

**A place to live:  
a case study of the Ijora-Badia community  
in Lagos, Nigeria**

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*Felix C. Morka*

In 1973, three years after the end of Nigeria's civil war, the Federal Military Government acquired a large tract of land comprised of a sprawling old settlement known as Oluwole Village in the Iganmu (central Lagos) for the purpose of building Nigeria's National Arts Theatre. The theatre was to be a key edifice to grace the African Festival of Arts and Culture (FESTAC) that Nigeria hosted in 1977. The festival was one of several socio-cultural events lined up to showcase a resurgent and unified Nigeria poised to tackle the challenges of reconstruction and development after a three-year civil war that claimed the lives of over one million people.

The grandiosity of the theatre only masked the brutality and injustice meted out to the local land owners. Without adequate notice or consultation, the Federal Military Government forcibly evicted the Oluwole villagers from their ancestral homes. Following largely uncoordinated protests by the residents, the federal authorities retrospectively paid paltry sums as compensation to some of the evictees for their demolished homes. Other evictees that insisted on resettlement were allocated vacant plots of land in Ijora-Badia,<sup>1</sup> located less than one kilometre away, measuring on average, 30 feet by 50 feet. Otherwise, the evictees were abandoned to their fate, to find their own means and resources to build new houses for their families. Many built sheds made mostly of stilts and corrugated iron sheets of various shapes and sizes as each family could afford. The Federal Military Government failed to address the host community's (Badia's) pre-existing severe lack of basic social and economic infrastructure such as water, roads, drainage facilities, solid waste disposal system, health care facilities and schools thereby further worsening an already dire situation. These exacerbated social, economic and environmental depravities have come to characterize and continue to frame the heightened blight levels in Badia.

Prior to the displaced persons' arrival, Badia was already inhabited by the ancestral land-owning Ojora chieftaincy family, their assignees and tenants. From the 1960s and through the late 1970s, Badia had also become home to other populations displaced by development activities such as major road and bridge constructions and industrial layouts. The urgency to rebuild Nigeria's infrastructure, which had been devastated during the civil war, and an unprecedented oil boom in the 1970s paved the way for massive infrastructure investments. However, because these investments were neither carefully planned nor implemented, they never quite materialized. This development agenda helped to promote high tolerance for forced evictions as necessary for building a solid infrastructural base that would support rapid economic growth development. Nowhere was this more evident than in Lagos, the capital city of the Federal Republic of Nigeria until 1986.

### **Lagos: a city in crises**

Although Lagos is one of the fastest growing cities in the world, it is, unquestionably, one of the least studied, understood and planned for. With an estimated population of 11.1 million as of the year 2005, Lagos ranks as the 16<sup>th</sup> largest city in the world. This city of 252,000 people

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1. Hereinafter referred to as Badia.

as of 1952 is now projected by the United Nations to have a population of 17.0 million by 2015, likely establishing it then as the 8<sup>th</sup> largest city in the world.<sup>2</sup>

The rise of Lagos as a major economic and political centre, its sprawling seaports, and its seeming offer of alluring but elusive promise of the ‘good life’ to all manner of migrants have all contributed to the city’s population pull. However, the most important factor in Nigeria’s rural-urban population surge is the reckless destruction of the agricultural sector (both as a major provider of sustenance as well as the largest employer of labour due to the discovery of crude oil and the country’s near total dependence on its export earnings). The distortions created by the oil boom were exacerbated by widespread corruption and patronage, political arbitrariness and lawlessness, and human rights violations have had catastrophic consequences on the economy and the Nigerian people. The rapid population growth of Lagos has not been matched by the provision of social and economic infrastructure such as housing, healthcare facilities, schools, roads, transportation, water, solid waste disposal and drainage facilities. This has tremendously strained existing infrastructure, a situation compounded by the poor maintenance culture.

