

Full Length Research Paper

Institutional framework and constraints in the urban and regional planning system in Jos Metropolis, Nigeria

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Institutional frameworks, coordinated or non-coordinated, for effective urban and regional planning in most developing countries are highly constrained, making it almost impossible to control urban development and management of urban areas, hence the haphazard growth and development bringing about disproportionate distribution of resources in terms of basic infrastructure. It is against this backdrop that this paper purports to critically analyse current institutional frameworks for urban and regional planning in Jos metropolis, Nigeria by identifying the constraints and their effects on the components of institutional framework. The research approach adopted is qualitative and quantitative with deductive-inductive reasoning. The strategy used is 'mixed method' and the instruments employed were questionnaires, face-to-face interviews, case studies documents reviewed with planning authorities in Jos, Nigeria. The quantitative data sets obtained were analysed using N-way ANOVA and the qualitative data were analysed using thematic and content analysis. Statistically, the results showed that the components of institutional framework, specifically, tiers of government (institutions), planning legislations and the administrations were not significantly affected by the culture, physical, political, institutions, financial, knowledge, analytical and legal constraints whilst the planning authorities were significantly constrained. Based on the results recommendations are proffered to practitioners, academia and policy makers.

Key words: Constraints, institutional framework, Jos metropolis, urban and regional planning system.

INTRODUCTION

Urban centres in developing countries have shown development and distribution of new settlements to be haphazard and making it very difficult for the development authorities to govern and manage such settlements as a result of varying factors. The United Nations Population Fund Projects (UNPF) has shown that sub-Saharan

Africa's urban population will double between 2000 and 2030 and this would take place in the urban areas (CIA, 2007; UNDP; UNDESA, 2009). The problems of the urban areas to be envisaged as a result could include amongst others poor housing, poor basic infrastructure, poor environmental quality and urban poverty. These

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cumulatively bring about changes in the original urban landscape of the settlements, urban systems, urban ecology and urban political economy as observed by Knox (2009).

These changes are evident as physical planning problems and can best be addressed by the transformation processes involving key aspects of urban management through planning practice (PP) by planning authorities (PAs) using their policy guide. Failures of these have manifested in the numerous physical planning problems; Urban sprawl, slums, poverty and environmental degradation as observed in most developing countries such as India in Asia and Nigeria in Africa (Mabogunji, 2002; Obateru, 2004; Oyesiku, 2004; Jiriko, 2008).

Most policies in the developing countries tend to be urban bias, this is so because the urban areas are close to the government; they get developed faster, and this affect their economic efficiency, formation, sizes and quality of life (Lipton, 1977). Investment in urban infrastructure and services has affected the shape of the urban system. Based on these the urban agglomerations in developed countries such as those in the European Union; United Kingdom, Germany, France, Sweden and Netherlands amongst others. These countries have adopted spatial planning (SPG) to bring about improved health and safety of the inhabitants of the fringes or suburbs bringing about a reduction in commuting and congestion costs in most metropolitan cities. Whilst this is the case in developed countries it is a far cry for the developing countries (Robert, 1996; Jiriko, 2008).

Physical planning has been more on the absence of a clearly define institutional framework that would ensure the provision of the infrastructure that would bring about the needed development and management in the cities and urban areas. Hence, as a result the effect of the numerous constraints have affected the framework at various levels federal, state and local government level (1992, URP Law; Healey, 2006; 2008).

Focusing on an institutional framework that is not clearly defined yet used to guide the development of most, urban areas and regions; it would be worthwhile if the following questions are considered:

1. What is the operational institutional framework of urban and regional planning system in Jos Metropolis Nigeria?
2. What are the current constraints experienced in the urban and regional planning system in Jos Metropolis Nigeria?

The discussion proceeds as follows; First, review of the meanings of institutional framework and its components in the context of developing country. To illustrate these, illustrations are drawn from the study area (Jos Metropolis, Nigeria, West Africa but at a two tiers of government). This is a post Tin mining-city experiencing population increase and in dearth need of a flexible strategic planning approach that encourages a controlled growth. Drawing from the strategic approach used in

some developed countries, the examination of the relationship between the components of the institutions and the different forms of constraints that affect the functionality of the institutional framework towards controlling urban development and management in Jos Metropolis, Nigeria would bring about insight to practitioners, policy makers and academia.

The choice of Jos metropolis is informed by the fact that it is the administrative capital and commercial centre of Plateau State, one of the 36 states of the Federal Republic of Nigeria (Figure 1).

The study area covers a land area of approximately 1362 km² and it is made of up of six local government areas/councils (Jos North, Jos East, Jos South, Bassa, BarkinLadi and Riyom) which are jointly referred to as Jos Metropolis. It is located in North central geo-political region, 3 hrs away from the Federal Capital Territory (Abuja) by road. It lies between latitude 09° 52' N and longitude 008° 54' E. Jos is connected to other Nigerian cities by air, rail and road. The metropolis is experiencing an increasing population; it has a population of 1,315,301 according to the 2007 with a growth rate 4.5%. It is one of the planned towns (Bingel, 1978), it has grid and some residential areas in Jos have developed into slums over time. The region has become unstable due to violent attack by a group of religious extremist known as 'Boko Haram' meaning western education is a Taboo. Unless the planning authorities become more determined to address urban development and management the situation is likely to degenerate.

Secondly, a careful review of the current constraints prevalent in the urban and regional planning system of Jos Metropolis, Nigeria with a view to x-ray how these constraints have affected the planning authorities leading to the patterns of growth and development as well as the way the urban areas are manage. Finally, it would be good to make some suggestions as to policy approaches, which might help to address the questions raised.

It is against this backdrop that this paper seeks to critically analyse the current institutional framework for urban and regional planning in Jos metropolis Nigeria by identifying the constraints and how they have affected the components of the institutional framework.

INSTITUTIONAL FRAMEWORKS FOR URBAN AND REGIONAL PLANNING

Institutions are a set of norms, values and beliefs that have formed to ensure that targets are achieved while framework is the linkage that supports two or more subsystems ensuring the easy flow of information/data from one subsystem to another. For the purpose of this paper the components of the institutional framework considered are as follows; The institutions (tiers of Government) governance framework, organisations (Planning Authorities, PAs) framework, planning



Figure 1. Map of Plateau Showing the study area. Source: Mallo, 2015.

legislation framework (PLs) and administrative framework.

The institutional framework is the linkage that ensures effective flow of information from one part of a system to another. The major components of the institutional framework include; the governance framework (2 tiers of institutions), the organisational framework (planning authorities) and legislative framework (planning laws) and administrative framework (structure). The frameworks determine the control of development and its management of urban areas (Gupta, 2001; Goldratt, 2004).

