



Defending housing rights in Lagos

A historical perspective on state–citizen contestations and emerging opportunities for housing policy reform

Temilade Sesan

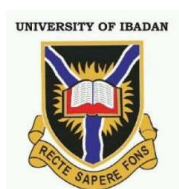
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There is a long history of the state violating the housing rights of citizens in Lagos, the commercial capital of Nigeria and its most populous city. Despite the frequency of these violations, there is a dearth of critical academic discourse on this topic to trigger evidence-informed changes in urban policy and governance. This paper contributes to the discourse by critically analysing the postcolonial trajectory of housing policy and urban planning in the city. The analysis uncovers strategies for advancing housing rights when scarce resources and powerful interests combine to dispossess ordinary citizens of those rights.

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Summary

Background

Even though the right to adequate housing has been firmly established in the global human rights discourse for decades, state violations of citizens' housing rights remain rife in Lagos, Nigeria's most populous city, with an estimated 16 million residents. These violations, which mainly take the form of forced evictions and the attendant displacement of residents of informal settlements, have affected more than two million people in the last two decades alone.

The authoritarian response of the state to the proliferation of informal settlements in the city largely glosses over the structural causes of the phenomenon, which include a perennial dearth of affordable housing options in the context of increasing economic hardship and explosive population growth. This oversight is all the more consequential in a city where urban policy and planning are driven by modernist visions of a 21st century 'megacity' that promise returns on investment for a cast of influential private and public actors, but which ignores those in poverty.

Methodology

Against this background, this paper analyses how various actors – government departments, traditional landowning families, private investors, civil society organisations and citizens – have interacted within the city's housing landscape from the immediate postcolonial era in the 1960s, when the outlines of a government position on housing policy began to form, to the present time. Relying on qualitative research methodology, the paper analyses how key historical moments at federal and state levels have contributed to shaping current discourses and practices around individual rights to access housing in Lagos, and in the process unearthing gaps in government policy and opportunities for citizen advocacy. The analysis yields key insights aimed at informing strategies for more effective policy engagement by community and civil society actors.

Findings

The analysis begins by outlining how, in six short decades, the Nigerian state has moved from seeing itself as being directly responsible for providing housing to citizens, to almost completely relinquishing that role to private actors. This constitutes just one aspect of a broader neoliberal trend that prescribed deep cuts to government spending from the mid-1980s onward. This shift had a marked effect in Lagos, where a spate of low-cost housing construction, begun by the state government in the early 1980s, quickly fizzled out and has not picked up since. Not only has the state failed to play the enabling role envisaged for it in the wake of economic liberalisation, successive policies and programmes have not evolved to meet the demand placed on housing in the city by an increasingly informal and low-wage workforce. Rather, housing policy – to the extent that it operates – has largely focused on the formal sector, and ignored or criminalised the informal settlements that have sprung up in the lacuna created by the dearth of affordable formal housing.

Perhaps most perniciously, the Land Use Act of 1978, a federal law created with the democratic intent of allowing state governments to hold land in trust for their citizens, has mutated into a device for concentrating power in the hands of a few powerful elites who use it to try and legitimise the forced eviction of the working poor from informal settlements. Relatively recent attempts by the Lagos state government to shift the emphasis of its policy response from outright eviction to resettlement have done little to gain the trust of citizens or to substantively address the fundamental need for affordable housing tailored to the realities of poverty, informality and heterogeneity. The central question that emerges from the analysis then, is whether the state government needs to re-examine its role in guaranteeing the right to housing for citizens at this critical juncture in its development, and adapt its policies accordingly.

Policy recommendations

The analysis finds that, while sustained pressure from grassroots movements, local civil society organisations and the international community has yielded some progress over the years with regard to the acknowledgement of citizens' housing rights by the state, existing technical, financial and political arrangements need to be altered considerably for housing policy in the city to be truly inclusive. A useful starting point would be for the state to review the anachronistic Land Use Act, a one-track system that only allows for land ownership based on formal titles, and replace it with a flexible system that recognises a continuum of land rights and acknowledges those rights in informal settlements. Such an egalitarian system of tenure will not be straightforward to implement, given the multiplicity of competing interests (including within the state apparatus) that control access to land in a city that has so little of it, especially relative to the population that lives and works within its borders.

Yet, there is evidence that capacity exists at the community level for self-governance, and that given state intervention in the form of basic infrastructure and supportive land and housing policies, informal settlements will develop in ways that are meaningful and beneficial for residents. For this to become a reality however, the state government needs to start seeing itself as being responsible for guaranteeing citizens' rights to affordable housing. In other words, there needs to be a shift from the current neoliberal framing of the state's role as an enabler of business in the housing sector to a more responsive framing that casts the state as an enabler of the public good.

Conclusion

In conclusion, the status quo in the sector leaves a lot of room for inventive civic and political engagement by community and civil society actors. Within this broad remit, there is scope for these actors to deploy messaging that emphasises both the rights-centred and economic rationales for accommodating informal settlements in the state's housing policy. An effective campaign will require concerted action that involves citizens at all levels of society, but especially middle-class residents whose voices have been historically absent from the housing rights discourse, but who are critical to signalling solidarity and exerting the requisite pressure on the political class to act in the interests of all citizens.

1

Introduction

The right to adequate housing became firmly established in the global human rights discourse with the UN Universal Declaration of Human Rights (1948) – and again in 1966, with the UN-led International Covenant on Economic, Social and Cultural Rights. Several decades on, however, these global treaties are yet to become local reality in many cities of the global South, including in Lagos – Nigeria’s commercial capital, a city-state which is home to an estimated 16 million people in 2023 (Macrotrends 2023), 70% of whom live in informal settlements (Amnesty International UK 2020).

Violations of citizens’ housing rights in Lagos have mainly manifested themselves in the form of forced evictions of informal settlement dwellers by the state government. In the past two decades alone, according to Amnesty International (2017), more than two million residents have been forcibly evicted from their homes and places of work by the state government. To understand the state’s penchant for forced evictions, it is necessary to examine its underlying motivations – primarily, a drive for modernity that has preoccupied administrators since colonial times (Abba 2021). This modernisation drive reached outsize proportions in 1995 when the state was officially declared a ‘megacity’ by UN-Habitat by virtue of having surpassed the 10 million population mark (Lagos State Government). There is a long history of the state marshalling private capital in the service of its modernist vision, necessitating the eviction of informal settlement dwellers and others considered too poor to deliver the required returns on investment (Abba 2021).

Notwithstanding the prominence of forced evictions in Lagos, however, there is a dearth of critical academic discourse in the context that can spark evidence-informed changes in planning or policy (Aderoju 2020). Further, the narratives that do exist in academia and civil society have historically focused on the imminent issue of evictions, with little reference to the broader, long-term, structural provisions required to guarantee housing rights for citizens. In particular, forced evictions in Lagos occur in the context of a severe affordable housing deficit in the city (Aderoju 2020) – a planning and policy problem that has received far less attention than is required from both government and nongovernmental stakeholders.