To say that Lagos is a city in crisis is to understate the severity and enormity of the challenges that confront its residents and managers. Over the years, successive state and federal governments have approached the imperatives of planning and managing Lagos with astonishing levity. Where plans or development initiatives have been launched, they have generally been haphazardly implemented or not at all. For example, the Lagos Master Plan (1980–2000) that was developed in 1979 with the support of the United Nations Development Programme (UNDP), laid out a framework for addressing various problems and challenges, including the provision of housing, creation and expansion of economic activity centres (to disperse pressure and population concentration on existing city centres), and the identification and upgrading of major informal settlements or slums.

In a recent report, the Presidential Task Force on Lagos Mega City concluded that the Lagos master plan “*was not implemented. Instead, the experience had been of significant distortions in many parts of the plan*” with impact that has been “*far reaching resulting in lopsided population distribution, high cost of infrastructure development, drainage obstructions, environmental and sanitation challenges, traffic congestion and numerous other problems.*”<sup>3</sup> Commenting on the failure to implement the Lagos master plan, the Lagos State Commissioner for Physical Planning and Urban Development, Lagos stated that the plan:

*“accurately analysed the housing needs of Lagos and recommended that between 1980 and 2000, 1.4 million additional housing units should be constructed out of which, a million should be deliberately earmarked for low income households. By the year 2000 when the plan expired, not more than ten percent of the housing needs were satisfied.”*<sup>4</sup>

One major consequence of the population explosion in Lagos is an acute housing shortage. While there are several explanations for the housing deficit, this case study only focuses on three related causes, namely: the excessive focus on direct government provision of housing

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2. GRHS 2005, p. 212.

3. Report of the Presidential Task Force on Lagos Mega City, 2006, p.13.

4. Abosede, F., “Housing in Lagos Mega City – Improving Livability, Inclusion and Governance,” Paper presented at the Social and Economic Rights Action Center’s (SERAC) International Conference on Building Nigeria’s Capacity to Implement Economic, Social and Cultural Rights: Lessons Learned, Challenges and the Way Forward, Abuja, September 27-28, 2006.

stock; restrictive and discriminatory land use policy; and forced eviction as an urban planning and development control tool.

### **Excessive focus on direct government provision of housing stock**

The efforts of successive governments to address Nigeria's housing deficit have centered on direct government provision of housing for members of the low-income group. This has been and remains the nucleus of federal and state housing policies since the country's political independence in 1960. Otherwise referred to as "low-cost housing", this strategy gained pre-eminence during the period of the Third National Development Plan (1975–1980) when it was decided that the provision of housing should not be left to the private sector alone. Of the 202,000 new housing units projected to be constructed during the period, only less than 15 per cent were actually built.<sup>5</sup> The record was not too different for the Fourth National Development Plan (1980–1985). Only 600 million Naira was spent out of the 19 billion Naira budgeted for the National Low-Cost Housing Program. Given this poor investment, the National Housing Policy of 2002 declared rather soberly that "*the impact of the programme on the overall housing market was negligible.*"<sup>6</sup>

Again, corruption, patronage, poor planning and implementation, cultural insensitivity of building designs, lack of transparency and accountability, and exclusion of the poor and low-income groups in the design of housing policies and programs have repeatedly guaranteed the failure of the low-cost housing strategy. Quite apart from not meeting set targets, only few of the houses that are built are actually allocated to the poor or low-income families due to overpricing, nepotism, patronage, and the bureaucratic secrecy that often shrouds the allocation process. In many cases, individuals who are approved to receive houses and have made all necessary payments for them neither receive their houses nor get refunds of their deposits or payments.

In its obsessive focus on the low-cost housing approach, the government has under-explored other viable options for expanding the housing stock and improving the quality of housing such as expanding the productive capacity of the building materials sector; enhancing affordability of input materials; promoting access to mortgage credit; ensuring equitable access to land; creating a regime of incentives — policy, institutional, fiscal and budgetary — designed to encourage the poor to undertake self-help housing cooperatives or building societies; expanding the capacity of planning authorities to anticipate, and plan effectively for, the housing needs of the growing population.