The institutions (tiers of Government) Governance framework

The institutions of governance are usually the channel through which information flows from one subsection to another either from top-bottom or bottom-up within the jurisdiction of governance and in this instance; Federal, State or Local Government (Healey, 2006). Institutions of

government at the tiers can be defined as the exercise of political, economic and administrative authority in the management of a country's affairs at all levels (federal, state and local government) (Healey, 2006; UNDP, 2011). Government agency, international aid agencies and NGOs amongst others have to be involved in addressing the challenges faced by urban areas that are characterised by slums. This is because projections by the World Bank Research, (UNHCS-UN-Habitat, 2003) show that urban slums will double by 2030. Practical /formidable reality exists in Nairobi, Kenya, where 60 per cent of the population subsists in slums and squatter settlements, where 60 per cent is crowded into only 5% of the land – without adequate shelter, clean water or decent sanitation. Hence much can and must be done to improve the lives of the nearly one billion slum dwellers alive today. This can best be done through appropriate planning methods and implementation, within an appropriate institutional framework, even though the UN-HABITAT (2007) has suggested that the slums can be transformed by taking into consideration their potential in

struggling to survive by their development of innovative solutions (Ekop, 2007; Ekop and Uyanga, 2007).

The two tier of government within the study has to consider participation, transparency and accountability, effectiveness and equity to promote the rule of law at every level (UNDP, 2011). Good urban governance assures that political, social and economic priorities are based on the broad consensus of society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources (The Commission on Global Governance, 2011). Good urban governance occurs when societal norms and practices empower people are encouraged to take increasingly greater control over their own development in a manner that does not impinge upon the accepted rights of others (UNDP, 2003). Governance involves interaction between formal institutions (planning authorities) and those of civil society. It takes formal institutions (PAs) and regimes empowered to enforce compliance, as well as informal arrangements that people and institutions either have agreed to or perceive to be in their interest, and in this case the control of the urban development and its management.

Governance is written and unwritten policies, procedures and decision making units that control resource allocation within and among institutions (PAs). New forms of governance allow individual organisations to contribute their strengths and talents, to discharge their collective responsibilities and to preserve and enhance the distinctiveness of the progress of a country at the federal, state or at the local government level, which depends in no small measure on the quality of its governance (at different tiers). While a democratic government may lay the foundations for good governance, a vigilant and active citizenry is essential to its sustenance. There are three distinct dimensions of the different tiers of government: a) the form of political regime; b) the process by which authority is exercised in the management of a country's economic and social resources; and c) the capacity of governments to design, formulate, and implement policies and discharge functions for the successful implementation of the policies for development and management (Mabogunje, 1989; Mattingly, 1995 as cited in Corubolo, 1998).

There is a need for the standardisation of the provision of urban services, based on modernist master planning principles which was through the city government operating mainly by appointing government representatives and only in a smaller proportion by delegated powers of local government authorities which was identified at the central level and also social services and facilities delivery which is a demonstration of the various solutions to the problem of satisfying collective social needs which include; education, health, housing, transport, water, electricity, energy supply and telecommunication amongst others (Stren and White, 1989; Mabogunje, 1989; Mattingly, 1995; Healey, 1995 and

Werna, 1995 as cited in Corubolo, 1998; Rydin, 2011). Emphasis should be on the provision of good transport network (component of transportation planning and infrastructure management), typical of developed countries that also rely on public transport which is well organised (Rydin, 2011). The inadequacies of these can be seen in the prevailing social and economic problems in most developing countries. It is evident in the uncontrolled and unguided sprawl of towns and cities without commensurate provision of the community facilities and infrastructure services (Anderson, 2000; Agbola, 2004; Yasin, 2004; Rydin, 2011). Institutional structures for urban governance, shows that recently, changes in inter-government structure as well as the principles of the existing models for urban, city and metropolitan governance have good institutional structures, in cities such as London, Johannesburg, Mumbai and China all as observed UNCHS (2000), Salet, Thornley and Kreukels (2003), Savage and Dasgupta (2006) and Nallathiga (2008).

Institutional structures are instruments used to achieve better governance because they have the potential to bring about changes in outcomes. Pinto (2000), observed that the best institutional structures for urban governance have always been those with Aristotelian ideas which have values embedded in the basic purposes of society. This was adopted in most American systems long ago in their 'home rule' which gave them autonomy, and as such, they are tied to administration without loss of efficiency. This goes to explain why in any study of local government, normatively, it should be concerned with values, and the different government institution should seeks to promote those values (Nallathiga, 2008).

The relationship between the institutions of governance and the components of the institutional framework and its structures would ensure central control and domination in any level of governance. All these will, in the long run, favour the performance of local bodies or authorities/agencies (Phatak and Patel, 2005; Nallathiga, 2008). For the effective conduct of activities of these authorities, an 'x-ray' of the structures, administrative, governance and management of urban systems will go a long way in providing linkage for effective control in urban development and management that falls within an urban area with an institutional framework.

Organisations (planning authorities, PAs) framework

Planning authorities are organisations established by law and used by government to provide urban planning services geared towards the control of development as well as its management. Urban management help to bring about controlled development and management which is exacerbated by the operation of market forces (Healey, 1995; Ratcliffe et al., 2002). Which is the major task of planning departments to solve the problem of the

distribution of space cannot effectively address the cause of the problem (Aluko, 2004). Industrial development planning and management is lacking because domestic policies are not readily favoured because they are determined and influenced by events in the international market place. A programme employed by development and management professionals and practitioners to address the problem of building infrastructure has not been that effective because the consideration of fundamental components does not meet the scale of need which is immense (Mitlin, 2003).

The 1999/2000 World Development Report (World Bank (1999) suggests that there will be 495 million 'urban poor' among low and middle-income nations by the year 2000. However, this is likely to be a considerably underestimate of the scale of urban poverty.

The income level at which the poverty line is set may be unrealistically low in relation to the cost of basic necessities in many cities, and the measure of income levels does not consider other aspects of poverty even though poverty is recognised as being multi-faceted (Hardoy et al., 2001).

Furthermore, this has become very pertinent in the view of the fact that there are no clearly defined roles responsibilities and functions designated for the numerous planning authorities in most developing countries observed by Wapwera and Egbu, (2013). It is also about recognising significant elements in a situation and understanding the relationship between the elements; design skills displayed and the ability to solve problems in ways that will benefit the urban area and the planning authorities in the region. To be effective the planning authorities at levels, planners must be able to do more than see a problem by providing a practical solution to it using valuable skills of designing workable solutions based on the realities. Even though skills may differ at various levels in the organisational hierarchy required at different levels (van Dijk et al., 2002; Yasin, 2004; Rydin, 2011).

The organisations considered as planning authorities are internationally, drawn using United Kingdom (Greater London Authority), Asia (Kolkata Metropolitan Development Authority from India) and Africa (The City of Johannesburg South Africa). These planning authorities were considered according to how the system operates, its structure, and the constitution or Act backing its establishment, its organisational chart and the type of administrative system adopted (Hayes and Chang, 1990; Pinto, 2000; Salet et al., 2003; Savage and Dasgupta, 2006; Nallathiga, 2008; Rydin, 2011 and Hull, 2011).

