finances and regulation. To resolve the situation, there is a need for policy integration that will involve land reform, housing finance and environmental standards.

4. CONCLUSION AND RECOMMENDATION

The recognition of informal urbanism in the law is key to ensuring environmental governance in Nigeria. The current rigid structure of the Land Use Act in conjunction with the lack of justiciability of housing rights in the 1999 Constitution creates an irreconcilable gap between the actual living conditions and the statutory provisions for housing. The findings indicate that the housing deficit of 17 million units, as well as the negligible contribution to GDP by the housing sector of just 0.38%, can largely be attributed to the failure of the legal process in addressing the urbanism problem faced by 90% of Nigerians. In order to ensure bridging of this gap in the provision of environmental protection, the removal of the Land Use Act from the constitution should be done, and amendments to the act made to facilitate simplified land titling and registration. Additionally, the government needs to move towards making housing a justiciable right to have the legal basis for environmental management. Integration into policy formulation should shift from the punitive approach of demolition to "slum upgrading" and utilization of "locally made building materials." Creation of the National Housing Data Bank and encouraging "Community-Based Organizations" will ensure that the environmental policies are not only enforced but embraced as a path to "secured tenure" and sustainable urbanism for all Nigerians.

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⁶⁴ Chinedu Josephine Onyishi, Adaeze U. P. Ejike-Alieji, Chukwuedozie Kelechukwu Ajaero, Casmir Chukwuka Mbaegbu, Christian Chukwuebuka Ezeibe, Victor Udemezue Onyebueke, Peter Oluchukwu Mbah, and Thaddeus Chidi Nzeadibe, "COVID-19 Pandemic and Informal Urban Governance in Africa: A Political Economy Perspective," *Journal of Asian and African Studies* 56, no. 6 (2021): 1226–1250.

⁶⁵ Danielle Resnick, Bhavna Sivasubramanian, Idiong Christopher Idiong, Michael Akindele Ojo, and Likita Tanko, "The Enabling Environment for Informal Food Traders in Nigeria's Secondary Cities," in *Transforming Urban Food Systems in Secondary Cities in Africa* (2022), 103–131.

CONFLICT OF INTEREST

The authors declared that there is no conflict of interest

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