### **Restrictive and discriminatory land use policy**

Arguably, the single most important factor in Nigeria's housing crisis is the gross misapplication of the Land Use Act, 1978, and the resultant denial of access to land to the poor. Offered to harmonize pre-existing customary land tenure systems and free up land for new development, the Act constitutes the most aggressive and far-reaching declaration of the power of *eminent domain* over urban and rural lands in Nigeria. It provides that:

*"all land comprised in the territory of each State in the Federation are hereby vested in the Governor of that State and such land shall be held in trust and*

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5. See Federal Republic of Nigeria, National Housing Policy August 1990 at page 2. About 50,000 of the 202,000 housing units were earmarked to be built in Lagos.

6. National Housing Policy, 2002 at p.14.

*administered for the use and common benefit of all Nigerians in accordance with the provisions of the this Act.”<sup>7</sup>*

The Act makes certain that “*all land in the urban areas shall be under the control and management of the Governor of each State.*”<sup>8</sup> Similarly, “*all other land shall ... be under the control and management of the Local Government within the area of jurisdiction of which the land is situated.*”<sup>9</sup> The Act invests immense powers in the State Governor and the Local Government to determine, regulate and manage land use, including the power grant statutory and customary rights of occupancy, respectively, to any person for all purposes.

Although the Land Use Act preserves the right of the holder of a right of occupancy to the sole and absolute possession of all improvements on the land,<sup>10</sup> it provides that such improvements may be transferred, assigned or mortgaged only subject to the prior consent of the Governor.<sup>11</sup> Furthermore, the Act makes it unlawful:

*“for the holder of a statutory right of occupancy granted by the Government to alienate his right of occupancy or any part thereof by assignment, mortgage, transfer possession, sublease or otherwise however without the consent of the Governor first had and obtained.”<sup>12</sup>*

The most significant and controversial power vested in the Governor by the Act is the power to revoke a right of occupancy or to compulsorily acquire land for “*overriding public interest*” subject, in some cases, to compensation.

Enacted “*in the public interest [so that] the rights of all Nigerian’s to the land of Nigeria [could] be asserted and preserved by law*”, the Act has ironically further excluded the poor and other marginalized groups by the discriminatory application of its provisions which afford preferential treatment to the government and affluent private developers. For example, in Lagos, as in the rest of Nigeria, only expansive and expensive plots are officially demarcated for allocation and titling evidenced by a certificate of occupancy. A poor individual or family cannot be allocated land as needed or based on income. On the average, a plot of land demarcated for residential purpose is 60 feet by 120 feet or 680 square meters or more. While a wealthy individual or developer may apply for and be allocated several acres or hectares of land, a poor or low-income individual or family cannot secure allocation for say a plot of 30 x 60 feet or 340 square meters for housing development because such allocation of small plots is not envisaged or countenanced by the land-use policy and practice. In many government-approved layouts, a regular plot of bare land can costs anywhere between three million Naira (about US\$ 24,000) to over ten million Naira (US\$ 80,000). The federal minimum wage in Nigeria is 7500 Naira (about US\$ 60) per month.

Prior to the enactment of the Land Use Act, land was generally owned and controlled by individuals, families and communities under the customary land tenure system. Under the Act, as technical ownership of land became centralized in the office of the Governor, most undeveloped urban lands were expropriated by the Governor for sundry purposes leaving little land in the hands of families and communities. Consequently, many poor and low-income citizens (who, by virtue of their membership would normally gain access to family or

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7. Land Use Act, 1978, Section 1.

8. Ibid, Section 2(1)(a).

9. Ibid, Section 2(1)(b).

10. Ibid, Section 15(a).

11. Ibid, Section 15(b).

12. Ibid, Section 22.

community land for housing development) are stripped of access and entitlement. This dispossession is often aggravated by a poor compensation regime that is calculated on the basis of an arbitrary valuation of structural or economic crop improvements on the land. As indicated above, land taken in this manner is sold at near prime market value by the government to land speculators and affluent developers, further putting land and housing far out of reach of the poor.

