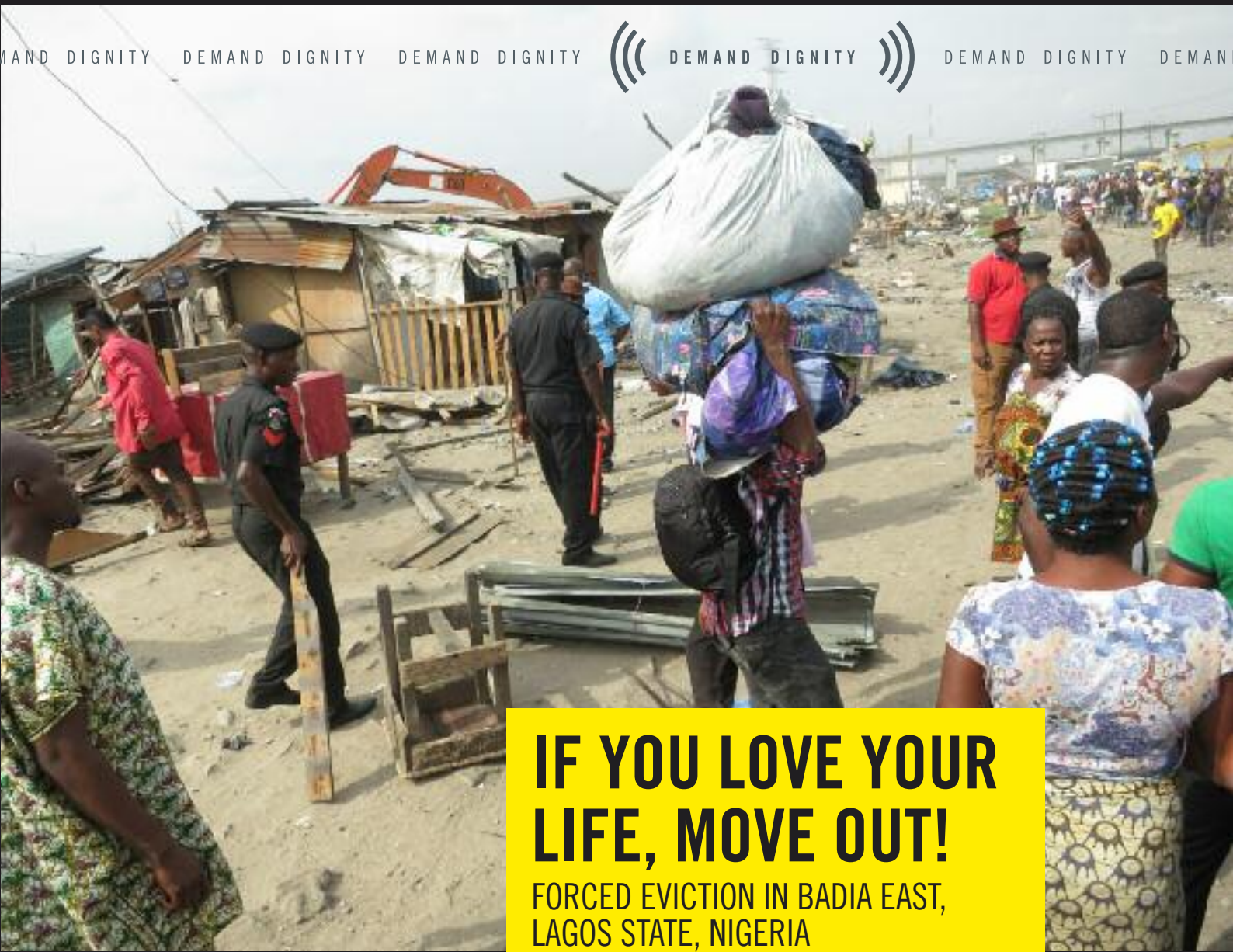


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IF YOU LOVE YOUR LIFE, MOVE OUT!

FORCED EVICTION IN BADIA EAST, LAGOS STATE, NIGERIA

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The Social and Economic Rights Action Center (SERAC) is a Nigerian non-governmental organization dedicated to the promotion and protection of social and economic rights. For 18 years, SERAC has worked with slum communities in Lagos and elsewhere in Nigeria to promote and protect the socio-economic rights of inhabitants, including their rights to adequate housing/shelter, livelihood, water, food, and access to electricity, health services and education. SERAC's work in slums involves rights-based community organizing and empowerment, advocacy and litigation in response to (threatened) forced evictions.



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Cover photo: Police officers supervise the forced eviction of
23 February 2013 as a resident carries his salvaged belongings.
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IF YOU LOVE YOUR LIFE, MOVE OUT!

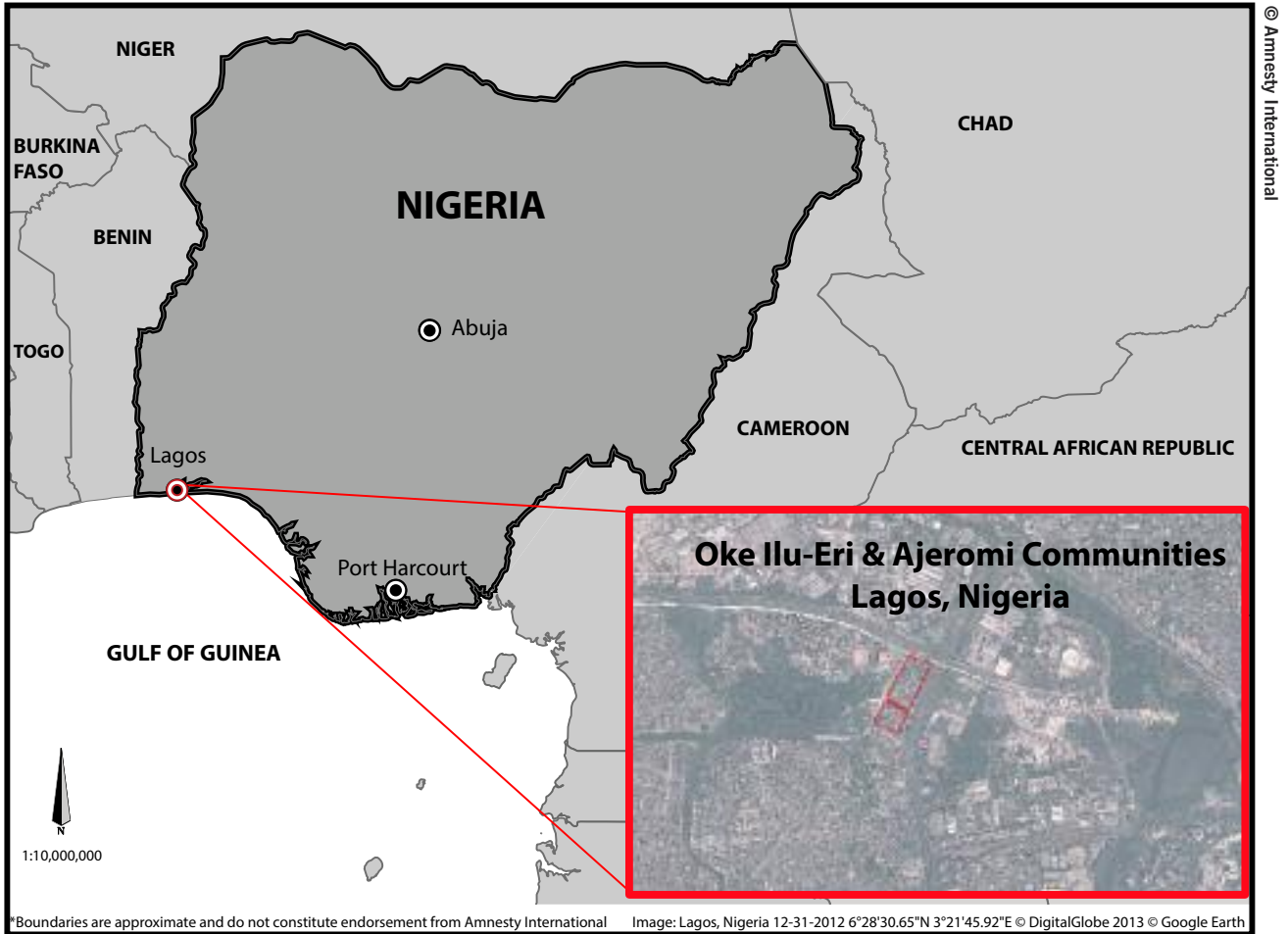
FORCED EVICTION IN BADIA EAST, LAGOS STATE, NIGERIA

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LOCATIONS OF COMMUNITIES AFFECTED BY DEMOLITION ON 23 FEBRUARY 2013.



BIMBO OMOWOLE OSOBE

Bimbo Omowole Osobe (pictured right) is 55 years old; she moved to Badia East in 1973 when the community was resettled there. Her home and shops were demolished by the Lagos state government and she was forcibly evicted on 23 February 2013. She has lost her home and means of livelihood and now sleeps out in the open under a net. Despite the difficult circumstances in which she is living, Bimbo is a key part of the struggle of the community to get remedies for the violations they have suffered.

“What happened that day was a shock because there was no notice whatsoever; we were not notified at all. We only heard that there were caterpillars [bulldozers] around on that day, thinking it was part of the environmental sanitation exercise.

“When I came out of my house I saw that they had started demolishing. . . . They came with sledgehammers and all the enforcement agents were armed. We stayed by the rail lines. They did not give us a chance to take any of our belongings; they did not allow us to go next to our homes after driving us out. Homes that the bulldozers did not destroy, the task force men destroyed with sledgehammers. I owned a Pepsi commercial fridge, it was destroyed, the only thing I was able to recover from the remains of my home was an empty bottle of Miranda [a soft drink].

“I had a house with tenants and their children living in there; I had two shops too where I sold mineral drink. You know when a woman loses her child, you know how she feels? That is how I can compare what happened that day. The house was owned by my late uncle and I inherited it from him, I lived in the house with my family of four children. I had 10 tenants. My shops were demolished too; I sold mineral drinks and water. I have been doing nothing since the demolition.

“During the day we are here in Better Life [an open-air community centre] sharing testimonies and at night there is a place I sleep, I was given a net and I use that net. When it rains I stand up [because I sleep on the ground] and wait for the rain to stop and after the rain stops I look for where to find hot water or tea.

“My children are no longer with me; I sent three of them to the North and one to Agbara.¹ Bisi is 12 years old; Titi is 10; Opeyemi is 8 and the last one is just 3; two boys, two girls. They were all in school before the demolition. Since the demolition they have not been going to school.

“Before the demolition we were living in a block [concrete] house. . . . The first time I experienced [an] eviction was during the National Theatre [1973] eviction; the second time was during the 2003 one; this is the third time.

“They [Lagos state government] should give us our land back or build houses for us but we cannot pay for it because there is no money. . . . These people [the Lagos state government] should be our forefront, they are the people you expect should fight for us but are now the people fighting against us. Shelter comes first in everything in life, when there is shelter whatever you have you can live with; but when there is no shelter how do you survive?”²



4 IF YOU LOVE YOUR LIFE, MOVE OUT!
FORCED EVICTION IN BADIA EAST, LAGOS STATE, NIGERIA

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A bulldozer demolishing homes in Badia East. On 23 February 2013 at least 266 structures were demolished by the Lagos state government. There was no genuine consultation and reasonable notice before the demolition.

1/INTRODUCTION

At 7.30am on Saturday, 23 February 2013, residents of the Badia East community in Lagos state saw a bulldozer parked at the edge of their community. Soon afterwards, officials of the Lagos state Task Force on Environmental and Special Offences (Task Force)³ arrived and began demolishing people's homes, businesses and community facilities.

People living near the bridge reported that they heard Task Force and other officials shouting for them to come out of their homes. Police officers said to them, "If you love your life, move out." Residents who tried to get into their houses to salvage their possessions were threatened and some recounted that they were beaten by the police when they tried to do so. The bulldozers tore apart people's homes and businesses, assisted by men in overalls who used sledgehammers to destroy parts of homes that the bulldozers could not easily reach.

By the end of the demolition, the Oke Ilu-Eri community, which forms part of Badia East, was razed to the ground and a part of the nearby Ajeromi community was also destroyed. At least 266 structures that served as homes and businesses were completely wiped out, affecting an estimated 2,237 households. At a minimum, close to 9,000 people were affected.⁴ No alternative housing was provided by the Lagos state government and people were left homeless after the demolitions.

Many people are still sleeping out in the open or under a nearby bridge. Others have erected makeshift shelters with tarpaulin and similar materials wherever they could find space in Badia East. Several former Oke Ilu-Eri residents have constructed new structures made of wood and metal in a swampy area (previously deemed uninhabitable) on the other side of the World Bank-funded canal that borders the community. Some former residents are living with friends or families in homes that are already overcrowded. Without any government support following the loss of their homes and livelihoods, the overwhelming majority are unable to rent or obtain alternative housing.

Many people said that they are living in an extremely precarious situation after losing their sources of income. Numerous women who had lost their small businesses were worried that they have now become dependent on friends and family for food and clothing. Some said that they are suffering from malaria or typhoid after living in the open but can no longer afford to pay for medicines and treatment. The strain of becoming homeless and of sleeping out in the open is also believed by the community to have contributed to some deaths of elderly people. Many children are now separated from their families after being sent to relatives in villages because they have no home.

A Lagos state government billboard standing on the site where hundreds of homes were demolished in Badia East. The government says it plans to build 1,008 apartments on the land where the Badia East community is situated.



© Amnesty International

The Lagos state government has failed to put in place legal and procedural safeguards that are required under international law prior to any eviction. There was no consultation with the affected people to identify alternatives to eviction. The government failed to provide adequate notice, legal remedies, alternative housing to those unable to provide for themselves, and compensation for their loss. Amnesty International and the Social and Economic Rights Action Center (SERAC) therefore consider this eviction to amount to a forced eviction⁵ which violates the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, among other international and regional treaties to which Nigeria is a state party.

Badia East is part of the larger Badia community, which is one of nine settlements ("slums") meant to benefit from the World Bank-funded Lagos Metropolitan Development and Governance Project (LMDGP). The objective of the US\$200 million project was "to increase sustainable access to basic urban services through investments in critical infrastructure".⁶ The infrastructure component of the project (estimated at US\$160.89 million)⁷ included urban upgrading activities in "nine of the largest slums identified in 1995"⁸ in Lagos state, along with drainage and solid waste management projects.

The area that that was cleared on 23 February has been earmarked for a housing development project by the Lagos State Ministry of Housing. The government is not planning to resettle the people who were forcibly evicted in these units⁹ and the vague plans that do exist for allocation of these housing units indicate that most of them will be unaffordable for the residents of Badia. The housing project does not form part of the activities under the LMDGP but the government has indicated that the location was chosen because the area had been earmarked for regeneration/renewal under the LMDGP.¹⁰

The people who were forcibly evicted are among the LMDGP's intended beneficiaries in Badia. Instead of improving the living conditions of these people, as the government has committed

to do under the LMDGP, it has destroyed people's homes and businesses. It has driven people into worse living conditions and deeper into poverty.

The government has stated that this eviction was the first phase of its plans to clear out the whole of Badia East in order to "redevelop" the area and to evict most of the existing residents.¹¹ If these plans proceed as described, tens of thousands will be at risk of forced evictions. The entire LMDGP intervention investment in Badia risks being diverted from the intended beneficiaries (Badia residents) to more affluent residents of Lagos state, who can afford the new housing units.

The forced eviction of the residents of Badia East is part of a pattern of forced evictions of people living in informal settlements and in other communities across Lagos state. Amnesty International and SERAC, the two organizations that have authored this report, have themselves documented numerous forced evictions in Badia, Makoko, Ilaje Otumara and elsewhere in Lagos state since the 1990s. Many of the people who were forcibly evicted by the government from Badia East had experienced at least two to three forced evictions and been forced to rebuild their lives from scratch each time.