The analysis in this paper was undertaken as part of a wider study that looks at how grassroots movements and civil society organisations have used media-enabled strategies – including digital and social – to highlight and challenge housing rights violations in Lagos. The aim was to learn lessons that can be used to build the capabilities of grassroots advocates on the one hand, and influence public discourses and policy agendas on the other.

To this end, the analysis traces the housing policy trajectory in the city as it has been constituted from the immediate postcolonial era to date. The findings and conclusions of the analysis will inform the co-production (by community actors, civil society organisations and researchers) of civic media outputs and strategies geared towards more effective engagement with the city’s housing policy agenda than has historically been the case.

The paper is structured as follows. First, we describe the methodology used in the analysis, elaborating on aspects of key research design such as sampling and case selection. We then present the key findings of the analysis in two parts:

- the historical arc of housing policy initiatives in Lagos and in Nigeria more broadly, highlighting achievements and gaps, and
- more recent attempts at reflexivity by the Lagos state government as it has sought to distance itself from longstanding eviction practices and begun to emphasise the right of displaced slum dwellers to resettlement.

This is followed by a discussion of the need to situate historical and recent developments of the housing policy landscape in the context of continuing contestations over the right to land among multiple vested interests in the city. The paper concludes with practical recommendations for strengthening civic engagement and advocacy by grassroots movements and civil society actors.

2

Methodology

The study used a qualitative approach in researching the historical, political and social context in which policies and civic engagement around housing issues have been enacted in Lagos since the 1960s. The overarching aim of the research was **to identify key public policies and/or programmes that have contributed to shaping current discourses and practices around citizens' individual and collective right to access adequate housing in the city.**

To this end, the study included the following questions:

- a. What are the key policymaking, planning and/or programme development spaces that have played a role in the advancement of housing rights in Lagos?
- b. At what level (national, state, community) do these initiatives happen, and which ones have been the most significant for the advancement of housing rights?
- c. Are there any historical processes that are particularly relevant to understand these policies/programmes?
- d. Who are the main actors involved in these processes?
- e. How have these processes created advancements and losses in the past in relation to housing rights?
- f. What opportunities could these spaces create to advance housing rights in the future?

To address these questions, we conducted a mix of primary research (through document analysis) and secondary research (through key informant interviews). The document analysis component began with a literature search covering both the academic and grey literatures, as well as digital media sources (in particular, video documentaries). Those sources yielded data ranging from general information on the housing sector, to information on specific nationwide/city-wide policy initiatives, to the outcomes of those policies and programmes in specific communities.

Key informant interviews were conducted with six interviewees drawn from public institutions, the private sector, academia, local communities and civil society. Interview questions touched on each interviewee's position in the housing landscape; relevant policies/programmes that they had been involved with, either broadly or in specific communities; the impacts of those interventions at the community and city level; the gender and inclusion dimensions of the interventions; and recommendations for advancing citizens' housing rights beyond the status quo. All the interviews were fully transcribed and coded to reveal the themes elaborated in the findings below.

3

Findings

3.1 National and state-level housing policy initiatives: achievements and gaps to date

In the immediate postcolonial era in Nigeria, and especially following the country's civil war,¹ the federal government assumed a very active role as a direct provider of housing for citizens. This policy of direct construction recognised Lagos as the epicentre of population and economic growth in the country and allocated resources accordingly. As much as 20% of the national target for government housing was given to the state, with the remainder shared across the rest of the country. This seemingly responsive policy was however as inefficient as it was opaque. The government rarely met its own construction targets, and the houses that were built often ended up in the possession of senior officials and their acquaintances rather than going to those who qualified for them by virtue of need.

This government-led building effort went on until the early 1980s when the global shift to neoliberal policies occurred,² promising economic growth in exchange for deep cuts to public spending. The so-called structural adjustment programme in Nigeria paved the way for the government to cease or limit direct investment in key public-good sectors such as agriculture and housing. The expectation was that if the private sector led investment in these areas it would limit market inefficiencies and drive growth. While this has

produced some favourable results in terms of economic liberalisation and GDP growth, it has been less effective at providing public services and redistributing income.

For housing, the neoliberal shift meant that the private sector was now responsible for the provision of housing for the mass of the population, while the government was expected to create an enabling policy environment for this to take place. As a result, in Lagos, the role of the government in providing direct housing has been far more limited over the last few decades, with the most significant schemes being the low- and medium-cost housing estates built under the auspices of the Lagos State Development and Property Corporation (LSDPC) and the Lagos Home Ownership Mortgage Scheme (Lagos HOMS). These schemes started off being largely equitable for citizens in the lower middle class, especially during the socialist administration of Governor Lateef Jakande. However, they have become progressively less accessible and affordable in recent times – this is particularly evident on the newer Lagos HOMS scheme.³

Lagos HOMS was introduced by the Fashola administration (2007–2015) to provide mortgage finance to first-time buyers in the city at single-digit interest rates. However, the scheme is so inaccessible as to be irrelevant to the vast majority of the low- and middle-income residents it is ostensibly targeted at. The administrative charge of Nigerian Naira (NGN) 25,000 alone is nearly the equivalent of the official monthly minimum wage in the country (NGN30,000, or US\$65 at June 2023 exchange rates). This is in addition to a deposit of 30% of the property value at the time of

¹ The civil war in Nigeria, also known as the Biafran War, lasted from 1967 to 1970.

² In keeping with a broader wave of economic liberalisation in the West, the International Monetary Fund made loans to countries across Africa and Latin America contingent on the reduction of government intervention in domestic markets.

³ Paradoxically, many of the Lagos HOMS units are being built on land that were sites of forced evictions by the state government – and they are now priced out of the reach of the original occupants.

purchase, which amounts to NGN1,230,000 (or more than three years' minimum-wage income) for the lowest-priced unit going for NGN 4,100,000 as of June 2023 (NigerianPrice.com).

Moreover, the scale of these schemes is far from commensurate to the need. As of 2022, for example, LSDPC had only delivered 27,000 housing units in its 50 years of existence (Daily Trust November 2022) – a drop in the ocean compared to the current housing deficit of over three million units. Even more indicative of the slow progress of the scheme is that nearly 70% of existing housing units were initiated during the Jakande administration between 1979 and 1983 (see Figure 1), with construction of a few units continuing until the late 1980s (City People November 2022).

While some of the Jakande-era units were high- and middle-income schemes, the vast majority (84%) were explicitly built for low-income residents. By contrast, subsequent schemes have mostly been accessible by high- and middle-income earners, with several of them located on expensive estates (City People 2022) – an indication of how the LSDPC's vision for housing has become increasingly exclusive even as the threshold for middle-income status has risen in the city.

