INCESSANT BUILDING COLLAPSE IN LAGOS STATE, NIGERIA: BEYOND A LEGAL FRAMEWORK

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Abstract

The cases of building collapse in Nigeria in recent times has become alarming and heart rending. A compendium of collapsed buildings and casualties in the last twelve years (2010-2022) signal a troubling trend that needs to be treated as an emergency. Each collapse sets in motion a chain of events: ranging from loss of investment, means of livelihood, loss of irreplaceable human lives and the vacuum it leaves for the loved ones of deceased buried in the rubbles at various sites of mishap is a call for concern. Beyond the losses is the question of what went wrong, could it have been prevented? Are there no laws or standards? Are there no institutions that enforce standards? The article is divided into four sections. Section one introduced the discuss of recurrent building collapse in Lagos state. The second section discussed the factors responsible for increased rates of building collapse in the state. Section three examined the impacts of building collapse, while section four will examine the laws and institutions responsible for regulating building construction in the country. The article concluded by stating that the Lagos state government agencies in charge of building regulations are in a race against time to curb the recurrence of building collapse and redeem the image of the state as the building collapse capital.

Key words: Building, Collapse, Incessant, Institutional, Legal

Introduction

Shelter is one of the basic necessities of life. In order to enhance the quality of life of a human being there must be adequate shelter the sustainable development goals have a target under goal 11 to ensure access for all to adequate, safe and affordable housing and basic services and to upgrade slums 2030. In developed countries of the world and middle-income countries, governments have been able to provide housing for their citizens, whereas, in Nigeria provision of adequate housing for the citizens remains herculean. It was estimated that housing deficit in Nigeria as at 1991 was 7.0 million which doubled by the year 2010, and as at 2018 it was indicated that for the country to close the gap, it must produce 700,000 housing units over the course of twenty years in order to address the country's housing deficits.[1] Lagos continues to be a destination of choice for rural urban migrants from other parts of the country because of the immense commercial activities that it is noted for. Lagos has a land mass of 1,171.28 square kilometres, and with a population estimated at 17 million having around 6,871 resident per square kilometres[2] In this wise, citizens have resorted to self-help in meeting their housing needs. Issues revolving around building failure and collapse happens majorly in urban areas. This is as a result of neglect of housing infrastructure development by the government and uncontrolled rural urban migration which overstretch available facilities and strengthens unwholesome practices in the building and

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[1] Akpan Ekpo, 'Housing Deficits in Nigeria: Issues, Challenges and Prospects, Economic and Financial Review', 2019 <https://dc.cbn.gov.ng/efr/vol57/iss4/13/> accessed 14/6/2022

[2] https://worldpopulationreview.com/world-cities/lagos-populationaccesseed 27July 2022

construction industry. All manner of building types are prone to collapse, though residential building seem to be on a higher scale of collapse rate, and happens majorly in the metropolitan cities like Lagos which has the highest number of collapsed buildings in the country.[3]

Collapse happens not only on old buildings, but even on new, completed and uncompleted ones whether residential or commercial. The high rise building that collapsed on Gerrald road, Ikoyi, Lagos, brings to fore once again the distasteful and catastrophic trends of building collapse in Nigeria, especially Lagos State. It seems there is no end in sight just yet, and those that should rise to the occasion and salvage what is left of the building industry seem overwhelmed. The spate and trend of building collapse in Nigeria leaves a sour taste for a nation with high number of experts and professionals in the building and construction industry. Yet, hope of redemption seem to be dimming as investor confidence is lost amid waste of investment and increase in number of homeless citizens and a rise in slum areas and the attendant consequences it portends for the society. All hands must be on deck to nip the challenge in the bud to reduce the spate of collapse and build confidence in the construction sector.

A glossary of buildings that collapsed in Lagos State between 2010 and 2022 include:

	Structure	Location	Cause of collapse	Date	Fatality
1	Building under construction	Isopakodowo str. Cairo, Oshodi, Lagos	use of substandard materials	April, 2010	4 dead, 12 injured
2	Uncompleted storey building	Adenike Street, Off New Market, Oniru Estate, Lagos	Substandard materials, noncompliance with approved building plans and weak structure	June 2010	I dead, 2 injured
3	4-storey Building In use	24, Alli Street, Victoria Island, Lagos	Structural Defects and overloading	September 2010	
4	5-Storey Office Complex with a pent house	11, Aderibigbe Str. Maryland, Lagos	Stru ctural failure, gross serviceability limit violation	June 2011	2 dead
5	3 storey building	Idumota, Lagos	Not reported	2011	18 dead
6	5-Storey Hotel building in use	Adenubi Close, Ikeja, Lagos	Poor quality concrete	13 March 2011	2 dead
7	3-Storey building In use	Oloto Str. Ebute Meta, Lagos	Dilapidated	July, 2013	7 dead
8	6-Storey Guest house building in use	Ikotun Egbe, Lagos	Structural failure	September, 2014	116 dead, 100 injured