Another major feature of the land-use policy, constraining housing development and optimal economic use of land resources, is the mandatory requirement of the Governor's consent to land transactions such as sale, assignment, transfer or mortgage of land in urban areas. First of all, the consent process is fraught with great difficulties: it is costly (with fees assessed at upwards of 35 per cent of the market value of the underlying land), corrupt, laced with bureaucratic delays, and outright exploitative with the result that only a very small percentage of land or property owners ever bother applying for such consent. Without the consent, the land owner remains without a valid title (evidenced by a certificate of occupancy) to the land and without valid certificate of occupancy such that the land owner cannot convert landed assets to economic value through a mortgage or other means of capital generation.

### **Forced eviction as an urban planning and development control tool**

From the foregoing, it is hardly difficult to understand why the informal land and housing sector has enlarged beyond even the wildest guesstimates of city planners, managers and watchers. Today, over two-thirds of the population of Lagos lives in the informal settlements or slums that are scattered around the city.<sup>13</sup> The Lagos Master Plan 1980–2000 identified and classified 42 slums or informal settlements in the city. There are now over one hundred such communities in Lagos. Many poor and low income families excluded from access to land and housing in the formal sector find refuge in the informal settlements where land and housing can be purchased and built according to means and capacity. Although, they generally lack security of tenure (by virtue of not having the requisite certificate of occupancy) many slum residents hold *bona fide* legal rights and interests in the land on which they live, having validly acquired land from legitimate land holding families, communities or authorities.

The term slum conjures up several images. Typically, it strikes a high definition picture of chronic poverty, squalor, disease, filth, flooding, crime, prostitution, and the absence of basic social and economic infrastructure such as portable water, roads, electricity, schools, healthcare centres. According to an expert group meeting of the United Nations Human Settlements Programme (UN- HABITAT), a slum is a contiguous settlement where the inhabitants are characterized as having inadequate housing and basic services. A slum is often not recognised and addressed by the public authorities as an integral or equal part of the city. The expert group meeting identifies insecure residential status; inadequate access to safe water; inadequate access to sanitation and other infrastructure; poor structural quality of housing; and overcrowding as eminently characteristic of slums. According to UN- HABITAT, nearly one billion people now live in slums or squatter communities around the world.<sup>14</sup>

It is now generally accepted that the explosion of slums has less to do simply with population growth as it has to do with the failure of the government and city managers to effectively plan

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13. The World Bank, Project Appraisal Document for the *Lagos Metropolitan Development and Governance Project*, 7 June 2006. p. 2.

14. UN-HABITAT (2007) *Enhancing Urban Safety and Security. Global Report on Human Settlements 2007*, Earthscan and UN-HABITAT, London and Nairobi.

and provide basic infrastructure for slum communities and cater to the well being of their residents. This is particularly apt in the Nigerian context where official capacity for planning and management is heavily compromised by ineptitude, corruption and arbitrariness. In policy and planning circles, these informal settlements are perceived and treated as anomalies to be excised from, rather than as integral and equally important parts of, the city. They are also in denial of a most basic fact that slum dwellers are also people that must live in a place — even if that place is a slum.

Driven by the quest to eliminate or drastically curb the spread of slums, the government has used forced eviction as a preferred tool of urban engineering with counter-productive outcomes. Generally, these evictions are planned and carried out without regard for the due process of law. In addition to the broad range of social, economic, psychological, cultural and physical havoc inflicted on the victims, forced eviction has helped to fuel the growth of new slums or the expansion of existing ones with more complex dimensions. These communities are routinely denied funds needed for the provision or maintenance of basic facilities such as community health centres or portable water.