The downward slide in housing availability and access coincides with the period in which informality and poverty have grown exponentially in the city. Not only has the government failed to play the enabling role expected of it in the wake of economic liberalisation, but state policies and programmes have not evolved to meet the demand placed on housing by an increasingly informal workforce.

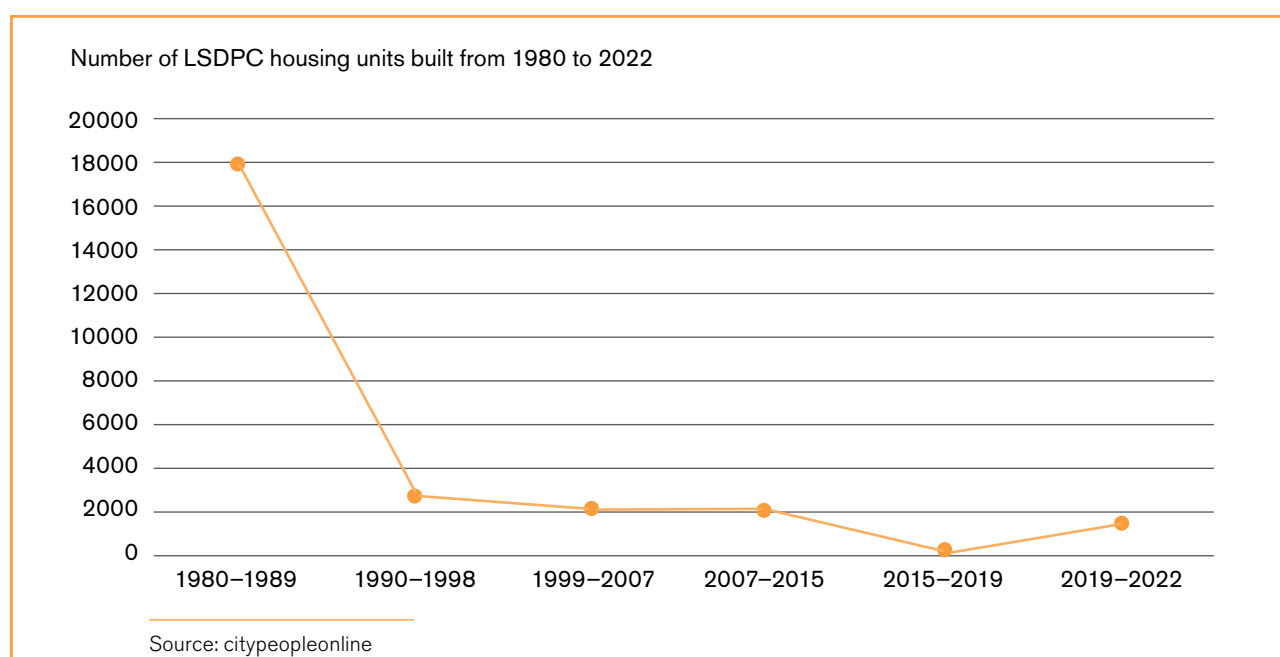
Some of the factors responsible for this are macroeconomic in nature and arguably beyond the control of the state government:

- the need for a structural transformation, underpinned by industrialisation, to create the conditions for widespread formalisation and economic growth
- rising interest rates and burgeoning inflation, increasing the cost of everything from building materials to mortgages, and
- recent setbacks caused by the cascading effects of the Coronavirus pandemic globally.

Notwithstanding these real constraints at the national level, the state government has historically directed much of its efforts toward the formal housing sector – while largely ignoring or criminalising the informal settlements, or slums, that have developed in parallel. This is in spite of a clear affordability gap between the formal housing market – where the city's median annual rent as of August 2022 was NGN900,000, equivalent to almost US\$2,000 (Ikpoto 2022), and the more flexible arrangements in informal settlements. Renters here can pay as little as NGN36,000 per year, a figure typically broken down into monthly or even weekly instalments, with no upfront payment required in many cases.

The result has been a cache of state policies and programmes that do not align with the realities and needs of more than 70% of the city's population. Perhaps the most damaging of these is the Land Use Act of 1978, a federal law that entrusts ownership of all urban territory to the governor of each state, on the understanding that the land is being held in trust for

Figure 1. Sharp decline in the construction of low-income housing units by the LSDPC



citizens (Yahaya 2019). As will be seen in the case of Lagos, however, the Act has mostly succeeded in perpetuating the centralisation and concentration of landholding power in the hands of a few, while alienating the majority. This has led to confrontations and widespread violations of citizens' housing rights by the government.

The government's most substantive response to the proliferation of informal settlements to date has been the creation of the Lagos State Urban Renewal Agency (LASURA). Established in 1991 and currently situated in the Ministry of Physical Planning and Urban Development, the agency has a robust framework for engaging with informal communities to determine their needs and create proposals for redevelopment.

In line with its community-facing role, the agency is staffed by a multidisciplinary team comprising social workers, as well as technical experts. Its aim, in principle, is to be responsive to the needs of residents in those communities and be accountable to them. In practice, however, the agency has found it difficult to build trust with those residents – especially as public trust in the government has been eroded.

The trust deficit in LASURA's case is at least partly driven by conflicts of interest between various agencies of the state government. With the exception of a few small-scale projects, LASURA does not have the power to implement the plans it makes, which means that it is dependent on officials of other ministries and agencies – whose interests in contested lands are often at variance with those of LASURA and its constituents – to deliver on its potential. Typically, the state government officially designates a particular slum community as an urban renewal area, requests a redevelopment proposal from LASURA, and expects the agency to take a back seat regardless of whether the proposal is implemented or not. A failure to follow through on proposals signals to communities that the government is not focused on serving their interests. This perpetuates the cycle of distrust between the state and citizens. Compounding the issue, efforts by civil society actors to persuade LASURA to take a more incremental approach to slum upgrading are routinely dismissed by them. The result is a missed opportunity to achieve some positive change, and earn the trust of citizens in the process.

The status quo is especially untenable given that informal settlements are symptomatic of a wider problem, namely a severe shortage of affordable housing options in the city. This is the problem that government policies and programmes, regardless of their intent, have been unable to address. Again, this failure is partly driven by macroeconomic causes:

housing is a capital-intensive sector in which prices are determined by several variables – even more problematic in a weak economy. Further, the historical pattern of rural–urban migration that contributes significantly to the rapid rates of population growth in Lagos creates a demand for housing that is unimaginable in many other contexts.

But the question that government policies have largely failed to confront to date is: given the realities of poverty and informality that prevail in Lagos, **how do we make decent housing affordable and accessible for the majority of citizens?**

The starting point in responding to this question is to understand the heterogenous nature of housing needs in the city. While there are many people who are permanent residents and who will therefore prize home ownership, there are others with roots elsewhere – including some of those who end up in informal settlements – for whom the city will never be anything more than a temporary, or even transient, place from which to conduct their business. Recognising these multiple levels of need will help the government diversify away from policies that focus on narrow conceptions of home ownership to policies that accommodate the particular requirements of different segments of the city's population and help them to access affordable housing solutions, including below-market-rate options.

