

AT THE MERCY OF THE GOVERNMENT

VIOLATION OF THE RIGHT TO AN EFFECTIVE
REMEDY IN BADIA EAST, LAGOS STATE, NIGERIA

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Cover photo: A cross-section of Badia East residents during a housing rights workshop by Amnesty International in Badia East, August 2013.

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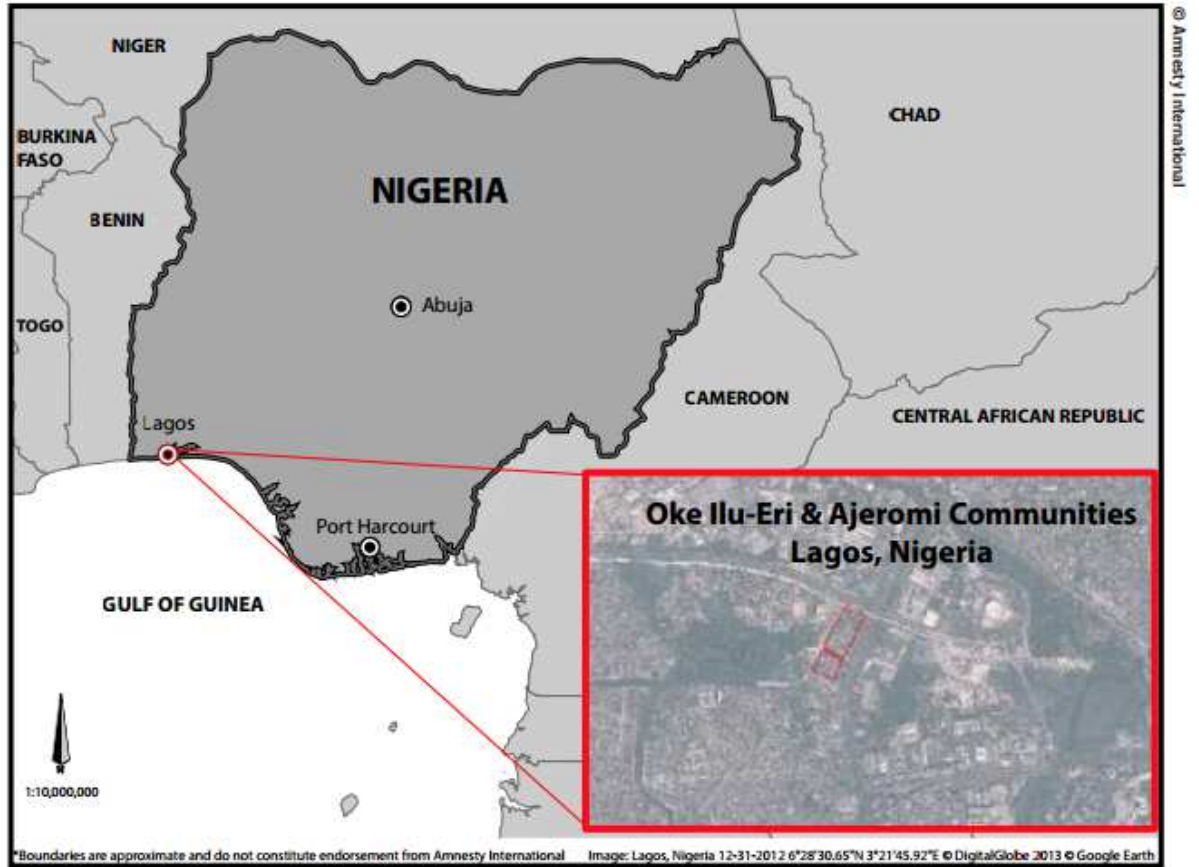
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LOCATIONS OF COMMUNITIES AFFECTED BY DEMOLITION ON 23 FEBRUARY 2013.



1. INTRODUCTION

“Sir since February 23 the people have nowhere to stay, they sleep outside. Mosquito! Malaria! Cholera! In the process many have died, even about few weeks ago some still died of cholera, a pregnant woman. Now, our life, our pains and what we went through can never be paid but only the structures that even we ask for now we found out that there is total reduction from what we formerly agreed on. Sir, N90,000? You cannot rent a house with it, these people are citizens of Lagos state; and some of us pay our dues in that place [Badia East] Sir, as citizens. Even up till now, no relief! No relief comes to anybody. We were expecting from the government angle at least to look upon the people with mercy and to give the people something substantial.”¹

- Badia East community representative

On 23 February 2013 the Lagos state government sent bulldozers into Badia East, an informal settlement in Lagos, Nigeria.² With the support of heavily armed police the government demolished at least 266 structures that served as homes and businesses.³ The demolitions were presumed to affect 1,933 tenement households and 319 residential structure owners.⁴

None of the legal and procedural safeguards that are required under international human rights law and standards in relation to evictions were observed. There was no genuine consultation with the affected people to identify alternatives to eviction. The government failed to provide adequate notice, legal remedies, alternative housing for those unable to provide for themselves or compensation for the loss of property. No relief was provided to mitigate the effect of the eviction. The Lagos state government, which carried out the demolitions, did not identify the homes and businesses that were demolished, record details of the people who were affected, or take an inventory of their possessions prior to the eviction. In the absence of adequate alternative housing and with the destruction of means of livelihood, many people were unable to rent or procure alternative housing for themselves and had to depend on friends, family or the broader community for food, clothing, and shelter.⁵

The demolitions in Badia East constituted a forced eviction⁶ which violates the International Covenant on Economic, Social and Cultural Rights (ICESCR), a treaty to which Nigeria is a party.⁷

The residents of Badia East who were forcibly evicted were amongst the beneficiaries of a World Bank funded project intended to increase access to basic services for the wider Badia community.⁸ Following the forced eviction, the World Bank intervened with the Lagos state government, which agreed - in April 2013 - to provide the affected people with compensation under a Resettlement Action Plan (henceforth called 'a RAP').⁹ A RAP was to be prepared by the government in line with the World Bank's policy on involuntary resettlement and approved by the World Bank. Nine months after the forced eviction the Lagos state government produced a RAP, under which it offered to give affected people limited financial assistance instead of compensation for their losses.

This report documents the flawed process of preparing a RAP and the Lagos state government's failure to adequately compensate affected people in line with Nigeria's international human rights obligations, in particular the obligation to guarantee the right to an effective remedy. The report also documents the World Bank's failure to adequately ensure that a RAP it approved - and the process by which it was prepared - was consistent with international human rights standards and the World Bank policy on involuntary resettlement.

METHODOLOGY

This report is the outcome of research conducted by Amnesty International on the preparation of a RAP for the affected people of Badia East. The report draws on research conducted by Amnesty International between February 2013 and June 2014.

In May 2013 Amnesty International conducted field research in Badia East and in March 2014, an Amnesty International delegate visited Badia East and held discussions with a group of affected people. Between April and May 2014, Amnesty International conducted detailed interviews with the eight Badia East community representatives who represented affected people in consultations with the Lagos state government Technical Committee on Badia East (henceforth called 'the Technical Committee').

The research for this report also draws on correspondence to Amnesty International from the Lagos state government and the Reviewed Resettlement Action Plan for Displaced Persons in Badia East, November 2013 (henceforth called 'the RAP') and documents relating to the development and implementation of the RAP. Amnesty International analysed audio recordings¹⁰ of a meeting between the government and community representatives and a meeting between the Technical Committee and community representatives.

Amnesty International requested the following documents from the Chairperson of the Technical Committee and from the Lagos State Attorney General and Commissioner for Justice¹¹ (henceforth called 'the Attorney-General').