In turn, slum communities' poverty and lack of basic services and amenities are cited as justification for the demolition of entire communities. For example, when the military government of Lagos State in July 1990 demolished the homes of over 300,000 Maroko residents, it claimed that the community was prone to flooding and "*unfit for human habitation*". When the democratically elected government of Rivers State forcibly evicted over one million Rainbow Town residents in 2001, it claimed that the community harboured too many criminals. When the Government of Lagos State forcibly evicted and burnt the homes of over 3,000 Makoko residents in April 2005, the Ministry claimed that it was helping some private citizens flush out undesirable squatters. Further, the indiscriminate forced eviction of thousands of residents in Abuja by the Federal Capital City Development Authority has been presented as an effort to correct distortions to the Abuja Master Plan. In addition, the Government of Lagos State's persistent efforts to forcibly evict the Badia community have been explained by the need to rid the community of filth, flooding and prostitution.

Since 1990, over 700,000 people have been forcibly evicted from their homes or businesses in Lagos without adequate notice, compensation or resettlement. Across the country, nearly three million people have been forcibly evicted since May 1999 when the present elected civilian government was inaugurated. In all, there have been more people forcibly evicted from their homes and businesses than the government has been able to provide housing for since the country's independence.

### **Resisting forced eviction: the Ijora-Badia example**

The Oluwole evictees were never informed about the rationale behind the choice of Badia as a resettlement location. Except for allocation papers issued to some of them by the Federal Government, there was nothing to evidence their title to the Badia lands. In other words, the Federal Government did not issue certificates of occupancy to back up the allocations thereby making them vulnerable to persistent eviction threats and attacks by the Lagos State Government and the landowning Ojora chieftaincy family. This insecurity of tenure also discouraged many evictees from undertaking any real investment in housing development, preferring instead to build temporary shacks to meet their immediate shelter needs.

By the early 1990s, Badia, like many other informal settlements, had become a choice place to live for many that could not afford the cost of living in formal sections of the city. The

community's prime location, less than one mile to the seaport town of Apapa and its proximity to a major oil depot, made it also an economically strategic place to live. The presence in the community of a railway line linking the Apapa port to the rest of the city and beyond provided further incentive for population concentration.

Meanwhile, Apapa's rather small land area had become stretched to breaking point and pressure was on to expand the borders of the town to accommodate the needs and interests of big corporations. Ostensibly, Badia had become a highly attractive next frontier marked for demolition and eventual upscale development for affluent developers. In the State's estimation, Badia's poor were expendable and undeserving of the land.

On 15 July 1996, residents of 15 Lagos slum communities learned of plans by the Lagos State Government to forcibly evict them from their homes and businesses as part of the US\$ 85 million World Bank-funded Lagos Drainage and Sanitation Project (LDSP). The project was designed to build drainage systems to de-flood parts of Lagos. The then Commissioner for Environment and Physical Planning, Oladipo Ashafa explained that, in order to accommodate the drainage systems and renew the blighted areas, it was necessary to demolish parts, if not most, of the targeted communities.<sup>15</sup> Commissioner Ashafa further stated that the State Government had no intention or plan to compensate or resettle persons whose homes may be affected by the project, adding that such losses should be taken as the victims' contribution to the development of Lagos State. The targeted slums had a total population of over 1.2 million people. Except for media reports of the threat to destroy the communities, the affected populations were not informed, notified, consulted or even contacted by the government or the World Bank regarding the project itself or its forced eviction component.

Badia was the choice and site of the LDSP's demonstration project. The community's first direct contact with the project came when bulldozers and eviction officials backed by heavily armed police and military personnel invaded their community in 1997 and demolished the homes of over 2000 people. While bulldozers tore down and flattened houses and property, armed security men harassed, brutalized, and arrested residents that attempted to salvage personal effects from their homes. These officials instantly extorted monies from residents desperate to secure their freedom or gain access to pick up pieces of their possessions. The terror unleashed on these residents was made more despicable by the suddenness of the attack that found mostly women, children and old people at home to bear the brunt.