[3] Victor Gbonegun and Azeez Olorunlomeru, Lagos and Burden of Recurring Collapse of Stuctures, The Guardian (Lagos 7 November 2021) <https://guardian.ng/sunday-magazine/lagos-and-burden-of-recurring-collapse-of-structures/>acessed 28/7/2022

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9	3-Storey building in use	Ebute Meta, Lagos	Weak Structure	July, 2015	
10	Residential building in use	Dolphin Estate, Ikoyi,	Gas Explosion[4]	July, 2015	3 injured
11	Nigeria Industrial and Development Bank Building	Lagos Island		March 2016	
12	5-Storey building, Under construction	Lekki Gardens, Lekki Phase 1	Foundation failure		34 dead[5]
13	4 storey building in use	Ebutte Meta		18 July 2016	25 dead
14	Building at salvation bus stop	Salvation bus stop, near Adebola house, Opebi Ikeja		23 March 2018	
15	One storey building	Abeje road, Morikaaz Agege, Lagos		30 March 2018	2 dead
16	3 storey building	24 Daddy Aladja St., Oke Arin, Lagos Island		29 May 2018	2 dead
17	3 storey	at Ita Faji, Lagos Island	Non-compliance with regulatory authority warnings	13 March 2019	20 dead
18	21 storey building under construction	Gerrard road, Ikoyi Lagos	Illegal increment in number of floors beyond approved plan	1 November 2021	44 dead
19	A storey building under construction	Osapa London, Lekki, Lagos state	Heavy downpour	2 November 2021, Lekki	
20	2 storey building under construction	Flour Mills Estate, Magbon, Olorunda Local Council	Not indicated		4 dead

[4] S.O. Odeyemi, Z.I Giwa and R. Abdulwahab R, 'Building Collapse in Nigeria 2009-2019, Causes and Remedies- A Review' 2019 1(1), USEP: Journal of Science and Engineering Production, 2019, Tech Publications, 122-135

[5] Developing Country Studies, 2017 7(3) <www.iiste.org> ISSN 2224-607X (Paper) ISSN 2225-0565 (Online) 119

		[6]Development Area in Badagry			
21	3 storey building under construction	Akanbi crescent, Lagos	Not indicated	12 February 2022[7]	Unknown
22	3 storey building	at 24, Ibadan street, off Herbert Macauly Way, Ebutte- Metta		2 May 2022	8 dead[8]
23	2 storey building	at Ago Palace Way, Okota	Not indicated	7 May 2022[9]	
24	3 storey building	4 Alayaki lane, Lagos Island	Substandard materials, heavy rainfall	21 May 2022	3 dead
25	2 storey Building	15 Oke Arin street, Ilupeju, Lagos,	Abandoned old structure	13 July 2022	NIL

2.1 Factors Attributed to Building Failure and Collapse

Some of the factors engendering collapse of buildings may either be natural or anthropogenic. However, between the two factors it seems that the Lagos situation of collapse of buildings are majorly as a result of man-made factors. According to Estate Intel, gas explosions account for 4% of building collapse in the state, developers' illegal practices 16%, Rain 12%, dilapidated/old buildings 20%, poor construction 36%, distressed buildings 12%.[10]

2.1.1 **Use of Substandard materials**

Quite a number of research have attributed the high incidence of building collapse on the use of substandard building materials.[11] Some of the materials include: cement, steel, iron rods and

[6] Kayode Oyero, 'Collapsed storey buildings rise to three in Lagos within two weeks' The Punch (Lagos, 17 November 2021) <https://punchng.com/collapse-of-storey-buildings-rise-to-three-in-lagos-within-two-weeks/>posted 17 November 2021, accessed 6/7/2022

[7] Hafeez Hanafi and Godfrey George, The Punch (Lagos,13 February 2022)<https://punchng.com/another-building-collapses-in-lagos-three-killed-others-trapped/> accessed 6/7/2022

[8] Kemi Adelagun and Agency report , Premium Times (Lagos, 2May 2022) <https://www.premiumtimesng.com/news/headlines/527247-death-toll-rises-in-lagos-building-collapse-2.html> , accessed 6 July 2022

[9] Bose Adelaja, Many Escape Death as 2-Storey Building Collapses in Lagos, Vanguard (Lagos, 7 May 2022) <www.vanguardngr.com >accessed 20 July 2022

[10] Estate Intel, (Lagos, 28 May 2022) <https://nairametrics.com/2022/05/28/building-collapses-in-lagos-heres-what-the-last-5-years-has-been-like/> accessed 21 July 2022

[11] P.A. Adebowale, M.D. Gambo, I.A. Ankeli and I.D. Daniel, Building Collapse in Nigeria: Issues and Challenges, (2016) 09(01) Conference of the International Journal of Arts & Sciences, CD-ROM. ISSN: 1943-6114: 99–108 (2016). S.A Oloyede, C.B. Omoogun, and O.A. Akinjare, Tackling Causes of Frequent Building Collapse in Nigeria,

concrete blocks. While some of the materials are inferior in quality, also, the required standard for the type of building is jettisoned to reduce cost. For example, where a 12mm iron rod is utilized instead of a 16 mm, the building will definitely have structure issues at some point. Also, where the concrete mix ratio is deficient, the structure will definitely have a defect where standards are neglected. It has been discovered also that standards are not being kept in manufacture of building materials. Materials production standards are being compromised due to rising costs.[12]