- Minutes of meetings between the Technical Committee and the community representatives held on the following dates: 26, 27, 28, 29 and 30 August 2013; 18, 19 and 23 September 2013; 20 November 2013; 9 December 2013; 10 February 2014.¹²
- Copies of the two earlier resettlement plans that were mentioned in the introduction section of the RAP: "The Resettlement Action Plan (RAP) and the Revised Resettlement Action Plan (RRAP)."¹³

The Attorney-General responded stating: "For now, the official records of the Technical Committee cannot be released...its records are still to form part of a final report to Government which will be delivered after the closure of programme implementation."¹⁴

2. BACKGROUND

Badia East is part of the larger Badia community, which is one of nine settlements (“slums”) that was intended 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.”¹⁵ The infrastructure component of the project (estimated at US\$160.89 million)¹⁶ included urban upgrading activities in “nine of the largest slums identified in 1995”¹⁷ in Lagos State, along with drainage and solid waste management projects. The LMDGP closed on 30 September 2013.¹⁸

The area of land from which people were forcibly evicted on 23 February 2013 had been earmarked by the Lagos State Ministry of Housing for a housing development project.¹⁹ This housing project did not form part of the activities under the LMDGP. However, the Lagos state government had stated that the location was chosen for housing development because the area had been earmarked for regeneration/renewal under the LMDGP.²⁰

The Financing Agreement between the World Bank and the Federal Government of Nigeria for the LMDGP required the Project Implementing Entity, which was the Lagos state government, to “carry out city wide upgrading programs in accordance with acceptable principles...such principles shall include the following: (i) involuntary resettlement should be avoided where feasible; (ii) where it is not feasible to avoid involuntary resettlement, displaced persons shall be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs; and (iii) displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels.”²¹

Following the forced eviction at Badia East, the World Bank raised concerns about it with the Governor of Lagos state.²² On 26 April 2013 the World Bank held a meeting with the Lagos State Governor to agree on the way forward.²³ The World Bank agreed to assist the Lagos state government with the development of a detailed and time-bound action plan to address the impacts of the forced eviction on the affected people.²⁴ During the meeting, the World Bank stated that the people affected by the demolitions in Badia East should be supported in a manner that was consistent with the provisions of the LMDGP’s Resettlement Policy Framework (RPF).²⁵

In May 2013 the Lagos state government informed Amnesty International 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, ... a socio-economic assessment of the impact will be conducted in accordance with principles set out by the Resettlement Policy Framework [for the LMDGP], endorsed by the State Government to identify those genuinely affected by the exercise with a view to rendering needed support

to them.”²⁶ To achieve this, a RAP had to be prepared²⁷ which required the approval of the World Bank. The World Bank Nigeria Country Office confirmed to Amnesty International that “the preparation of the RAP will be underpinned by a strong consultative process.”²⁸

DEVELOPMENT OF THE RESETTLEMENT ACTION PLAN

In order to prepare and oversee the implementation of the RAP, the Lagos state government established a Technical Committee which included directors in relevant government ministries.²⁹

This is the second time a RAP has been developed retrospectively for Badia East in relation to the World Bank funded LMDGP. On 6 March 2012, without notice, the Lagos State Kick Against Indiscipline (KAI)³⁰ brigade demolished over 300 structures in Badia East to make way for the construction of a canal; the canal was part of the LMDGP. The KAI brigade destroyed some homes by setting fire to them; bulldozers demolished the remainder the following morning.³¹ Following nine months of negotiations between the Lagos state government and the affected community, in December 2012, the LMDGP developed a RAP and paid cash compensation to 124 affected people.³²

On 15, 16, and 17 July 2013 the Technical Committee conducted a verification and census exercise to determine those affected by the 23 February 2013 forced eviction.³³ In August 2013 the Technical Committee began a series of consultative meetings with eight community representatives (henceforth called ‘the community representatives’) of Oke Ilu-Eri and Ajeromi, the two communities of Badia East affected by the forced eviction. Five consultative meetings were held between the Technical Committee and the community representatives in August 2013; during these meetings an agreement was reached “to adopt the Database of Project Affected Persons compiled and submitted by the community representatives.”³⁴ The database of affected persons included 1,933 tenants³⁵ [tenement households] and 319 structure owners.³⁶

In a subsequent consultative meeting, held on 18 September 2013, the Technical Committee proposed the following “entitlement matrix” to the community representatives:³⁷ the payment of N227,725 (US\$1,384.87)³⁸ each to small structure owners, N370,740 (US\$2,254.59) each to medium structure owners, N449,780 (US\$2,735.26) each to large structure owners, and N92,800 (US\$564.35) each to tenants.³⁹

Amnesty International interviewed the community representatives involved in the RAP discussion from 28 April to 9 May 2013. They told Amnesty International that they took the “entitlement matrix” back to the affected people for consultation.⁴⁰ However, many affected people considered it inadequate compensation for the losses they had suffered. The community representatives communicated people’s rejection of the proposal to the Technical Committee at a meeting on 19 September 2013. At that meeting, the figures in the “entitlement matrix” were increased by the Technical Committee “in the spirit of arriving at a mutual and equitable resolution.”⁴¹ The increased “entitlement matrix” included: the payment of N261,811.25 (US\$1,592.16) each to small structure owners, N426,677 (US\$2,594.76) each to medium structure owners, N532,769 (US\$ 3,239.94) each to large structure owners, and N114,200 (US\$694.487) each to tenants.

During the final consultative meeting on 23 September 2013, seven of the eight community representatives and the Technical Committee signed a resolution document containing the revised “entitlement matrix”.⁴² Biola Ogunyemi, a community representative for Ajeromi, told Amnesty International that she refused to sign the resolution document because the revised “entitlement matrix” was still inadequate as compensation for affected people.

On 30 September 2013 the World Bank gave a preliminary approval to a RAP⁴³ (henceforth called ‘the September 2013 RAP’) prepared and sent to it by the Technical Committee.⁴⁴ The September 2013 RAP contained the revised ‘entitlement matrix’.⁴⁵ The community representatives and affected people waited for over five weeks with no information from the Technical Committee on the approval of the September 2013 RAP or its implementation.⁴⁶

REDUCTION OF AMOUNTS IN THE ‘ENTITLEMENT MATRIX’

On 20 November 2013, the Attorney-General met with the community representatives to inform them of the decision of the Lagos state government to reduce the amounts in the revised entitlement matrix. Other people present at that meeting included: members of the Technical Committee; the Lagos State Commissioner for Housing (henceforth called ‘the Commissioner for Housing’; two staff of the Social and Economic Rights Action Center (henceforth called ‘SERAC’); and two World Bank staff who declared they were at the meeting in an observer capacity.

At the meeting the Attorney-General told the community representatives that the Lagos state government had decided to give affected people financial assistance instead of compensation. The financial assistance included: the payment of N171,725 (US\$1,044.31) each to small structure owners, N248,740 (US\$1,512.67) each to medium structure owners, N309,780 (US\$1,883.87) each to large structure owners, and N90,400 (US\$549.751) each to tenants.

	ORIGINAL PROPOSAL OF THE TECHNICAL COMMITTEE (REJECTED)	AMOUNTS AGREED BY TECHNICAL COMMITTEE AND SEVEN COMMUNITY REPRESENTATIVES ON 23 SEPTEMBER 2013	AMOUNTS APPROVED BY THE LAGOS STATE GOVERNMENT AND ANNOUNCED BY THE ATTORNEY-GENERAL ON 20 NOVEMBER 2013
SMALL STRUCTURE OWNERS	N227,725 (US\$1,384.87)	N261,811.25 (US\$ 1,592.16)	N171,725 (US\$ 1,044.31)
MEDIUM STRUCTURE OWNERS	N370,740 (US\$ 2,254.59)	N426,677 (US\$2,594.76)	N248,740 (US\$1,512.67)
LARGE STRUCTURE OWNERS	N449,780 (US\$2,735.26)	N532,769 (US\$3,239.94)	N309,780 (US\$1,883.87)
	N92,800	N114,200	N90,400

TENANTS	(US\$564.35)	(US\$694.487)	(US\$549.751)
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These amounts were less than those agreed between seven out of the eight community representatives and the Technical Committee. The Attorney-General justified the reduced amounts on the basis that the affected structure owners had no land title or building permits and the amounts in any case exceeded standard government compensation rates for people who had title to land and building permits.⁴⁷ The Attorney-General concluded: "It was therefore difficult for government to stamp a compensation matrix that would put you [affected persons] ahead of others from whom we did a proper acquisition... we had to temper it [entitlement matrix]." The Attorney-General did not give reasons why the proposed amount for tenants was also reduced.