Prior to the July 1996 eviction announcement and the partial demolition, the Social and Economic Rights Action Center (SERAC)<sup>16</sup> was already working within the Badia community providing basic human rights education, and helping the community to organize towards strengthening its capacity to engage various institutions of the government on critical issues and challenges confronting them. Through its Forced Eviction Prevention Program (FEPP), SERAC increased its program of support to Badia and other targeted slum communities. Working with community leaders, women, youth and associations, the organization designed and implemented various initiatives and activities, including outreach and sensitization meetings; focused group discussions; onsite legal clinic, training workshops; creative use of local and international media; dramas; posters and handbills in the English language and the predominant Yoruba language were widely disseminated within and beyond the target communities. More experienced leaders and organizers similar communities such as

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15. "All Slums to Go: Makoko, Ijora, Badiya, Ilubirin & 11 Others Affected", PM News, 15 July 1996, pp. 1 and 5.

16. See <http://www.serac.org/>.

Maroko (that was demolished in July 1990) were brought in to share their organizing and mobilizing knowledge and experience, and to inspire the leaders and people of Badia.

These efforts helped many in the community to gain a new perception of themselves as persons imbued with certain rights that are protected by both national and international law. They also learned that the government and the World Bank had certain legal obligations to them whether or not they had valid legal title to their lands. They learned that the World Bank and the government were under duty to consult them and ensure their active participation in the LDSP's design and implementation as well as to provide adequate notice, compensation, resettlement and rehabilitation to them should forced eviction become inevitable in order to accomplish the project's purposes. To ensure effective coordination, monitoring and assessment of the various initiatives, the Community Action Program Committee (CAPCOM) was created in Badia and the other communities. Staffed by volunteers from the community, CAPCOM also provided a platform for residents to share information, monitor the LDSP, voice their concerns, and keep SERAC rapidly informed of developments within the communities. This close collaboration with the affected community gave tremendous energy and focus to SERAC's campaign and advocacy against the implementation of the LDSP.

As a part of its intervention, SERAC launched an investigation into the LDSP to ascertain its objectives and plans, key actors and donors, particularly, the nature, extent of the project's eviction component and its impact mitigation provisions. Initially, both the Lagos State Government and the World Bank stonewalled SERAC's inquiries and declined repeated requests for specific information about the project and the eviction plan, including the reports of mandatory environmental and social impact assessment studies. According to the World Bank, SERAC's request could not be honoured because information on the LDSP was 'classified'. However, after SERAC obtained vital project information from other sources and began using specific information in its public advocacy, the World Bank made an abrupt change to its information disclosure policy, and furnished the organization with a copy of the project's Staff Appraisal Report dated 10 May 1993.

In response to SERAC's contention that the World Bank was funding the violent displacement of impoverished slum residents in Lagos, the World Bank's Country Director for Nigeria, Yaw Ansu, confirmed the World Bank's funding of the LDSP but suggested that the threatened evictions may have been unilaterally planned by the Lagos State Government adding that the World Bank was "*aware that several administrations in Lagos have resorted to large scale demolitions.*"<sup>17</sup> Admitting that 286 residents had lost their homes, Ansu claimed that these people had been "*well taken care of*" without providing any evidence as to who these people were and what type of remedy had been provided. He stated further that the World Bank could not countenance the eviction of the marked slums "*without compelling justification, extensive planning and the identification of huge resources.*"<sup>18</sup> The World Bank's broad stroke denial of responsibility for the evictions combined with the Lagos State Government's intransigence in the matter only elevated the community's resolve to halt further evictions under the LDSP.

In consideration of available recourse options, challenging the LDSP through the courts was deemed not feasible given that the ruling military dictatorship had ousted the jurisdiction of the courts to inquire into acts perpetrated by the junta. In close consultation with the community, on 16 June 1998 SERAC filed a Request for Inspection before the World Bank Inspection Panel alleging that the LDSP was being implemented in flagrant violation of the

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17. Yaw Ansu, Country Director for Nigeria, letter to SERAC dated 15 July 1997.