The Lagos state government has stated that it "in collaboration with the World Bank Group, has set in motion modalities to support people who were affected during the February exercise of its urban regeneration programme".¹² The World Bank has also confirmed that these people will be covered under the LMDGP Resettlement Policy Framework.¹³ There are concerns, however, about the process that will be used to identify people who were affected, that tenants may not be included under the resettlement action plan that the government is developing and that people will only receive compensation rather than compensation and resettlement. It is essential that all those who were forcibly evicted on 23 February 2013 are properly identified and offered adequate alternative housing and compensation for their losses. The resettlement plan also should be developed in consultation with the affected people.

People in Badia East have displayed extraordinary courage, solidarity and resilience during and after the forced eviction. The community has organized to support its members in numerous ways and to fight for effective remedies and justice for all those affected. They are calling on the government to give them compensation to allow them to rent or rebuild homes and businesses, and to allow them to continue living in the area in which that they have already invested so much. In the words of Ayinke Stephen, a 39-year-old HIV-positive woman who carries out health outreach and counselling within the community: "They should consider us. They should see us and treat us like any normal Nigerians."

METHODOLOGY

This report is the outcome of research conducted by Amnesty International and the Social and Economic Rights Action Center (SERAC). The report documents the events leading up to and after the eviction of residents of Badia East by the Lagos state government on 23 February 2013.

SERAC, which has worked with the Badia East community since 1996, monitored the events in the lead-up to the eviction on 23 February and seven staff members were present during the eviction. SERAC also collected testimonies and information from people who were evicted in order to file a suit challenging the eviction before the Lagos State High Court.



© Social and Economic Rights Action Centre / SERAC

In May 2013 a joint delegation of Amnesty International and SERAC (henceforth called “the delegation”) conducted detailed interviews with 40 structure owners and tenants from Oke Ilu-Eri and Ajeromi communities whose homes and businesses had been demolished. The interviews were conducted in small groups and individually. The delegation also interviewed other residents living in Badia East and met with the Badia East Technical Committee, formed after the eviction to advocate for an effective remedy for those affected.¹⁴

All the quotations from witnesses included in this report are based on interviews conducted either by Amnesty International or SERAC.

SERAC has a long-standing relationship with the Badia East community and has provided legal representation to residents of Badia East in court proceedings and other advocacy, including on previous evictions.

Amnesty International and SERAC delegates also separately and jointly met with various government agencies and officials, including the Lagos State Attorney General and Commissioner for Justice; the Lagos State Commissioner for Housing; the Chairman of the Lagos State Taskforce on Environmental and Special Offences (Enforcement) Unit; officials of the Lagos Metropolitan Development and Governance Project (LMDGP); and the Director and Deputy Director of the Department of Urban and Regional Development of the Federal Ministry of Lands, Housing and Urban Development. Both organizations have also met and corresponded with the World Bank Nigeria Office. The Lagos State Commissioner for Physical Planning and Urban Development, whose ministry was involved with the decision to carry out the demolition, declined



to meet with Amnesty International delegates despite a letter sent to him requesting a meeting and a visit to his office.

Amnesty International also interviewed the Baale (traditional district head) of Iganmu Alawo.¹⁵

Research for the report also draws on correspondence; court cases; video and photographic evidence; prior publications by SERAC and Amnesty International; and satellite image analysis commissioned by Amnesty International from DigitalGlobe's Analysis Centre.

Bulldozers demolish homes in Badia East. On 23 February 2013 at least 266 structures were demolished by the Lagos state government. There was no genuine consultation and reasonable notice before the demolition.

2/BACKGROUND

“The government has never helped us, the community raised money, we reclaimed the land here [by filling the swampy area], constructed the road ourselves and provided electricity ourselves.”

Olatunde Aworetan, aged 47¹⁶

Lagos is one of two megacities¹⁷ in Africa, with an estimated population of 11.2 million.¹⁸ In 1990, the state had a population of 4.76 million.¹⁹ It is expected that Lagos will have one of the highest rates of growth of any urban area in the world between 2011 and 2025, projected at 3.71%.²⁰ SERAC has highlighted that the rise in the population of the state has not been accompanied by the provision of social and economic infrastructure such as housing, health care facilities, schools, roads, transportation, water, solid waste disposal and drainage facilities.²¹

The Lagos Master Plan (1980–2000), 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 2006, 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.”²² Commenting on the failure to implement the Lagos Master Plan, the then Lagos State Commissioner for Physical Planning and Urban Development 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 one million should be deliberately earmarked for low income households. By the year 2000 when the plan expired, no more than 10% of the housing needs were satisfied.”²³



The World Bank has highlighted that “[D]istortions in the housing market in Nigeria render access to adequate and affordable housing limited, even for the middle class. Housing prices are high due to the non-availability of long-term finance, high transaction costs for obtaining land titles and or certificates of occupancy, regulatory and planning controls for building and construction that constrain the efficient utilization of land, as well as high inflation rates in the Nigerian economy. The impact of these distortions is exacerbated in Lagos because of its small land mass in comparison to the land mass of other states. Slums are, therefore, a consequence of both market and government failure.”²⁴

Almost 70% of the population of Lagos live in slums in “extremely poor environmental surroundings. ...While the average residential density for Lagos as a whole is about 260 people per hectare, the population density in slums is between 790 and 1,240 people per hectare.”²⁵ The Lagos Master Plan identified and classified 42 slums or informal settlements in the city. The government has often described these as “blighted areas”.²⁶ It is estimated that there are now over 100 such communities in Lagos.²⁷

Badia (often also referred to as Ijora-Badia and sometimes as Iganmu Alawo) is one of these original 42 informal settlements identified by the Lagos state government. Badia East is an informal area of over 100,000 people.²⁸ For nearly four decades, the residents of Badia East have occupied the previously uninhabited area of Ijora Badia, filling and improving the land

Residents construct a makeshift shelter. Close to 9,000 people were affected by the forced eviction by the Lagos state government in Badia East, Lagos state, on 23 February 2013.

12 IF YOU LOVE YOUR LIFE, MOVE OUT!

FORCED EVICTION IN BADIA EAST, LAGOS STATE, NIGERIA

A makeshift shelter in Badia East, Lagos state, made from materials salvaged from the ruins of hundreds of homes demolished by the Lagos state government on 23 February 2013.



with their own resources.²⁹ The settlement is situated on a narrow strip of land running between a rail line and swampland. Its location is strategically close to the Apapa port and surrounding industrial areas, both of economic importance for the livelihoods of the residents.

In 1973, three years after the end of Nigeria's civil war, the Federal Military Government acquired a large tract of land comprising a sprawling old settlement known as Oluwole Village in Iganmu (central Lagos) for the purpose of building Nigeria's National Arts Theatre. The theatre was to be a key feature of the African Festival of Arts and Culture that Nigeria hosted.

Without adequate notice or consultation, the Federal Military Government forcibly evicted Oluwole and Anjola villagers from their ancestral homes.³⁰ Following protests by the residents, the federal authorities retrospectively paid paltry sums as compensation to some. Other evictees that insisted on resettlement were allocated tiny vacant plots of land in Ijora-Badia, less than 1km away. 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.³¹ They settled in two new villages known as Ajeromi and Oke-Ilu-Eri, which together formed the Badia East community; and a Community Development Association was formed to promote the community's welfare.

The Federal Military Government failed to address Badia's pre-existing severe lack of basic social and economic infrastructure, such as water, roads, drainage, health care facilities and schools.³² This neglect has continued over the years and the negative consequences of this lack of investment continue to be felt.

Over the years, the population of Badia East has grown alongside the rest of Lagos state. From the original inhabitants who were mainly Ilaje, a Yoruba ethnic group, the population

has diversified to include other ethnic groups in Nigeria. Most residents are very poor by Lagos state standards, living on less than N15,000 per month (US\$92).³³ Many operate small shops or businesses within the community or do informal trading.

The failure of the federal government to provide documents guaranteeing security of tenure to the residents and repeated forced evictions have tragically shaped the development of Badia East. The first residents, who held occupation licences from the federal government after their relocation from Iganmu, invested in filling the land to make it habitable and suitable for building permanent concrete houses. In the early 1980s, many had their plots surveyed and tried without success to formalize their tenure.³⁴

The residents' efforts and aspirations towards increasing their security of tenure were dashed in 1986 when the Lagos state government carried out its first major eviction in the area, primarily affecting the village of Oke Ilu-Eri. The evicted people took shelter with their neighbours in Ajeromi. When the land was left empty by the Lagos state government, the community slowly rebuilt Oke Ilu-Eri, but according to the residents, the original investments in building quality and community infrastructure have never been the same. In subsequent years, forced evictions elsewhere in Lagos state, most prominently the massive 1990 demolition of Maroko,³⁵ sent a wave of evictees seeking shelter to places like Ijora Badia.

CONTESTED CLAIMS TO LAND

Due to its location and its history of British colonial and federal acquisition, the land of Badia East has in recent decades come under increasing pressure from competing ownership claims, fuelling the cycle of demolition and forced evictions. In the 1990s, the Nigerian Railway Corporation claimed ownership based on colonial acquisition of land from the traditional Ojora chieftaincy family dating back to 1929 and demanded rent from Badia East residents.³⁶ More recently, the Ojora chieftaincy family, have also reasserted their claim to traditional ownership. As a result, the land in Badia East is the subject of ongoing litigation³⁷ in a Lagos State High Court. The litigation was initiated by the Ojora chieftaincy family against a few prominent residents of the community, one of whom is represented by SERAC.

The federal government maintains that the Badia East land is federally owned. It therefore conducted extensive planning in 2004-2005 for an urban regeneration project for the community. The Lagos state government does not recognize the area as federally owned land and has carried out evictions and land acquisition in Badia East something which it is not legally authorized to do if the land is federally owned. The Land Use Act 1978 confirms that land in a state can be vested in the federal government. The Act vests all land in the territory of each state, except land vested in the federal government or its agencies, solely in the state governors to hold in trust for the people.

The dispute on federal and state ownership and authority over land in Lagos state, such as that in Badia East, is largely due to Lagos' history as the British colonial capital of Nigeria until the country's independence in 1960; and then as the federal capital until 1991 when the capital moved to Abuja. Until 1967 when Lagos state was created, most land in what is now Lagos state was federal. After the creation of Lagos state, some federal land was transferred to Lagos state. However, because the federal capital was in Lagos, the federal government continued to acquire and hold land for a variety of public purposes.



Armed police officers supervising the forced eviction in Badia East. Affected people said the police threatened to shoot them if they did not move out of their homes.

UPGRADING BADIA: PLANS AND REALITY

Since 1986, successive administrations have promised to upgrade Badia East but these promises have not been kept and instead residents have suffered numerous forced evictions.

In the early 1990s, the Lagos state government received a US\$85 million loan facility from the World Bank for the Lagos Drainage and Sanitation Project (LDSP), designed to build drainage systems to de-flood parts of the state. In 1996, the Lagos State Ministry of Environment and Physical Planning earmarked 15 slum communities, including Badia, for demolition in order to accommodate the drainage systems and renew the blighted areas.³⁸ On 15 July 1996 the then Lagos State Commissioner for Environment and Physical Planning stated that the state government had no intention or plan to compensate or resettle people whose homes may be affected by the project.³⁹ 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 regarding the project itself or the plans for eviction.⁴⁰

In 1997, the homes and businesses of over 2,000 people were demolished in Badia and Ijora Oloye, residents forcibly evicted by officials of the Lagos State Ministry of Environment and Physical Planning, the Lagos Urban Renewal Board, and heavily armed police.⁴¹ Those who tried to salvage their possessions faced harassment and threats from armed security guards.⁴²

In July 2003, following a 48-hour notice, the Lagos State Environmental and Special Offences Enforcement Unit (“Task Force”) demolished a narrow strip of homes in Oke Ilu-Eri area of Badia East, but stopped midway due to a peaceful resistance by the community. There was no compensation or resettlement for those affected. In October 2003, despite pending litigation filed by SERAC on behalf of Badia East residents following the July demolition, the Task Force returned to Badia East without notice to demolish and forcibly evict at least 3,000 residents of Oke Ilu-Eri. There was no compensation or resettlement for those affected.⁴³

After Oke Ilu-Eri was demolished by the Lagos state government in 2003, the Badia East community worked with SERAC to petition the federal government for assistance. The petition traced the community’s history back to their forced eviction from the National Theatre site and claimed that the federal government was responsible for failing to guarantee their security of tenure.⁴⁴

In response to the petition, the Federal Minister of Housing and Urban Development intervened by informing the Lagos state government that the Badia East land was still subject to long-standing federal acquisition. The Federal Ministry accepted responsibility to upgrade and redevelop Badia East for the benefit of its residents.⁴⁵ From 2004-2005, the Federal Ministry hired consultants to develop a slum regeneration plan in close collaboration with an inclusive and participatory technical committee.⁴⁶ The technical committee was mandated to monitor implementation of the final regeneration plan, which was based on a baseline community enumeration and provided for upgrading of infrastructure, housing and community facilities and promised security of tenure for residents.

Shortly after finalizing the regeneration plan, the Federal Minister who had initiated the project left office. Since she left, the implementation of the plan has suffered delays. Badia East leaders have continued to petition and pressure what is now the Federal Ministry of Lands, Housing and Urban Development to guarantee their security of tenure and implement the plan.⁴⁷



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A canal in Badia East constructed under the World Bank-funded Lagos Metropolitan Development and Governance Project. Hundreds of homes were demolished in March 2012, without notice, by the 'Kick Against Indiscipline' Brigade to make way for the construction of the canal.

In 2011, senior officials of the Federal Ministry of Lands, Housing and Urban Development visited Badia East to see the intended project site and wrote letters formally recognizing the legitimacy of Badia East residents' stay on the land pending implementation of the intended regeneration plan.⁴⁸ In a sad irony, shortly after the 23 February 2013 demolition, a senior Federal Ministry official informed Badia East community leaders that there was funding for the regeneration project in its 2013 budget, but have as yet taken no action to progress these plans.⁴⁹

In parallel, the Lagos state government also received a US\$200 million loan facility from the World Bank for the LMDGP in 2006, a project that again included a drainage component along with "urban upgrading" for nine slum communities, including Badia. The upgrading activities envisioned under this project are limited to construction and infrastructure "deliverables." Since 2006, the projects executed under the LMDGP include a road and a drainage canal. However, the execution of these projects has been rife with problems, including delays and a forced eviction.

On 6 March 2012, without notice, the Lagos State Kick Against Indiscipline (KAI)⁵⁰ Brigade demolished over 300 structures to make way for the construction of a canal running the length of Badia East, built under the LMDGP. KAI Brigade destroyed some homes by setting fire to them; bulldozers demolished the remainder the following morning.⁵¹ Following nine months of pressure and negotiations, in December 2012, the LMDGP paid 124 affected people pursuant to a December 2012 Resettlement Action Plan (RAP).⁵²

NIGERIA'S OBLIGATIONS UNDER NATIONAL AND INTERNATIONAL LAW

Nigeria is obligated under a range of national and international human rights laws to respect, protect and fulfil the right to adequate housing.⁵³ This requires the government to respect the right to adequate housing by refraining from forced evictions, protecting people from interferences with their rights by third parties such as landlords, and to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures to fully realize the right to adequate housing. The government must prioritize the realisation of minimum essential levels of housing for everyone, and must prioritize the most disadvantaged groups in all programmes and while allocating resources. This also requires the government to guarantee the right of people to participate in and be consulted over decisions that will affect their lives, and to provide an effective remedy if any of these rights are violated.