The Attorney-General emphasized: "If anybody says no, I don't want your assistance I want proper compensation because my house was destroyed. If that person can show land title, he can show planning permit approved by the Ministry of Physical Planning through the planning office then he can opt out of this arrangement. Such a person can say no! I am not for assistance. I am making my claim for compensation because you have acquired my property which I built legally. Okay! Then the person can opt out. Okay, and come for whatever he feels that his claims are. But for others this is the financial assistance proffered that government has now approved."⁴⁸

Five of the community representatives expressed their dissatisfaction with the government's offer of financial assistance. They emphasized the fact that the financial assistance was inadequate and called on the government to increase it.⁴⁹

One community representative told the Attorney-General: "We as a committee, we are still saying that money is not enough, that you should still review that money. Though we do not have any land document, but we have been staying in that land for 40 years... Sir we are not really happy with the new development... we are not happy with this amount."⁵⁰

Despite the dissatisfaction of the community representatives the Lagos state government sent a revised version of the September 2013 RAP, which it titled Reviewed Resettlement Action Plan, to the World Bank for final approval. According to the World Bank the reviewed version of the September 2013 RAP was a revised offer containing new 'compensation packages' and "in the view of the Lagos Government, the revised offer was more in line with the market rates than the offer made in the September 2013 RAP."⁵¹ On 27 January 2014 the World Bank approved the RAP.⁵²

TIMELINE

23 February 2013: Lagos state government forcibly evicts affected people in Badia East.

25 February 2013: Affected people organise a large and peaceful protest in front of the Lagos State Governor's office.

30 February 2013: The Lagos State Commissioner for Housing states on national television that the Lagos state government had the intention of providing free resettlement to affected people in the Badia housing project.

April 2013: The Lagos state government agrees to prepare a RAP retrospectively for affected people, after the World Bank raised concerns with the Lagos State Governor.

May 2013: The Lagos State Commissioner for Housing informs Amnesty International that all the people who were forcibly evicted on 23 February 2013 will not be resettled by the government in the housing project planned for Badia. He repudiates the announcement he made on television regarding provision of free housing and asserts that he was misquoted.

July 2013: The Technical Committee conducts a verification and census exercise to determine those affected by the forced eviction.

August 2013: Eight community representatives are nominated to represent affected people in consultative meetings. Five consultative meetings are held between the Technical Committee and the community representatives. During the meetings an agreement is reached to adopt the Database of Project Affected Persons compiled and submitted by the community representatives.

September 2013: Three consultative meetings are held between the Technical Committee and the community representatives. The Technical Committee proposes 'entitlement matrix' which was rejected by affected people. The Technical Committee increases the 'entitlement matrix' which was accepted by seven out of eight community representatives.

4 November 2013: The World Bank informs Amnesty International that the draft of the RAP would be shared with the larger community.

20 November 2013: The Attorney-General announces to the community representatives a reduction of the 'entitlement matrix' emphasizing that the government is only giving affected people financial assistance rather than pay compensation.

27 November 2013: The World Bank receives the final draft RAP from the Lagos state government.

9 December 2013: The community representatives accept the offer of financial assistance with conditions.

20 December 2013: The community representatives accept the offer of financial assistance unconditionally following the government's rejection of their conditional acceptance.

27 January 2014: The World Bank approves the RAP.

3. THE FAILURES OF THE LAGOS STATE GOVERNMENT

The development of a RAP was an opportunity for the Lagos state government to provide compensation to those affected by the forced eviction of 23 February 2013. However, as discussed in this chapter, the Lagos state government failed on several occasions to fulfil its human rights obligations to the affected people in the process of developing the RAP.

LACK OF GENUINE CONSULTATION

Genuine consultation with people affected by eviction is a requirement of international human rights standards.⁵³ Also the UN Basic Principles and Guidelines on Development-based Evictions and Displacement has emphasized that: “Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities.”⁵⁴

Given that the RAP was developed retrospectively, it was even more vital that affected people were provided with opportunities for genuine consultation in its development, in order to ensure that resettlement and compensation arrangements complied with international human rights standards and provided effective remedy for the harm and loss that affected people had suffered.

In November 2013 the World Bank assured Amnesty International that the draft of the RAP would be shared with the larger community. However, the community representatives informed Amnesty International that the Technical Committee did not disclose the draft of the RAP to them before it was approved by the World Bank. The Lagos state government has stated that the draft “was duly shared;”⁵⁵ however, this is contradicted by the fact that the Technical Committee told the community representatives, at a meeting, that they could not disclose the draft of the RAP to them because the World Bank had not approved it.⁵⁶ The community representatives were entitled to draft copies of the RAP, before they were sent to the World Bank. This was to enable them provide effective input to the Technical Committee on the plans contained in the document and also indicate their agreement. This was even more important since the draft RAP contained more information than the information shared with the community representatives at the consultative meetings.⁵⁷ Also, the draft of the RAP should have been agreed to by the community representatives before the Attorney-General

sent it to the World Bank for final approval. The draft of the RAP was sent to the World Bank with a letter dated 26 November 2013, over three weeks before the community representatives indicated their agreement to it through their letter dated 20 December 2013.

The community representatives informed Amnesty International that both the initial and the revised 'entitlement matrix' were formulated unilaterally by the Technical Committee and presented to them for acceptance. One community representative said: "We were not consulted when they were putting the figures together; they did their computations and gave to us with the figures that they arrived at." This fact is corroborated by the RAP, which indicates that the valuation of structures used to determine the 'entitlement matrix' was computed by a Principal Quantity Surveyor in the Lagos State Ministry of Housing.⁵⁸

In addition to the above the Attorney-General had stated that the Technical Committee did not have the power to make agreements with the community representatives that was binding on the government.⁵⁹ This fact had never been communicated to the community representatives and appears not to have been clear to the Technical Committee, since they initiated and signed a resolution agreement with the community representatives. The whole process of the Technical Committee's discussions with the community representatives was therefore rendered void by the Attorney-General's declaration. Also, the Lagos state government reduced the amounts contained in the 'entitlement matrix' without consulting affected people or their representatives. Therefore the process described above cannot be considered to be genuine consultation.

LACK OF ADEQUATE REPRESENTATION

As noted previously the affected people were represented by eight community representatives. The process by which the community representatives emerged was problematic. Four community representatives informed Amnesty International that they received mobile phone text messages from the Technical Committee inviting them to the first consultative meeting in August 2013.⁶⁰ After some of those invited informed the larger Badia East community, many community members turned up at the first consultative meeting. On seeing a large contingent from Badia East, the community representatives said the Technical Committee asked the contingent to select representatives from those present to represent the affected communities of Badia East: four representatives for Oke Ilu-Eri and four for Ajeromi. The eight community representatives that were eventually selected included the four that said they had received invitations via text messages. The Lagos state government has confirmed to Amnesty International the process of selection described by the community representatives.⁶¹

The community representatives informed Amnesty International that their nomination was validated by affected people in subsequent "town hall" meetings with them; however the impromptu selection of representatives may have facilitated inadequate representation of affected people. No tenant was among the eight representatives despite the fact that tenants constituted the largest number of affected people; all the community representatives were structure owners. Only two women were among representatives, although many women lost small businesses.⁶² In addition the community representatives emerged from those present at the first meeting without an opportunity for those not present at that meeting to be selected

or elected as representatives.

FAILURE TO PROVIDE OPTIONS FOR ADEQUATE ALTERNATIVE HOUSING

“In a place like Lagos where the incidence of land invasion and unapproved buildings is rampant, a policy of alternative accommodation or full compensation for all displaced persons is simply not feasible. Financial assistance is to enable them resettle elsewhere”⁶³

-Lagos State Attorney-General

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.”⁶⁴

The RAP developed by the Lagos state government fails to provide options of adequate alternative housing for affected people; fails to explore any potential avenues for provision of alternative housing; and fails to provide appropriate sustainable livelihood assistance. The RAP merely states: “The state eventually opted for monetary compensation after due consultations with representatives of affected communities, in view of the number of affected persons as provision of physical resettlement does not appear feasible.” There was no information in the RAP of the government’s identification or consideration of feasible options for providing affected people with adequate alternative housing and resettlement.