Linked to the issue of affordable housing is that of access to affordable finance. Conventional mortgage solutions have been ineffective in the Nigerian context, with public mortgage schemes faltering and private schemes being prohibitively expensive, even for would-be subscribers in the middle class.⁴ Importantly, these schemes, built as they are around formal-sector employment, are not designed to be accessible to the poor, many of whom work in the informal sector.

The issues of affordable housing and affordable finance go to the heart of the role that the government sees for itself in the context of economic constraints and pressing social need. As the findings from this analysis show, it is imperative for the government to reflexively question the policies and models it has historically relied on, and adopt approaches that are better matched to the realities of informality and heterogeneity that characterise the housing market in the city.

The next section scrutinises the government's current response to informal housing in the city. The analysis shows that while the response has improved somewhat in recent years from a rights perspective, there remains a lot to be done to build a truly inclusive society for all citizens.

⁴ Unsurprisingly, the mortgage market in the country contributes less than 0.5% of GDP.

3.2 Engaging with informal communities: from evictions to resettlement

In the absence of affordable housing options in Lagos, slums have proliferated across the city. Official figures are difficult to obtain, but studies done by LASURA and the Nigerian Slum/Informal Settlement Federation ('the Federation') over the 15 years put the number of slums city-wide at over 200, many of them in prime locations close to the city's central business district (Future Cities Nigeria 2021).

Historically, the most pronounced government response to citizens living in informal settlements has been to evict them forcefully – though there are many more communities that are simply ignored or threatened without follow-up action. There have been several high-profile eviction cases, from the storied Maroko evictions in 1990, which displaced 300,000 people (Gaestel 2015), to the more recent Otodo Gbame evictions in which 30,000 people lost their homes overnight in a move that the state High Court later declared unconstitutional (Hegarty 2017). Many lower-profile eviction cases exist that do not generate a media splash, but are no less egregious in their violation of the fundamental human rights of the citizens involved. One example is Marwa, an informal beachfront community in the Lekki axis that was left to flourish under obscure tenancy arrangements for years before being abruptly mowed down by the state on flimsy grounds. This scenario, in which the government ignores a sprouting settlement over a long period and then swoops in to take possession when the value of the land has appreciated significantly, is typical of the way the state has engaged with slums in the city

These evictions have generated activism on the ground, notably by the Federation and civil society organisations such as Justice & Empowerment Initiatives (JEI), Spaces for Change, and the Social and Economic Rights Action Center (SERAC). The sustained pressure put on the state by this relatively small group of citizens has resulted in a number of judicial pronouncements in favour of informal settlement dwellers and raised public awareness of the rights violations which occur during forced evictions.

There have also been efforts by donors and development partners to incentivise changes in the government's position by making funding for infrastructure projects contingent on the latter's demonstration of respect for citizens' rights, such as the provision of compensation to populations affected by involuntary displacement. A good example is the

recently concluded Future Cities Nigeria (FCN) project funded by the UK government Foreign, Commonwealth and Development Office (FCDO). FCN worked with LASURA and its parent ministry⁵ to develop urban renewal guidelines that laid down rigorous procedures for compensating and resettling people displaced from informal settlements. Although these guidelines are currently specific to LASURA and are non-binding, there are indications that the government, and LASURA in particular, is attempting to take forward some of its recommendations with respect to resettlement.

There have been instances of LASURA applying resettlement principles in the past, but these have been few and far between. The agency points to resettled communities like Oluwole, Olaley-Iponri, and Isale Gangan as evidence of success. These examples, while valid, are overshadowed by the preponderance of cases of outright eviction and the general failure of the state to enact pro-poor housing policies. Moreover, LASURA's resettlement projects have mostly involved moving displaced residents to fringe locations, far away from their previous livelihoods and centres of economic activity. For example, residents in the Isale Gangan project, which is often held up as a model of inclusive redevelopment (see Box 1), were resettled from the centre of commerce on Lagos Island to peripheral locations such as Iba and Shasha, with little regard for how the move would affect their proximity to livelihood opportunities or their ability to access social services such as health and education.

In a sign of reflexivity, LASURA has indicated its intention to enter into a new phase under the current Sanwo-Olu administration, with two major improvements on the past:

- Its resettlement policy will no longer be applied selectively, but will be used in all slum redevelopment projects, so that every urban renewal proposal will now be accompanied by a resettlement action plan developed in consultation with communities, and
- residents will no longer be resettled in distant territories but will be rehoused in the vicinity of their communities of origin.

The agency intends to achieve these goals through joint-venture arrangements with private-sector actors in which the latter finance the construction of multi-storey housing blocks, take a percentage of the units to recoup their investment and yield the rest to the government for resettlement purposes. The premise is that, by building as many units of varying designs (one-, two- and three-bedrooms) as possible on previously underutilised land, the city's housing stock can be simultaneously multiplied, and made more affordable.

⁵The Ministry of Physical Planning and Urban Development.

BOX 1. LAND POOLING FOR DEVELOPMENT: ISALE GANGAN

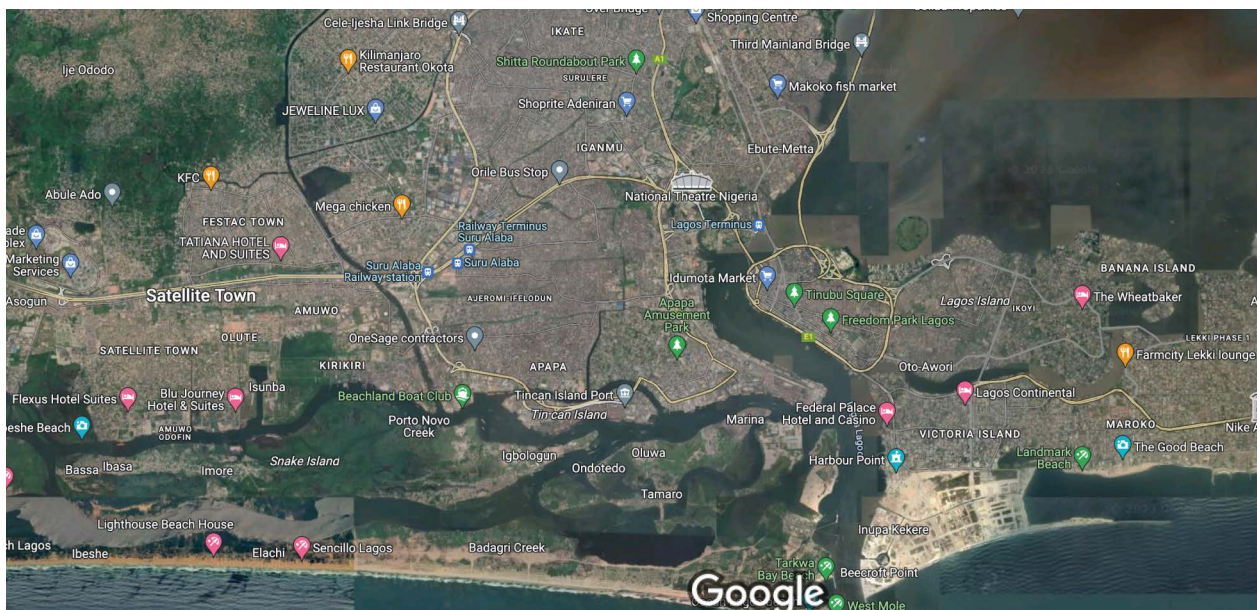
As far as stakeholder engagement on urban renewal projects go, the Isale Gangan project on Lagos Island represents a unique case. This is due to the location of the project site. Lagos Island, home to the original settlers of the city, is its historic centre, with family and communal ties going back several generations. It was these ties that proved particularly useful in the realisation of the project. The tradition of passing down land from one generation to another on the island often results in families being left with tiny pieces of land that, on their own, are not spacious enough for any kind of formal development. The government of the day, in partnership with private developers, succeeded in convincing twelve such families to pool together their ancestral lands to form a parcel large enough for the construction of the Isale Gangan towers. The final structure consists of 48 'luxury' flats, 12 of which were given back to the original owners of the land at no cost to them.