The profile of the municipal authority, the organisational principles and framework adopted, followed by the structure of strategic funding, the functions and responsibilities and the jurisdictional mandate amongst others of the different planning authorities helps these planning authorities to adequately control urban development and management (Healey, 2004; 2007; Pinto, 2000; Nallathiga,

2008).

Planning Legislation framework (PLs)

This section considers the regulatory and pro-active interventions employed by most developed countries to ensure adequate planning procedure are followed. It explains the position of the legal/legislative framework and the interventions employed to address the various physical planning problems.

Planning legislation is a guide which planning authorities use in consideration of applications and is sometimes considered to be a consolidated procedure order. The impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. Examples of planning legislation used by planning authorities to enforce planning applications include; Town and country planning law, 1947, in Scotland it is the Town and Country Planning Act 1997, urban and regional planning law 1992, Land use Act, 1978, NHP, 2006 (UNCHS, 1986; Healey, 2004; 2006; 2007; Anderson, 2000; World Bank, 2001; Harris, Hooper and Bishop, 2002; Jackson, 2006; ODPM, 2006; Davoudi, 2009; PTI, 2011; Litman, 2011; Albrechts, 2010; Rydin, 2006; 2011).

Planning legislation is used to guide the provision of infrastructure and investment e.g. transportation and public regulations which include land use Act 1978 and the National housing policy provision in Nigeria amongst others. One can consider regulation to be actions of conduct imposing sanctions, such as a fine, to the extent permitted by the law of the land and it can be distinguished from primary legislation (by Parliament or elected legislative body) on the one hand and judicial decisions on the other hand (Levi-Faur, 2010).

Planning legislation is a mandate by (any tiers of government) federal, state or local authorities which attempts to produce outcomes which might not otherwise occur, produce or prevent outcomes at the different levels to control urban development and management in any jurisdiction of planning. In this way, regulations can be seen as implementation artefacts of policy statements. For instance, the control of land use, development approvals, pollution effects and control, employment for certain people in certain organisations (equal opportunities), building code standards and standard organisational quality checking of production for certain goods amongst others (Walker, 2010; Levi-Faur, 2010).

Regulations can either be responsive or non-responsive, which explains why outcomes are not always obtained for a plan (Levi-Faur, 2010; Rydin, 2011). Responsive regulation, as an approach, is used for describing and prescribing how regulatory enforcement action best promotes compliance through the planning legislation (Cohen, 2004; Cohen, 2006; Quah, 2002). It proposes that in order to be effective, efficient and

legitimate, regulatory policy that can bring about a controlled urban development and management, there should neither a solely deterrent nor a solely cooperative approach (Simpson, 2002; Walker, 2010; Levi-Faur, 2010).

Administrative framework

In the governance of any planning jurisdiction there should be a good structure of administration capable of controlling the urban development and management. Hence, literature has identified 4 four basic types of administrative frameworks available depending on the region and with respect to the delegation of responsibilities as observed by Pinto (2000) as cited in Nallathiga, (2008). These include: The Weak Mayor-Council Structure, The Strong Mayor-Council Structure, The Commission System and the Council – Manager System. Further explanation can be found in the work of Hayes and Chang (1990), Pinto (2000), Salet et al. (2003), Savage and Dasgupta (2006), Rosenbaum (2008), Nallathiga (2008), Rydin, (2011), Hull,(2011).

For the purpose of this paper the Commission System and the Council – Manager System are considered because the planning authorities considered in the study have the nomenclature of a commission and council-manager administrative framework that ensures controlled urban development and management of urban centres in both developed and developing economies bringing about the implementation of the plans designed by the government.

CONSTRAINTS AFFECTING THE URBAN AND REGIONAL PLANNING FRAMEWORK

A constraint is defined as any resource that is unable to cope with the demand placed on it or anything that prevents the various components of the institutional framework from achieving controlled urban development and management. The constraints can be caused by limited provision of one form of support or another, depending on the nature of the constraints. These could be caused by lack of hierarchy, conflicts and compromises, as observed by Ebohon et al. (2002) and Goldratt (2004).

Gupta (2001) observed that constraints are basically a restriction to planning frameworks based on limited resources, laws and regulations and the need to avoid harming a system. The constraints to be considered include; political, cultural, institutional, legal, knowledge, physical and analytical constraints. In urban and regional planning authorities the decision making style depends upon various internal and external constraints (factors). The channels through which instructions are passed is either from bottom-up or top-down and could be a major

cause of constraints leading to non-achievement of the stated goals of the planning authorities involved in the development and management of the urban area.

Stratification in management hierarchy is present but not functional, this creates friction between the different levels of government and of the planning authorities (Garner, 1962).

In trying to control urban development and management in any location conflicts are bound to arise and are bound to be resolved or come to a point of compromise. This is usually based on differing sets of values, interest and beliefs on the part of the different actors and it is resolved or at least reduced through a series of compromises in order to allow legislation to result, as observed by Ripley and Franklin (1982). But Cullingworth (1997) observed that compromise on issues of policy or planning means that changes could have been made; but lack of compromise means lack of legislation.

In the context of compromise there are individuals and groups who are perceived to be winners or losers – at least some specific points. It also goes to say that losers do not have to abandon hope and those winners cannot relax after their formulation and legitimisation victories. Policy process is as continuous as it offers continuous opportunities for raising both old and new issues. Based on this, it can be seen that a number of actors have influence over the outcome of the policy of planning.

Implementation is a continuous process, with no clear-cut endpoint. It involves multiple actors, such as individuals and organisations, from territorial levels of government (Federal, State and local Government) as well as from all branches of government associations. The action of bureaucrats, especially civil servants or planning officials, is most important in implementation. The role of private and non-governmental actors is also prominent. One major challenge of implementation is the context in which the plans are set. Plans are made by the state and are expected to be implemented by local government. Both the state and local Government get their subvention from the federal government. Usually, goals are vague to accommodate multiple points of view and to translation of vague statements into specific concrete implementation actions renewing the potential for conflict and compromise.

For the purpose of this paper constraint restraining urban planning system from achieving their sets goals include; planning approach and system, catchment area, qualified man-power, correct documents, revenue from rates paid and equipment amongst others. Whilst, that is the case a more categorised forms of constraints include; institutional, financial, cultural, political, physical, knowledge, legal and analytical constraints. These could be internal or externally induced to constrain the urban planning system (Gupta, 2001; Ebohon et al., 2002; Goldratt, 2004; Dung-Gwom, 2008; RTPI, 2011). The various components of urban and regional planning system have been constrained and below are the causes

and forms of constraints. These constraints are as follows; political, physical, financial, cultural, institutional, legal, knowledge and analytical constraints experienced by many countries, organisations and authorities amongst others in trying to ensure controlled development and management of policies.