The Lagos state government informed Amnesty International that “all options, including provision of alternative accommodation and compensation, were put forward and discussed at the meetings, but the Technical Committee could only propose financial assistance for affected persons who had no land titles or approved building plans.”⁶⁵ However the government did not give details of the options it says were discussed. In addition the statement of the government is contradictory and contradicted by the facts. The government did not explain why all options were considered if the only proposal that could be made was financial assistance. In fact the Technical Committee did propose financial assistance, it signed an agreement for compensation with the community representatives. Clearly the Technical Committee felt it could propose compensation. The decision to give only financial assistance was only taken by the state executive council of the government and announced later by the Attorney-General after consultative meetings had ended. Moreover the Attorney-General confirmed to Amnesty International that the “government does not provide alternative accommodation or compensation for persons who are unable to show proof of lawful occupation or approved building plan at the location from which they were displaced.” This is an indication that the Lagos state government had no intention of providing affected people with adequate alternative housing.

The community representatives, on the other hand, informed Amnesty International that the provision of alternative housing or resettlement to affected people was not put forward as an option during their consultative meetings with the Technical Committee. They all confirmed

that the Technical Committee emphasized to them that “cash compensation” was the only option made available to them.

The Lagos state government has not made minutes of the consultative meetings available despite a request made by Amnesty International. The government stated that the official records of the Technical Committee cannot be released until a final report is delivered to the government at the end of the implementation of the RAP.⁶⁶ In light of this, it is not possible to corroborate the government’s claims of discussing the provision of alternative accommodation with the community representatives at the consultative meetings. However, the resolution document the Technical Committee sent to the community representatives via e-mail on 20 September 2013 corroborates the claims of the community representatives. The document, at paragraph 3.0, states that “the only resettlement option as available to the State in the circumstance was monetary resettlement.” This is a further indication that options of providing adequate alternative housing was not provided.

Statements by senior members of the Lagos state government also calls into question the genuineness of any attempt to explore the provision of adequate alternative housing to the affected people. On 20 November 2013, the Lagos State Commissioner for Housing and the Attorney-General emphasized to the community representatives that affected people will not be resettled in the housing scheme on the Badia East land.⁶⁷ They stated that the housing scheme would be available to all residents of Lagos state through a mortgage scheme and if affected people were interested they should apply for it. They emphasized that affected people would not be given priority.

LACK OF ADEQUATE COMPENSATION

“Honourable Commissioner, to start with, I want to put on note Sir that the mega city status that the Lagos state government is desirous of working towards would suffer a great setback Sir with this amount of assistance that the state government has agreed to offer to us. Why? With this amount I can assure you that the only place we can get to stay is a slum. With this amount we would look for the poorest part of the state and put up structures there; because for one to live in a habitable place this amount of money you have agreed to offer us cannot be sufficient.”⁶⁸

- Badia East Community Representative

The Lagos state government has justified its giving of financial assistance, instead of compensation, to affected people by stating that it was “mindful of setting a precedent or communicating a policy whereby illegal occupiers of land without development permits have to be paid full compensation upon eviction.”⁶⁹ This explanation is not valid as it contravenes international human rights law and standards.

According to international human rights standards: “When eviction is unavoidable, and necessary for the promotion of the general welfare, the State must provide or ensure fair and just compensation for any losses of personal, real or other property or goods, including rights or interests in property. Compensation should be provided for any economically assessable damage, as 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. Cash compensation should under no circumstances replace real compensation in the form of land and common property resources. Where land has been taken, the evicted should be compensated with land commensurate in quality, size and value, or better.”⁷⁰

Also, the UN Committee on Economic, Social and Cultural Rights has emphasised that states parties to the ICESCR shall ensure that all persons affected by evictions have a right to adequate compensation for any property, both personal and real, which is affected.⁷¹ All affected people irrespective of whether they hold title to their property, should be entitled to compensation, including compensation for losses related to informal property such as slum dwellings.⁷²

The affected people and the community representatives interviewed by Amnesty International have stated that the financial assistance offered by the Lagos state government is insufficient for accessing adequate alternative housing in Lagos state, either by renting or building new homes.⁷³ They claim that adequate housing in Lagos state is expensive and the only place they could find alternative accommodation with the financial assistance offered was in other informal settlements in Lagos state. Living in other informal settlement would put the affected people at risk of further forced eviction since they would not have security of tenure in such settlements.

The reports of two independent appraisers hired by the World Bank, and seen by Amnesty International, confirm the inadequacy of the financial assistance offered by the Lagos state government to affected structure owners. The report indicated much higher sums than those offered by the Lagos state government as the cost of replacements for the type of homes demolished by the government in Badia East. The World Bank has stated that “the conclusion of the Bank-hired appraisers indicated that while the payment for the tenants are adequate, the offers for the owners of dwellings were lower than market rates by about a third.”⁷⁴ With regard to the financial assistance offered to tenants, it should be noted however, that the valuation of the two independent appraisers were based on a survey of rents and structures of accommodation comparable to Badia, an informal settlement. This indicates that affected tenants could only secure alternative housing either in Badia East or other informal settlements similar to Badia.

LACK OF PROPER IDENTIFICATION AND PROTECTION OF DISADVANTAGED GROUPS

According to international human rights standards, “in determining the compatibility of resettlement with the present guidelines, States should ensure that in the context of any case of resettlement the following criteria are adhered to: ... (b) Resettlement must ensure that the human rights of women, children, indigenous peoples and other vulnerable groups are equally protected, including their right to property ownership and access to resources”.⁷⁵

In order to ensure that the human rights of disadvantaged groups are protected, resettlement measures must adequately and properly identify all those who would qualify as belonging to a

disadvantaged group.

The RAP highlights the socio-economic pattern of the two affected communities of Badia East by describing household size, educational background, occupation, age, gender and standard of living.⁷⁶ It states that “vulnerable groups amongst the affected people consisted of 113”⁷⁷ but does not identify the groups and take their needs into consideration in determining the ‘entitlement matrix’. For example, the RAP does not address the impact of the eviction on people with disabilities nor does it address the impact on the education of children.

FAILURE TO PROVIDE LIVELIHOOD SUPPORT TO AFFECTED PEOPLE

According to the UN Basic Principles and Guidelines, “to the extent not covered by assistance for relocation, the assessment of economic damage should take into consideration losses and costs, for example, of land plots and house structures; contents; infrastructure; mortgage or other debt penalties; interim housing; bureaucratic and legal fees; alternative housing; lost wages and incomes; lost educational opportunities; health and medical care; resettlement and transportation costs (especially in the case of relocation far from the source of livelihood). Where the home and land also provide a source of livelihood for the evicted inhabitants, impact and loss assessment must account for the value of business losses, equipment/inventory, livestock, land, trees/crops, and lost/decreased wages/income.”⁷⁸

Many affected people lost their small businesses to the forced eviction. Also many structure owners who relied on the rent from their structures lost their means of livelihood. Despite the loss of livelihoods of many affected people the RAP only refers to financial assistance to cover for loss of structures, household assets and rent for tenants. It does not refer to the provision of livelihood support to affected people, which is essential to restore their livelihood and standards of living. It categorized owners of businesses as tenants,⁷⁹ failing to put in place measures for the restoration of the businesses destroyed.

PRESSURE TO ACCEPT INADEQUATE FINANCIAL ASSISTANCE

“This thing [RAP consultation] was dragging, people were suffering, dying on a daily basis; we had a lot of cases in the community and it was like you guys are wasting our time, we are hungry, we are dying. We had that pressure from the community...If we decided to abandon the whole process because the state government would not shift the [affected] people ultimately will suffer”⁸⁰

-Badia East Community Representative

Although the financial assistance offered by the Lagos state government was seen by most affected people as inadequate, they nonetheless were inclined to accept it because most of them had been living in precarious situations for many months. Albert Olorunwa, a community representative told Amnesty International: “When there is no food in your belly how would you get the strength to fight, that is what is happening in Badia East. People accepted it [financial assistance] out of frustration.” Adebayo Medunoye, another community representative, said that “at the end of the day we had no option but to accept the RAP because our people have been complaining bitterly that it has taken a long period

[development of the RAP].”