A state party to a treaty may not invoke the provisions of its internal law as justification for its failure to perform the treaty (perform its obligations under the treaty).⁵⁴ Therefore, regardless of the legal system or the different tiers of government that exist in Nigeria if any public official or agent of the state fails to comply with Nigeria's obligations under international human rights law on the right to adequate housing, the Nigerian government is responsible and can be held to account for breach of international law.

The African Charter on Human and Peoples' Rights (ACHPR), which was ratified by Nigeria on 22 June 1983, has been directly incorporated into Nigerian law.⁵⁵ The African Commission on Human and Peoples' Rights has affirmed in the case of *SERAC and the Centre for Economic and Social Rights v. Nigeria* that forced evictions contravene the African Charter, in particular Articles 14 and 16 on the right to property and the right to health, and Article 18(1) on the state's duty to protect the family. In that case, the African Commission stressed that "[a]lthough the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provisions protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16 [...], the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health, and family life are adversely affected. It is thus noted that the combined effect of Articles 14, 16 and 18(1) reads into the [African] Charter a right to shelter or housing."⁵⁶

Section 16 (2) (d) of the Nigerian Constitution also provides that the State shall direct its policy towards ensuring that suitable and adequate shelter is provided for all citizens.⁵⁷

3/EVICTION WITHOUT SAFEGUARDS

Nigeria is a state party to the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the African Charter on Human and People's Rights, along with other human rights treaties that require it to refrain from and prevent forced evictions.⁵⁸ The UN Committee on Economic, Social and Cultural Rights defines a forced eviction as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection."⁵⁹

The Committee has emphasized that evictions may only be carried out as a last resort and only after all feasible alternatives to eviction have been explored in genuine consultation with the affected people.⁶⁰ It has clarified that evictions can only be carried out when appropriate procedural protections are in place. These include:

- an opportunity for genuine consultation with those affected;
- adequate and reasonable notice for affected people prior to the eviction;
- information on the proposed evictions and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
- government officials or their representatives to be present during an eviction;
- everyone involved in carrying out the eviction to be properly identified;
- evictions not to take place in particularly bad weather or at night unless the affected people consent otherwise;
- provision of legal remedies;
- provision, where possible, of legal aid to people who are in need of it to seek redress from the courts;⁶¹
- provision of adequate alternative housing to those who cannot provide for themselves; and
- compensation for all losses.

These requirements apply to all evictions, irrespective of the tenure status of the people being evicted. “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights.”⁶²

The Committee has also stressed that even when an eviction is considered to be justified, “it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality.”⁶³

The prohibition on forced evictions does not apply to evictions carried out in accordance with the law and in conformity with the provisions of international human rights standards. Therefore, if a government has undertaken genuine consultation to explore all feasible alternatives, provided adequate notice, remedies, adequate alternative housing and compensation and put in place all other procedural requirements, the eviction and if necessary, the use of force in a proportionate and reasonable manner to carry out the eviction, would not amount to a forced eviction.

TOTAL ABSENCE OF CONSULTATION

“They did not inform anybody. We were not aware that they were coming. They just came and started demolishing.”

Ndukwe Eze, tenant, aged 43

In a meeting on 15 May 2013, the Lagos State Attorney General and Commissioner for Justice (Lagos State Attorney General) explained that the government had developed plans since 2003 to upgrade the entire Badia locality.⁶⁴ He stated that the government had not been able to proceed with this larger plan because of a lack of resources but had decided to start with the “clearance of a portion of Badia, which has been reserved for housing development.” He also explained that the government had decided to start with the “least intrusive” part of these plans by clearing the least built-up part of the entire community.⁶⁵

In a written response to Amnesty International, the Lagos state government claimed that “the particular area recently cleared and repossessed ...is a small part of the 17 hectare planning area within the Badia settlement, which was earlier cleared of all structures in 2003. It was in fact a swampy portion now filled with refuse and the least built up of the entire community. ... Since the area was previously secured for developmental projects, it was never approved for any kind of occupation or use by the recent evictees. The land was clearly uninhabitable, considering the refuse-filled terrain and absence of basic facilities”.⁶⁶

The Attorney General said that a government delegation had visited Badia twice, in April 2008 and October 2012, to tell people that they had to move from the area.⁶⁷ The Lagos State Governor himself headed the delegation in 2008. The Attorney General claimed that the government delegation spoke to leaders who represented the community rather than the whole community. Amnesty International asked to see a copy of the minutes of the meetings and a list of those who attended, but was informed that no such record was available.

The Lagos State Commissioner for Housing also claimed that there had been a stakeholders meeting on the government’s plans for the redevelopment of Badia. He said that community



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Bimbo Omowole Osobe and other Badia East residents who were forcibly evicted from their homes speak to the media during the protest on 25 February 2013 at the Lagos State Governor's office.

representatives as well as members of the Ojora family, who assert a legal claim to the land, attended this meeting.⁶⁸

None of the community residents or members of the Badia East Technical Committee that Amnesty International and SERAC interviewed were ever consulted about the eviction or the government's plans to construct a housing development. There was no opportunity to suggest alternatives to eviction. People were also unaware of the visits that the government claimed it organized in 2008 and 2012 to notify people that they needed to move from the area. A former youth president of the community noted that the Governor had visited the community in 2008 to discuss the LMDGP project, but stated that during this visit, no announcements were made asking people to move.⁶⁹ On the contrary, another resident pointed out that when the Governor and a delegation visited the community in 2012 and inspected the drainage, "he specifically said that he had not come to demolish any houses. ... He was not here for demolition, he only came to tell us that this drainage they are doing was for us. ... He also said we should not allow anyone to dump refuse in the drainage".⁷⁰

Olatunde Aworetan, a 47-year-old resident whose father was the former Baale [traditional chief] of the area, said: "apart from the meeting we had with the Lagos state government on 28 February 2013, after the demolition, in Alausa [location of the Lagos state secretariat] there has never been any meeting with the Lagos state government."

Even according to the government's statement of events, it is clear that there was no process set up to consult residents on the plans to clear the area, let alone offering people the opportunity to engage with the government and suggest possible alternatives. This violates Nigeria's obligations under international human rights law. The government did not record any details about the evictees or their properties before demolishing their homes and businesses, thus undermining resettlement and compensation efforts.

“WE CLEARED THE REFUSE AREA”

Contradictions in the government’s account of events

There are contradictions even among the different departments of the Lagos state government in their description of the demolitions and eviction of people on 23 February 2013. The Lagos State Attorney General acknowledged that people had been evicted when the area had been cleared but claimed that it was the least built-up area of the community. Photographs provided by the government along with its written response also clearly reveal the existence of structures in the area that was cleared.⁷¹

The Lagos State Commissioner for Housing maintained that the government did not evict people from that location. He stated that the area had been cleared of garbage and that there were no structures, only some stands where people stored things.

The Lagos state Commissioner for Physical Planning and Urban Development has also stated in a televised panel discussion that the area they cleared was predominantly a rubbish dump. He stated, “What we cleared was the shanty area, we cleared the refuse area. There might be people there [the area demolished]; they were not supposed to be living there.... As at the time the Governor visited in 2009 that place had no buildings there. What is important to me as a Commissioner for Physical Planning and Urban Development, I like to see the building in my database because as at 2005 there was no building there. So if any one was going to put up a building, there was supposed to have been a process of building permit... The things that were here [area demolished] were refuse; things that were stacked up.”⁷² Felix Morka, Executive Director of SERAC, and Bimbo Omowole Osobe, a resident of Badia who was forcibly evicted on 23 February, were also part of this panel discussion and provided their own witness accounts rebutting the Commissioner’s statement.

Staff members of SERAC visited the area that was cleared on numerous occasions prior to the 23 February demolition and can confirm the existence of homes and businesses in that area. This is also corroborated through video footage and photographs taken by SERAC.

DigitalGlobe’s Analysis Center was commissioned by Amnesty International to examine satellite images taken on 8 February and 8 April 2013 of Oke Ilu-Eri and parts of Ajeromi. This analysis corroborates the destruction of the Oke Ilu-Eri community. It is confirmed by the intact presence of the Oke Ilu-Eri community on 8 February, and the razed area as seen in the image from 8 April. Notably, there is also construction equipment in the southern portion of the community, apparently grading and levelling the ground; this is also visible in the 8 April image but not in that of 8 February.⁷³

The community of Ajeromi, directly south of Oke Ilu-Eri and outlined in the 8 April image, appears to also be at least partially razed on that date, while apparently fully intact on 8 February. Based on ground photographs and video footage, and the DigitalGlobe satellite imagery, it is determined that approximately 36,000m² of high-density housing and community infrastructure were demolished between 8 February and 8 April 2013.



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Oke Ilu-Eri, Lagos, Nigeria. Image date: 8 February 2013. 6°28'30.65"N 3°21'45.92"E



© DigitalGlobe 2013

Oke Ilu-Eri, Lagos, Nigeria. Image date: 8 April 2013. 6°28'25.77"N 3°21'44.13"E

DEMOLISHING PEOPLE'S HOMES WITHOUT NOTICE

"I wasn't here on 23 February – I was working – when the demolition happened but someone called me. Before we got here, they had broken our rooms. There was no notice, not even on the day of the demolition."

Jeanette James, aged 28, who rented space in a house that was demolished.

Every single resident of Badia East that Amnesty International and SERAC spoke to confirmed that they did not receive prior notice of the eviction from the authorities. The Lagos State Attorney General said that the government had served a notice on the Baale⁷⁴ of Iganmu Alawo on 20 February 2013, three days before the eviction. The government provided a copy of the notice and photographs of the Baale receiving a document.⁷⁵ The Secretary to the Baale of Iganmu Alawo⁷⁶ confirmed that the Baale received "a notice" from a government delegation, which included the Lagos State Commissioner for Agriculture. According to the Baale's Secretary, the Commissioner for Agriculture, who is related to the Ojora, asked the Baale to receive the document as a representative of the Ojora. The Baale stated that he took the document to the Ojora of Ijoraland, the traditional ruler of the area that includes Badia East.⁷⁷

The Baale's Secretary⁷⁸ stated that after receiving the notice, the Baale had organized for a person to go around Badia announcing a meeting the following day.⁷⁹ He also claimed that the Baale met with many residents of Badia at the small community centre on the following day (21 February 2013) and informed them about the notice and the imminent eviction. He asserted that the Ojora also met with some members of the community at his palace on Friday (22 February) and informed them about the contents of the notice and the imminent eviction.

This version of events is contradicted by all the community members that the two organizations spoke to and by SERAC staff themselves who were present at many key meetings on 21 and 22 February 2013.

Some members of the Badia East community saw a delegation of Lagos state officials, including the Lagos State Commissioners for Agriculture and Housing, along with an armed police escort, visit Badia East and present the Baale with a document. A community member stated that he could see that the document contained the Lagos state government coat of arms and some dates (13 and 20 February 2013). He was not able to get more information because he and other community members were chased away by police.⁸⁰

Rumours spread through the community that a demolition may be imminent and community members convened a meeting at the Better Life community centre. Four staff members of SERAC also attended the meeting. Some community members tried to call the Baale and the Ojora's office by phone to get more information. The Baale agreed to meet some community members in Oke Ilu-Eri. SERAC staff members and at least 20 concerned residents went to meet with the Baale at his meeting space in Oke Ilu-Eri. During the course of the meeting, the Baale told SERAC and the residents that he accepted the document in his capacity as a representative of the Ojora, not as the Baale; as such, he said it would have been impudent for him to read the contents that were not for him.⁸¹

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In the early evening of Thursday, 21 February, Megan Chapman – a SERAC staff attorney – called the Baale’s Secretary because of reports that he had been present when the Baale received the notice. She reports that the Baale’s Secretary told her that there was no timeframe for demolition and that he had personal information that no demolition would occur before a consultation could be held between Lagos state government and residents at the Ojora’s palace.

Residents of Badia East protesting on 23 February 2013 as their homes were being demolished by the Lagos state government.

A community leader also stated that she and other community members went to the Ojora’s palace the same day but were unable to meet with him. They were only able to meet the Ojora on Friday, 22 February. Other community members claimed that after much prompting the Ojora confirmed that the notice was for demolitions but that he had sent the document to his lawyer.⁸²

Some residents, along with SERAC representatives, approached various government offices to get a copy of this document and information on the government’s plans. In the late afternoon of Thursday, 21 February, they met with the Lagos State Special Advisor on Housing who told them he knew nothing about a planned demolition and said “we don’t demolish; we build houses.”

In a meeting with SERAC representatives on 22 February, the Commissioner for Housing unequivocally denied knowledge of any planned demolition, even while admitting that his Ministry had plans for a project to be undertaken in the community. By the close of the

meeting, the Commissioner committed to raising SERAC's concerns about the need for a more consultative planning process at an inter-ministerial meeting the following week. Despite these denials and promises, the government started demolishing Badia East less than 20 hours later.⁸³

Several of the residents who were interviewed also stated that they did not recognize the current Baale as their leader.⁸⁴

The copy of the "notice", which the government shared subsequently with Amnesty International, is an "abatement of nuisance notice", issued under the Lagos State Environmental Sanitation Law of 2000. The notice was addressed to the "owners/occupiers of illegal shanties and container in Ijora Badia by Railway line" and indicated that an environmental nuisance had been created in contravention of the Lagos State environmental law. It ordered the abatement of the nuisance within 48 hours.

When asked why an abatement of nuisance notice rather than an eviction order was used for this eviction, the Lagos State Attorney General said that "an abatement of nuisance notice is given to people who have no Certificate of Occupancy⁸⁵ or building permission".⁸⁶

The notice document does not specify the people to whom the notice is directed, nor the structures affected. It was not served on people individually or publicly advertised. It states that the relevant sections of the law will be implemented if the nuisance is not abated but does not clarify what steps will be taken if the notice is not complied with. Neither does it provide any information on how the decision can be challenged.

The use of an abatement notice to carry out demolition of homes and eviction of people is also problematic under Nigerian law. On 5 March 2013, a Lagos State High Court stated that an abatement of nuisance notice under the Environmental Sanitation Law could not be used to carry out demolitions without recourse to the court. The Court said: "The provisions of the law are clear as to the prosecution of offenders by a special court and the imposition of fine where such offenders are found guilty... The Environmental Sanitation Law under which the allegedly offensive notice was issued cannot be applied without due and proper recourse to the provisions on prosecution by the Special Court."⁸⁷

As a notice to people who may be evicted, it is grossly inadequate and completely fails to meet basic due process requirements, which would require that all those affected be notified and be given an opportunity to challenge the decision, irrespective of their tenure status. The UN Committee on Economic, Social and Cultural Rights has identified adequate and reasonable notice for all affected persons prior to the scheduled date of eviction as one of the key procedural protections in situations of evictions.⁸⁸ The UN Basic Principles and Guidelines on Development-Based Evictions and Displacement⁸⁹ also provide that "Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance."⁹⁰ The time period provided to people under the notice should enable them to be able to take an inventory of their possessions, goods and other losses that may ensue.⁹¹ It is also essential that people be given sufficient time and opportunity to challenge the decision to evict and seek legal remedies.⁹² The Lagos state government has failed to meet all of these requirements; on the contrary, the Commissioner for Housing denied that the government was planning demolitions even the day before the forced eviction.

FRIDAY OGUNYEMI

"It was my house that they first demolished."

Friday Ogunyemi (pictured right) is 28 years old and has lived his entire life in Badia. He was among those who lost their homes and livelihood on 23 February 2013.

"I owned a house which I built and another that I inherited from my father. I am self employed and owned a public bathroom in the community which was the source of my livelihood.