2.1.2 Poor Inspection by regulatory agencies

Poor inspection and enforcement like the town planning agency and other regulators in the built environment are complicit in the ongoing issues surrounding building failure and collapse in Lagos state. There have been instances where a building under construction has been sealed, yet developers continue to carry on construction until a collapse happens, if agencies are alive to their duties, such should not have happened in the first place. On the three - storey building that collapsed at Akanbi crescent, Yaba, an eye witness revealed that part of the building under construction collapsed earlier, yet, construction work continued without interference of stop work order or anything of the sort from enforcement agencies.[13] Also, at Alayaki,[14] it was reported by the district LASBCA that all necessary notices had been served on the building for contravening building laws, yet, work continued, in such instances are the enforcement agencies not empowered to seal up and make sure there is no access granted and prosecute those that endanger public safety by brazenly flouting the laws of the state? In situations like this, members of the community like the eye witness in the Akanbi Yaba building collapse could have reported the observation on the building to law enforcement agencies. Whistle blowers are needed that can give report to concerned agencies, but there must be public awareness and roll out of numbers that can be called when concerned citizens sees anomalies going on a construction site for independent investigation by appropriate agencies. Also, there is need to protect identity of the whistle blowers lest they suffer a backlash for helping the society avert disasters which will make other citizens refrain from that obligation to the public.

2.1.3 **Engagement of non-professionals**

It is common place in Nigeria that many buildings are built by contractors who are majorly artisans in the toga of contractors. Many home owners will rather consult and employ the services of a bricklayer and other artisans to build, even often without plans and drawings for the purpose especially among the low and middle income earners. Reasons deduced include: high cost of engaging professionals and high rates to be paid to town and building regulatory authorities to obtain permit.

Journal of sustainable Development, <www.ccsenet.org/jsd> ISSN 1913-9063 E-ISSN 1913-9071, 128 , Chinedum Uwaegbulam substandard products have made construction a risky business Lagos (2016) <https://guardian.ng/interview/substandard-products-have-made-construction-a-risky-business>/accesed28/7/2022

[12] Victor Gbonegun and Azeez Olorunlomeru, op. cit.1

[13] Eniola Daniel, Casualty figure unknown as another building collapses in Lagos, The Guardian (Lagos, 12 February 2022) https://guardian.ng/news/casualty-figure-unknown-as-another-building-collapses-in-lagos/ accessed 28/7/2022

[14] This Day, Three Die as Building Collapses in Lagos, Lagos(This Day, May 2022) <https://www.thisdaylive.com/index.php/2022/05/22/three-die-as-building-collapses-in-lagos/>

2.1.4 Circumventing approved plan

It has been revealed that some of the buildings that fail and collapse were actually the result of greed and avarice on the part of building owners. In the recent case of twenty -one storey building that collapsed on Gerrald road, Ikoyi Lagos, which claimed the lives of over 40 persons including the owner of the building was partly as a result of circumventing the initial approval granted by the state authorities. The building initially was to be fifteen floors which was later increased to twenty-one without appropriate authorizations. For instance, the Lekki gardens estate building collapse on March 8, 2016 was discovered not to have a building approval during court proceedings.[15] Moreover, according to the architect while testifying alluded to the fact that the building was supposed to be three storey but was increased to five because of high rate of subscription, and on cross examination admitted he was not a qualified architect.[16] It is rather unconscionable that the five storey building was been constructed in such a high brow, without sites visits till the building came crashing with sordid discovery in court that there was no approval for the building which left more than 30 people dead. Also, quite a number of the buildings that collapsed at Ebutte -Meta and many on the Island are attributed to greed. This is due to the fact that the booming commercial activities on the island needed space which is obviously not available any longer; prompts many developers to increase floors of old buildings[17] to accommodate commercial activities. Some of such buildings due to the number of years they have been erected were already weak structurally and erecting new floors just makes failure inevitable.

2.1.5 High cost of materials and the management syndrome

The high cost of building materials is a major challenge for housing development. It is rather unfortunate that vast resources required in the building industry are largely imported, thereby making cost of building materials beyond reach. This also creates a situation where the consumers seek cheaper, howbeit not too safe alternatives. It is not news that Nigeria has housing deficits running into millions of units for the teeming population. Since government has not been able to resolve this knotty issue, citizens resort to self -help. It is even acclaimed in some quarters with pride that even artisans are brought in from neighbouring countries like Benin republic and Togo to do bricklaying and other artisanal jobs; as there is a vote of no confidence in their indigenous counterparts. To this end, it is urgent on the government to build capacity in the technical schools and vocational centres for the training and retraining of artisans. Create avenues to encourage youths to acquire skills that are needed in the constructions sector. This will help to build local content and stop excessive reliance on expatriate artisans who may not be willing to even work in the country as of now that the country is in recession.