The community representatives also claimed that several people had died while awaiting compensation and that this increased the pressure on community representatives to accept the inadequate financial assistance. Amnesty International could not verify any details about the cause of the reported deaths.

According to the UN Basic Principles and Guidelines: “The Government and any other parties responsible for providing just compensation and sufficient alternative accommodation, or restitution when feasible, must do so immediately upon the eviction, except in cases of force majeure. At a minimum, regardless of the circumstances and without discrimination, competent authorities shall ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. States should also ensure that members of the same extended family or community are not separated as a result of evictions.”⁸¹

The Lagos state government did not provide relief to affected people immediately after it forcibly evicted them. This compounded their precarious situation and made them susceptible to accepting an inadequate financial assistance.

Community representatives also felt under pressure after the government reduced the amounts in the ‘entitlement matrix’. They - and other affected people - were worried that they might end up getting nothing if they did not accept the inadequate financial assistance.

On 9 December 2013 the community representatives signed and delivered a letter, indicating their conditional acceptance of the financial assistance, to the Attorney-General’s office. In their letter they emphasised that the development and implementation of the RAP had “suffered unnecessary delays which had resulted in the death of some [affected] people due to hunger and deprivations”. The letter stated that they were “not satisfied with the total package but accepted with the hope of further upward review.” The letter also stated that the acceptance of the financial assistance was conditional on the implementation of the approved RAP “as soon as possible”; and “that the 319 property owners will be given the offer of first refusal [priority of purchase] in the 1,008 housing scheme being developed on the site of our community as promised by the state government to own the apartments when completed through open bidding system to be designed by the state government”.

The conditions were rejected by the Lagos state government. The government stated that it could not proceed on the basis of a conditional acceptance of the financial assistance because the claims of affected people would have been entertained indefinitely.⁸² The rejection of the conditions may have added to the pressure community representatives were already under. After several days of consulting with affected people the community representatives accepted the inadequate financial assistance unconditionally through a letter dated 20 December 2013.

AFFIRMATION RELINQUISHING RIGHTS

In order for affected people to access the financial assistance under the RAP the Lagos state government required them to sign a form⁸³ affirming that they relinquish all claims to damages, compensation or restitution, whether financial or otherwise or other legal or equitable rights which they may have in respect of any loss suffered as a result of being forcibly evicted from Badia East on 23 February 2013.

Biola Ogunyemi and Albert Olorunwa, two community representatives, told Amnesty International that at a meeting held with the community representatives on 10 February 2014, the Technical Committee and officials of the LMDGP showed the community representatives copies of the form. The two community representatives said that they and two other community representatives of Ajeromi opposed the inclusion of the affirmation, particularly as it related to affected people relinquishing their rights to seek further remedy. The two community representatives said the Technical Committee promised to “do something about it.” However, the affirmation remained on the form, which affected people were asked to sign during a verification exercise. Community representatives believe that people signed the forms because they were desperate to receive the financial assistance.

The affirmation that affected people were required to sign in order to receive financial assistance is a violation of their right to an effective remedy; particularly as the RAP and the process leading to its preparation were flawed, and the financial assistance is inadequate to address the human rights violations suffered by affected people. Under no circumstances should people be required to give up their human rights which are guaranteed by international human rights laws.

4. FAILURES OF THE WORLD BANK

*"I must note that it is dissatisfying in the sense that at two of our meetings, representatives of World Bank were there and we asked for the position of the World Bank on the standard basis for either compensation or financial assistance of displaced people. World Bank representatives could not even give us a certain position of the World Bank; that this is the standard amount of money that one should be given in the case he or she is being displaced by the state government. So we were at the mercy of the Lagos state government and we had no option than to accept what they [government] want to give us [financial assistance]."*⁸⁴

-Raymond Tedunjaiye, Community Representative

Following the receipt of the September 2013 RAP from the Lagos state government, the World Bank gave preliminary approval to it on 30 September 2013⁸⁵ and it requested the Lagos state government to make "necessary revisions".⁸⁶ The World Bank did not give details of what the necessary revisions were. The Lagos state government informed Amnesty International that "the World Bank, upon receipt of both the September 2013 RAP and a revised version of it, made some comments, suggestions and other inputs which were considered and accommodated [by the Lagos state government] as far as possible."⁸⁷ However, the government did not give details of what the World Bank's comments were and it did not explain how it accommodated them.

The World Bank had stated that it monitored the progress of the RAP's development and remained in regular contact with the Lagos state government and the Technical Committee.⁸⁸ Therefore the World Bank knew about the problems associated with the development of the RAP when it approved it on 27 January 2014.

Since June 2013 Amnesty International has repeatedly raised serious concerns with the World Bank about the process of developing the RAP for the affected people of Badia East.⁸⁹ Although the World Bank has always responded to Amnesty International's correspondence on the issue, it has not addressed substantive issues about lack of genuine consultation, non-disclosure of the resettlement action plan, and non-compliance with its policies and international human rights law and standards.

This chapter discusses the failures of the World Bank in approving the RAP despite its non-compliance with its policies and international human rights law and standards.

OBJECTIVES OF THE WORLD BANK POLICY ON INVOLUNTARY RESETTLEMENT⁹⁰

Involuntary resettlement may cause severe long-term hardship, impoverishment, and environmental damage unless appropriate measures are carefully planned and carried out. For these reasons, the overall objectives of the Bank's policy on involuntary resettlement are the following:

- (a) Involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternative project designs.
- (b) Where it is not feasible to avoid resettlement, resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to share in project benefits. Displaced persons should be meaningfully consulted and should have opportunities to participate in planning and implementing resettlement programs.
- (c) Displaced persons should be assisted in their efforts to improve their livelihoods and standards of living or at least to restore them, in real terms, to pre-displacement levels or to levels prevailing prior to the beginning of project implementation, whichever is higher.

THE WORLD BANK'S RESPONSIBILITY TO RESPECT HUMAN RIGHTS

The World Bank has a responsibility to ensure that its activities do not cause or contribute to human rights violations. As a specialized agency of the United Nations, the World Bank is required at a minimum to respect the purposes set out in Article 55 of the UN, which include the promotion of "universal respect for, and observance of, human rights and fundamental freedoms for all."⁹¹ The UN Committee on Economic, Social and Cultural Rights (CESCR), the expert body that monitors state compliance with the ICESCR, has clarified that international financial institutions (IFIs) should ensure that measures they promote do not undermine the realization of the right to adequate housing.⁹² It has stated that UN agencies "should scrupulously avoid involvement in projects which, for example, involve ... large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation."⁹³ In 2000 the then World Bank General Counsel stated that "the Bank cannot reasonably place its members in a situation where they would be violating their obligations under the UN Charter if they agree with a proposed action by the Bank."⁹⁴

The UN CESCR has stated that, in regard to international organizations, "States parties have an obligation to take whatever measures they can to ensure that the policies and decisions of those organizations are in conformity with their obligations under the Covenant [ICESCR]..."⁹⁵ In several General Comments, it specifically indicates that States parties that are members of the World Bank and

other IFIs should ensure that economic, social and cultural rights are taken into account in influencing the lending policies, credit agreements and international measures of these institutions.⁹⁶ The World Bank's Board of Governors, made up of Member States, and its Board of Directors, elected or appointed to represent Member States, is therefore required to ensure the Bank conforms to human rights. States cannot abdicate their own international human rights obligations when they act through inter-governmental bodies or multilateral institutions.⁹⁷

The World Bank has argued that its Articles of Agreement prevent it from interfering in the political affairs of its members and that it can only take economic considerations into account, without regard for political or other non-economic factors. However, this view has been rebutted by: UN human rights treaty monitoring bodies such as the UN CESCR as outlined above; Special Procedures of the Human Rights Council;⁹⁸ by legal scholars;⁹⁹ and the World Bank's General Counsel in 2006. The World Bank's General Counsel defined the prohibition on political interference as applying to partisan politics, requiring that the World Bank refrain from endorsing or mandating a particular form of government, political bloc or political ideology. He stated that: "taking into account, where appropriate, human rights issues and members' international human rights obligations does not contravene the Articles' prohibition of political interference."¹⁰⁰ (However, his legal opinion was not presented to the Board for approval and is not being implemented by the Bank). In addition, the UN General Assembly, on which all states that are members of the World Bank are represented, has repeatedly invited the World Bank and other international organisations to promote the realisation of, and to refrain from interfering with, the right to food.¹⁰¹ Thus, Member States of the World Bank have stated that it can take human rights considerations into account.