Independent post-project assessments report a high level of satisfaction among the Isale Gangan landlords. This is because the government dealt with them, the key stakeholders, in a way that communicated transparency, equity and a basic respect for their rights. Key elements of the government's approach include: temporary resettlement of the original

landowners in public housing, with the option to give the equivalent cash amount to those who wished to find temporary accommodation on their own; and giving the landowners freedom to do as they chose with the flats allocated to them at the end of the project.

It is not uncommon on Lagos Island for private developers to compensate landowners generously (either in cash or with housing stock) for relinquishing their property for redevelopment. However, as a rule, this compensation is only limited to landowners, while tenants are often left with no recourse - indicating the potential limitations of promoting the land pooling approach more widely in the city. In a telling twist, some of the landowners who benefited from the Isale Gangan redevelopment were unable to keep up with maintenance of their new flats, forcing them to sell and move on to cheaper accommodation. The other units were put on the market at a price that is beyond the reach of the average Lagos Island resident, making the project little more than an old-fashioned gentrification scheme. Still, the model offers useful lessons for urban renewal – notably, the state government's success in shielding the original landowners from market forces so that they were assured of having a place in the new order.

Figure 2. Map showing the location of the central business district around Lagos Island relative to other parts of the city



Source: Google Maps

For all of LASURA's attempts at innovation, however, the goals outlined above may not be achievable for a number of reasons.

Firstly, there is no guarantee that those who will be resettled within their original neighbourhoods will be able to afford the rent, given that it will be several times higher than previously, and the state has given no indication of helping them secure affordable finance. Indeed, history points to the hazards of relying on this strategy to provide inclusive housing, however well-meaning the administration. The case of Aiyetoro, an informal settlement just across the Third Mainland

Bridge from a low-cost LSDPC housing estate built during the Jakande administration (1979–1983), presents a cautionary tale in this regard (Box 2). With original residents unable to afford the rent at market rates, it is likely that uptake of the units, if it happens at all, will be mostly by relative outsiders with higher purchasing power. Indeed, this is the likely cause of hesitation for current residents of Adeniji Adele estate, a designated urban renewal area in the heart of the city, where progress has stalled for several years over an inability to bring residents together for negotiations with the government and prospective investors.⁶

Figure 3. An aerial view of Lagos Island showing one of three bridges that span the Lagos Lagoon and connect the island to the mainland



Photo credit: Rethinking Cities

⁶Adeniji Adele comprises 730 two- and three-bed flats that were built by the state-owned Lagos Building Investment Company during the Jakande administration. The estate has become dilapidated over time partly due to construction errors that were made at the time of building, but the mainly low-income residents have remained there. The state government, through its Office of Public-Private Partnerships and LASURA, is seeking to overhaul and commercialise the estate through a joint-venture arrangement, but progress has been slow and uneven.

BOX 2. COMMUNITY DISPLACEMENT AND STATE NEGLECT: AIYETORO

Aiyetoro is an informal settlement in the Lagos Lagoon. Generations of residents have sand-filled the territory from the late 1970s and built it into a thriving community of about 40,000 people. It provides housing for thousands of workers who depend on the lagoon for their livelihoods: sawyers in the adjoining Oko-Baba sawmill; fishermen (and the women who process the fish); and transport operators who ferry goods and people across the lagoon.

The original settlers migrated south from fishing communities in Ondo State, and occupied a nearby site. They were forced to move to their current site by the state government to make room for the construction of an LSDPC housing estate during the Jakande administration. The government promised to resettle the residents, but this never happened. The popular narrative is that the government of the day was serious about including the original settlers in the scheme, but those plans were hijacked by the 'rich and powerful' who took all the new units for themselves.

Compounding the initial let-down by the Jakande administration, successive governments have largely ignored the people of Aiyetoro over the years. Residents cite a lack of basic public amenities – potable water, sanitation, health centres, schools, access roads and drainage. They have had to provide these services themselves or access them in neighbouring communities. After decades of neglect, the residents now face the threat of eviction by the government, as part of the latter's plans to relocate the Oko-Baba sawmill to the farthest side of the lagoon, away from the population centres that are so vital to the trade. This plan completely ignores the

dependencies between the sawmill and where its workers live, as well as others who have built their livelihoods around the lagoon and know no other way to earn a living.

Residents now live in constant fear of the eviction by the state. As one of them put it, "If they come or not, all is in the hands of God." The current threat is not for want of advocacy on the part of the people. Community leaders have been petitioning successive national and state governments since the 1980s, but the community's situation remains as precarious as ever. Part of the problem is the duality of responsibility that is typical of littoral communities in Lagos. The state government keeps referring the community to the federal government on the premise that the territory they occupy officially belongs to the latter – even though, in practice, the state retains significant autonomy and authority over those lands. And institutions at the national level are even less accountable than those at the state level. As a result, politicians routinely promise change to residents during election season only to break those promises when they get into office.

Residents' demands are quite simple. In the absence of 'reasonable' alternatives for community upgrading or resettlement, they want to be left alone to go about their lives without fear of eviction or harassment. They have evolved equitable governance systems (such as a land mapping and allocation system that protects women's rights to own land) over time. So government should draw on lessons from bottom-up processes such as these in creating housing policies targeted at the poor.