2.1.6 Defective design

This is another factor that promotes collapse of buildings. This may result in instances where architects fail to do or does not insist on the carrying out of feasibility studies, soil and site investigation which are the bases for design of adequate architectural and structural drawings.[18]

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[15] Onozure Dania, <https://www.vanguardngr.com/2017/10/collapsed-lekki-gardens-building-no-approval-court-witness/> accessed 29/06/2022

[16] Ibid.

[17] I.G. Chendo and N.I. Obi, 'Building Collapse in Nigeria, Causes, Effects, Consequences and Remedies', International Journal of Civil Engineering, Construction and Estate Management, 2015 3(4), pp.41-49, Published by European Centre for Research Training and Development UK accessed 14/6/2022

[18] ibid

2.2 Factors that have encouraged impunity

2.2.1 Corruption

Corruption continues to be the bane of our national development in all ramifications, Many lives lost and resources wasted as a result of collapse of buildings can be traced to corrupt practices among the chain of actors in the built industry. As contractors seeks to maximise profits and minimize costs by cutting corners, reducing standards, while corrupt enforcement personnel for graft looks the other way and refuses to enforce standards for instant gratification. All of these have contributed to the issues of building failure and collapse in the country, and will continue to be until stakeholders rise up to the challenge with a will of steel.

2.2.2 Bungled court process/Lack of conviction

Non enforcement of laws and standards by the appropriate authorities needs to be urgently addressed. The lack of conviction or speedy resolution of matters due to the clogged court processes is a major impediment to justice delivery in the country. In matters related to handing down justice by the courts in the matter of building collapse, but may take years of adjournments which wearies out the plaintiffs. Also, the generality of the populace does not repose high confidence in the court system, as many view the courts as tainted with corruption. One way to address this, is to publicise some of the proceedings and give speedy trials for quick resolutions, to gain public confidence that such maters will not be swept under the carpet especially when it involves high profile incidences cum personalities.

2.2.3 Negligible penalties

Penalties meted out on violators of laws, regulations and codes in the built environment are neither punitive nor deterrent. Also, many offenders are not prosecuted to a logical conclusion to show their culpability and made to pay damages and compensation to deserving parties.

2.2.4 Lack of coordination amongst professionals

There is an unwarranted lack of coordination and collaboration amongst professionals in the building industry. Many of the professional bodies involved in the construction sector makes the country and people lose more to ego brandishing and unwarranted bickering. Also, there is the problem of perpetrating criminalities by quacks parading as professionals thereby defrauding unsuspecting members of the public and robbing professionals off their jobs, revenues and worst of all their reputation, which ordinarily should be a national and global brand for foreign direct investment into the country. In this wise they equally inadvertently rob themselves of the revenue that should accrue to them to quacks

3.0 Impacts of collapsed buildings

The impact the collapse of a building has ripple effects on concerned individuals, organisations, communities and government. Some effects can be social, economic or environmental.

3.1 Social

When buildings collapse claiming lives of whomsoever: occupants in case of completed buildings, workers in case of ongoing constructions or responders, it is always unplanned thereby cutting short dreams and aspirations of victims. For some, whole families perish, bread winners die, leaving anguish and pains for dependants who may never have any compensations whatsoever for

their losses. Many become homeless, orphans, widows and widowers disrupting their lives and goals. For victims that survive, some suffer various degrees of injury which renders them temporarily or permanently incapacitated. Some survivors beyond the physical trauma may suffer psychological effects[19] that makes them traumatized for the rest of their lives without provisions made to reduce the impacts on them. Some survivors eventually die due to inability to finance their medical bills and many other reasons. Responders put their lives at risk as they answer the call for rescue. Some become injured and incapacitated, while some pay the supreme price in the course of carrying out their duties, without adequate insurance cover or compensatory provisions. Collapse of buildings sets in motion a chain of events that is tragic.

3.2 Economic

The economic loss from a collapsed building are not peanuts, especially considering the present economic situation in the country and the shortage in housing infrastructure for the teeming Lagos inhabitants. To the developer, owner and victims in such buildings are numerous costs that may be eventually unquantifiable. The loss of capital invested in a building project is wasted without an avenue for recouping investment, unless there is an insurance policy. Billions in naira value go down the drain leaving owners/ developers bankrupt,[20] loss of investment, cost of clearing the rubbles, contractors in trouble of litigation, increased poverty, lost opportunities and increased unemployment are some of the economic aftershocks of a building collapse. The Ikoyi building collapse readily attenuates the challenges, more than forty lives lost, the investment in a 21 storey building is in hundreds of millions and the eventual demolition of the other two adjoining buildings is a loss too huge in times like this. What about the compensations that will need to be paid to the deceased and the state for other processes that go into demolition and clearing of rubbles.

Implication of incessant building collapse

The implications of building collapse in the state and nation are grievous. It is an indictment on the professional bodies in the built industry, which erodes confidence in the expertise of the indigenous professionals in the construction sector. It results in capital flight and job losses; because the local workforce is not attractive to investors, rather, they will prefer to bring in expatriates for their construction works. This further aggravates unemployment and loss of revenue to the government. Also, it smears a negative outlook on the mega city status of Lagos state.