An interpretation of the Articles of Agreement that would permit the World Bank to contribute to human rights violations cannot be sustained as it would then be in contradiction with the UN Charter, the obligations of which prevail over conflicting obligations contained in any other international agreement.¹⁰²

FAILURE TO ENSURE THE RAP'S FULL COMPLIANCE WITH WORLD BANK POLICY

The RAP approved by the World Bank stated that it was developed "as much as possible in line with the provisions of the Bank's Operation Policy OP 4.12 on Involuntary Resettlement."¹⁰³ This statement, at the very least, is an admission of lack of full compliance with the policy. World Bank Operational Policy 4.12 does not provide for partial compliance with its terms. In the light of this admission of lack of full compliance Amnesty International has specifically asked the World Bank to explain how the RAP complies with World Bank Operational Policy 4.12.¹⁰⁴ The World Bank's response was: "The RAP is based on the guidance contained in the Resettlement Policy Framework that was prepared in May 2005. It ensures that the project-affected people are compensated for the losses in line with the requirements of the World Bank Operational Policy 4.12."¹⁰⁵ No explanation was provided on how the RAP actually complies with the policy.

CONSULTATION AND MEANINGFUL PARTICIPATION

The World Bank's policy states that affected people should be meaningfully consulted with and should have opportunities to participate in planning and implementing resettlement programs.¹⁰⁶ Consultation with people affected by forced eviction is also a requirement under international human rights standards.¹⁰⁷ As discussed in chapter three there was no genuine consultation with or meaningful participation by affected people or the community representatives during the development of the RAP. The Technical Committee unilaterally determined the 'entitlement matrix' while the government unilaterally reduce the amounts in 'entitlement matrix' without consulting affected people or their representatives. This occurred despite the assurances of the World Bank that "the preparation of the RAP will be underpinned by a strong consultative process"¹⁰⁸ and that "the RAP has benefitted from inputs by the eight community representatives on the Technical Committee"¹⁰⁹

RESETTLEMENT

The World Bank Operational Policy 4.12 requires consideration of options for providing resettlement.¹¹⁰ In a letter to Amnesty International, the World Bank stated that the "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 the case".¹¹¹ However, the RAP fails to provide options of adequate alternative housing or relocation to another site for affected people. The RAP merely states: "The state eventually opted for monetary compensation after due consultations with representatives of affected Communities, in view of the number of affected persons as provision of physical resettlement does not appear feasible." The RAP does not provide any evidence of the Lagos state government having identified and considered feasible options for providing affected people with adequate alternative housing and resettlement.

SUPPORT FOR LOSS OF LIVELIHOOD

The RAP fails to provide appropriate sustainable livelihood assistance as provided for by paragraphs 2 and 6(c) of World Bank Operational Policy 4.12 which requires a RAP to include measures to ensure that affected people are offered support needed to restore their livelihood and standards of living.

In June 2013 the World Bank informed Amnesty International that it had advised the Lagos state government that if cash compensation is all that is offered to affected people, the government needs to ensure that affected people are provided with appropriate sustainable livelihood assistance, such as skills training, micro-credit and employment opportunities.¹¹² The Lagos state government did not implement the advice in the RAP as no provisions were made in the RAP for livelihood support. The World Bank approved the RAP despite the government's obvious failure to adhere to the advice.

The World Bank has now stated that it has requested the Lagos state government to offer affected people a package of non-monetized compensation in the form of skill training, micro-credit and employment opportunities.¹¹³ According to the World Bank the request was made in the same letter which communicated its approval of the RAP to the government.¹¹⁴

PROTECTION OF DISADVANTAGED GROUPS

As discussed in chapter 3, the RAP does not give adequate attention to addressing the needs

of all disadvantaged groups among the affected people. In addition to being contrary to the requirements of human rights standards, this is also contrary to paragraph 8 of the World Bank Operational Policy 4.12 which states: “To achieve the objectives of this policy, particular attention is paid to the needs of vulnerable groups among those displaced, especially those below the poverty line...”

ADEQUATE COMPENSATION

The World Bank approved the RAP even though, as described in chapter 3, it did not provide for adequate compensation. The World Bank has stated that it communicated its approval of the RAP in an official letter to the Attorney-General after: “(a) carrying out its due diligence on the proposed compensation payment and (b) getting confirmation from the Social and Economic Rights Action Centre, SERAC, the Lagos-based NGO that had been representing the affected people in Badia East on the acceptability of the compensation packages.”¹¹⁵ However, this explanation is not convincing for two reasons.

Firstly, two independent appraisers hired by the World Bank concluded that the financial assistance offered by the Lagos state government to structure owners was lower than market rates by about a third; contrary to the claim of the government that it was more in line with market rates. The World Bank’s explanation that it shared the information of the appraisers with the government and the community through SERAC¹¹⁶ and “that the two sides [the Lagos state government and affected people] had come to an agreement on the offers and awaiting the Bank’s approval to initiate payments” cannot justify its approval of a RAP that did not provide for adequate compensation. This is because the World Bank owed the affected people a duty of care to ensure they were adequately compensated, at the very least under its own policy, having taken up the responsibility of assisting the Lagos state government to develop the RAP to address the impacts of the forced eviction on them. Moreover, the World Bank shared the information of the two independent appraisers with the community through SERAC on 23 December 2013, when it was too late to assist the community representatives in their negotiation with the Technical Committee. The information was sent three days after the community representatives had unconditionally accepted the inadequate financial assistance.

Secondly, the Lagos state government had made it clear in the RAP that it was providing financial assistance and not compensation to affected people on compassionate grounds in order to avoid creating a precedent of providing “full compensation to people without land title and development permits.”¹¹⁷ Moreover World Bank staff were present in observer capacity at a meeting where the community representatives expressed to the government the inadequacy of the financial assistance.¹¹⁸

FAILURE TO ENSURE THE DRAFT OF THE RAP WAS AVAILABLE TO AFFECTED PEOPLE BEFORE APPROVAL

Paragraph 22 of the World Bank Operational Policy 4.12 states: “As a condition of appraisal of projects involving resettlement, the borrower provides the Bank with the relevant draft resettlement instrument which conforms to this policy, and makes it available at a place accessible to displaced persons and local NGOs, in a form, manner, and language that are understandable to them. Once the Bank accepts this instrument as providing an adequate

basis for project appraisal, the Bank makes it available to the public through its Info Shop. After the Bank has approved the final resettlement instrument, the Bank and the borrower disclose it again in the same manner.”

After approving the RAP, the World Bank publicly disclosed it on its website in February 2014¹¹⁹, however, it did not make public disclosure of the draft before approving it. It also failed to ensure that the Lagos state government made the draft of the RAP available to affected people and local NGOs. The fact that the RAP was developed retrospectively made it even more important for affected people to have had full access to a draft in order to review and comment on it before it was approved by the World Bank.

The World Bank should have publicly disclosed the final draft of the RAP, in line with its own policy, once it received it from the Lagos state government in November 2013. If the World Bank had publicly disclosed the draft of the RAP on its Info shop¹²⁰ before approval, affected persons and the NGOs supporting them would have had the opportunity to scrutinize its compliance with World Bank’s policies and international human rights law and standards. Despite the assurance the World Bank gave to Amnesty International that the draft RAP “will be shared with the larger community”¹²¹; it was not made available to the affected people, the community representatives or the large community.

The World Bank has therefore failed in its responsibility to ensure that its funded activity was consistent with human rights standards. The World Bank also failed to ensure that the RAP complied with the provisions of the World Bank policy on involuntary resettlement.