Political constraints

The practicality of making policy issues work is not always seen when meeting with politicians. There are always lessons to be learned; it is not any easier to raise levels of expenditure than to reduce them. Every time policy makers create a government programme, the programme creates its own constituents. As a result, even when its usefulness is in question, closing it down often becomes nearly impossible. This has always been the major constraint experienced by many countries in trying to implement their policies (Ebohon et al., 2002; Vidal, 2008). This has been a major constraint in the implementation of policies in both developed and developing countries.

The World Bank Report (2006) considers; voice and accountability, political stability and absence of violence, government effectiveness, regulatory quality, rule of law and the control of corruption to be good indicators of controlled urban development and management. The absence of a political will to initiate, develop and implement policies could be a major constraint in most societies irrespective of their origin or set up.

Stewart (2006) in his work considered the fact that for good urban governance to be achieved citizen participation has to be considered, this has become very important to allowing planning authorities to carry out and implement the plans within their jurisdiction, because the plans to be implemented are the opinions of the citizens. However, some citizens perceived that they were discriminated against permanently, or almost permanently, by being excluded from participating in their own local governments. This concern ties in with the issue of the plan preparation and implementation by planning authorities. It results in the plan not being implemented because the plans are created for the people, instead of with the people. The art of not involving the residents makes this a political constraint leading to and the failure of plans (Healey, 2005).

A case can be made for the adoption of other planning methods to address the problem. Good governance can be indicated by such things as citizen participation, accountability, equity and security. If a new planning approach can demonstrate good governance then it is considered to be appropriate for adoption and implementation of a plan. Some of the other indicators are effectiveness, equity, participation accountability and security (Stewart, 2006).

Cultural constraint

Culture is that invisible and often complex system of beliefs and practices that determines how people act in planning authorities which is often fraught with difficulty. Gupta, (2001) observed that just like political constraints, the cultural context influences the public process. Public policies must conform to the cultural norms of the community, from design to adoption and successful implementation. Cultural context is perplexing because it varies from one country to another. The acceptance of a policy by members of a community will go a long way to ensuring the implementation of a policy e.g (birth control). Members of the community might also question those who oppose international abortion and birth control initiatives, even as the United Nations population control programmes in poor, less developed countries buckle under unsustainable growth (Ebohon et al., 2002; Goldratt, 2004; Vidal, 2008). Without cultural acceptance, even a perfectly reasonable public policy may not be considered appropriate for a community or country.

In a related study Galpin (1996) enumerated 10 components of cultural constraints and use it to explain the constraints experienced when implementing change. These include; Rules and Policies, Goals and Measurement, Customs and Norms, Training, Ceremonies and Events, Management Behaviours, Rewards and Recognition, Communications, Physical Environment and Organizational Structure. These constraints affect the components of the urban and regional planning framework to effectively control urban development and management.

Institutional constraints

Public policy depends on bureaucratic institutions for its formulation and implementation. An organisation, like any other entity –collective or individual – develops its own cultural ethos, goals and mythology as observed by Ripley and Franklin, (1982), Gupta, (2001) and Ebohon et al. (2002). Policies are only promoted by the social services division of a city who come into direct conflict with the mandates of law enforcement branch. These conflicts are often seen as ‘turf battles’ and can render a policy ineffective. Ebohon et al. (2002) had observed that commerce departments promote international trade and seek to maximise the export of goods from their country. The goals might be different to those of the state department, which manages the country’s foreign policy and for many reasons, such as politics the state department may prevent companies from selling their wares, such as weapons or high-speed computers. This institutional restriction becomes a constraint by not supporting and facilitating the infrastructure delivery to promote sustainable urban development as observed by Ebohon et al. (2002).

Most metropolis in Nigeria are just like any other municipal area councils in a developing country which has not benefited from the contributions made by regional development plans because management is via planning authorities, using policies made for them, to achieve different goals that relate to physical planning. Master planning as a policy tool and technique, to solve physical planning problems in a regional arena has failed. The absence of Master planning frameworks to address various issues has not been considered, in addition, the approval of a plan proposed by government, may have to go through lengthy procedures and could then be incorporated into the relevant section of a plan (Premus, 2004; SCP_ and NHP, 2006). This is to promote sustainable, spatial development for a region, state and the country at large; this cannot be over emphasised for the survival of a nation. Jos Metropolis is one of the fastest growing cosmopolitan regions in sub Saharan Africa; it lacks an institutional framework for the implementation of any plan to control development.

Financial constraint

Ebohon et al. (2002) observed that the role of effective financial institutions in economic development has been the subject of considerable debate because it remains crucial to any form of development and management, if mobilised for "immense works" it plays a critical role in igniting industrialisation and other forms of advancement; thus, the lack of effective financial institutions becomes a constraint.

A plan that is expected to trigger social, economic, cultural and political activities, but when it fails to include details of funding, it will struggle to be successful. A plan should clearly show or indicate all sources of funding, cash flow analysis and income generation capacity and management. The Government must explain how a plan will be financed if the plan is to be implemented. The implementation of plans is an intensive project and requires funding from the Government or institution that initiated its preparation (Goldratt, 2004). Lack of funding is a major constraint that has impeded the implementation of the plan. The inability of the Government to fully fund the implementation of plans has resulted in the stated goals of the numerous plans being unachievable. This is manifested in the non-provision of equipment, qualified personnel or lack of funding in form of grants or scholarships to train the workforce.

Legal constraints

Public policies (plans) must be formulated and implemented within a nation's legal framework. Generally speaking, in the United States of American, law originate from six sources that govern the daily running of the country and encompass: constitutional laws, laws

prompted by legislature, executive orders and interpretations of law by the judiciary, agency or organisations rules and public referenda. In any democratic system checks and balances, laws passed by legislature, executive orders, referenda and agency rules can all be declared null and void by the courts. In certain cases the legislative division may contest with the executive division for control of the national agenda. For instance, the U.S., Congress passed the war powers resolution in 1973 which curtailed the president's entitlement to send U.Ss troops into combat with other countries (Ripley and Franklin, 1982). A hugely popular referendum may face court challenges that block its execution (Gupta, 2001). This legal restriction becomes a constraint when a recently designed plan/policy has been sent to Congress for adoption and is delayed and any decision cannot be taken as a result of its backing or passage into law (Hull, 1995).

In the design and implementation of any plan or policy, it is very important that potential constraints are identified; constraint is the element, factor or sub-system that works as a bottleneck. It restricts an entity, project or system (such as a manufacturing or decision making process) from achieving the full potential (or higher level of output) in relation to the set goals (Goldratt, 2004). Legal constraints are basically a restriction on planning based on; laws and regulations and the need to avoid harming a system, leading to the avoidance of any undesirable consequences of any actions.