"I was chased out of my house with my five-year-old daughter and three-year-old son. The police said if we went back into the house they were going to shoot us; my kids were the only ones I could carry leaving all my belongings behind. My wife was not around; she had gone to buy some cleaning products. By the time she returned our house had been demolished; it was the first house to be demolished in the area.

"I could not take any of my possessions because there were lots of policemen who came with the task force; they came with their task force Black Maria;⁹³ they even arrested three of my brothers. Also there were lots of 'hard boys' [gangs of young men] with sledgehammers that came with the task force and the Lagos State Physical Planning and Development Agency. The policemen that came with the task force said, 'if you love your life, move out.' The police were fully armed and had batons. People started running for their lives, including pregnant women; people were shouting.

"Before the demolition my children were schooling in Lafred private school in Ebute Meta, they are no longer able to go to school, there is no means... I had my public toilet that I earned from, I had rooms with tenants. I made my money from the rent I collected and it served as a daily income for me that I could use to feed my children, to train them for schooling. Then my life was better, they have turned my life crippled, they have turned it anti-clockwise. Up till now they have not met with us, they have not seen maybe we are living or existing, they only want us to die. If not for the help of SERAC and MSF [Médecins Sans Frontières/Doctors Without Borders] who had provided mosquito nets, many of us are dying of malaria. In fact after this demolition many have died, as at last week somebody died, so we don't know who is next.

"I am using this opportunity to reach out to the world because I don't have any power to fight the government. They have been treating us as if we are animals; because we are less privileged they treat us as if we don't have a right to own a house in this country. They are treating us as if we are not Nigerians. We are the ones who have been voting for them but they are now destroying the lives of the poor.

"The only thing they give us poor people residing on this federal land [Badia] is demolition; they should think that everyone is equal before the eyes of God."



SEVERE FAILURES IN THE EVICTION PROCESS

“I was in my farm in Abeokuta,⁹⁴ it was on environmental day; they called me and said that the Lagos state government is about to demolish every house. I was surprised and I said but they have to send a notice, all my property was in the house. When I arrived the caterpillar was in front of my house, they [the Police] said if I go in they will shoot me, they said do you have a C of O [Certificate of Occupancy]. I said but let me enter my house and pick up some of my belongings; they said no way. ... They said if I enter they will gun me down. There were many police with guns; they were here with Black Maria; anyone who resisted was put in it. ... They demolished everything. Till today there is no accommodation; I had to go back to my hometown because I cannot live rough. I am 75 years old and diabetic.”

Chief Ola Egbayelo

23 February 2013 fell on the last Saturday of the month, environmental sanitation day, when all residents in Lagos state must clean up their houses and places of work and all road traffic is restricted from 7-10am.⁹⁵ From witness accounts, it appears that the first bulldozer arrived at the community at approximately 7.30am. Even at this stage, members of the community say that the operators of the bulldozer denied that they had come to carry out demolitions and evictions.⁹⁶

Balogun Bola, a 57-year-old woman who rented a shop with an attached room which was demolished, said, “I was here on 23 February. It was an environment sanitation day. I saw the caterpillar, it has been used before to demolish. The caterpillar driver said they were only here for the environment exercise.”⁹⁷

The Chairman of the Lagos State Environmental and Special Offences Enforcement Unit (Task Force) told Amnesty International that people were given a chance to remove their belongings and that their staff also checked each house before it was demolished to ensure residents’ safety.⁹⁸ When pressed for details, however, he was unable to describe the process through which people had been given an opportunity to remove their belongings; whether any announcements had been made at the beginning of the process; or if people had been given a set time in which to salvage building materials and possessions.⁹⁹

Witness accounts from people whose homes and businesses were demolished, and from SERAC staff, paint a completely different picture of what occurred. All the people interviewed stated that they were not given any opportunity to remove their belongings and that they had to shout to other residents to come out of their houses. The demolitions were carried out with bulldozers, whose operators wore uniforms of the Lagos State Physical Planning and Development Agency uniforms, and men in overalls who used sledgehammers to destroy parts of homes that the bulldozers could not easily reach. Members of the Task Force¹⁰⁰ and dozens of armed police accompanied the demolition crews.¹⁰¹

Sunday Omomoluwa, a 37-year-old resident, stated, “at about 7.30am we saw excavators [bulldozers] along the railroad; suddenly they came in and started shouting: everybody come outside; they drove everybody outside and started, prevented people from coming in demolishing our homes. We were not even allowed to go in to take our clothes. ... They arrested some of us and put them in the Black Maria. The police said nobody should go inside

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to take anything and pointed their guns at us and threatened to shoot. People who did not come out of their homes on time were beaten by the police.”¹⁰²

A police officer wields a stick at some residents of Badia East.

Bayo Egbayelo, aged 37, was one of those beaten for trying to recover some of his possessions. He said, “the police beat me mercilessly because I wanted to rescue some of my belongings, they said I should have done it [before]. I said to them but you did not give me notice why do you expect me to do what I have not been notified. I was injured... my chest, my head, all my joints; I was in bed for two weeks.”¹⁰³

Andrew Maki, a staff attorney at SERAC, also stated that the police harassed people who were taking photographs and videos: “there were other forms of harassment, the police did not want anyone taking photographs or any video of what was ongoing, they seized several cameras, threatened people including myself. They said if I continued to take pictures there would be trouble. ... We spoke to a number of people whose phones had been seized because they were taking pictures. At one point SERAC’s video camera was seized because my colleague was filming. They would not allow that. We ended up getting it back later in the day after some negotiations. Towards the end of the day, there was panic as they [the Task Force officials] had said they were going to demolish up to a certain point and later in the afternoon it appeared they were going to demolish beyond that point. Several people began frantically

running to collect their belongings still in those houses and shops that they had thought were safe at least for the time being. I witnessed dozens of police officers chasing people with batons in and through the small passageways and walkways and little alleys in the Ajeromi part of the community as they were trying to collect whatever belongings they could carry.”¹⁰⁴

The Chairman of the Task Force said: “No force was used in Badia East; the people were allowed to remove their belongings.” He also claimed that only one person was arrested and detained in the Black Maria because he had tried to steal someone else’s belongings. He also asserted that Black Marias are “used for protective custody of suspects” as some suspects had tried to escape custody in the past and injured themselves.¹⁰⁵

USE OF A BLACK MARIA TO DETAIN PEOPLE ON SITE

Two SERAC staff attorneys who arrived at Badia around 11am on 23 February 2013 confirmed that Task Force staff detained three people in a Black Maria.¹⁰⁶

Andrew Maki, a SERAC staff attorney, stated, “the Black Maria was parked off the main road along the railroad. When we arrived, there were three young men already inside the Black Maria and in talking to some of the police officers that were on site, they said anyone that threatened to breach the peace will be locked up as well.”¹⁰⁷

Megan Chapman, another SERAC staff attorney, described how she and her colleague were told by community members that the three men had been arrested at the beginning of the demolition exercise when the Task Force arrived. “We were told the men had been locked up in the Black Maria for about three or four hours before we arrived; it was getting on to midday and it was very hot; the Black Maria was locked and the only air flow was through the air vent, it was like a metal box. ... Over the course of the next few hours after we arrived, the three men remained in the Black Maria. I was approached by several people who were concerned about their wellbeing and about what was going to happen to them.”¹⁰⁸

When Megan approached the Black Maria to ask the men how they were, “they replied that they were hot, thirsty and needed water”. She was permitted by police to buy water and food for them. “I insisted I wanted to give it to them personally which allowed the police to open the Black Maria. Then I asked the policemen to leave the door open so that they [detained men] can have some fresh air. I requested that the men be released since they had done nothing wrong. The police told me they will only release them to a family member. They also said they would not release them unless the chairman of the Task Force authorized it. I went to find the chairman. ... The chairman of the Task Force did not give his consent. When I asked him to authorize the release, he said it will be when the time was right that they will finish their work when they are done. The three men were released later in the day. The police told me that they [the men] were a known security risk, that they did not want trouble during the demolition exercise, and that is why they were locked up... The Black Maria was present on site even on the following day. It was used as a tool of intimidation.”¹⁰⁹

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A "Black Maria" belonging to the Lagos State Environmental and Special Offences Enforcement Unit (Task Force), with police officers guarding it, parked on site during the demolition in Badia East. At least three residents were detained inside the vehicle for over six hours.

PROVISION OF LEGAL REMEDIES AND LEGAL AID

“I built one structure myself... My husband also had a structure ... I did not know about the demolition. I was away when the demolition happened. People called me and told me. I sleep outside now. I used to sell food in a shop before. I don't do anything now. I am getting help from the church. My husband is in Ogun State.”

E., a 63-year-old woman who has lived in Badia for 20 years¹¹⁰

The Lagos State government did not provide any legal remedies to those affected. As discussed in the earlier section “Demolishing people’s homes without notice”, even the abatement of nuisance notice document gave no information on avenues to challenge that decision. The government did not then or subsequently provide any information to people on the remedies available, how to access them and how to obtain legal aid services.

The Lagos state Attorney General informed Amnesty International that there are two legal aid services in Lagos state: the federal legal aid service, which he said had limited capacity; and the Office of the Public Defender, run by the state government.¹¹¹ Some of the affected people who spoke to Amnesty International said they had never heard of the Office of the Public Defender and were never informed they could receive legal aid.¹¹² Officials of the Badia East Community Development Association said the only legal aid they had received was from SERAC, which assisted the community in filing a case¹¹³ in court to challenge the forced eviction.¹¹⁴

NO ALTERNATIVE HOUSING AND COMPENSATION

“The people are clearly trespassers and illegal occupants of the place. The government cannot pay to provide houses for these people. If the government pays then it will fuel the activities of illegal settlements.”¹¹⁵

The Lagos State Attorney General and Commissioner for Justice.

The UN Committee on Economic, Social and Cultural Rights has specified: “Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”¹¹⁶ The Committee has also stated that “States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected.”¹¹⁷

The UN Basic Principles stipulate that “[a]ll those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.”¹¹⁸ They also provide that “[c]ompensation should be provided for any economically assessable damage, as



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appropriate and proportional to the gravity of the violation and the circumstances of each case, such as: loss of life or limb; physical or mental harm; lost opportunities, including employment, education and social benefits; material damages and loss of earnings, including loss of earning potential; moral damage; and costs required for legal or expert assistance, medicine and medical services, and psychological and social services.”¹¹⁹

Children lie on a mattress salvaged from the ruins of their home. Their home in Badia East was demolished on 23 February by the Lagos state government.

The fact that the Lagos state government did not provide any options for resettlement and alternative housing to those evicted on 23 February 2013, or provide or put in place any process for compensation for losses, is a particularly stark failure considering that it did not give adequate notice to those affected, there was no support offered to transport possessions, and even on the day of the eviction, people were not given time to salvage building materials and their belongings.

The consequences, as discussed in greater detail in the next chapter, have been dire for the women, men and children whose homes and businesses were demolished.¹²⁰ People were left homeless and many are still living in the open, in makeshift shelters or are dependent on friends and family. Numerous small businesses and sources of livelihood have been destroyed. People have lost their clothes, the personal possessions that they had bought over many years and in many cases, documents and equipment that they used for their business or work.¹²¹

The Lagos State Commissioner for Housing announced on television several days after the forced eviction in Badia East that “This is a three phase programme; the first one is where

people are not residing; it is a stack up place where people just kept things, that is where we cleared; and the intention is to build six blocks here [the area cleared], the first phase, and then move people from the second phase to this six blocks. Each block consists of 48 units; so we move them to this first phase and then we start to build the second phase. That is the plan we have and then we move to the third phase. We are having a phase one now, we are going to move people from the phase two to this building after we have constructed it, the state government has the intention of relocating them to the building for free.”¹²² However, in a meeting with Amnesty International,¹²³ he stated that all the people who were evicted on 23 February will not be resettled by the government in the housing project but would have the option of applying for the housing scheme like other residents of Lagos state. The Commissioner repudiated the announcement he made on television regarding provision of free housing and asserted that he was misquoted, even though he was filmed saying this on national television.

The Commissioner said that the housing project was intended to benefit all the residents of Lagos state and that the government was encouraging a scheme where rich and poor people live together. The Commissioner and his staff stated that there was no project plan in writing available and neither was there a document outlining the process and criteria by which the housing units will be allocated. He said that the government is finalizing these details but less affluent people would have the option of purchasing the smaller homes¹²⁴ through a subsidized mortgage scheme that the government is also in the process of developing.¹²⁵ It appears that people would still need to meet standard requirements for mortgages, such as documented earnings, and even with a subsidized interest rate¹²⁶ the scheme would be out of the reach of many of the affected people or those currently living in Badia.

After considerable pressure from SERAC, Amnesty International and others, the government has since stated, “the Lagos state government, in collaboration with the World Bank Group, has set in motion modalities to support people who were affected during the February exercise of its urban regeneration programme”.¹²⁷ This was also confirmed by the World Bank country office.¹²⁸ While this is a welcome step, these procedures have not been implemented and there are a number of concerns that need to be addressed to ensure that all those affected are provided with adequate alternative housing and resettlement. These are discussed in the next chapter.

4/LIVES DESTROYED: THE IMPACT OF FORCED EVICTION

NUMBER OF HOUSEHOLDS AND PEOPLE AFFECTED

It is difficult to record accurately the full extent of the destruction on 23 February as the government did not clearly identify the homes that would be demolished, record details of the people who were affected, or take an inventory of their possessions prior to the eviction.

The Badia East Technical Committee has created a database of affected households, including details of landlords and tenants, and estimates of financial losses.¹²⁹ These are based on estimates of lost/damaged/destroyed movable property and the value of the structure destroyed. They have not included lost income, injuries/health consequences, damages for periods of homelessness or periods of time children have been out of school because of difficulties quantifying these harms. Despite considerable efforts, they have not been able to identify everyone affected, particularly details of some of the former tenants, many of whom scattered after the forced eviction.

According to the database, at least 266 structures¹³⁰ were destroyed: 170 in Ajeromi and 96 in Oke Ilu-Eri. Some 2,237 households lost their homes and businesses. Of these, 247 households belong to landlords and the remaining 1,990 are tenant households. It is estimated that household sizes ranged between four and eight people. At a minimum, therefore, even going by the lower estimate of household sizes, at least 8,948 people were forcibly evicted.



A section of the Badia East community before the forced eviction of 23 February 2013.



© Private

PAUL

Paul (pictured above with his wife and their triplets) is a 38-year-old transporter who rented a home in Badia East. As a result of the demolition, Paul is now living apart from his family. He sleeps in the open under a bridge as he looks for work, while his wife and babies live with her parents and other family members in one room.

"I travelled during that period [around 23 February 2013] to see my sick mother in the village. I left my wife with my two-year-old boy, my first son. My woman's pregnancy was eight months old, you know an eight months pregnancy is dangerous [she was pregnant with triplets]. ... The shock of that bulldozer that my woman saw and the way they start bulldozing the houses ... She was shocked and fainted. ... Because of the shock, she started labour. According to the doctor, she was given an injection instead of an operation. She had to give birth at eight months, she delivered the triplets. ... She had triplets that are premature. They are not strong. I had to take them to incubator at University Teaching Hospital in Ikeja. Right now, her health – she is not strong now, the shock. We are not living together right now. ... I don't have a house. I sleep under the bridge. She is with her parents, her mother and father in their house. ... In one room ... with her mother, her other sisters and brother, including my four sons. ... I came back after one week. ... My property, everything lost. ... I don't have money to get an apartment. My work right now is no good. For the past how many months, I have not worked. I go to see my wife and children sometimes but going there without money, I am ashamed. The father and mother are trying to do whatever they can. ... If I had money, I would have rented an apartment because the babies too are missing me right now, their father."