Actions taken so far by the government to address incidences of building collapse in the state.

The persistent collapse prompted the government to enact the law on Lagos State Physical Planning Permit Authority (LAPPPA) and Lagos State Building Control Agency (LASBCA). The state has embarked on audit of buildings in the state especially in areas where building collapse are rampant: Lagos Island and Ebute-Metta and have resolved to stop granting permits for buildings

[19] J.A. Fadamiro and J.A. Adedeji, 'An Overview of Collapsed Buildings in Nigeria: A Medico-Spatial Analysis', 2013 40(2), Journal of Architecture and Built Environment, 53-62, DOI 10.9744/dimensi 40.1.53-62 ISSN0126-219X(Print)/ISSN 2338-7858 Online accessed 6/7/2022

[20] Akuobodo Patrick, 'Incessant Collapse of Buildings in Nigeria: An Architect's View', (2013) 3(4), Civil and Environmental Research, ISSN 2224-5790 (Paper) 2225-0514 online

above three floors in east and west of Ebute-Metta.[21] In giving vent to this, the State already sealed up 137 properties for contravening physical planning laws ranging from illegal conversion of residential buildings to commercial properties, while some others do not have building permit.[22] The government has embarked on certification of buildings for fitness for habitation[23] this is a proactive measure to make sure buildings are safe for habitation and prevent further catastrophes in the state. Demolition of distressed buildings in the state is an emergency step being taken to reduce the spate of collapse, unwarranted loss of investments and human lives.[24]

4.1 The Laws and Regulations on building construction in Nigeria

4.1.1 Building Code

The main objective of the National Building Code which is the blue print for state laws is to set minimum standards for designs, construction, occupation, maintenance and demolition of buildings with a view to ensuring quality, safety and proficiency in the built industry. The Building Code provides under the "Control of Building Works" section, that no building activity should be carried out without duly approved drawings which must have been prepared by registered building industry professionals. Another is that all building operations should be carried out under the supervision and management of relevant registered building professionals supervising the execution of the works in line with their respective inputs.[25]

The building code is replete with sanctions for those that flout the provisions of the code, which has actually been fraught with non-compliance. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Division/Section/Unit, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an offence punishable under the existing law." Any act that is performed, caused or permitted by any person, firm or corporation that is in conflict with, or not in compliance with any of the provisions of this Code shall be a violation[26] It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure violating the provisions of this Code.[27]

The Code Enforcement Division/Section/Unit shall serve a notice of violation or order in writing; on the person responsible for the erection, construction, alteration, extension, repair, removal,

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[21] Ebuoluwa Olafusi, The Cable (Lagos, 11 May 2022) <https://www.thecable.ng/building-collapse-lagos-stops-approval-for-structures-above-three-floors-in-ebute-metta> accessed 30/6/2022

[22] Chike Olisa, Lagos seals over 137 properties in the state for physical planning contravention (Lagos, 27/6/2022) <https://nairametrics.com/2022/06/27/lagos-seals-over-137-properties-in-the-state-for-physical-planning-contravention/>accessed 20/7/2022

[23] Bertram Nwannekanma, Lagos moves against Building Collapse Guardian, (Lagos, 7/10/2021) <https://guardian.ng/news/lagos-moves-against-building-collapse/ > accessed 30/6/2022

[24] Chike Olisa, Lagos demolishes two distressed buildings in the state (Lagos, 15 April 2022) <https://nairametrics.com/2022/04/15/lagos-demolishes-2-distressed-buildings-in-the-state/ > accessed 30/6/2022

[25] <https://guardian.ng/opinion/nigerias-loss-to-defective-building-code/accessed14/6/2022, Chike Olisa, <https://nairametrics.com/2022/05/28/lagos-demolishes-7-distressed-buildings-in-mushin/> accessed 30/6/2022 Chike Olisa, <https://nairametrics.com/2022/06/28/lagos-embarks-on-demolition-of-defective-buildings-in-ikoyi/>accessed 30/6/2022

[26] Code 13.3.1

[27] 13.3.2

demolition, use or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a detail statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the unlawful act and the abatement of the violation and shall be complied with, within twenty-one (21) working days.[28] Where the notice of violation is not complied with within the stipulated period, the Code Enforcement Division/Section/Unit shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provision of this Code or of the order or direction made pursuant thereto.[29]

Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Division/Section/Unit, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an offence punishable under the existing law.[30] In order to abate any violation, the code impose penalties which shall not preclude the legal counsel of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct, business or use of a building or structure on or about any premises.[31]

4.2 Institutions

4.2.1 Nigerian Building and Road Research Institute (NBRRI)

NBRRI was established in 1978 under the National Science and Technology Development Agency Act1977. The institute was established to conduct integrated Research and Development activities into the varied aspects of the building and road construction industries. The objectives were later expanded in 1993 to include Research and Development (R&D) into all aspects of Engineering Materials related to the construction industry. The building research department has the mandate to improve the quality of life of Nigerians in the area of affordable housing and increased empowerment through integrated R&D in building materials and technologies. Specifically, it is required to formulate and execute research and development in the areas of local building and construction materials to determine the most effective and economic means of their utilization and architectural design of building to suit Nigerian climatic conditions with respect to lighting, ventilation, thermal comfort, humidity and noise reduction.