In the context of Nigeria, cities operate under the 1992 urban and regional planning law. The procedures that apportion the state the power to prepare a master plan for urban cities in state capitals, hence, the issues raised in Nigeria (urban, cities) are all common to the Jos Metropolis, issues linked to the explosion of spatial coverage due to the urbanisation processes that allow encroachment onto nearby agricultural land, where land use control is grossly ineffective, and poor urban management practices abound (Gyabaah, 2009; Gyabaah, 2005; Olokesusi, 2004; Olatubara et al., 2004; Olufemi, 2004).

Knowledge constraints

This is a limitation in the required knowledge of as well as addressing or ensuring the effective control of urban development and management. Knowledge constraint abounds when there is inadequate man power to address a particular problem as a heavier penalty appears in the event of an inability in addressing the problem (Gupta, 2001). The absence of sufficient understanding and expertise on certain aspects of a system becomes a constraint as a result of peoples' existing knowledge which is inadequate. A good illustration is the problem of malaria abatement in many countries around the world. Malaria was once the biggest cause of death in the

Table 1. Institutional framework at two tiers with constraints.

Institutions	Components of Framework	Constraints
State	Institutions	Political, Cultural, Institutional, Legal, Analytical, Knowledge, Financial and Physical
	Organisations	
LGA	Legislation	
	Administration	

Source: Authors Field, 2014.

world's tropical regions. Then there was limited knowledge about the prevention and control of the diseases, its treatment and provision of immunity against the deadly disease.

Analytical constraints

The inability to appropriately apply analytical techniques use for public policy/ plan analysis, either at the design stage or at the implementation stage becomes an analytical constraint. Numbers have a magical quality, they give the impression of being totally objective, as observed by Gupta (2001), and however, there are many opportunities for subjectivity to creep into analysis because there is always the qualitative dimension of analysis. At each stage of the design, researchers and analysts are always confronted with confusion and enormous pressure to make quick decisions, which are often rendered for the convenience of the analyst or to suit the particular quantitative technique chosen for the analysis. These analytical constraints may creep into the analysis from a number of sources, hence, affecting or restraining a number of issues relating to the plans either at the design or implementation stage (Goldratt, 2004).

Constraints regulate the output of the whole process. The effective analysis of the demand is the rate at which an infrastructure needed to meet a set targets population within a planning region and its provision in the planning design and implementation is very important to ensure a controlled urban development and management.

Physical constraints

Dung-wom (2008) observed that physical constraints (rocky outcrops, mounds, streams and mining ponds), have significantly influenced on the physical developments and management of the cities and in peri-urban areas that have been avoided because of the difficulties of building in problematic areas. The weather and climate is another factor that can be considered to be a major constraint to urban development and management process, when these aspects are factor into plan that is required for the controlled development and management. The constraint observed as a result of physical constrained.

METHODOLOGY

The paper utilises the qualitative based evidence from 30 semi-structured face-to-face interviews with town planners working in the 9 case studies (planning authorities) and from the documents reviewed about the Jos Metropolis, Nigeria. The sources from which the data, relating to the constraints, have been drawn are; questionnaire, face-to-face interview and document review. One hundred and seventy three (173) questionnaires were distributed and one hundred (100) were returned representing 58% response rate. 30 semi-structured face-to-face interviews were conducted with town planners in the study area. This represents the entire population of town planners within the area of study which is considered as unit of study.

Multiple sampling methods adopted were; snowball for the face-to-face interviews, purposive sampling to collect the secondary documents and for the questionnaires no sampling technique was adopted. The multiple sampling techniques were to bring about validity and reliability to the study. The approach adopted is qualitative and quantitative with a deductive-inductive reasoning. The strategy used is 'mixed method' (Denscombe, 2007).

The eight forms of constraints identified in the literature include; political, cultural, institutional, legal, analytical, knowledge, financial and physical and data were collected from sources relating to the constraints. The analysis and discussion about the existing institutional framework for urban and regional planning in Jos Metropolis Nigeria using the above listed constraints were consider as the quantitative data using the analysis of variance (Anova-F ratio N-way ANOVA) and the qualitative data using thematic and content analysis were used to analyse the variables (constraints) affecting the various components of the institutional framework in Jos Metropolis that ensure controlled urban development and management. The mind mapping was used to present the interrelationship between the components of the institutional framework and the constraints identified (Table 1) (Jankowicz, 2000).

The discussions are structured according to the objectives of the study. The quantitative data and qualitative data were analysed and triangulated. The common guideline used was; 0.01 = the effect is small, 0.06 = the effect is moderate and 0.14 = the effect is large. The value to be used for determination is Wilks Lambda which states that if the Wilks Lambda score is less than 0.5 and the value calculated is 0.000, it is statistically significant.

FINDINGS AND DISCUSSION

The Institutions; Two Tiers of Government and the related Constraints

The 2 tiers of Government; State and local government are considered as the institutions involved in ensuring that the Greater Jos urban master plan is used in controlling the urban development by the planning authorities.

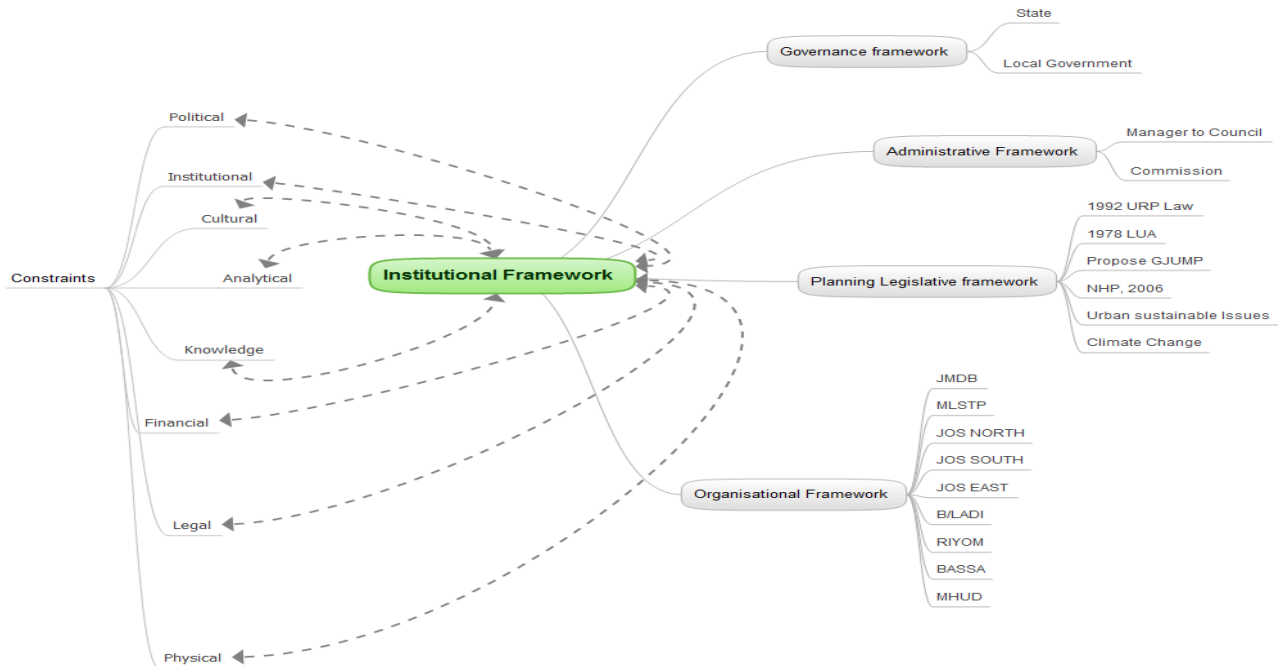


Figure 2. Relationship between the governance institutional framework and constraints.