PEOPLE LEFT HOMELESS AND DESTITUTE

"I have suffered a lot from demolitions; it has caused me a lot of setback. My house and shop in Oke Ilu-Eri was burned by KAI [Kick Against Indiscipline] Brigade¹³¹ last year, that was before the canal was built; and now again my house in Ajeromi was demolished in February. ... I slept in the open with my family for three Sundays [three weeks] after the demolition; afterwards I was able to buy some tarpaulin, which I used in constructing a small shelter. We now sleep in a makeshift shelter, whenever it rains we get beaten heavily and we use nylon [plastic bags] to cover up the children. ... There has been no help, no water they [the government] have not even provided garri [a cassava based cereal] for us to drink. I now beg for food because I cannot die. ... Poverty is not good, now that I do not have food to eat I realize what poverty is. Before the demolition I could eat, I had a shop, sold groceries and mineral drinks in crates; all was destroyed. ... It is now that my business has been destroyed and I no longer receive rent from my house that I have become this poor."

Esther Ogundana, a woman aged in her seventies who has lived in Badia for over 15 years.¹³²

The Lagos state government has left people homeless after it forcibly evicted them on 23 February. In the absence of any support in terms of resettlement and with the destruction of means of livelihood, most of the people interviewed by Amnesty International and SERAC said that they are unable to rent or procure alternative housing for themselves. Several said that they were sleeping out in the open or under the bridge.¹³³

Mosquito nets erected in the open in Badia East. Many affected residents whose homes were demolished slept in the open for several weeks as they had nowhere to go.

Sunday, a 45-year-old tenant who rented out machines and did occasional transport work, said, "I did not take anything out of the house, even my clothes. Even the clothes I am wearing now, people gave me. My home theatre, my fridge, my set of chairs. I had some money inside the house, almost 35,000 Naira (US\$215). I did not take anything out of the house. I don't have anywhere to go, I am stranded. No home, I have run out of even food. As I am here with you, I am hungry. I have lost everything I could have, even my machine. ... I don't have an apartment, I am sleeping outside."¹³⁴

With no other place to go, some people resorted to constructing makeshift shelters in any location they could find and several structures have sprung up on the other side of the World Bank-funded LMDGP canal bordering the community. The flimsiest structures comprise a piece of tarpaulin tied to a post or supported by sticks. Some families have managed to construct more solid structures made out of wood and metal sheets but even then many of them are struggling to find money to eat properly or access medical treatment.¹³⁵



GROUP DISCUSSION WITH WOMEN TENANTS¹³⁶

In a group discussion, six women tenants whose homes had been demolished and who had been forcibly evicted highlighted the difficulties they have faced since 23 February 2013. Five of the women were in their thirties and the youngest was 28.

Most of them had small businesses, in shops inside or attached to their homes. They all said that their homes were completely demolished and they could not rescue anything. Since the demolition, one of the women was staying with a friend and the others were sleeping outside.

All the women had sent their children to relatives in other villages, leading to disruptions in their education as “they will lose the school year”. They described the difficulties of being parted from their children and how they would try to speak to them over the phone.

They were also concerned about being at greater risk of illnesses living out in the open, particularly typhoid and malaria. They described how they could no longer afford to buy medicines for treatment since they had lost their businesses and sources of income. Only one of them had been able to get the medicine she needs from a friend.

A 35-year-old woman complained of the harassment that she faces sleeping outside and stated that she had been attacked at night by a man but had fought him off. Another said that, sleeping out in the open, they had faced rape attempts from “area boys” [gangs of young men] from other localities.

Another woman, aged 39, who said she had been managing on her own after her husband had left her, described her current situation as “dire”. She said “the government has left us outside and hungry”. Their primary request to the Lagos state government was for money to rent a house and start a business. They said they wanted “to be able to look after our children ourselves”.

In a recently erected structure in the new settlement near the canal, representatives of Amnesty International and SERAC were shown the body of Iwalewa Owoyemi, aged in her seventies. According to her death certificate, she had died the previous night of typhoid. Her family said that they had been made destitute by the forced eviction. Iwalewa Owoyemi had been ill and they could not afford medical care. Her family were forced to rely on the assistance of friends and other members of the community to meet the burial costs.¹³⁷

Community members highlighted a few other cases of deaths of elderly people whose health had suffered after being forcibly evicted. Many of these deaths were ascribed to the shock of the eviction but, according to family and other community members, they reflected, in part, the difficulties faced by many people sleeping in the open, especially the elderly or those with pre-existing health concerns. One woman who was forcibly evicted on 23 February died on 7 March from acute bronchitis, according to her death certificate.¹³⁸

The UN Basic Principles provide that after an eviction, the government, at a minimum and regardless of the circumstances and without discrimination, shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: essential food, potable water and sanitation; basic shelter and housing; appropriate

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The body of Iwalewa Owoyemi; according to her death certificate she died of typhoid. Her family said that she was made destitute by the forced eviction and they could not afford her medical care when she fell ill.

clothing; essential medical services; livelihood sources; access to common property resources previously depended upon; and education for children and childcare facilities.¹³⁹ No steps have been taken by the Lagos state government to provide any form of relief or assistance to the affected people.

FORCED INTO DEPENDENCY BY LOSS OF LIVELIHOODS

Many women in particular highlighted how the loss of their small businesses had forced them to become dependent on friends, family or the broader community for food and clothing.

Balogun Bola, a 57-year-old tenant, had lived in Badia for nine years. She is originally from Edo state and came to Lagos with her husband in 1998. Now retired, he was a soldier and they lived together in the barracks. Balogun said, “He married again and the other woman forced us out. I have eight children, four boys and four girls. He doesn’t give me any money or take care of the children.” Balogun rented a shop with an attached room in Ajeromi and lived there with her younger children. She sold food in the shop. She said, “I rented from the same landlord and paid 1,000 Naira (US\$6.14) monthly. On average, I made 8-10,000 Naira (US\$49.11-61.38) a month. The children were in the government school but now are with my sister in the village because there was nowhere for them to stay [after the demolition]. They will try to finish their school year there. I am now staying with a friend, who has two children. All four of us stay in one room. My friend is helping me.” She asserted that she and other residents were not allowed by the police to take building materials or their possessions from their homes. “We waited for the caterpillar [bulldozers] to leave before going back to our [demolished] homes. We stayed for one week outside in the open. It is not safe to stay outside. There are mosquitoes and other things. Some people were robbed at night. I lost all my stock, pots, plates and chairs. I had a TV, fridge, cooking materials, bed, chairs, fans and a generator. I bought it myself. I borrowed money to start the business, which I paid back. I don’t want my children to stay for long in the village. ...I started developing a cold, pain in



Albert Olorunwa, a former youth president of Badia East and a member of the Badia East Technical Committee. His home was demolished during the forced eviction of 23 February 2013.

my ribs, and headache from the tension. I want money to start my business again. The government should help me to start my life again. It is not easy to do that when you are over 50.”¹⁴⁰

Albert Olorunwa, aged 47, who rented out a structure and also lived in Ajeromi, injured his leg and could not afford treatment. He told Amnesty International, “I am staying with a friend in Ebute Meta. My wife is also staying with a friend. Since they have demolished my source of livelihood, I have to beg before I can eat. Out of my four children, three of them have dropped out of school since the demolition because I could not afford to keep them in school. I have scattered three of my children to live with my brother. Only one is with me.”¹⁴¹

Everyone interviewed said how painful it was to be dependent on others for basic necessities.

INTIMIDATION AND HARASSMENT AFTER THE EVICTION

A number of people complained that they were harassed and intimidated by the police and staff of the Task Force for many days after the eviction. One affected person said: “After the demolition, where we erected our shelter to sleep, they [the Lagos state government] came with their Task Force to threaten our lives.”¹⁴² Another said: “In order to cover up what they [Task Force] have done, they started chasing displaced people away from the site.”¹⁴³

Residents stated that on 25 March 2013 police officers visited Badia East and threatened the people living in the open and in provisional structures with arrest if they did not move elsewhere. They also stated that officials of the Monitoring and Enforcement Task Force chased people away from where they had been camping and destroyed their provisional shelters on the next day (26 March).¹⁴⁴

A World Bank representative who visited the community after the eviction requested the LMDGP to supply emergency water to the residents since the pipe had been cut off by one of the bulldozers. Following the visit, residents had started erecting a water tank to receive the emergency water. On 25 March, five people among those forcibly evicted on 23 February and helping with the building of the water tank, were arrested by police and accused of stealing; being cultist (gang members); and posing a threat to life. Community leaders and SERAC were able to get the men released. Two men were released after some hours in police custody while the three others were detained for over 48 hours; the five men were never charged with a crime or brought before a court. One of the conditions the police gave for releasing the men was the removal of the emergency water tank.

COMMUNITY EFFORTS TO CHALLENGE THE FORCED EVICTION

Badia East is a striking example of a community that continues to organize itself to seek remedies for the human rights violations they have suffered, despite the fact that most people have lost everything they had.

Two days after the evictions, on 25 February 2013, Badia East residents organized a large and peaceful protest in front of the Lagos State Governor’s office. The protesters stood outside for nearly five hours requesting to meet the Governor, but he did not appear.



Forcibly evicted people of Badia East peacefully protesting against the forced eviction at the Lagos State Governor's office in Ikeja on 25 February 2013. The protesters stood outside for nearly five hours requesting to meet the Governor, but he did not appear.



All images: © Social and Economic Rights Action Center (SERAC)

On 28 February, SERAC filed a suit on behalf of the affected Badia East residents; in the suit, an application was made seeking an urgent injunction to prevent further forced evictions and to prevent the Lagos state government from making use of the land that was forcefully acquired. The application was dismissed by the court on 11 April. The Lagos state government had not submitted a counter-affidavit or entered an appearance in court. SERAC has appealed against the ruling to the Court of Appeal.¹⁴⁵ The substantive suit, which seeks compensation and remedies for those who were forcibly evicted on 23 February and other orders to restrain further demolitions, is pending before the Lagos State High Court.¹⁴⁶

On 5 March, SERAC petitioned the National Human Rights Commission (NHRC) to investigate the eviction in Badia East.¹⁴⁷ The NHRC responded by sending a team of officials to Lagos state to carry out an investigation. At the time of writing, the NHRC has not yet published its final decision. On 28 June 2013, four Badia East community leaders and a SERAC representative met with the NHRC in Abuja which promised that the matter would be heard and decided during a public inquiry tentatively scheduled for September 2013.

The community has been very proactive in supporting victims of the forced eviction; it has also taken steps to prepare for the threat of further demolitions by Lagos state government. Since the demolition, the community has gathered every Thursday for meetings to discuss problems, progress and next steps. The community has hosted and met with numerous media representatives and international delegations in an effort to raise awareness of the plight they face. They have continued to petition the Federal Ministry of Lands, Housing and Urban Development to defend the lands as federal and to implement the long-awaited regeneration project described above.¹⁴⁸ The effort to compile a database of all persons affected by the 23 February demolition required weeks of work by a seven-person compilation team and numerous others. The community is currently undertaking a comprehensive mapping and enumeration exercise of the remainder of Ajeromi with a view to advocating for a community-led and people-centred in situ upgrade as an alternative to future forced eviction in Badia East.

AYINKE STEPHEN

"They should see us and treat us like any normal Nigerians."

Ayinke Stephen (picture below right) is a 39-year-old woman who used to work as a health outreach officer. She has lived in Badia East since she was born.

"I was born and brought up in this community. My grandmother would tell me stories. They lived in Ajeromi, had no money and were not educated, did not know their policies [rights]. They had no one who could tell them what to do. [Before the 1986 eviction] No one told us. I was coming back from school. There was no house. My parents and grandmother met me on the way. They told me we have lost everything... I finished my school but couldn't study further because of money. In 2003, the Governor came one afternoon; he said he gave us 48 hours. On Sunday [after the Governor's visit in 2003], we saw the bulldozer. My stepfather's house was demolished... A family friend said let's go to SERAC.

"We are part of the youth that work for the community. This community centre was run as a mobile clinic. I used to work as an outreach officer for the MSF project in the community. I am a person living with HIV. I went to Abuja to advocate for free ARVs [antiretroviral drugs]. In 2006, I found out I was positive. The Salvation Army helped people carry out tests. I was one of 14 mothers who took the test.

"We have children, we are responsible people. They should feel for us, as humans we feel pain. They should consider us. They should see us and treat us like any normal Nigerians.

"I inherited my mother's house along with my other siblings. We are five children and I have five children of my own. Because I am positive, they gave me the largest share. Fifteen people stayed in that house, all five siblings... I didn't have a chance to take anything. I am just left with this shop that I rent, in which I do counselling. My MSF contract ended last year, now I do volunteer work.

"We are sleeping in the community centre... I spend a lot of money to go to the maternity [hospital] for free ARVs... I am hardly eating because I don't have money... My husband has married again... He does not support us, from time to time he gives me 500 or 300 Naira [US\$3.07 or US\$1.84]... I can't look after five children on my own. I am a person living with HIV, getting a job in Nigeria is not easy. MSF gave me an opportunity. I was willing to open up to other mothers in my situation to show them that being positive is not the end of life.

"I walked with bulldozers throughout that day [23 February 2013]. From 1985, the government does not remove its hand from our neck. We are Ilaje. They should leave us alone. This is our parents' community; they suffered a lot for it. I am not myself. I have seen my people suffering. The people I was working with are scattered... I have witnessed three forced evictions in 1985/86, 2003 and 2013. I am suffering because I am not educated. I want my people to remain in this community."



5/RESETTLEMENT WITHIN THE LMDGP RESETTLEMENT POLICY FRAMEWORK

“We really want to embrace development but not harsh treatment, not sending people out of the community, not adding poverty to poverty, not pushing boys into crime, not pushing girls into prostitution, because this is what is happening now as I speak to you.”

Abiola Ogunyemi, Badia East community leader.¹⁴⁹

The Lagos state government has now stated that “the Lagos State Government in collaboration with the World Bank Group has set in motion modalities to support people who were affected during the February exercise of its urban regeneration programme. The initial census of affected persons which was superintended by the traditional ruler of the area will be validated and a socio-economic assessment of the impact will be conducted in accordance with principles set out by the Resettlement Policy Framework, endorsed by the State Government to identify those genuinely affected by the exercise with a view to rendering needed support to them”.¹⁵⁰

While this is a welcome and overdue first step, there are a number of outstanding concerns that must be addressed as a matter of priority to ensure that everyone who was forcibly evicted by the Lagos state government is provided with an effective remedy, including adequate alternative housing and compensation for losses.

THE RIGHT TO AN EFFECTIVE REMEDY

All victims of human rights violations have the right to an effective remedy. This right has been recognized in international and regional human rights treaties and instruments, to which Nigeria is a state party.¹⁵¹ The Basic Principles and Guidelines on Development Based Evictions and Displacement also provide that “All persons threatened with or subject to forced evictions have the right of access to timely remedy. Appropriate remedies include a fair hearing, access to legal counsel, legal aid, return, restitution, resettlement, rehabilitation and compensation...”¹⁵²

Any resettlement must comply with international standards on adequate housing. In particular it must meet the seven elements of “adequacy” of housing identified by the Committee on Economic, Social and Cultural Rights – legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural appropriateness.¹⁵³

The Lagos state government must provide all those who were forcibly evicted with an effective remedy, including adequate alternative housing and compensation. The World Bank, as it supports the government in developing and implementing a resettlement action plan, must also ensure that the plan and any resettlement comply with international human rights law.

CONSULTATION ON THE RESETTLEMENT ACTION PLAN

The World Bank Nigeria Office informed Amnesty International and SERAC that the Bank had raised concerns about the 23 February eviction with the Governor of Lagos state.¹⁵⁴ The World Bank also confirmed that the Lagos state government has agreed to extend the Resettlement Policy Framework to the people who have been evicted. This requires the preparation of a Resettlement Action Plan (RAP),¹⁵⁵ which must be approved by the World Bank.