This leads to a second point, which is that despite the apparent progress made by LASURA in engaging with citizens, the agency has found it difficult to penetrate the internal frictions – often decades old – that exist in many of the communities it tries to work with. In practice, this requires that more effort be directed toward community engagement, along with concrete evidence of positive outcomes on the part of the agency. However, as has been alluded to above, LASURA relies on other agencies of the state government⁷ to action any of its plans, putting it in a vulnerable position with respect to delivering on its promises to its constituents.⁸

Beyond the problems occasioned by lapses in inter-agency collaboration, there are internal capacity gaps within LASURA itself that hobble its ability to realise its mandate. Acute human resource gaps have arisen from staff being posted out to other ministries and departments within the state civil service, shrinking the agency's multidisciplinary pool and perhaps signalling the low priority assigned to the agency's mandate by the government. This places real constraints on the agency's capacity to not only develop human-centred redevelopment and resettlement plans, but also to independently develop business cases for those plans that will attract the right kind of capital.

⁷ These include the Ministry of Housing and the Lagos Building Investment Company which hold the titles to several designated urban renewal areas, as well as agencies responsible for the delivery of critical infrastructure in those areas, such as the Ministry of Works and the Ministry of Health. Other agencies are also brought in when the nature of the case demands their input, such as the Office of Public-Private Partnerships in joint-venture discussions, and the Ministry of Justice in cases involving litigation.

⁸ According to the LASURA staff interviewed, some progress has been made on this front. There has been more collaboration and coordination among state ministries and agencies in recent years than was previously the case. Nonetheless, greater cooperation and synergy are required within the government if urban renewal is to be done in the interest of citizens.

Figure 4. Street-level view of Otumara, an informal settlement deemed by civil society actors to be at risk of imminent eviction due to a planned redevelopment exercise by the state government



Photo credit: Temilade Sesan

As it stands, the joint-venture arrangements envisaged by LASURA do not appear to have been met with much enthusiasm by private-sector actors. The emphasis within the housing sector on designing ‘bankable’ proposals results in both the government and the private sector continuing to build for middle-income earners. There remains a need to identify sources of funding, including from within the government’s budget, to finance the inclusive resettlement plans that LASURA has begun to develop. An inclusive resettlement policy would not only improve affordability for recognised

‘allottees’ – by stabilising rents at below-market rates for example – but would also provide compensation for tenants and squatters who do not have a recognised claim to the land. Working out the details of the kind of long-term investment and affordable finance that are required to meet the heterogeneous housing needs of all citizens, rather than the needs of just a few, is an urgent next step for the state government. Box 3 highlights a community-led proposal that underscores the potential of meeting the housing needs of the poor through alternative approaches.

4

Discussion: The centrality of land rights

It is clear from the analysis of housing policies and programmes provided above that government initiatives have historically been geared toward the development of formal institutions and instruments for aspiring homeowners. Several iterations of these policies have come and gone over the years, but there has been little by way of deliberate policies that target the majority of the working poor who have to resort to informal arrangements due to the lack of affordable housing.

Nowhere is the state's insistence on formalisation more acute than in the procedure it instituted for land titling following the federal government's enactment of the 1978 Land Use Act referenced above. Since then, the Certificate of Occupancy – or C of O – which is issued by the governor, has been the only officially recognised standard for establishing security of tenure in the state. The problem with this standard is that it is out of step with the realities of how the state institutions set up for the purpose actually work. The bureaucratic hurdles involved in getting a C of O from the state make it an expensive, drawn-out process, so that very few homeowners in the formal housing sector have succeeded in doing so, much less the urban poor for whom the process is akin to getting “a camel to pass through the eye of a needle,” according to a key informant from the Nigerian Slum/Informal Settlement Federation.

Community, civil society and private-sector stakeholders agree that security of tenure is the central issue that needs to be tackled if there is to be substantial progress in advancing the housing rights of citizens. Real progress requires the government to move away from rigid policies and institutions that clearly do not work for the majority, to creative solutions that make the most of the traditional and informal structures that govern everyday life for them. One such solution championed by local researchers and civil society organisations in recent times is the replacement of the one-track C of O system with a continuum of land rights that is flexible enough to accommodate both formal and informal claims to land in the city. This approach, which has broader international acceptance, has been implemented to varying degrees in several African contexts – including in Namibia, Angola, Mozambique, Malawi and South Africa.

There are indications that some of this thinking has begun to seep into the consciousness of political actors, albeit not on a large-enough scale to translate into concrete action. Successive governorship aspirants have outlined lofty plans for urban regeneration during their election campaigns, and yet, the housing lacuna remains. In particular, the incumbent governor, in a televised governorship debate in 2019, advocated for an “aggressive land reform exercise” in which he would issue land titles to existing slum residents in

recognition of their capacity to enhance the value of the land, thereby simultaneously framing his proposal as an investment-friendly and rights-respecting solution for slum communities.

The lack of movement on the issue in spite of such seemingly progressive rhetoric from aspiring politicians indicates that inclusive policies such as the official recognition of a continuum of land rights might not be so straightforward to implement in practice. At the core of the issue, protracting the long-running stalemate between the state and citizens, are the multiple vested interests that control access to land in a state that has so little of it, especially relative to the population that lives and works within its borders. As has been

indicated above, competing interests exist even among government ministries and agencies, with more powerful parties (often the ones aligned with private interests) holding greater sway in decision making regarding who should own land and what uses it should be put to.

In a particularly jarring example, landlords and tenants in the Magodo Estate, an exclusive Government Reserved Area where state-issued Certificates of Occupancy are supposed to be airtight, were recently sent scrambling by a Supreme Court ruling that ordered the state government to return more than 500 plots of land to their original owners. The government had until November 2023 to reach an out-of-court settlement with the presumptive landlords. While many residents

BOX 3. STRUCTURAL BARRIERS TO GRASSROOTS INNOVATION: IREDE

Irede is a waterfront community located close to the Apapa seaport in Lagos, the entry point for all seaborne goods. Irede is one of more than 100 informal communities that comprise the Federation, and as such its residents have been involved in active campaigns to protect their housing rights and those of the urban poor. Beyond activism, a group of residents have put forward a community-led proposal to develop new housing on uninhabited land to meet their needs and which aligns with the interests of private investors.

Their efforts have yielded architectural plans for multi-storey housing, produced in collaboration with architects, planners and developers, that responds to the social and economic needs of a broad spectrum of residents. Innovations include: solar power; non-motorised transport infrastructure; dedicated shop space at ground level; cold rooms for fish storage; spaces for fish processing and drying; and kitchens that are well-integrated with living spaces.

These innovations resulted from including community members in the planning process from the outset.

The community has financing partly worked out. Residents who are Federation members make small weekly payments into a common pot, reserved for the purpose of making equity contributions. In addition, it has developed a 'pro-poor' mortgage proposal that takes into account the vagaries of informal sector occupations in which money tends to come in daily or seasonally (as with fishermen).

Further, the proposal makes provision for units that can be rented out or sold at market rates to middle- and high-income buyers, to increase the return on investment for private developers. This is the kind of solution that local civil society actors have been advocating for: inclusive mixed-income housing that allows for cross-subsidisation of rent across units.