18. Ibid.

World Bank's Operational Directives (OD) that provided basic principles and guidelines to be followed in the implementation of World Bank-funded projects with an involuntary resettlement component such as the LDSP. The request alleged violation of (OD 4.30) that required consultation with, and participation of, host communities during project planning and implementation. It further alleged that the eviction of 2000 Badia residents and the continued threat of forced eviction constituted flagrant violations of the human rights of the residents to adequate housing, private and family life, and their right to dignity and security.

On 9 September 1998, the World Bank Inspection Panel visited Nigeria and carried out an on-site preliminary inspection of Badia. In its subsequent report,<sup>19</sup> the Inspection Panel stated that:

*“notwithstanding the fact that the original composite maps did not indicate the presence of any settlements in the path of the drainage areas in the Ijora Badia community, and the fact that literally all the people had no title or permits to build in the community, the project contemplated resettlement or compensation arrangements, before the commencement of construction works, for the 8 identified structures Ijora Badia . . . which the Hussplan Consult indicated”*<sup>20</sup>

The report continued that:

*“the evidence gathered by the Panel suggests that, unlike the situation in Arakan Barracks resettlement program, in which Management fully followed IDA's Operational Directives, a similar attempt was not made to compensate or resettle some of affected people in the Ijora Oloye community. It must be pointed out, however, that from the composite aerial maps there seem to have been no dwellings in the drainage site area at the time of the signing of the Credit Agreement.”*

The Panel concluded that the

*“IDA should have considered similar resettlement or compensation arrangements for 32 shanty rooms and 10 block rooms that belong to 18 owners in the Ijora Oloye community. These dwellings were identified by the Inspector during his site visit and both the IDA and project officials have formally agreed that compensation will be provided to its owners in accordance with IDA policies.”*

To begin with, based on the nature of land use in Badia and Oloye it was highly improbable, if not impossible, that during the period in question, there was an open, unoccupied and undeveloped continuous stretch of land that was kept at bay in wait for the LDSP. The Panel did not explain how its own referenced 1995 Hussplan Consult Report could have identified or indicated existing structures in Badia two years before the occurrence of the forced evictions complained about. That the composite aerial maps did not show existing houses in the project site did not mean that no one lived there. The maps were ostensibly developed by the State and the World Bank and depicted only what they desired as would enable them achieve their set goals. Developing maps and other project data were clearly not matters within the control of the affected communities. Following the Panel's findings, the World Bank and the State began paying sums between US\$ 58–165 as full and final compensation to affected house owners. Many that declined to accept the paltry payments remain, to date,

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19. World Bank Inspection Panel Report (INSP/R98-5) November 10, 1998 (Request for Inspection – Nigeria: Lagos Drainage and Sanitation Project (Credit No. 2517-UNI).

20. Indicated by Hussplan Consult in *Final Draft Report on Detailed valuation of Properties and Computation of Compensation and Resettlement Plan for the People Affected by the World Bank Assisted Lagos Drainage Works* (January 1995).

without remedy. Although the formal outcome of the Request for Inspection was less than desired, the global scrutiny of the LDSP and the community action that galvanized around it were instrumental to halting the plan of the Lagos State Government to destroy Badia. The Panel acknowledged:

*“the concerns and efforts of SERAC for exhibiting such courage in defending the rights of the affected people during the past regime in Nigeria. The Panel further believes that its presence in the equation has made it possible for the Requesters to develop better dialogue with IDA staff in the resolution of outstanding issues.”*

When in July 2003, the democratically elected government of Lagos State renewed its effort to forcibly evict the Badia community, the residents were better organized, mobilized and determined to keep their homes. On 24 July 2003, the Governor of Lagos State, Bola Ahmed Tinubu paid an unscheduled visit to Badia and issued a 48 hour notice to the residents to vacate their homes or be forcibly evicted. Following that visit, on 29 July 2003, a demolition squad from the Lagos State Environmental and Special Offences Enforcement Unit escorted by heavily armed policemen destroyed a strip of the Oke-Eri settlement in Badia. They pulled back momentarily due to vehement resistance. On 1 August 2003, SERAC filed a lawsuit on behalf of the Badia residents<sup>21</sup> seeking to enforce their fundamental rights as well as an order of injunction restraining the relevant authorities from continuing with the community's destruction pending a resolution of the matter by the courts. On 19 August 2003, the Court granted leave to the Applicants to apply to enforce their fundamental rights. The Order of Leave was duly and verifiably served on the Respondents, including your Ministry and the Ministry of Justice.