4.2.2 Standards Organisation of Nigeria (SON) Act[32]

The SON has the mandate under the law to undertake investigation as necessary into the quality of facilities, systems, services, materials and products whether imported or manufactured in Nigeria.[33] It is also required of the organization to compile an inventory of products in Nigeria

[28] 13.3.3
[29] 13.3.4
[30] 13.3.5
[31] 13.3.6
[32] SON Act 2015
[33] Section 5(b) SON Act

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requiring standardization,[34]compile Nigerian standard specifications.[35] Establish an import and export product surveillance, certification and conformity assessment scheme[36] and to establish a mandatory conformity assessment programme for locally manufactured products.[37] If SON in the area of the outlined duties as regarding the construction sector fulfil their functions of making sure that only standard and certified materials come into the Nigerian market, it will go a long way to reduce spate of building collapse occurring from use of substandard locally produced materials and imported products.

4.2.3 Ministry of Physical Planning and Urban Development

The Ministry of physical planning and urban development was established in 2010 and is responsible for all policies relating to physical planning, urban development, urban regeneration and building control policies of the state. It is also saddled with the responsibility of supervision of the agencies under it. [38] the ministry has supervisory powers over the physical permit licensing agency and the building control agencies which are instrumental agencies in curbing building failure and collapse.

4.2.4 Lagos Physical Planning and Permit Authority (LAPPPA)

Part II of the Law established the Physical Planning and permit authority and are saddled with the responsibilities monitoring and ensuring compliance with the provision of approved and operative development plan, approval and regulations made under the law.[39] The Authority must also work in tandem with the building control agency to achieve zero tolerance of illegal development[40] The permit of the Planning Permit Authority shall be required for any physical development in the State.[41] A developer of any building above two floors shall insure his/her liability in respect of construction risks and submit a certified true copy (C.T.C.) of such insurance Policy Certificate with his/her application for planning permit.[42] Although, there is no requirement for insurance that is specific to the construction industry, however, the insurance Act makes provision for the insuring building under construction.

'No person shall cause to be constructed any building of more than two floors without insuring with a registered insurer his liability in respect of construction risks caused by his negligence or the negligence of his servants, agents or consultants which may result in bodily injury or loss of life to or damage to property of any workman on the site or any member of the public'.[43] Also there is a mandatory requirement to insure with a registered insurer, every building against the hazard of collapse, fire, earthquake, storm or flood.[44] Also, buildings that are classified as public (tenement house, hostels, a building occupied by tenant, lodger or licensee and any building to which

[34] Section 5(e)
[35] Section 5(f)
[36] Section 5(h)
[37] Section 5(i)
[38] Administration of Physical Planning, Urban Development, Urban Regeneration and Building Control Law of Lagos State 2010
[39] Section 26 (b) LSURPD Law 2010
[40] Section 26(j) ibid
[41] Section 27(1) ibid
[42] Section 27 (2) ibid
[43] Section 64 (1) Insurance Act, Cap I17 LFN 2010
[44] Section 65(1) ibid

members of the public have ingress and egress for the purpose of obtaining education or medical services for the purpose of recreation or business transaction.[45] Different insurance products relevant to the construction industry include: All risk insurance, public liability insurance, professional indemnity insurance and latent defect insurance[46]

Section 41 of the LAPPPA law provided grounds on which the permit granted for building construction may be revoked either in part or in whole Any Planning Permit granted under this Law may be revoked in part or in whole on any of the following grounds where: [47] The Planning Permit was obtained fraudulently;[48] the developer or owner of the Planning Permit has developed in excess of the approval granted or, has not complied with the terms and conditions under which the permit is granted; [49] the permitted development or use has been modified, altered varied, added to or renovated without permit;[50] or the permitted development has not complied with building control standard.[51]

4.2.5 Lagos State Building Control Agency (LASBCA)

LASBCA is responsible for the enforcement of building control regulation[52] and inspection of building works and certification of various stages of building construction, and keeping of such records,[53]removal of illegal and non-conforming building[54]identification and removal of distressed building to prevent collapse[55] issuance of certificate of completion and Fitness for habitation[56] provision of building services, materials evaluation and testing, fire and public health control.[57] The law of each state makes provision for the commencement of construction for which notice must be given to the appropriate department. In the case of Lagos state under discussion, section 2 requires the submission of an intention to commence construction. Any Developer intending to commence construction work(s) in the State shall give seven (7) days notice in writing to the Lagos State Building Control Agency [58] also further provision is made as to when a reconstruction is to be made which constitute emergency repairs the A person proposes to carry out construction works which consist of emergency repairs and it is not practicable to comply with sub-regulation (1) above before commencing the work(s), the Developer shall give a commencement notice to the Agency within seven (7) days after commencement of the work(s).[59] All developers are required to obtain a building permit before commencement.[60] The construction can only commence after the necessary documentations and inspections have been done.