Irede residents hope to use their proposal as proof of concept that can be replicated in other informal communities across the city. For all the promise embodied by the plan, however, progress has been slow and painful – the most fundamental barrier being the inability of residents to secure tenure for the land required. Without that, neither residents nor private developers will invest in the plan, however innovative it sounds. The community has taken important steps towards purchasing the title to the land, including registering with the government as a cooperative to facilitate formal transactions. However, the main hurdle that it has been unable to overcome is the sheer cost – at Naira 300 million (approximately US\$384,000) – it is beyond the reach of the community.

The community has attempted diplomacy with key actors: the family that traditionally owns the land; the Nigerian Ports Authority, which has a long lease on the land; and LASURA, which was approached to mediate. These efforts have however yielded little in terms of government interest, neutralising the traction that the community had achieved with any prospective donors/investors.

It remains to be seen whether Irede's innovative proposal will work or not, but what it has done is open up possibilities and inspire a different way of thinking about slum upgrading in the city. Indeed, its creativity of the proposal may be problematic. According to a community representative, a senior LASURA official once declared that the plan is "too good to be true," suggesting its chances of acceptance by the political establishment were relatively low. Sustained community and civil society advocacy will be required to attract commensurate attention and resources to promising, yet politically unpopular, grassroots housing initiatives such as this.

have remained in place despite the ruling, the case is serious enough that incumbent landlords have reportedly started selling off their properties in an apparent bid to limit their losses.

According to a local researcher interviewed for this study, the ingredients that have historically combined to inform which communities come to the government's attention for eviction are predictable: high-value land in a prime location occupied by low-income tenants and squatters; designs by the private sector to profit from the luxury accommodation that could potentially be built on such land; and a keen desire by the state government to 'modernise' the city's image.⁹ The stakes are raised even higher for all parties involved when contested lands are located along the waterfront – bordering either the Lagos Lagoon separating the island from the mainland, or the Atlantic Ocean. Where waterfront communities are involved, a fourth entity is often invoked – the federal government, which, under the auspices of the Nigerian

Ports Authority, purports to own much of the city's coastal territory. Although the state government has the power to mediate between these communities and the federal government, it rarely does, choosing instead to maintain a neutral position that amounts to hedging its bets.

As the case of Irede (Box 3) demonstrates, these dynamics are further complicated by the clout of traditional landowning families, whose interests are often aligned with those of the government and private developers (Box 4). The interplay of these different interests leaves waterfront communities particularly vulnerable, often with devastating outcomes, as was vividly depicted during the forced evictions in Otodo Gbame in 2017 and Tarkwa Bay in 2020. It is these powerful interests that have been the impediment to the state government recognising and supporting informal communities' efforts to make space for themselves in the city's physical, social and economic fabric.

Figure 5. The 'jetty' at Itun Agan, a waterfront community opposite the main seaport in Lagos. Communities like this are often juxtaposed with commercial shipping and state interests on the waterways



Photo credit: Temilade Sesan

⁹ There has been a lot of official government rhetoric about Lagos becoming the next Dubai, a powerful metaphor encapsulating the state's ambition to remake the city into a world-class 'megacity' deserving of the title.

Meanwhile, as demonstrated by the case of Aiyetoro (Box 2), many communities have developed internal governance structures, or soft infrastructure, to respond to the myriad external threats facing them. The minimum the government should do is match this with hard infrastructure – drainage, access roads, social services – in addition to laws guaranteeing security of tenure, and informal communities will thrive the way the incumbent governor imagined while he was on the campaign trail.

For this to happen, civil society actors believe, a fundamental ideological shift needs to occur, so that the government starts seeing housing as a right for citizens and itself as responsible for guaranteeing that

right. If this right is established, the logic goes, the legal instruments to back its implementation will follow. After all, as a key informant from civil society put it, if the Nigerian Constitution is so emphatic about protecting citizens' right to life, why does it not go a step further to enshrine citizens' right to a *decent* life, including in the area of housing? It is clear that the status quo, in which the notion of housing as a right appears to be little more than an external construct imposed on the government by civil society actors, academics and the international community, needs to change. The concluding section suggests ways in which this change can be catalysed by the actors involved.

BOX 4. STATE COMPLICITY IN TRADITIONAL LEASING ARRANGEMENTS: IJORA-BADIA

The Ojora family is one of the major landowning families in Lagos, with huge tracts of land in the Apapa and Oworonshoki axes of the city. It has a longstanding policy of leasing its land rather than selling it outright and has built a sophisticated administrative structure over the years that allows it to collect ground rent on all its properties – an arrangement that works for them as long as settlers are aware that the land does not belong to them.

One of the earliest lessees of Ojora land were the Egun people, traditional fisherfolk who migrated to Lagos from other parts of southwest Nigeria and neighbouring Benin Republic. The Egun people had to be resettled when the Ojora family sold the land to the government for the construction of the National Theatre – but they continued to collect ground rent from them.

Over time, the original crop of settlers expanded into the area today known as Ijora-Badia, an agglomeration of various informal communities in the heart of the city. As their numbers increased, the settlers started laying claim to the land, setting off a protracted conflict with the Ojora family. The family took the case to the Supreme Court and, after the latter ruled in their favour, they moved to displace the settlers again – this time, with the help of the state government.

The complicity of the state government in disputes over family-owned land is perhaps most evident in the highly controversial Lagos HOMS project initiated in Badia East, a section of Ijora-Badia, in 2013. This was originally framed as a regeneration project to accommodate those whose homes had to be demolished to make way for the new buildings, as well as new buyers. This commitment was made at

the start, when government representatives consulted with the community and promised not to forcibly evict residents.

All this went up in smoke, however, when the state government reneged on its promise and razed Badia East overnight, displacing 9,000 people and leaving them with nowhere to go. Further, underscoring its lack of a sense of responsibility toward residents, the government made no move to compensate those who lost their homes until much later, when it buckled under pressure from civil society and the international community. Even then, the compensation was paid out of a loan that had originally been obtained from the World Bank for a slum-upgrading project on the site. An independent study conducted by JEI and partners two years later revealed that the sums involved fell far short of what would have been required to properly rehome residents.

Perhaps the most consequential outcome of these historical events from a governance perspective is that the Ojora family became almost indistinguishable from the state – as far as residents are concerned. There is a pervasive sense among residents that the two parties are aligned in reality and the community is the target of a conspiracy between them. When, in 2015, another round of evictions was carried out, this time ostensibly by the family, the community believed it was in reality the government using the family as a front to grab the land from underneath them. There are incentives to do this on both sides, after all. Historically, once the family succeeds in displacing a community, it simply leases the land all over again to the highest bidder – which sometimes happens to be the government.