According to the Resettlement Policy Framework, resettlement action plans should be developed in consultation with the affected people and other stakeholders¹⁵⁶ and before any “displacement” occurs.¹⁵⁷ This is also a requirement under international human rights law.¹⁵⁸ Although the RAP for Badia East is being developed retrospectively, the requirement for consultation with the affected people is even more vital in this situation to ensure that the resettlement and compensation arrangements that are agreed upon are appropriate for their needs and can provide reparation for the harm they have suffered, which is greatly compounded by the months of delay.

The World Bank has committed that “The preparation of the RAP will be underpinned by a strong consultative process.”¹⁵⁹

The Lagos state government convened a “stakeholders’ meeting” on 4 July 2013, for which it posted notices in Badia East on 2-3 July 2013. The notice only identified Oke Ilu-Eri [not Ajeromi] as the area affected by the 23 February 2013 demolition, and acknowledged only that the demolition entailed the “removal of temporary wooden structures occupied by some individuals.”¹⁶⁰

The meeting, which took place at the National Theatre in Iganmu, was convened by the Lagos state government Technical Committee on Badia East,¹⁶¹ and was attended by a large delegation of Lagos state officials, including Commissioners for Housing, Physical Planning, and Agriculture, as well as a representative of the World Bank Nigeria Office, officials from the LMDGP, the Ojora, and thousands of residents of Badia East. Most of the meeting comprised lengthy presentations and speeches by Lagos state government officials, primarily aimed at urging residents to welcome the planned Ministry of Housing project, including subsequent demolitions. Thereafter, approximately eight residents of Badia East, including the Baale and the Baale's Secretary, were afforded the opportunity to speak for two minutes each and ask questions. In his response to a question, the Lagos State Commissioner for Housing told residents that the "inconveniences" they were suffering were for their own benefit. Soon thereafter, the meeting concluded without any response to the questions and demands that were raised by a few Badia East residents. The only mention of the development of a Resettlement Action Plan (RAP) or compensation came from the World Bank's representative. The World Bank representatives stated that they expected the census to be completed by 31 July 2013 and the RAP to be developed by 31 August 2013.¹⁶²

The World Bank and the Lagos state government should urgently communicate to all affected people details of the process that will be used to develop the RAP and what people are entitled to under the Resettlement Policy Framework. Such a process must include opportunities for the affected people to provide an input on possibilities for resettlement and compensation, and to suggest other feasible options. The timeline for different stages of development and implementation of the RAP should also be conveyed as soon as possible.

IDENTIFYING ALL THOSE AFFECTED

The Lagos State Attorney General informed Amnesty International that the government would validate the census "superintended by the traditional ruler" (the Ojora).

The Baale's Secretary informed Amnesty International that he was part of the group who had been nominated to prepare a list of people who lived in the area prior to the 23 February eviction as he is a long-term resident of the area. He stated that he completed the database of house owners in Oke Ilu-Eri.¹⁶³ However, Amnesty International and SERAC have been unable to find any announcement of a formal process through which such a survey was conducted or through which residents were given opportunity to review and challenge the results of the survey. Considering the ongoing dispute between the Ojora family and many of the residents of Badia East about ownership of the land, it is all the more necessary for the process of identification of claims/usage of land to be carried out by an independent party.

The World Bank has also responded to concerns about the accuracy of this census: "the Bank team has suggested a number of mechanisms that could be used to compile the data sets required for the census, including lists and photos prepared by the local community in Badia East for the households and structures demolished on February 23rd and 24th. The team has also informed the Government that the census undertaken by the Ojora would not meet Bank requirements and that a transparent, consultative process is required..."¹⁶⁴

Any process used to identify beneficiaries must be fully transparent, independent and widely notified. It must also be developed in consultation with the affected people and they must have the opportunity to verify and challenge any final lists of beneficiaries and/or estimates of losses.

The database prepared and verified by the 10-person committee made up of Badia East residents and leaders (from both Oke Ilu-Eri and Ajeromi) may offer a better starting point for the exercise considering that it includes both landlords and tenants affected and has gone through multiple stages of verification by the committee members, SERAC and through a broad-based and open verification exercise.

OPTIONS FOR RESETTLEMENT

The World Bank stated to Amnesty International that the government would identify options for resettlement of people who were evicted in line with the Resettlement Policy Framework. In subsequent conversations with SERAC, World Bank officials have highlighted that the government may not provide any resettlement to the affected people. They also stated that it is likely that the government will extend the resettlement action plan it developed to cover people who were evicted for construction of the LMDGP Canal in Badia East, under which people were offered small sums to assist them in rebuilding their demolished structures on the same site within the community.

In a letter to Amnesty International, the World Bank stated that “the Bank team explained to the Government that, in accordance with OP 4.12, the RAP addendum would need to clearly explain why people could not be relocated to another site, including any near Badia, if this is indeed the case. The team has further advised that if cash compensation is all that is offered, the government needs to ensure that affected people are provided with appropriate sustainable livelihood assistance, such as skills training, micro-credit, and employment opportunities.”¹⁶⁵

It is essential that people who are unable to provide for themselves are offered adequate alternative housing. The UN Basic Principles provide that “[c]ash compensation should under no circumstances replace real compensation in the form of land and common property resources.”¹⁶⁶ They also elaborate on the guidance provided by the Committee on Economic, Social and Cultural Rights and state, “The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.”¹⁶⁷

The Lagos state government has made vague promises about giving affected people the option to buy into its planned housing scheme, but all indications are that most would be unable to qualify for or afford the mortgage. Moreover, the first phase of 288 units planned for the already demolished area would accommodate only a fraction of the 2,237 affected households and are not scheduled to be completed until December 2014. The option to purchase a home in the housing scheme is not an adequate form of resettlement and would not satisfy requirements to provide adequate alternative housing for those who cannot provide for themselves.

One possibility for full and effective reparation that should be considered is the relocation of people back to the original site from which they were forcibly evicted. The Basic Principles provide that “when circumstances allow, States should prioritize these rights [of restitution and return] of all persons, groups and communities subjected to forced evictions.”¹⁶⁸

Many of the people who were forcibly evicted by the Lagos state government on 23 February have extremely strong links to Badia East and it is important that the government consider resettlement options in Badia itself. Any proposals for resettlement must be developed in consultation with all those affected and comply with international human rights standards, including the seven elements of “adequacy” of housing.¹⁶⁹

ADDRESS IMMEDIATE NEEDS FOR ASSISTANCE

While the Resettlement Action Plan is being developed and pending its full implementation, the Lagos state government should urgently provide the much-needed emergency support and assistance that the community requires. This includes options for temporary housing; access to health, education, water, sanitation and other services; provision of food and clothing; and support in re-establishing small businesses and accessing sources of work.¹⁷⁰

6/A TREND OF DEMOLITIONS AND FORCED EVICTIONS IN LAGOS STATE

The 23 February forced eviction is reflective of a broader pattern of forced evictions by Lagos state authorities, which Amnesty International and SERAC have documented. Mass evictions and demolition of the homes of thousands of people have taken place in the absence of legal and procedural safeguards, including opportunities for genuine consultation, adequate notice, access to legal remedies, and provision of adequate alternative housing and compensation. Thousands of people in several informal settlements in Lagos state remain at risk of forced evictions and with no legal security of tenure. The Badia East community, in particular, has suffered repeatedly from demolitions and forced evictions.¹⁷¹

Makoko, another informal settlement in Lagos state, has suffered repeatedly from demolitions and forced evictions. Over three days in April 2005, at least 3,000 people were forcibly evicted from their homes. Bulldozers demolished homes, churches, schools and a medical clinic. After demolishing the buildings, officials were reported to have set the remaining material on fire so that they could not be used for rebuilding. Affected persons reportedly stated that they received no notice of the demolition.¹⁷² To date, they have received no compensation or alternative accommodation.¹⁷³

Between 19 and 22 April 2010, officials of the KAI Brigade assisted by heavily armed police entered a section of the Makoko community and forcibly evicted the residents by destroying their homes, properties and livelihoods. Over 1,000 people were made homeless. This eviction was carried out without adequate notice, consultation, compensation or provision of alternative accommodation.¹⁷⁴

On 23 December 2010, the Task Force, accompanied by armed police officers entered an area of Makoko along Wright Street and carried out a violent demolition and forcibly evicted thousands of residents. During the course of the demolition, the police shot dead one Makoko resident, left some residents and bystanders wounded, and arrested over 30 individuals who were detained without charge for several days. The forced eviction followed a 48-hour “abatement of nuisance” notice and there was no consultation, compensation or provision of alternative accommodation.¹⁷⁵



A makeshift home in Makoko, Lagos state, in February 2013. The Lagos State authorities had forcibly evicted people from their homes seven months earlier, in July 2012.

From 16–21 July 2012, thousands of people were forcibly evicted and made homeless by the Lagos state government on the Makoko/Iwaya waterfront, an informal settlement in Lagos. Numerous structures built on stilts over the Lagos Lagoon were demolished, affecting at least 770 households.¹⁷⁶ There was no genuine consultation with the community and only three days' notice was given to a few residents before the forced eviction.¹⁷⁷ For several days afterwards, many affected people were forced to live in their canoes. SERAC's long-standing engagement with the Makoko community, and visits by Amnesty International in February and May 2013, confirmed that many people are still displaced, with some forcibly evicted residents still living in makeshift shelters. The forced eviction in Makoko only appears to have stopped because of a protest march and public outcry after a community leader was shot dead by police. The fear of further forced evictions continues to negatively affect the community which is concerned that the government may resume its plans to demolish the waterfront.

On 5 March 2013, the Lagos State Environmental and Special Offences (Enforcement) Unit demolished an estimated 182 houses in the community of Odo-Iragunshi near Epe, Lagos state, and forcibly evicted residents. The demolition took place while residents were awaiting a 13 March consultation with the Lagos state government, including the Ministry of Land and Ministry of Physical Planning and Urban Development, facilitated by the Lagos State House of Representatives. At least 40 families were then left sleeping outside and others in their cars for several weeks. To date, there has been no provision of compensation or alternative accommodation.¹⁷⁸

‘KICK AGAINST INDISCIPLINE’ BRIGADE AND THE LAGOS STATE ENVIRONMENTAL AND SPECIAL OFFENCES ENFORCEMENT UNIT

“Development will not happen if ‘what is on ground’ is not changed.”¹⁷⁹

Chairman of the Lagos State Environmental and Special Offences Enforcement Unit

The Kick Against Indiscipline (KAI) Brigade and the Lagos State Environmental and Special Offences Enforcement Unit (Task Force) are two agencies of the Lagos state government that have been involved with carrying out forced evictions and demolition of homes in Lagos state. Their operations are mostly supported by heavily armed security forces who, in the case of Makoko described above, use disproportionate force, including live ammunition, against residents.

According to eyewitnesses and survivors of the 23 December 2010 demolition at Wright Street in Makoko, a Task Force vehicle pulled up at the scene of the demolition with armed policemen shooting indiscriminately from the vehicle. One man was killed and several other residents and bystanders were injured; those who were injured were taken back to Task Force office and detained until a SERAC intervention led to the transfer of the injured to hospital for urgent medical attention.¹⁸⁰ On 22 July 2012, the sixth day of the demolition of the Makoko waterfront, a community leader was shot and killed by a policeman. The policeman has been subjected to internal police disciplinary procedures but as of the time of writing, has not been prosecuted.¹⁸¹

During its demolition of homes in Badia East in March 2012, the KAI Brigade set fire to some of the structures, endangering the lives of people living there. In July 2012 in Makoko, the Brigade used chainsaws and axes to cut the stilts of the structures while families, including children, were still in their homes. Some of the structures were also set on fire by the Brigade.

7/CONCLUSION

The Lagos state government, as the executive organ of a territorial unit of the Nigerian state (a second tier unit within the Nigerian federal system), must act consistently with Nigeria's obligations under international law. This report has described how the Lagos state government has violated the right to adequate housing of the residents of Badia East by failing to put in place any of the legal safeguards, required under international law, prior to evicting thousands of residents of Badia East on 23 February 2013.

The Lagos state government's failure to respect the right to adequate housing of the residents of Badia East has had devastating consequences on their lives. Although this report has focused on the specific case of Badia East, this situation and the issues it raises are characteristic of a broader pattern of forced evictions by the Lagos state government. In numerous forced evictions documented by SERAC and Amnesty International, the Lagos state government has failed to consult people to explore alternatives to the eviction, provide adequate notice, legal remedies, compensation and adequate alternative housing.

The lack of an explicit prohibition on forced evictions under national law, and legislation setting out the procedural safeguards that must be complied with prior to any eviction, has enabled these failures to persist. The Nigerian government has failed the people of Badia East by resettling many of them in the area without documents that would protect their security of tenure. It has not provided effective remedies to people who were forcibly evicted or prevented repeated forced evictions by the Lagos state government in Badia East. Both federal and state governments have failed to adopt a strong legal framework on the right to adequate housing, including forced evictions, which would regulate the actions of all public officials and agents. Without such a legal framework, it is very difficult for people whose rights are violated to hold public officials accountable and to access effective remedies and reparation.

The consequences of the failures of the Lagos state and Nigerian government to comply with their obligations to respect the right to adequate housing are felt most severely by people who are already living in poverty. Many Nigerians living in informal settlements, like the residents of Badia East, have been repeatedly forcibly evicted and had to rebuild their lives many times over.

The residents of Badia East must be provided with effective remedies and reparation for the violations they have suffered. The Nigerian government must take the greatly overdue step of imposing a moratorium on mass evictions until it has adopted legislation protecting all persons from forced evictions. This is the only way it can provide justice to people in Badia East and many others who live daily under threat of forced evictions.

RECOMMENDATIONS

TO THE LAGOS STATE GOVERNMENT

- Immediately stop carrying out forced evictions and ensure that all public officials and agents of the state do not carry out or support forced evictions.
- Provide an effective remedy and reparation to all those who were forcibly evicted from Badia East on 23 February 2013. Such reparation should include, among other things, adequate alternative housing for all those who cannot provide for themselves and compensation for all losses.
- Consult all affected people on the development and implementation of the Resettlement Action Plan for Badia East and ensure that any resettlement that is offered complies with international standards on “adequacy” of housing,
- Immediately provide assistance to all those who were evicted. Such assistance should include options for temporary housing, access to water, sanitation, education and health care services, provision of food and clothing and support in re-establishing businesses and accessing sources of work.
- Consult residents of Badia East on the plans for regeneration of the area and ensure that these plans comply with international standards, including requirements to prioritize the most disadvantaged groups and to refrain from forced evictions.
- Adopt a state-level moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards and national laws.
- Introduce a bill in the Lagos State House of Assembly that explicitly prohibits forced evictions and sets out safeguards that must be strictly followed before any eviction is carried out. This law should be based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and comply with international human rights standards.
- Ensure that any housing programmes and policies prioritize the most disadvantaged groups.
- Respect any federal moratorium on mass eviction.

TO THE GOVERNOR OF LAGOS STATE

- Publicly commit to stopping forced evictions in Lagos state.
- Sign into law, without delay, any Lagos State House of Assembly bill explicitly prohibiting forced evictions.
- Direct the Kick Against Indiscipline Brigade and the Lagos State Environmental and Special Offences Enforcement Unit to ensure that they do not carry out forced evictions and

to ensure that any use of force by them during an eviction is proportionate, lawful and necessary and complies with international standards.

TO THE LAGOS STATE HOUSE OF ASSEMBLY

- Adopt a resolution condemning forced evictions in Lagos state.
- Pass into law, without delay, a bill explicitly prohibiting forced evictions.