THE BADIA EAST WORLD BANK INSPECTION PANEL REQUEST

On 30 September 2013, three affected people instructed SERAC to file a Request for Inspection with the Inspection Panel of the World Bank (henceforth called ‘the Inspection Panel’). The Request complained that the process of developing the RAP had not provided for transparency and genuine and inclusive participation of the community and that there had been no emergency relief, compensation, resettlement or any other provision for the persons forcibly evicted on 23 February 2013.¹²² The Inspection Panel is a complaints mechanism for people who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project. The Inspection Panel reports directly to the World Bank’s Board of Directors.

On 6 November 2013, the Panel announced that, in the course of updating its Operating Procedures, it had devised a pilot approach to support early solutions in the Inspection Panel process (henceforth called ‘the pilot approach’).¹²³ The pilot approach allows the Inspection Panel to postpone its decision on whether to register a request for inspection in order to give the World Bank and the people who make the request, known as the Requesters, time to address and resolve concerns about the alleged harm.

Five days after announcing the pilot approach, the Inspection Panel announced that it would be applied to the Badia East Request.¹²⁴ One of the factors that formed the basis for the decision to use the pilot approach was the actions proposed by World Bank Management in a written note dated 29 October 2013 which was provided to the Inspection Panel. The note referred to the ongoing development of the RAP and

the negotiations between the Lagos state government and the Badia East community.¹²⁵ It indicated that people would have recourse to go to court if they were not satisfied with the compensation offered.¹²⁶ It committed the World Bank to follow up on the disclosure of the RAP and consultation with the community,¹²⁷ to ensure the RAP included skills training, micro-credit, and employment opportunities,¹²⁸ and to hire a consultant to provide assistance to the Lagos state government to ensure close adherence to World Bank resettlement policies.¹²⁹

As part of the pilot approach the Inspection Panel had assured the Requesters of their right to request the registration of their request for inspection, at any time, if they were not satisfied.¹³⁰ The Requesters have stated that their agreement to the pilot approach was premised on three conditions.¹³¹ The conditions included the disclosure of the draft RAP by World Bank Management. As discussed earlier the draft of the RAP was not disclosed. Nevertheless, the Inspection Panel proceeded with the pilot approach from November 2013. On 29 May 2014, an Inspection Panel delegation visited Badia East where they met with six out of the eight community representatives, approximately 80 Badia East residents and SERAC.¹³² The Inspection Panel subsequently noted that: "Many of the affected people interviewed by the [Inspection] Panel in Badia East complained that payments were totally insufficient for them to restore their previous livelihoods."¹³³

Through a letter dated 25 June 2014 two of the three Requesters informed the Inspection Panel of their appointment of a lawyer as their new representative. In the letter they expressed their dissatisfaction with the RAP and the pilot approach and requested the registration of their Request for Inspection.¹³⁴ This position was confirmed in a letter, dated 11 July 2014, sent by the Requester's lawyer to the Inspection Panel. The lawyer's letter was accompanied by a letter of support from 41 affected people.¹³⁵ On 10 July 2014, the Panel received another correspondence from SERAC stating that the Badia East community was satisfied with the pilot approach and the implementation of the RAP.¹³⁶ This letter was accompanied by a letter to the Technical Committee bearing the signatures of five community representatives and the third Requester, expressing satisfaction with the implementation of the RAP on the basis that 80 per cent of the people had received the financial assistance.¹³⁷

On 16 July 2014, the Inspection Panel decided not to register the Request because "... the majority of the community representatives expressed their satisfaction in writing and [World Bank] Management has taken adequate measures to address the remaining concerns related to the implementation of the Action Plan ...".¹³⁸ The decision was taken despite the flaws in the RAP and the process of its development; and the Inspection Panel recognising that aspects of the World Bank funded project, the LMDGP, fell short of the World Bank's safeguard requirements.¹³⁹ The decision ended the Inspection Panel's involvement in the matter thereby failing to hold the World Bank accountable for its failures in respect of the RAP.

5. NIGERIA'S INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Nigeria is obliged under a range of international human rights laws to respect, protect and fulfil the right to adequate housing.¹⁴⁰ The Lagos state government, as a second tier of government of the Nigerian state, is therefore required to act consistently with Nigeria's obligations under international human rights law and standards. These obligations include refraining from and preventing forced evictions. When a state becomes a party to any international treaty, it is legally bound to perform its obligations under that treaty, including by implementing treaty standards nationally. Nigeria's obligations under international human rights laws bind all states within the federation, including Lagos State. Federalism does not absolve a country of responsibility for the actions of states within its federation which violate the right to adequate housing.

All victims of human rights violations have a right to an effective remedy under international human rights law. This right has been recognised in international and human rights treaties and instruments to which Nigeria is a state party; and also under international human rights standards.

The International Covenant on Civil and Political Rights (ICCPR), to which Nigeria is a state party¹⁴¹, in Article 2(3) places an obligation on states to ensure that individuals have effective remedies for violations of human rights. Also the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the African Charter on Human and Peoples Rights (African Charter) recognise that state parties must take measures to give effect to the rights the treaties embody.¹⁴²

In addition, the UN Basic Principles 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, and should comply, as applicable, with the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law."¹⁴³

Similarly, the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly resolution 60/147 of 16 December 2005 states: "The obligation to respect, ensure respect for and implement international human rights law and international humanitarian law as provided for under the respective bodies of law, includes, inter alia, the duty to: (a) Take appropriate

legislative and administrative and other appropriate measures to prevent violations; (b) Investigate violations effectively, promptly, thoroughly and impartially and, where appropriate, take action against those allegedly responsible in accordance with domestic and international law; (c) Provide those who claim to be victims of a human rights or humanitarian law violation with equal and effective access to justice, irrespective of who may ultimately be the bearer of responsibility for the violation; and (d) Provide effective remedies to victims, including reparation, as described below.”¹⁴⁴

According to international human rights standards¹⁴⁵, depending on the individual circumstances and the gravity of the human rights violation and the circumstances of each case the following have been stipulated as the forms of effective remedies that should be made available to victims of human rights violations:

- Restitution
- Compensation
- Rehabilitation
- Satisfaction
- Guarantees of non-repetition.

In March 2014, Nigeria before the UN Human Rights Council reaffirmed its commitments to its international human rights obligation on the right to adequate housing and effective remedy. Nigeria stated: “The government undertakes that, where it becomes necessary in the future to evacuate [evict] residents of any community for any overriding public purpose, appropriate notices as well as effective compensation and resettlement plans will be put in place to ensure that the human rights and dignity of affected persons are not breached.”¹⁴⁶

6. CONCLUSION

The Lagos state government violated the right to adequate housing when it forcibly evicted people in Badia East from their homes on 23 February 2013. Its actions and failures following the forced evictions violated the right to effective remedy.

The development of a RAP by the Lagos state government, with the support of the World Bank, was an opportunity to provide affected people with effective remedy. The process by which the RAP was developed was flawed and inconsistent with international human rights standards. The government's consultation with affected people was not genuine; adequate compensation was not provided; and those who could not provide for themselves were not provided with adequate alternative housing. The financial assistance given to affected people can only provide temporary relief, but not an effective remedy, as it does not fully compensate for the human rights violations they have suffered. The financial assistance has not addressed the underlying problems caused by the forced eviction which include: loss of livelihoods, poverty and lack of adequate housing with security of tenure.

The stance of the Lagos state government not to provide affected people with adequate compensation because they did not have title documents and building permits is unjustified under international human rights law and standards. All people, including those who live in informal settlements, are entitled to effective remedy when their rights are violated.

The failures of the Lagos state government to comply with Nigeria's international human rights obligations does not absolve the World Bank of its own responsibility to refrain from causing or contributing to human rights violations. By approving a flawed RAP, the World Bank facilitated the Lagos state government's violation of affected people's rights to an effective remedy and has legitimised it. The failure of the World Bank's Inspection Panel to properly examine the deficiencies in the RAP closed off an important safeguard against World Bank involvement in human rights violations. The use of the Pilot Early Solutions process in the Badia East case did not provide either a timely or effective solution for the victims of the forced evictions. The World Bank must re-engage with the government of Lagos State on this case to address the problems identified in this report. It must also strengthen the implementation of its safeguard policies to prevent the use of its funded projects to commit or facilitate human rights violations.