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[45] Section 65(2) ibid
[46] <https://iclg.com/practice-areas/construction-and-engineering-law-laws-and-regulations/nigeria> published 11/8/ 2021accessed 7/7/2022
[47] Section 41() Lagos State Urban and Regional Planning Development Law 2010
[48] Section 41(c)
[49] Section 41(d)
[50] Section 41(e)
[51] Section 41(f)
[52] section 47(1)(a) Urban and Regional Planning and Development Law 2010
[53] Ibid 47(1)(b)
[54] 47(1)(c)
[55] 47(1)(d)
[56] 47(1)(e)
[57] 47(1)(j)
[58] Section 2(1) Lagos State Urban and Regional Development Planning Regulations 2019
[59] Section 2(2) (a)
[60] Section 2(3)

 ISSN: 2736-0342

The Developer wishing to commence building shall submit the Notice of Intention to commence construction work with documents showing:

(i) Planning Permit for the proposed development;
(ii) (ii) Sub-soil Investigation Report in the case of structures above four (4) floors and all developments in areas with low bearing capacity soils
(iii) Sanitary Inspection and Disinfestation Report by a licensed Environmental Health Officer;
(iv) One (1) copy each of detailed architectural, mechanical, electrical and structural design as approved;
(v) General Contractors' All Risk Insurance Policy of buildings above two (2) floors;
(vi) Letter of undertaking of supervision of project by professionals involved; and the
(vii) Programme of Works which must include builder's site execution document; (b) construction methodology; (c) construction of programmes; (d) project quality management
(viii) Health, safety and environment.

In ascertaining that the building codes, regulations and the terms of the permit are followed the planning authority appoints an inspector to inspect the construction[61] in accordance with regulation 2[62]. Also, it is the law for any construction site to be managed by a registered builder,[63] and the building supervised by the relevant registered professionals[64] once the building agency grants permit for construction to commence.

Material testing laboratories that will aid testing of construction material and address the issues related to quality of materials.[65] The centre tests all building and civil engineering materials for standard. Tests conducted include: Soil Mechanics, Sub-soil Investigation, Aggregate, Cement, Water and Chemical Test, Test on Concrete, Blocks, Bricks, ceramics, Roofing Sheets, Wood & Refractory Products. Test on Asphaltic Concrete (Bituminous Road), Test on Steel Reinforcements, round and flat bars. Calibration of all test Equipment/Registration (Private Independent Laboratory), Certification of Installed Lightning/Thunder Arrestors on Structures and Telecommunication Mast.[66]

4.3 Professionals engaged in the Construction Industry

Professionals in the construction industry include: An Architect, registered with the Architect Registration Council of Nigeria (ARCON); (ii) An Engineer registered with the Council for Regulation of Engineering in Nigeria (COREN); (iii) A Town Planner, registered with the Town Planner Registration Council of Nigeria (TOPREC); (iv) A Licensed Surveyor, registered with the Surveyors Registration Council of Nigeria (SURCON); (v) A Builder, registered with the Council of Registered Builder of Nigeria (CORBON)

[61] Section 4
[62] Regulation 2
[63] Section 4(2)
[64] Section 4(3)
[65] Eidiong Ikpoto, Buikding Collapse: Lagos Sets up New Testing Laboratories, The Punch (Lagos, 20 June 2022) < https://punchng.com/building-collapse-lagos-sets-up-new-materials-testing-lab/> accessed 28/7/2022
[66] Lagos state Materials Testing Laboratories https://lsmtl.lagosstate.gov.ng/responsibilities-2/accessed 28/7/2022

4.3.1 Nigeria Society of Engineers (NSE) and Council of Registered Engineers of Nigeria (COREN)[67]

The NSE is the umbrella body for engineers in the country. It is a body that advances the practice of engineering and maintain high standards of professional ethics amongst its members to promote greater efficiency. Council admits into COREN by the 2018 amendment the Nigerian association of technologists, Nigerian association of engineering technicians, Nigerian association of engineering craftsmen, association of consulting engineering in Nigeria, federation of construction industry in Nigeria, manufacturer association of Nigeria and Armed forces in rotation

4.3.2 The Nigeria Institute of Builders, Builders (Registration) Decree 45 of 1989 (now CAP B. 13 LFN 2004 [68]

The institute promotes the science and practice of building technology, maintenance, surveying, production/construction, management and project management. To establish and maintain high standard of competence and conduct of those engaged or about to be engaged in the said science of building and the education and research connected therewith to promote and stimulate the improvement of the technical and general knowledge of persons engaged or training to be engaged in the building profession

4.3.3 Nigeria Institute of Architects, Architects (Registration) Act, Cap A19 LFN 1990

The Institute prescribes mode of becoming registered as an architect and provides for disciplinary action for unprofessional conduct[69] and spelt out offences[70] that could warrant disciplinary action to be taken against an erring member. Offences are prescribed in the act to reduce the incursion of non- professionals into the field. (1) Any person not being an architect or ceasing to be entitled to full registration under this Act,[71] who- (a) for, or in expectation of reward, practises or holds himself out to practise as such; or (b) without reasonable excuse takes or uses any name, title, addition or description implying that he is authorized by law to practice as an architect, shall be guilty of an offence. Subject as aforesaid, any person on the provisional register who- (a) for, or in expectation of reward, practises or holds himself out as authorized to practise other than as permitted in the Third Schedule.[72] Nigeria is not in want of professionals, but that there should be synergy amongst the professionals and effective regulation of their members for optimum delivery of quality services and prevention of further collapse of buildings in the state hinged on their expertise. Also, erring members of each of the professional bodies should be dealt with according to the laid down procedure in their different establishment laws.