TO THE FEDERAL GOVERNMENT

- Ensure that all those who were forcibly evicted from Badia East are provided with effective remedies and reparation. Such reparation should include, among other things, adequate alternative housing for all those who cannot provide for themselves and compensation for all losses.
- Provide documents to residents of Badia East conferring security of tenure on them and implement the holistic slum regeneration plan developed in 2004-2005.
- Publicly condemn all forced evictions in Nigeria.
- Adopt a federal moratorium on mass evictions until adequate legal and procedural safeguards are in place to ensure that all evictions comply with international human rights standards and national laws.
- Introduce a bill in the National Assembly that explicitly prohibits forced evictions and sets out safeguards that must be strictly followed before any eviction is carried out. This law should be based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and comply with international human rights standards.
- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

TO THE NATIONAL ASSEMBLY

- Adopt a resolution condemning all forced evictions in Nigeria.
- Pass into law, without delay, a bill explicitly prohibiting forced evictions.

TO THE NATIONAL HUMAN RIGHTS COMMISSION

- Support those who were forcibly evicted in Badia East in accessing effective remedies and publicly release the determination of the Commission following its investigation into the forced eviction in Badia East.

- Accelerate the process to conduct a nationwide inquiry into forced evictions and enable civil society and communities' participation in such a process.
- Prioritize plans for the development of guidelines setting out safeguards against forced evictions, based on international human rights standards, including the UN Basic Principles on Development-Based Evictions and Displacement, in consultation with civil society and affected communities.

THE WORLD BANK

- Ensure that the resettlement action plan being developed by the Lagos state government with the support of the World Bank fully complies with the government's commitments under the LMDGP Resettlement Policy Framework and international human rights standards, in particular on the rights to an effective remedy and adequate housing
- Require the Nigerian government and any relevant state government to explicitly commit to not carrying out forced evictions in relation to any projects supported by the World Bank, even if such evictions are not directly linked to project funded activities, as they may negatively impact project beneficiaries.
- Put in place adequate safeguards to ensure that the World Bank does not support any projects or activities that may result in forced evictions or other human rights abuses.

8/ENDNOTES

1 Agbara is another area in Lagos state.

2 Extracts from interview, Badia East, 15 May 2013.

3 The same agency is also referred to as the Lagos State Environmental and Special Offences Enforcement Unit and occasionally as the Environmental Sanitation Enforcement Agency, see <http://www.lagosstate.gov.ng/entities.php?k=135> (last accessed 4 July 2013).

4 The Badia East Technical Committee has created a database of affected households, including details of landlords and tenants, and estimates of financial losses.

5 The UN Committee on Economic, Social and Cultural Rights defines a forced eviction as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.” See UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1) of the International Convention on Economic, Social and Cultural Rights): forced evictions, para 3, (Sixteenth session, 20 May 1997), E/1998/22, Annex IV, para 3.

6 World Bank, *Nigeria - Lagos Metropolitan Development and Governance Project: Project Appraisal Document*, World Bank, 2006, p.5, available at: <http://documents.worldbank.org/curated/en/2006/06/6864622/nigeria-lagos-metropolitan-development-governance-project> (last accessed 12 June 2013).

7 World Bank, *Nigeria - Lagos Metropolitan Development and Governance Project: Project Information Document*, World Bank, 2006, p.5, available at: <http://documents.worldbank.org/curated/en/2006/01/6774640/nigeria-lagos-metropolitan-development-governance-project> (last accessed 10 July 2013).

8 Project Appraisal Document, p.5. Also see p.92, “The activities under infrastructure investments for upgrading 9 slums will entail civil works in upgrading sub-projects in: Agege, Ajegunle, Amukoko, Badia, Iwaya, Makoko, Ilaje, Bariga, Ijeshatedo/Itire.”

9 Amnesty International meeting with the Lagos state Commissioner for Housing, Secretariat, Ikeja, 17 May 2013. This was also confirmed by the Lagos state government officials in the Stakeholders’ Meeting on 4 July 2013, which some SERAC staff

members attended, where they told Badia East residents that they would have the option to buy housing units.

10 Lagos state government statement of defence, para. 6, in *Prince J.A. Ilawole & others and the Governor of Lagos State & others*, Suit No: M/162/2013,

11 Amnesty International interview with the Lagos State Attorney General and Commissioner for Justice, Secretariat, Ikeja, Lagos, 15 May 2013.

12 Letter to Amnesty International from the Lagos State government, sent by the Lagos State Attorney General, dated 4 May 2013.

13 World Bank, *Resettlement policy framework, Vol. 1, Nigeria - Lagos Metropolitan Development Project: resettlement plan*, section 5.2, p.11, available at <http://documents.worldbank.org/curated/en/2005/05/6059098/nigeria-lagos-metropolitan-development-project-resettlement-plan-vol-1-3-resettlement-policy-framework> (last accessed 25 June 2013).

14 The Badia East Technical Committee was established in the immediate aftermath of the 23 February 2013 forced eviction to advocate for adequate remedy for all those affected. The Committee comprises 10 community leaders from the Ajeromi and Oke Ilu-Eri communities of Badia East. Note: this Committee has no relationship with the Lagos State Government Technical Committee on Badia East.

15 An area of Lagos state that includes Badia East. A Baale is the traditional head of a Yoruba community. The Baale of Iganmu Alawo was appointed by the Ojora of Ijoraland, the traditional ruler of the area that includes Badia East.

16 Interview, Badia East, 16 May 2013.

17 A megacity is a city with a population of more than 10 million people.

18 UN Department of Economic and Social Affairs/Population Division, *World Urbanization Prospects: The 2011 Revision – Highlights*, UN. Doc. ESA/P/WP/224, March 2012, United Nations, pp. 22-23.

19 United Nations Human Settlements Programme (UN-HABITAT), *The challenge of slums: Global report on human settlements 2003*, UN-HABITAT and Earthscan, 2003, p.267.

- 20** UN Department of Economic and Social Affairs/Population Division, *World Urbanization Prospects: The 2011 Revision – Highlights*, p.24.
- 21** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, Case study prepared for Enhancing Urban Safety and Security: Global Report on Human Settlements 2007, available at <http://www.unhabitat.org/grhs/2007> (last accessed 19 June 2013), p.4.
- 22** *Report of the Presidential Task Force on Lagos Mega City*, 2006, p.13, (on file with SERAC).
- 23** F. Abosede, “Housing in Lagos Mega City – Improving Livability, Inclusion and Governance”, Paper presented at SERAC’s International Conference on Building Nigeria’s Capacity to Implement Economic, Social and Cultural Rights: Lessons Learned, Challenges and the Way Forward, Abuja, 27-28 September 2006.
- 24** World Bank, *Nigeria – Lagos Metropolitan Development and Governance Project: Project Appraisal Document*, World Bank, 2006, available at: <http://documents.worldbank.org/curated/en/2006/06/6864622/nigeria-lagos-metropolitan-development-governance-project>, p.2.
- 25** World Bank, *Nigeria – Lagos Metropolitan Development and Governance Project: Project Appraisal Document*, p.2.
- 26** See *World Bank, Nigeria – Lagos Metropolitan Development and Governance Project: Project Appraisal Document*, p.32.
- 27** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.7.
- 28** “Social Housing Initiative Talks Begin”, serac@work (Nov. 2005) pp.8-9.
- 29** Interview with Chief A.A. Ilawole, Badia East, 15 May 2013.
- 30** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.3. Interviews, Badia East, 15 May 2013.
- 31** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.3.
- 32** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.3.
- 33** Estimate projected from 2005 survey data in which 46.43% of workers in Badia were reported to earn less than N7,500 per month. “Social Housing Initiative Talks Begin”, serac@work (Nov. 2005), pp. 8-9. All conversions of Nigerian Naira to US dollars is based on the exchange rate available at <http://www.oanda.com/currency/converter/> (value as of 3 July 2013).
- 34** Copies of registered surveys and other relevant documents on file at SERAC.
- 35** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.8.
- 36** Letters from National Railway Corporation to Badia East CDA on file at SERAC; F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p. 12; Molaj Consultants, “Urban Renewal in Badia, Apapa Local Government, Lagos State: Detailed Site Investigation Report (Federal Ministry of Housing and Urban Development, 2005) (on file at SERAC).
- 37** *Aromire & Ors v. Daniel & Ors*, Suit No LD/443/2002 (on file with SERAC).
- 38** “All Slums to Go: Makoko, Ijora, Badiya, Ilubirin & 11 Others Affected”, PM News, 15 July 1996, pp. 1 and 5 (quoting the Commissioner for Environment and Physical Planning).
- 39** All Slums to Go: Makoko, Ijora, Badiya, Ilubirin & 11 Others Affected,” PM News, 15 July 1996, p.5.
- 40** “When willful blindness doesn’t cut it: Making the case for World Bank accountability to the women in Lagos slums”, Access Quarterly (SERAC, 4th quarter, 1999) pp.5-10; Request for Inspection – In the Matter of the Lagos Drainage and Sanitation Project (Credit No. 2517-0), filed by SERAC 17 June 1998 (reproduced in full pp.8-10, serac@work, April-August 1998).
- 41** Request for Inspection, World Bank Inspection Panel – In the Matter of the Lagos Drainage and Sanitation Project (Credit No. 2517-0), filed by SERAC 17 June 1998 (reproduced in full pp.8-10 serac@work, April-August 1998).
- 42** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.9.
- 43** F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, p.12; “Thousands rally against

widespread demolitions in Lagos State”, SERAC@Work (January-March 2004), pp.1-2; *Chief Ogunyemi Adewale v. Governor of Lagos State & Ors.* Suit No. M/419/2003.

44 F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, pp.12-14.

45 F. Morka, *A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria*, pp.12-14.

46 Molaj Consultants, “Urban Renewal in Badia, Apapa Local Government, Lagos State: Detailed Site Investigation Report”, Federal Ministry of Housing and Urban Development, 2005 (on file at SERAC).

47 Correspondence from Badia East CDA to Federal Ministry of Lands, Housing, and Urban Development, 2009-2013 (on file at SERAC); interview with Chief A.A. Ilawole, Badia East, 15 May 2013; interview with Secretary to late Baale of Oke Ilu-Eri, Badia East, 15 May 2013.

48 Interview with Secretary to late Baale of Oke Ilu-Eri, Badia East, 15 May 2013; correspondence from Federal Ministry of Lands, Housing, and Urban Development, 2010-2011 (on file at SERAC).

49 Interview, Badia East, in which community members narrated information obtained over a phone call with the Federal Ministry. SERAC meetings with Deputy Director of Department of Urban and Regional Development, Ministry of Lands, Housing, and Urban Development, Abuja, 28 February 2013; SERAC meeting with Director of Department of Urban and Regional Development, Ministry of Lands, Housing, and Urban Development, Abuja, 28 June 2013.

50 KAI Brigade is the Law Enforcement Unit of the Lagos State Ministry of the Environment. It was established on 3 November 2003 by the then Governor of Lagos State, Bola Tinubu. The Brigade was established to enforce the Environmental Sanitation Law of Lagos State.

51 SERAC monitored the eviction. Part of this information was collected during SERAC and the LMDGP Project Director’s visit to Badia East on 6 March 2012; SERAC and LMDGP Project Director also had a meeting with Badia East community on 7 March 2012.

52 The amounts paid ranged from N176,000-380,000 (US\$1080 – 2332), documents related to compensation under RAP (on file at SERAC).

53 Article 11(1) of the International Covenant on Economic Social and Cultural Rights, acceded to by Nigeria on 29 July 1993; Article 27(3) of the Convention on the Rights of the Child, ratified by Nigeria on 19 April 1991; Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, acceded to by Nigeria on 16 October 1967; Article 17 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by Nigeria on 29 July 1993; and Article 16 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, ratified by Nigeria on 16 December 2004.

54 Article 27, Vienna Convention on the Law of Treaties 1969.

55 The African Charter on Human and Peoples’ Rights (ACHPR) was domesticated by Nigeria in 1983 as the African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act. The provisions of the ACHPR are binding and persons exercising legislative, executive or judicial powers in Nigeria are mandated to apply it and give it full recognition and effect.

56 *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria*, Communication No. 155/96, para 60.

57 Chapter 4 of Nigeria’s Constitution provides for fundamental human rights and these are enforceable in the courts through the mechanism provided for under the Fundamental Rights (Enforcements Procedure) Rules 2009. Economic, social and cultural rights, however, are not guaranteed as fundamental human rights under the Constitution but are provided for in Chapter 2 as Fundamental Objectives and Directive Principles of State Policy. No mechanism exists for their enforcement, because economic, social and cultural rights are treated as not justiciable and therefore unenforceable in the courts.

58 Nigeria became a state party to the International Covenant on Economic Social and Cultural Rights on 29 July 1993; the International Covenant on Civil and Political Rights (ICCPR) on 29 July 1993; and the African Charter on Human and Peoples’ Rights on 22 June 1983.

59 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7: The right to adequate housing (Article 11.1) of the International Covenant on Economic, Social and Cultural Rights):

forced evictions, para 3, (Sixteenth session, 20 May 1997), E/1998/22, Annex IV, para 3.

60 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7

61 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para 15.

62 UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para 16.

63 UN Committee on Economic, Social and Cultural Rights, General Comment 7, para 14.

64 Amnesty International interview with the Lagos State Attorney General, Secretariat, Ikeja, Lagos, 15 May 2013.

65 Amnesty International interview with the Lagos State Attorney General, 15 May 2013.

66 Letter to Amnesty International from the Lagos state government, sent by the Lagos State Attorney General, dated 4 May 2013, responding to Amnesty International's correspondence raising concerns about the recent forced eviction of people from Badia. In the interview with Amnesty International on 15 May 2013, the Attorney General also maintained that the area which was cleared was prone to flooding and there was a risk that refuse could go into the drains when it rained and cause flooding in that and surrounding areas. There were also sanitary concerns as there was no provision of toilets. There were additional health and crime issues.

67 Amnesty International interview with the Lagos State Attorney General, 15 May 2013. In the letter to Amnesty International, dated 4 May 2013, the Lagos state government stated that "a State Government delegation visited twice to sensitise the people to the need to move away, especially in view of the security, health and flooding risks posed to the entire area by their activities".

68 Amnesty International interview with the Lagos State Commissioner for Housing, Secretariat, Ikeja, Lagos, 17 May 2013.

69 Interview with residents and officers of the Badia East Technical Committee, Badia East, 16 May 2013; name withheld because of security concerns.

70 Interview with residents and officers of the Badia East Technical Committee, Badia East, 16 May 2013; name withheld because of security concerns.

71 Letter to Amnesty International from the Lagos state government, sent by the Lagos State Attorney General, dated 4 May 2013.

72 Sunrise programme, *Badia: After the demolition*, Channels Television, 2 March 2013, extracts available at <http://www.youtube.com/watch?v=wnBC3rrp5bA> (part 1), <http://www.youtube.com/watch?v=XsuHVyRmJ4I> (part 2), <http://www.youtube.com/watch?v=MfJHeCwLLdI> (part3) (last accessed 20 June 2013).

73 Digital Globe Analysis Center satellite imagery analysis ILU-ERI community/Lagos, Nigeria, 2013.

74 A Baale is the traditional head of a Yoruba community. The Baale of Iganmu Alawo was appointed by the Ojora of Ijoraland, the traditional ruler of the area that includes Badia East.

75 Letter to Amnesty International from the Lagos state government, sent by the Lagos State Attorney General, dated 4 May 2013,

76 The Baale of Ijora Alawo claims he was appointed by the Ojora of Ijoraland on 9 June 2012 as the traditional head of an area that includes Badia East. However, the affected people interviewed by the delegates rejected him as their Baale, claiming they had two Baales, one for the Ajeromi Community and another for Oke Ilu-Eri community. They said both Baales died recently.