As a political commitment on the part of the government, master plans were prepared at both local government and state level. It was discovered that there are two master plans, one at the state level and the other at the local governments of Riyom and Jos East LGA. While these stages were on-going the local government were not involved. Culturally it is constrained as usually when these master plans are prepared those in local governments were not involved. Those at the local government level are in direct contact with the people in the community, who are custodians still custodians of land. Institutional constraints arose when there was ambiguity as to the planning authorities and their responsibilities not clear for implementation of the master plan. Legally constrained the 1978 Land use Act now Cap15 LFN 2004 has vested powers in the Governor of the state, nationalising land without paying appropriate compensation to the natives. These natives always negate the control and developments efforts within their areas. The inability of the government and the consulting firm preparing the master plans has always generated problems of appropriate articulation of the problem on ground. Poor analysis of the problem on ground is observed when at the point of implementation the plan cannot be implemented, leading to waste of resources and time.

An in-depth knowledge, of the problem on ground is very pertinent in order to make accurate and direct recommendations; else the knowledge of the planning officials is constrained thereby affecting the control of urban development and management. Financial

constrained has affected the effective implementation of the plan as it is clear because the Government (State and Local government) did not show details of how the plans would be funded, this was a major flaw. The institutions were physically constraint as some areas are part of the metropolis, remain in the domain of local governments and this creates a problem for administrative convenience for the staff of both the state and local government. Based on the aforementioned this relationship between these constraints and the governance institutional frameworks have been mapped (Figure 2).

Figure 1 shows the Relationship between the Governance institutional Framework and the numerous Constraints interacting to form a web that affects the institutional framework and makes the operating practices of planning authorities as organisations, the planning legislations, administrations and governance to be erratic, causing haphazard developments as observed in the study area. To address the constraints of politics in planning and the non-implementation of the master plan, there is a need to reform the political structures within which the Planning authorities operate and to measure their ability to support credible policy commitments, within and outside the metropolis.

Finally, the constraints identified have not affected the institutions in either of the two tiers of government statistically because there is no linkage between the tiers of government. The constraint is felt due to the hierarchy in the institutions in all the levels but more individually than holistically. The constraints are not equally distributed through all the components at the same rate

Table 2. Institutions at 2 tiers.

Measure 1: Within-Subjects Factors (Dependent Variable)		MEASURE 2: Between-Subjects Factors (N)	
1	InstA1	1.00	11
2	InstA2	2.00	18
		3.00	27
		4.00	17
		5.00	27

Table 3. Multivariate Tests^a.

Effect		Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared
InstA	Pillai's Trace	.144	15.940 ^b	1.000	95.000	.000	.144
	Wilks' Lambda	.856	15.940 ^b	1.000	95.000	.000	.144
	Hotelling's Trace	.168	15.940 ^b	1.000	95.000	.000	.144
	Roy's Largest Root	.168	15.940 ^b	1.000	95.000	.000	.144
InstA * InstA3	Pillai's Trace	.041	1.013 ^b	4.000	95.000	.405	.041
	Wilks' Lambda	.959	1.013 ^b	4.000	95.000	.405	.041
	Hotelling's Trace	.043	1.013 ^b	4.000	95.000	.405	.041
	Roy's Largest Root	.043	1.013 ^b	4.000	95.000	.405	.041

or level. Perhaps the respondents' opinions in the questionnaire were based on their previous experience and not on present circumstances as the analysis revealed that it is not significant, therefore, the constraints observed have not affected the performance of the institutions at any of the two tiers of government (Table 2).

Measure of the existence of institutional framework

The common guideline used was; 0.01 = the effect is small, 0.06 = the effect is moderate and 0.14 = the effect is large. The value to be used for determination is Wilks Lambda which states that if the Wilks Lambda score is less than 0.5 and the value calculated is 0.000, it is statistically significant. Therefore, based on the results the significant value is less than 0.5 (Table 3).

The organisations (Planning Authorities) framework and its constraints

The planning authorities are considered as a component of the institutional framework of urban and regional planning in Nigeria, within which Jos Metropolis lies, using the identified constraints. Different constraints have affected the planning authorities making them unable to control urban development and management as lamented by 80% of the respondents. Some of these constraints could be that these developments have affected the smooth running of JMDB as a planning authority because the MHUD is the supervisory ministry.

The planning authorities have been operating individually and specific jurisdictions that are not independently isolated and as a result the varying constraints work affecting them collectively and since there are nine planning authorities considered in the organizational framework this has created a web of influence that could be observed in the haphazard development of the Jos metropolis, due to the plethora of the planning authorities and the number of constraints that have affected their performance over the years in controlling urban development and its management.

Furthermore, the planning authorities in the framework used different plans to control urban development and management. For instance there are two master plans at the local government level and the GJUMP. The problem here is that in this framework (organisation) the usage of these plans are not coordinated for the control of development and management by the planning authorities at metropolitan level (involving both the state and the local government), even though the 1978 land use Act has vested power in the state governors to allocate, approve and pay compensation to the inhabitants for the land acquired for use.

Planning authorities are empowered by the political will that runs them because it is concerned with the way it influence their function, roles and responsibilities within their jurisdiction to ensure control urban development and management. To address the constraint of politics in planning authorities and the non-implementation of the master plan, there is a need to identify the political structure within which the planning authorities operate and to ascertain their ability to support credible policy