5

Next steps for civic engagement and advocacy

The issue of housing rights has been the subject of vigorous campaigning by civil society organisations in Lagos (and elsewhere in Nigeria) for several decades now, a response that emerged against the vicious backdrop of forced evictions and other rights violations that are rife in the city's history. As was highlighted earlier, JEI, Spaces for Change, and SERAC are among the more notable organisations that have spearheaded this campaign locally. Notwithstanding the challenges that persist, these organisations' efforts have yielded some results. Whereas the government would previously shut the door on them if they so much as broached the topic of housing as a right, space is gradually being opened up for them (as well as community actors) to engage in dialogue with the government – and this, in turn, is helping shape broader perceptions of the issue.

One of the apparent manifestations of the impact of this sustained campaign is the recent engagement by political aspirants with the issue of land reform described above. This reflects both increasing reflexivity on the part of the political class and a sense of accountability toward their constituents in a democratic government. However, the reality that movement on the issue stalls once erstwhile governorship aspirants take office is proof that there remains a lot of room for

inventive civic and political engagement by housing rights advocates in the city. Civil society actors themselves recognise that the 'small wins' recorded so far are not enough, and that substantive progress will require citizens to take a much more active role in demanding accountability from elected officials. This analysis concludes with a few recommendations from stakeholders across the board on how to proceed in this regard.

First, the narrative of housing as a right for citizens needs to be simultaneously ramped up and reframed in the context. The government needs to shift from the neoliberal framing of its role as an enabler of business (or business as usual) in the housing sector, to a more responsive role as an enabler of the public good. The collective messaging around housing in the city needs to change: if a significant proportion of citizens are not able to afford decent housing, then it is not a private problem for individuals to solve but a public one for the government to address. A concerted housing rights campaign is needed that will simultaneously engage all three arms of government – the executive, the legislature and the judiciary – so that progress made in one area is not undermined in another. This applies equally to the federal government since it has so much control over waterfront locations in the city.

Second, in advancing a rights-based narrative, some stakeholders in the context favour a pragmatic approach to engaging the government, one in which the democratic imperative is balanced by arguments for the economic value that informal settlements add to the city. Putting a spotlight on the contribution that the myriad livelihood activities – such as fishing, sawmilling, trading that go on in those communities – makes to the economy of the city, is likely to be more persuasive than a sole focus on the government's responsibility to protect citizens. Proponents maintain that showing how inclusive housing policies can help the state realise its broader development goals, such as those expressed in the Lagos Development Plan or even the African Continental Free Trade Area (AfCFTA),¹⁰ would present the government with a win-win scenario that is difficult to ignore.

The point about linking advocacy messaging to areas in which the government already has incentives to act is an important one. One such area is the government's emphasis on delivering infrastructure through public-private partnerships (PPPs). The private sector does have a role to play in making upfront investments in such a capital-intensive sector as housing. The granting of security of tenure to slum dwellers, for instance, needs to go hand-in-hand with the availability of capital to develop the land – otherwise, it is easy to imagine tenure terms expiring without any changes to the status quo for lack of resources to build. The innovation needed is for PPPs in the sector to assume a human scale – in the words of a community representative, to incorporate a fourth P, which stands for 'People'. This means devising models of private investment better suited to the resources and capacities of slum dwellers than existing models.

An example of low-hanging fruit that can be explored in this area is the growing practice in which small- to medium-scale developers lease family-owned land for a short period, usually no more than 25 years, and pool private funds to build office space or residential accommodation on the land. Individual investors are invited to purchase one or more units which they can

rent out or live in until the developer's lease expires, at which point the land and the building are returned permanently to the landowner. There is currently no regulatory oversight of this space, which puts developers, investors and tenants in a precarious position in relation to the government. Further – and most importantly from the perspective of inclusion – the accommodation resulting from these arrangements, while relatively low-range, is still unaffordable for the typical slum dweller. Indeed, the developments often hint at gentrification since they typically involve the demolition of derelict units to make way for new ones that command higher rents than the neighbourhood average. Building PPPs with these homegrown investors could be one way of diversifying the instruments in the government's toolbox for delivering inclusive housing.

Lastly, linked to the point about fostering inclusivity, the narrative around housing rights in Lagos needs to be targeted at a much broader segment of society than has historically been the case. In particular, it needs to enlist the voices of middle-class citizens who have been largely absent from the discourse. The rationale for this is not far-fetched: the city is essentially one long continuum of residential and commercial activity that cuts across socio-economic classes. Everyone within it is linked. Therefore, a city that does not work for one will not work for all. There are many examples of this interconnectivity of residents: employers who have to make impromptu housing arrangements for domestic staff because the latter cannot afford accommodation nearby; roadside markets that pop up unceremoniously and jostle for precious real estate in middle-class enclaves; and places of worship that double as ad hoc shelters for displaced people who have nowhere else to go. These connections are everywhere present and potent. What housing rights advocates need to do is deploy them in popular narratives so middle-class citizens can engage with them explicitly. In sum, a whole-of-society approach is needed to promote solidarity on the issue of housing rights, rather than the traditional focus on particular segments which can promote a false sense of division in the civic space.

¹⁰The AfCFTA was signed by African Union member states in 2018 to lower barriers to trade across their borders. Observers note that the realisation of this 'ambitious' pact will be contingent on the implementation of complementary policies in other areas. Housing is one such area, given that free trade implies the unfettered movement of people across borders. While cross-border movement is not a new phenomenon, especially within the West African region, AfCFTA can be expected to accelerate the trend and, consequently, increase the need for housing options that cater to different categories of migrants.

Abbreviations and acronyms

| | |
|------------|--|
| AfCFTA | African Continental Free Trade Area |
| C of O | Certificate of Occupancy |
| FCDO | Foreign, Commonwealth and Development Office (UK government) |
| FCN | Future Cities Nigeria |
| GDP | Gross domestic product |
| JEI | Justice & Empowerment Initiatives |
| Lagos HOMS | Lagos Home Ownership Mortgage Scheme |
| LASURA | Lagos State Urban Renewal Agency |
| LSDPC | Lagos State Development and Property Corporation |
| NGN | Nigerian Naira |
| PPP | Public-private partnership |
| SERAC | Social and Economic Rights Action Centre |

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There is a long history of the state violating the housing rights of citizens in Lagos, the commercial capital of Nigeria and its most populous city. Despite the frequency of these violations, there is a dearth of critical academic discourse on this topic to trigger evidence-informed changes in urban policy and governance. This paper contributes to the discourse by critically analysing the postcolonial trajectory of housing policy and urban planning in the city. The analysis uncovers strategies for advancing housing rights when scarce resources and powerful interests combine to dispossess ordinary citizens of those rights.

IIED is a policy and action research organisation. We promote sustainable development to improve livelihoods and protect the environments on which these livelihoods are built. We specialise in linking local priorities to global challenges. IIED is based in London and works in Africa, Asia, Latin America, the Middle East and the Pacific, with some of the world's most vulnerable people. We work with them to strengthen their voice in the decision-making arenas that affect them — from village councils to international conventions.



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