77 Amnesty International interview with the Baale and his Secretary, Badia, 16 May 2013.

78 The person introduced himself as the Baale's Secretary and stated that he was authorized to speak on behalf of the Baale. The Baale, who was present at the meeting, confirmed that he was happy with this arrangement and at the end also that he agreed with all the statements made by the Secretary on his behalf.

79 The Chairman of the Task Force also claimed that the Baale had a 'town crier' who went around Badia telling people that they had received a notice. Amnesty International interview, Task Force office, Alausa Ikeja, 14 May 2013.

80 Interview, Badia East, and on the telephone, 16 May and 26 June 2013; name withheld for security concerns.

81 Interviews with residents and SERAC staff.

82 Interview, Badia East, 15 May; name withheld for security concerns.

83 Meeting with Lagos State Commissioner for Housing, Alausa, Ikeja, 22 February 2013. On the same day, SERAC also delivered a letter to the Governor of Lagos State expressing concerns over the possibly threatened demolition in Badia East and asked for full disclosure of the government's plans, copying the Lagos State Commissioners for Agriculture, Physical Planning and Urban Development and Environment, the Lagos State Attorney General, the Task Force, the Kick Against Indiscipline Brigade, and senior officials of the LMDGP. See SERAC letter to Governor of Lagos State, 22 February 2013 (acknowledgment copies on file at SERAC, available online at: <http://www.scribd.com/doc/127150823/Letter-to-Governor-Fashola-on-Badia-East-Threatened-Demolition>).

84 Interview, 15 May 2013.

85 A Certificate of Occupancy is an evidence of a statutory right of occupancy of land and it is issued by the Governor of a state in Nigeria in accordance with the Land Use Act 1978.

86 Amnesty International interview with the Lagos State Attorney General, 15 May 2013.

87 *Agbodemu Musbau & others v. Lagos State Environmental Sanitation Enforcement Agency & others*; Suit No: M/710/2011. SERAC represented the applicants in this case.

88 Committee on Economic, Social and Cultural Rights, General Comment 7, para 15(b).

89 The UN Special Rapporteur on adequate housing developed the Basic Principles and Guidelines on Development-based Evictions and Displacement (the Basic Principles), which reflect existing standards and jurisprudence on the issue of forced eviction. See UN Doc. A/HRC/4/18 (Annex 1), 5 February 2007.

90 Principle 41, the Basic Principles.

91 See Principle 42, the Basic Principles.

92 See Committee on Economic, Social and Cultural Rights, General Comment 7, paras 13 and 15(g).

93 A Black Maria is a police vehicle used to transport suspects. It is commonly used in Nigeria by law enforcement agencies.

94 Abeokuta is the capital of Ogun state, which borders Lagos state.

95 The Lagos state environmental sanitation exercise is mandatory for all Lagos state residents. It takes place on the last Saturday of every month and the movement of all persons is restricted between 7am and 10am.

96 Interviews with residents, Badia East, 13, 15 and 16 May 2013.

97 Interview, Badia East, 16 May 2013.

98 Amnesty International interview with the Chairman of the Task Force, Alausa, Ikeja, 14 May 2013.

99 Amnesty International interview with the Chairman of the Task Force, 14 May 2013.

100 The Chairman of the Task Force confirmed that his agency carried out the demolitions and that he and his staff were physically present on the site. Amnesty International interview with the Chairman of the Task Force, 14 May 2013.

101 Interviews with residents, Badia East, 13, 15 and 15 May 2013.

102 Interview, Badia East, 16 May 2013.

103 Interview, Badia East, 16 May 2013.

104 Phone interview conducted by Amnesty International with Andrew Maki, 20 June 2013.

105 Amnesty International interview with the Chairman of the Lagos State Environmental and Special Offences Enforcement Unit, 14 May 2013.

106 A Black Maria is a police vehicle used to transport suspects. It is commonly used in Nigeria by law enforcement agencies.

107 Phone interview conducted by Amnesty International with Andrew Maki, 20 June 2013.

108 Phone interview conducted by Amnesty International with Megan Chapman, 20 June 2013.

109 Phone interview conducted by Amnesty International with Megan Chapman, 20 June 2013.

110 Interview, Badia East, 16 May 2013; name withheld for privacy and security concerns.

111 Amnesty International interview with the Lagos State Attorney General, 15 May 2013.

- 112** Interview with residents and members of the Badia East Technical Committee, Badia East, 16 May 2013.
- 113** The case, *Prince J.A. Ilawole & others and the Governor of Lagos State & others*, Suit No: M/162/2013, was instituted on 28 February 2013 in a Lagos High Court.
- 114** Interview with members of the Badia East Technical Committee, Badia East, 16 May 2013.
- 115** Amnesty International interview with the Lagos State Attorney General and Commissioner for Justice, 15 May 2013.
- 116** Committee on Economic, Social and Cultural Rights, General Comment 7, para 16.
- 117** Committee on Economic, Social and Cultural Rights, General Comment 7, para 13.
- 118** Principle 61, UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
- 119** Principle 60, UN Basic Principles and Guidelines on Development-based Evictions and Displacement.
- 120** Interviews with residents, Badia East, 13, 15 and 16 May 2013.
- 121** Interviews with residents, Badia East, 13, 15 and 16 May 2013. See chapter 4 for more details.
- 122** Sunrise programme, *Badia: After the demolition*, Channels Television, 2 March 2013.
- 123** Amnesty International interview with the Commissioner for Housing, 17 May 2013.
- 124** The Commissioner said the project consists of 1-, 2- and 3-bedroom units.
- 125** Amnesty International interview with the Commissioner for Housing, 17 May 2013.
- 126** The Commissioner said the government is trying to keep the interest to 10% or below but the scheme is yet to be finalized.
- 127** Letter to Amnesty International from the Lagos state government, sent by the Lagos State Attorney General, dated 4 May 2013.
- 128** Meetings with the World Bank, Amnesty International (Abuja, 20 May 2013) and SERAC (Sheraton Hotel in Lagos, 7 May 2013; Sheraton Hotel in Lagos, 31 May 2013; Sheraton Hotel in Lagos, 7 June 2013).
- 129** To compile this information, affected people (heads of household, both landlords and tenants) completed a detailed questionnaire, provided a passport photograph and contact phone number, and signed/thumb-printed to verify the information. Landlords also provided the names of their tenants to cross-check against possible misrepresentation. SERAC staff reviewed carefully for any duplicates or unreasonable financial claims; subsequently, a 10-person committee made up of community members and leaders from Oke Ilu-Eri and Ajeromi reviewed the compiled database. Finally, the database was subjected to a SERAC-facilitated community verification exercise open to all affected persons and the remaining Ajeromi community.
- 130** Structures are buildings that were used as shops and/or homes. Many structures contained multiple households (family units) as families often rented a room or rooms rather than the entire house.
- 131** KAI Brigade is the Law Enforcement Unit of the Lagos State Ministry of the Environment. It was established on 3 November 2003 by the then Governor of Lagos State. The Brigade was established to enforce the Environmental Sanitation Law of Lagos State.
- 132** Interview, Badia East, 15 May 2013.
- 133** Interviews with residents, Badia East, 15 and 16 May 2013.
- 134** Interview, Badia East, 16 May 2013.
- 135** Interviews with residents, Badia East, 15 and 16 May 2013.
- 136** Badia East, 16 May 2013. Names withheld to ensure privacy and security.
- 137** Amnesty International was given a copy of her death certificate by family members.
- 138** Amnesty International was given a copy of her death certificate by family members.
- 139** Principle 52, Basic Principles.
- 140** Interview, Badia East, 16 May 2013.
- 141** Interview, Badia East, 16 May 2013.
- 142** Interview, Badia East, 16 May 2013.
- 143** Interview, Badia East, 16 May 2013.
- 144** Interviews with residents, Badia East, 15 and 16 May 2013.

145 In her bench ruling, Justice Ipaye held that an “award of damages would sufficiently compensate them [the Applicants/Badia East evictees] for any losses they have suffered”, thereby not taking into consideration the Lagos state government’s stated plans for further demolitions. The Ruling on Motion for Interlocutory Injunction is on file with SERAC.

146 The case, *Prince J.A. Ilawole & others and the Governor of Lagos State & others*, was instituted in a Lagos State High Court.

147 SERAC meeting with Executive Secretary, National Human Rights Commission (Abuja, 5 March 2013); SERAC petition to National Human Rights Commission, “Urgent Petition, RE: Mass Forced Eviction in Badia East, Lagos”, 5 March 2013 (available online at: <http://www.scribd.com/doc/139687618/Petition-to-NHRC-Regarding-Badia-East-Forced-Eviction-Mar-5-2013>).

148 SERAC and Badia East community meeting with Director, Urban and Regional Development, Ministry of Lands, Housing and Urban Development (Abuja, 28 June 2013).

149 Interview, Badia East, 15 May 2013.

150 Letter to Amnesty International from the Lagos state government, sent by the Lagos State Attorney General, dated 4 May 2013.

151 Article 2, International Covenant on Economic, Social and Cultural Rights, article 2 (3), International Covenant on Civil and Political Rights, and article 1, African Charter on Human and Peoples’ Rights. The Committee on Economic, Social and Cultural Rights has stated that “the Covenant norms must be recognized in appropriate ways within the domestic legal order, appropriate means of redress, or remedies, must be available to any aggrieved individual or group, and appropriate means of ensuring governmental accountability must be put in place”. See Committee on Economic, Social and Cultural Rights, *General Comment 9: The domestic application of the Covenant*, UN Doc. E/C.12/1998/24, 1 December 1998, para 2.

152 Principle 59, the Basic Principles.

153 Committee on Economic, Social and Cultural Rights, General Comment 4: The Right to Adequate Housing, UN Doc. E/1992/23 (annex III), para 8.

154 Amnesty International interview with the World Bank Nigeria Office, Abuja, 20 May 2013, SERAC meetings with the World Bank,

World Bank Office in Abuja, 28 February 2013; LMDGP office in Lagos, 15 March 2013; Sheraton Hotel in Lagos, 7 May 2013; Sheraton Hotel in Lagos, 31 May 2013; Sheraton Hotel in Lagos, 7 June 2013.

155 World Bank, *Resettlement policy framework, Vol. 1, Nigeria – Lagos Metropolitan Development Project: resettlement plan*, section 5.2, p.11, available at <http://documents.worldbank.org/curated/en/2005/05/6059098/nigeria-lagos-metropolitan-development-project-resettlement-plan-vol-1-3-resettlement-policy-framework> (last accessed 25 June 2013).

156 World Bank, *Resettlement policy framework, Vol. 1*, section 9.5, pp.23-25.

157 World Bank, *Resettlement policy framework, Vol. 1*, section 4, p.8.

158 See Committee on Economic, Social and Cultural Rights, General Comments 4 and 7; and Principle 68 and Section V, Basic Principles.

159 Letter from the World Bank Nigeria Office Director to Amnesty International, dated 28 June 2013.

160 Notice of Invitation to Stakeholders’ Meeting, Lagos State Government Technical Committee on Badia East (on file with SERAC).

161 The Lagos State Government Technical Committee on Badia East was established in April/May 2013 to devise the Lagos state government’s response to demands for compensation, relocation, and other forms of remedy by those affected by the forced eviction of 23 February 2013.

162 The “stakeholders’ meeting” was attended by six SERAC staff.

163 Amnesty International interview with the Baale and his Secretary, Badia, 16 May 2013.

164 Letter from the World Bank Nigeria Office Director to Amnesty International, dated 28 June 2013.

165 Letter from the World Bank Nigeria Office Director to Amnesty International, dated 28 June 2013.

166 Principle 60, Basic Principles.

167 Principle 43, Basic Principles.

168 Principle 64, Basic Principles.

169 For more guidance on these international standards, see Committee on Economic, Social and Cultural Rights, General

Comments 4 and 7 and Principle 68, and Section V, Basic Principles. See also Amnesty International, *Know your obligations: A guide to preventing forced evictions*, Index: ACT 35/009/2012, 27 November 2012, available at: <http://www.amnesty.org/en/library/info/ACT35/009/2012>.

170 Principle 52, Basic Principles.

171 See chapter 3.

172 "Makoko under siege", SERAC@Work (November 2005) pp.1-3; SERAC initiated litigation against the Lagos state government for enforcement of fundamental rights as a result of the 2005 forced eviction in Makoko. The case is presently before the Court of Appeals. *Ajimuda & Ors. v. Lagos State Government & Ors*, Appeal No. CA/L/637m/2009. Amnesty International, *Nigeria: Making the destitute homeless – forced evictions in Makoko, Lagos state*, Index AFR 44/001/2006.

173 SERAC's ongoing monitoring of situation and legal representation of affected persons.

174 SERAC, "The Illegal Demolition of Makoko Community: The Lawlessness, Indiscipline, Impunity and Brutality of the KICK AGAINST INDISCIPLINE (KAI Brigade)", SERAC Press Release, 11 May 2010, available at <http://www.serac.org/Pages.asp?id=293>.

175 SERAC monitored this eviction. See in this regard: "Bloodbath in Makoko", SERAC@Work (September-December 2010) pp.24-25; SERAC initiated litigation against the Lagos state government for

enforcement of fundamental rights as a result of the December 2010 forced eviction in Makoko. The case is presently before the High Court of Lagos State. *Babarinde Babatunde & Ors. v. Lagos State Env'l and Special Offences (Enforcement) Unit & Ors.*, Suit No. M/198/2012.

176 A list of 770 households (comprising 4,034 people) affected by the demolition was compiled by the Secretary to the Makoko/Iwaya Waterfront Community in December 2012 (on file with SERAC).

177 SERAC initiated litigation against the Lagos state government for enforcement of fundamental rights as a result of the July 2012 forced eviction in Makoko. *Francis Agoyon & Ors. v. Lagos State Government & Ors.*, Suit No. FHC/L/CS/1577/2012.

178 SERAC Internal Report, "Post-demolition fact finding visit to Odo-Iragunshi, Lagos State" (March 9, 2013) (on file with SERAC); Interviews with affected residents of Odo-Iragunshi on the site of the demolition on 9 March 2013 and at SERAC on 25 May 2013.

179 Amnesty International interview with the Chairman of the Lagos State Environmental and Special Offences Enforcement Unit, 14 May 2013.

180 "Bloodbath in Makoko", SERAC@Work (September-December 2010) pp.24-25.

181 Eyewitness accounts given to SERAC on 21 July 2012 at Panti Police Station; certified true copy of autopsy report for Timothy Azinkpono Hunkpoyanwa (on file with SERAC).



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IF YOU LOVE YOUR LIFE, MOVE OUT! **FORCED EVICTION IN BADIA EAST, LAGOS STATE, NIGERIA**

At 7.30am on Saturday, 23 February 2013, bulldozers and police arrived at the informal settlement of Badia East in Lagos state, Nigeria, and began demolishing homes, businesses and community facilities. At least 266 structures that served as homes and businesses were completely wiped out, affecting an estimated 2,237 households. At a minimum, close to 9,000 people were affected. Residents maintain they were given no notice of the eviction.

Nearly six months on, many people are still sleeping out in the open or under a nearby bridge. Others have erected makeshift shelters wherever they could find space. Some former residents are living with friends or families in homes that are already overcrowded. There has been no government support following the loss of their homes and livelihoods, and the overwhelming majority are unable to rent or obtain alternative housing.

Large-scale evictions and demolitions have devastated the lives of thousands of people in Nigeria in recent years. The authorities have usually failed to compensate them and provide them with alternative housing. This joint report by Amnesty International and the Nigeria-based Social and Economic Rights Action Center (SERAC) documents the events leading up to and after the eviction of residents of Badia East by the Lagos state government. It also forms part of the programme of work with communities, activists and local authorities to end forced evictions in Nigeria and worldwide.

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