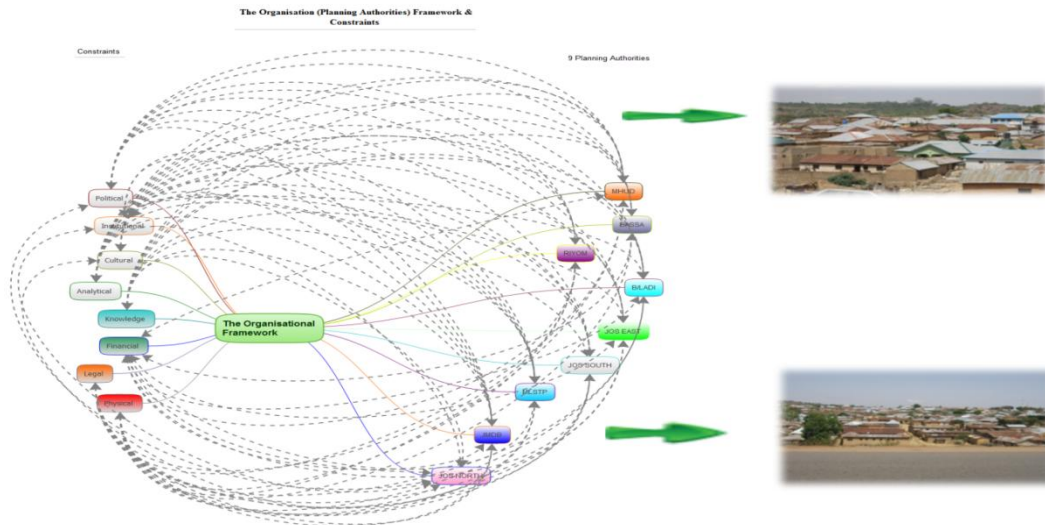


Figure 3. Relationship between PA and constraints.

commitments and the management of the urban environment. Twenty per cent (20%) of respondents indicated that strategic planners can take a proactive approach which improves the performance of the planning authorities and avoid political attacks and government intervention. The planning authorities take responsibility for housing issues but do not have qualified personnel or have a housing department in the ministry, as observed by Dung-Gwom et al. (2008). These problems have been compounded into constraints that have made it very difficult for the planning authorities. Institutionally constrained, the planning authorities cannot comment on the mining activities prevalent in Jos Metropolis and its environs, which have left many mining ponds and mounds which have altered the beautiful landscape and land uses, this in diverse ways have affected the State's economy largely. The planning authorities have to make provision to address this major issue as 70% of the land mass in the metropolis (physical constraint) has been affected by the mining activities, as observed by Bingel (1978). Consequently, no planning authorities have been given the responsibility of addressing land reclamation. This has become a constraint because no effort is made to recover the derelict land as a result of the tin mining activities that have occurred. The deficit in land has led to higher demand for land, and even though the ecological funds were made available by the federal government, but it never reached areas that have suffered from conditions of degradation, which would have brought about controlled development and management as confirmed by Dung-Gwom (2001). One major constraint that has affected the smooth control of urban development and management is in the preparation of the Greater Jos Urban Master Plan (GJUMP), it was awarded to a firm of consultants which resulted in the non-involvement of the

staff of the planning authorities, especially those in the Lands Section of local government areas within the metropolis. This is a major impediment towards the successful implementation of the plan by the planning authorities considering their relevance and particular involvement in control and development as well as management within the urban metropolis. Sixty percent (60%) of the respondents observed that no action plan had been proposed for solving the problems in these areas and therefore the built up areas of the metropolis. This need to be reconsidered to ensure that the infrastructure on ground meets the needs of the areas concerned. Furthermore, 80% of the respondents were of the opinion that the non-coverage and capture of problems on ground has rendered the master plan invalid and on the way to failure without a remedy. This is because plans emerge from existing problems and are followed by proposals and consideration of a solution. Planning authorities need existing built-up areas for development control and in the event of changes in land use. The master plan has not always addressed existing problems. For instance, community leaders or planners in planning authority are not involved in the process of design; this goes a long way to affecting the implementation of the plan, as observed by 80% of the respondents who affirmed that the firm of consultants was supposed to produce a final draft for scrutiny. The consultants firm failed to provide a final draft to stakeholders, or even the public, for criticism and corrections; instead the document was submitted directly to the government. Based on the decision taken a haphazard urban metropolis was realised (Figure 3).

The implications of the results obtained from the data analysis on organisational framework (planning authorities) is that the functions, roles and responsibilities of the planning authorities have a direct impact on the

control of urban development and management within the institutional framework of the Jos Metropolis, but have been constrained from various levels, making it very difficult for numerous planning authorities.

The Planning Legislation Framework and its constraints

The planning legislative framework consists of the 1992 Urban and Regional Planning law; the GJUMPs, Land Use Act 1978, Urban Sustainable Issues, National Housing Policy and Climate Change were the planning legislative frameworks analysed as a component of the institutional framework of urban and regional planning in Nigeria within which the Jos Metropolis lies (Hall, 2002).

The planning legislature is a gamut of legislative documents prepared by legislatures at the two levels of government (State and Local government) that are planning related (addressing different aspects of the built environment) and which are used by planning authorities to control development and also manage it. The implication (haphazard and uncontrolled development of the metropolis) of the results obtained from the data analysis on planning legislation and its related constraints is, and the following discussion will consider; The 1992 Urban and Regional Planning Law, The Greater Jos Urban Master Plan (providing infrastructure), Land Use Act 1978, Urban Sustainable Development, National Housing Policy and Climate change.

For the purpose of this paper the planning legislations enumerated above are not part of a single document but are influenced by each other for instance the 1992 Urban and Regional Planning Law and the Greater Jos Urban Master Plan are highly influenced by the Land use Act, 1978 towards the provision of infrastructure in the urban areas. Land is still in the hands of the individual natives and the Land use Act 1978 has not nationalized land by paying compensation to the natives. Hence as legislation it has been constrained and leading to the haphazard development observed.

Furthermore, there was a delay in the submission of the plans and in the passage into law of the GJUMP this is an embodiment of the constraints such as legal, political, cultural, analytical and institutional amongst others. The bill has been prepared but is still in the High Court of Justice for reconciliation and passage of the plan into a bill. The submission was made but has still not been passed into law in 2013. The Governor of the state has also placed an embargo on approval and issuance of certificates of occupancy in the state. This singular action has constrained the legislative process by the long delays and bureaucracy by the courts processing the documents for the approval of certificates and rights of occupancy. The long delays have affected the level and rate of controlled urban development and management which has never been static. This has heralded and encouraged

the haphazard development as indicated in Figure 2. It shows the haphazard development observed owing to the fact that the planning legislations have very little impact on urban development and management of settlements within the Jos Metropolis.

Accordingly, there is a need for the Government to put a mechanism into operation to address the issue of embargos on approvals and issuance of certificates of occupancy and long delays through bureaucratic bottlenecks introduced by officials for the public trying to gain access to the services rendered by the organizational framework (planning authorities).

When the legal backing is informed standards are maintained. The legal backing that is required is always delayed and eventually becomes a constraint as observed by Dung-Gwom (2001). The lack of legal backing has left many issues that have not been addressed. This, eventually, makes it difficult to obtain approval and eventually constrains the implementation process leading to a legal constraint. Legal title to land, housing and other properties is difficult to be obtained hence, the capital starts to collapse. This has been confirmed by the work of Hernando De Soto (2000; pg 36) in Peru and Parsa et al. (2010) in Dar es Salaam.