Recommendations

There is need for continued training and retraining of professionals in the construction sector publication of research results and incorporate within the laws and building codes. There must be strict enforcement of the laws, regulations, standards and building code. Artisans and other stakeholders should have a meeting point where new ideas and innovations are disseminated to keep abreast of developments in the sector. Erring officers should face the full wrath of the law

[67] Engineers (Registration etc) Amendment Act 2018 Cap E11 LFN 2004
[68] Builders (Registration etc) Decree 45 of 1989 (now Cap B.13 LFN 2004)
[69] Section 13Architects (Registration etc) Act Cap A19 LFN 1990
[70] Section 14 ibid
[71] Section 14 (1)
[72] Ibid 14(2)

 ISSN: 2736-0342

where they have compromised either due to negligence in the discharge of their duties or engagement in fraudulent activities.

The roles of professionals in construction sector should be well spelt out in order to reduce conflicts in operation and supervision and to know the level of culpability in case of a failure. Professionals working together should safeguard their profession by seeking ways to reduce, if not totally eradicate incursion of quacks into their practice through licensing and effective monitoring. Contractors or owners of projects should do due diligence in checking out the status of professionals engaged for their projects. For instance, the register of professionals are public documents that can be examined to know if professionals to be engaged are licensed to practice. Failing, in case of any eventuality, they become liable for negligence and breach of duty of care.

Enforcement of existing laws by enforcement agents and enforcement of building codes by the relevant professional bodies is germane to curb incessant building collapse in Nigeria and especially in Lagos state. The focus of the building control agency should also be on old buildings for auditing and not just the new ones, there are quite a number of old buildings being converted to other uses that needs to be regulated. Since some developers have decided to intentionally violate the laws as seen in Lekki gardens collapse which had no building approval, the compliance and monitoring teams of the Lagos building control agency should devise means of inspection to certify that premises that are sealed are not being developed still, as seen in the case of the Ikoyi building which was reported to have been sealed four months before the collapse, yet construction was ongoing[73]

There should be a minimum qualification for artisans, training and retraining and registration with the appropriate regulatory agencies through their associations as they work with experts in the field. There is also the need to address the challenges of migration of artisans from neighbouring countries where the construction codes are not compatible with the country's code. The state needs to review downward sums payable for obtaining permits and certification. The exorbitant rates are reasons to cut corners and circumvent the requirements of the law. Every developer engaged in construction work(s) in the State are required to pay to the Building Control Agency for inspection and stage certification, a sum equal to twenty percent (20%) of the Building Plan Assessment fee payable to the Lagos State Physical Planning Permit Authority ("LASPPPA") for grant of the Planning Permit[74]

It is pertinent that stakeholders in the construction industry come to terms with the challenges that climate change foists on the built environment and take every necessary steps to algin with the trends for sustainable buildings even in the face of daunting challenges like excessive heat, rain, flooding and sea level rise.

[73] O. Odeyinde, O. Omojuyigbe and S. Adewole, Collapsed Ikoyi Building was sealed for four months, The Punch (Lagos, 2 November 2021) <https://punchng.com/collapsed-building-in-ikoyi-was-sealed-for-four-months-lagos-deputy-gov/> accessed 21/7/2022

[74] Regulation 2(3) Lagos state building control regulations 2019

Conclusion

From the foregoing it is apt to conclude that most of the collapse of buildings experienced in Lagos state is a result of fraudulent activities of some developers, exorbitant amounts required for obtaining permit and sadly dereliction of duties on the part of the building control agency of the state. The 21 storey building collapse at Ikoyi, as a case study revealed that the developer exceeded the number of floors approved and violated section 41(d). The section states that where the developer or owner of the Planning Permit has developed in excess of the approval granted or, has not complied with the terms and conditions under which the permit is granted will be revoked, in combination with regulation 47(1)(b) which stipulate inspection and certification at the different stages of construction were not adhered to. Yet, the enforcers of the law were in limbo till the catastrophe happened.

To this end, there are laws and standards, beyond the laws, the enforcement agents and the professionals involved in the construction sector should take up the challenge to enforce the laws and create innovative avenues using technology to arrest the problems of collapse of building while also making sure that the ministry rids itself of corrupt officials. The professionals should sanitise their professions of quackery and encourage members to display the highest level of integrity.

Ultimately, the Lagos state government should be involved in creating sustainable spaces by seeking means of accommodating the growing numbers of people migrating from other parts of the country to Lagos; being the commercial jugular of the country and thereby maximize the economic opportunities of a large population for the benefit of the state and the residents

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