In disregard of the pending law suit and the order of leave, the State Government mobilized its demolition machine and without prior notice attacked Badia on 19 October 2003. A line up of bulldozers backed by heavily armed policemen destroyed houses and other structures that left over 3000 people, mostly women and children, desperately homeless.

After all efforts to get the State Government to back down from its determination to clear Badia had failed, as a last resort, SERAC led a major protest march of Badia people along with their supporters from ten other slum communities on 3 December 2003, to the offices of the Governor of Lagos State. More than ten thousand people that participated in the march demanded that the eviction of Badia be halted. Overwhelmed by the vehemence of the protesters, the Governor immediately announced a moratorium on the evictions pending the outcome of a dialogue that was launched at a meeting the same day between high government officials, community representatives and SERAC officials.

In a dramatic turn of events, research revealed that a significant portion of the Badia lands including the areas frequently targeted for eviction had been acquired by the Federal Government of Nigeria as far back as 1929 for the use and benefit of the Nigeria Railway Company. All of a sudden, it made sense why the federal authorities moved the Oluwole evictees to Badia in 1973. This finding had profound implications for the community and the Lagos State Government.

In a SERAC-backed petition to the Federal Minister of Housing and Urban Development, the Badia community ascribed responsibility to the Federal Government for the many violations committed against them by the Lagos State Government and demanded immediate action to save their homes and land. In an uncharacteristically swift reaction, the Minister notified the Lagos State Government of its long legal ownership of the Badia land and directed the Lagos

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21. *Chief Ogunyemi Adewale Vs. The Governor of Lagos State & 4 Others* - Suit No. M/419/2003.

State Government to keep away from Badia while accepting responsibility to upgrade and redevelop Badia for the benefit of its people. The Federal Government has since appointed consultants and constituted an inclusive and participatory technical committee to design an upgrading plan. In collaboration with the community, SERAC is currently designing a social housing program to build residents' capacity to undertake cooperative housing development and improve their neighbourhoods.

In 2006, the Lagos State Government embarked on a US\$ 200 million World Bank-funded urban upgrading project, the Lagos Metropolitan Development and Governance Project designed to increase sustainable access to basic urban services through investments in critical infrastructure in nine target communities, including Badia. So far, the project's planning process and governance framework appear to have drawn useful lessons from the flaws and failures of its predecessor LDSP.

## **Conclusion**

Although the Badia people were long and sufficiently aggrieved by the persistent threats and destruction of their homes and livelihoods, their outrage and sense of victimization seemed unable to overcome pervasive fear, suspicion, cynicism and apathy that encircled residents of the community when SERAC first began its work in the community. Many were distrustful and suspicious of these SERAC visitors that were asking, sometimes, rather intrusive questions and offering free assistance. At the time, under the military dictatorship, to be mute was considered wise. Apathy was just another way of coping with political violence and repression that had continued for nearly three decades.

The human rights approach provided both the language and a rational framework for sensitizing and raising the consciousness of the affected communities to understand that they are entitled to certain protections, and that the government and the World Bank were under a duty to observe the provisions of applicable national, regional and international human rights laws, as well as the World Bank's operating policies, all of which prohibit forced eviction except carried out in accordance with due process. This case shows how ideas and principles of dignity, equality, non-discrimination and citizenship can be used in a transformative way to challenge formalistic notions of the right to property. Most importantly, the case portrays how a deliberate and creative use of human rights, in particular, economic, social and cultural rights, can help the poor to gain a new perception of themselves as dignified citizens, and by identifying and holding accountable those that bear correlative duties human rights can be a scaffolding for the poor to challenge and overcome the structures and power asymmetries that create and nurture their poverty.