The number of planning legislations used to carry out development control has constrained the institutional framework; making it very difficult to ensure the implementation of the master plan which is also legislation having passed into law to become functional in ensuring development control, as observed by Cullingworth and Nadin (2001; pg 2) who stated that plans become legally binding documents. Indeed, they are part of the law, and the act of issuing a permit is no more than a certification of confirmation that a proposal is in accordance with the plan. Tables 4 and 5 show the analysis of variance (Anova), revealing that the effect of the constraints on the planning legislation is not statistically significant. The evidences from the documents reviewed and the face-to-face interviews show that there is a positive and significant constraint of the planning legislations to the point of non-effect leading to the haphazard and uncontrolled development.

The administration framework and constraints

The administrative framework in the study area consists of two forms of structure namely; commission system and council –manager system in relation to the constraints. The administrative structure for planning authorities should have influenced the way the master plan is to be implemented. This is determined, to a large extent by the way instructions are passed from either Top–down or bottom–up. The administration framework varies from one planning authority to another (Tables 6 and 7). The next section considers how the administrative framework affects the operation of the planning authorities

Table 4. Analysis of variance (Anova) planning legislation.

Measure 1: Within-subjects factors (Dependent Variable)		MEASURE 2: between-subjects factors (N)	
1	PLA1992	1.00	14
2	PLAMP	2.00	18
3	PLALU	3.00	24
4	PLASUS	4.00	32
5	PLAHP	5.00	12

Table 5. Multivariate Tests^a.

Effect		Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared
PLA	Pillai's Trace	.024	.576 ^b	4.000	92.00	.680	.024
	Wilks' Lambda	.976	.576 ^b	4.000	92.00	.680	.024
	Hotelling's Trace	.025	.576 ^b	4.000	92.00	.680	.024
	Roy's Largest Root	.025	.576 ^b	4.000	92.00	.680	.024
PLA * PLACC	Pillai's Trace	.363	2.368	16.000	380.00	.002	.091
	Wilks' Lambda	.666	2.510	16.000	281.70	.001	.097
	Hotelling's Trace	.461	2.608	16.000	362.00	.001	.103
	Roy's Largest Root	.352	8.369 ^c	4.000	95.00	.000	.261

a. Design: Intercept + PLACC; Within Subjects Design: PLA; b. Exact statistic.

Table 6. Analysis of variance (Anova) organisational/planning authorities.

Measure 1: Within-Subjects Factors (Dependent Variable)		MEASURE 2: Between-Subjects Factors (N)	
OrgPA 1	OrgPA1	1.00	2
OrgPA 2	OrgPA2	2.00	19
OrgPA3	OrgPA3	3.00	25
		4.00	19
		5.00	35

in controlling urban development and management. The Council-Manager system for the Lands Sections in the six local governments and JMDB has affected both the planning authorities as managers to control the daily operations, the 1992 Urban and Regional Planning Law that is yet to be enforced stipulate that....

'Each local government authority should have an Urban and Regional Planning Department (URPDs) or section to carry out the functions of urban and town planning in the local areas'. As it stands URPDs are only available in Lagos state and in only one local government. The lands section does not have autonomy, it operates within a section. This reduces its functionality as the procedures and processes involved in carrying out the activities of the section are too cumbersome and complex, making it difficult to control urban development and management within the jurisdiction of the urban section of the local government area. Monitoring in this section is so poor that it performs below expectation leading to haphazard developments within and outside the urban areas, as observed from satellite imageries and by 20% of the

respondents. The hierarchy in the organisation of the two ministries MLSTP and MHUD shows the level and direction of the flow of information is from the commissioner to the deputy directors. For the purpose of achieving controlled urban development and management in the urban areas of the state the ministry has area offices. The administrative framework in the commissions does not favour controlled urban development and management; this is due to the fact that the headship of the commission lacks consistency in governance, this does not encourage continuity of policies. This has frustrated the effort of the professionals and experts in the area involved in the monitoring and implementation of the plan, bringing about delay in the processing of documentation.

MHUD is the ministry that bears the responsibility for formulating policies and for tracking their implementation from start to finish. This ensures coordination of key issues, such as, housing being the major occupant of space and with the problems of haphazard growth and development in most urban centres in the state. The

Table 7. Multivariate Tests^a

Effect		Value	F	Hypothesis df	Error df	Sig.	Partial Eta Squared
OrgPA	Pillai's Trace	.184	10.604 ^b	2.000	94.000	.000	.184
	Wilks' Lambda	.816	10.604 ^b	2.000	94.000	.000	.184
	Hotelling's Trace	.226	10.604 ^b	2.000	94.000	.000	.184
	Roy's Largest Root	.226	10.604 ^b	2.000	94.000	.000	.184
OrgPA * OrgPA4	Pillai's Trace	.332	4.731	8.000	190.000	.000	.166
	Wilks' Lambda	.687	4.850 ^b	8.000	188.000	.000	.171
	Hotelling's Trace	.427	4.966	8.000	186.000	.000	.176
	Roy's Largest Root	.346	8.210 ^c	4.000	95.000	.000	.257

a. Design: Intercept + OrgPA4; Within Subjects Design: OrgPA; b. Exact statistic; c. The statistic is an upper bound on F that yields a lower bound on the significance level.

ministry is unable to control urban development and its management because it is new and bestowing such responsibility for formulating and implementing a plan is precarious because the ministry lacks the experience and capacity as well as theman-power to carry out the task.

Finally, 75% of the respondent observed that the ministries donot have the staff qualified to do the job, as they have only two members of staff on secondment from another planning authority.This has constrained the efforts of the professionals involved in the monitoring and implementation of the plan, bringing about delays in the processing of documentation.

It is against this backdrop that inferences is been drawn that the administrative framework of all the planning authorities have been constrained as it is not structured in such a way to favour or control appropriately urban development and management.

CONCLUSION AND RECOMMENDATION

This paper sets out to critically analyse the current institutional framework of urban and regional planning in Jos Metropolis, Nigeria, based on the identified constraints and how it has affected the control of development and its management. The results reveal that the identified institutional framework is weak which has been constrained by numerous forms of constraints leading to a non-functional institutional framework.

Based on these the following recommendations were proffered for the benefits of practitioners, academia and policy makers based on the findings of the research;

1. For the institutional framework to control the urban development and management there should be the flow of information and resources based on a specific direction within and between the components of the identified institutional framework, as the constraints are spread across the two tiers in the institutional framework.
2. Measures should be put in place to reduce the effects of the constraints on the organisations (planning authorities) making it possible for the master plan to be

implemented.

3. The master plans should be passed into law to allow for the implementation of the master plans and the other planning legislations should be considered and accommodated in the plan, for a controlled urban development and management, within the study area.

4. The two types of administrative structure identified for the planning authorities should be seen encouraging the seasoned civil servant (planners), who are career civil servants to favour, controlled urban development and management within the study area.

Conflict of Interests

The authors have not declared any conflict of interests.

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