RECOMMENDATIONS

TO THE LAGOS STATE GOVERNMENT

- Urgently provide adequate alternative housing to all people from Badia East who were forcibly evicted in February 2013 and are still homeless.

- Provide adequate and full compensation to all affected people for all losses whether or not they have land title or building permits.
- Develop guidelines setting out legal and procedural 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.
- Provide livelihood support to affected people in form of skills acquisition training, micro-credit and employment opportunities; and assist affected people whose businesses were destroyed in re-establishing their businesses.
- The “affirmations” that affected people were made to sign in order to receive financial assistance should not be used to prevent them from accessing adequate compensation and other assistance.
- Genuinely consult residents of the larger Badia community on the plans for regeneration of the area and ensure that these plans comply with international standards, including requirements to prioritise housing provision to the most disadvantaged groups.
- 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. The bill should be based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and comply with international human rights standards.

TO THE LAGOS STATE HOUSE OF ASSEMBLY

- Pass into law, without delay, a bill explicitly prohibiting forced evictions.

TO THE FEDERAL GOVERNMENT

- Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.
- 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. The bill should be based on the UN Basic Principles and Guidelines on Development-based Evictions and Displacement and comply with international human rights standards
- In line with commitments made at the UN Human Rights Council, ensure that all those who were forcibly evicted from Badia East are provided with effective remedies and

reparation. Such reparation should include adequate alternative housing for all those who cannot provide for themselves and compensation for all losses.



TO THE NATIONAL ASSEMBLY

- Pass into law, without delay, a bill explicitly prohibiting forced evictions.

THE WORLD BANK

- Re-engage with the Lagos state government on this case with a view to ensuring adequate compensation is paid to all affected people for all losses whether or not they have land title or building permits; in full compliance with World Bank Operational Policy 4.12.
- Follow up on the request made to the Lagos state government to provide livelihood support to affected people of Badia East in form of skills acquisition training, micro-credit and employment opportunities; ensuring required support is provided to the Lagos state government to achieve this.
- Strengthen the implementation of World Bank safeguard policies to ensure that World Bank policies are fully complied with by borrower-governments.
- Carefully examine the risk of human rights violation when considering any further lending to the Lagos state government, taking into account Lagos state government's failure to protect the rights to adequate housing of people living in Badia East.
- The Executive Directors of the World Bank's Board should ensure that an independent investigation is urgently carried out into the Inspection Panel's handling of the Badia East Request; and into the pilot approach to support early solutions. The use of the pilot approach should be suspended pending the outcome of the investigation.

7. ANNEX



BADIA EAST RESETTLEMENT ACTION PLAN - Beneficiary Information Form

S/NO: _____

Name: _____

Address: (where displaced from): _____

Address (present): _____

Age: _____ Gender: _____

Marital Status: _____ Tel. No.: _____

Occupation: _____

Status (Structure Owner/Tenant): _____

Form of Identification: _____

Compensation sum receivable (₦) (in words): _____

ACCOUNTS DETAILS:

Name of Bank: _____

Account Name: _____

Account Number: _____

Branch Name: _____

AFFIRMATION:

I _____ hereby relinquish all claims to damages, compensation or restitution, whether financial or otherwise, or other legal or equitable rights which I may have in respect of any loss suffered in consequence of my displacement of 23rd February 2013, from the Badia East area.

_____ Signature & Date Chairman Technical Committee	_____ Signature & Date Beneficiary Signature/Thumb Print	_____ Signature & Date LMDGP Auditor
--	---	--

LAGOS METROPOLITAN DEVELOPMENT & GOVERNANCE PROJECT (LMDGP)



LAGOS STATE GOVERNMENT

OFFICE OF THE ATTORNEY-GENERAL & COMMISSIONER FOR JUSTICE

AGLJ/S/WB/26-1113

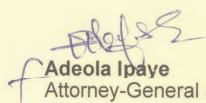
26th November, 2013

Marie Françoise Marie-Nelly
The Country Director for Nigeria,
The World Bank,
102, Yakubu Gowon Crescent,
Opposite ECOWAS Secretariat,
Asokoro District,
ABUJA-FCT.

**FORWARDING OF REVIEWED RESETTLEMENT ACTION PLAN (RRAP) FOR
PERSONS AFFECTED ON THE BADIA EAST HOUSING DEVELOPMENT SITE
AND OTHER DOCUMENTS**

Kindly find herewith attached, the Reviewed Resettlement Action Plan (RRAP) as developed, for Project Affected Persons of Badia East Clearance of 23rd February, 2013, subsequent to two earlier documents forwarded to your Office on same.

2. I wish to note, in particular, that this Reviewed Resettlement Action Plan (RRAP), especially the financial matrix indicated has been considered and approved by the State Executive Council, in view of the need to address the issue at that level.
3. Consequently, the Reviewed Resettlement Action Plan (RRAP), together with the Payment Database Schedule and other related documents are hereby forwarded for your perusal and favourable consideration, in order to ensure implementation as necessary.
4. Please accept the assurances of my highest regard at all times.
5. Kindly acknowledge receipt.


Adeola Ipaye
Attorney-General and
Commissioner for Justice

LAGOS STATE MINISTRY OF JUSTICE
Block 2, The Secretariat, Alausa, Ikeja, Lagos.
Tel: 234 1 2717544, 234 1 7937052
E-mail: info@lagosjustice.lg.gov.ng
www.lagosjustice.lg.gov.ng

"Public Sector Legal Team of the Year 2010"

**LAGOS STATE GOVERNMENT
TECHNICAL COMMITTEE ON BADIA EAST**

**REVIEWED RESETTLEMENT ACTION PLAN (RRAP)
FOR DISPLACED PERSONS IN BADIA EAST**

PRESENTED TO:

**THE WORLD BANK
102, YAKUBU GOWON CRESCENT,
OPPOSITE ECOWAS SECRETARIAT,
ASOKORO DISTRICT,
ABUJA-FCT**

NOVEMBER, 2013

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Executive Summary

The Badia community in the Apapa Iganmu Local Council Development Area of Lagos State is one of the nine (9) identified slum areas earmarked for regeneration/renewal under the World Bank funded Lagos Metropolitan Development and Governance Project (LMDGP).

Badia East is popularly known as Ijora Alawo. It comprises of two (2) communities namely Oke Ilu Eri community and Ajeromi community. Badia East was an unplanned settlement which lacks basic amenities such as access roads, portable water, sanitary and health facilities, drainages etc. There is however a Government school in the area.

In line with Lagos State Policy on the provision of estates with infrastructural facilities at concessionary rates for residential purposes, Lagos State Government has embarked on the development of 1,008 Housing units beginning in the recently cleared area to assist her citizenry in meeting their shelter aspirations and to replace the unstructured shelters and shanties hitherto in the area.

The Resettlement Action Plan (RAP) as developed is, as much as possible, in line with the provisions of the Bank's Operation Policy OP 4.12 on Involuntary Resettlement. It builds on a Resettlement Policy Framework (RPF) that was developed in 2005, updating it as necessary and translating the established compensation criteria into concrete, time bound actions – based on displacement impacts, current value consultations with PAPs and Community Representative.

The project impacted on a residential area of the community and is presumed to affect 1,933 tenement households, including 319 owners of residential structures.

The land occupiers of Badia East fall amongst the poorest cadres in Lagos State. The settlement used to be a transit camp for Ilaje people of Ondo State and other Ijaw areas of Nigeria, while other major settlers there were Kwara State indigenes (Igbomina) people. Other tribes are the Ijora indigenes and some Hausa cattle settlers. These people migrated to Lagos in search of greener pastures. Based on the information gathered, most of the inhabitants of the area are contract labourers, hair dressers, sex workers, clerks and supervisors in companies, hotels and factories, drivers and petty traders in sachet water, ice blocks, cooked and raw food; soft drinks, beer, kerosene, scrap metal, cooking wood etc.

Although OP 4.12 provides adequate compensations and assistance to mitigate the effects of involuntary displacement on persons, irrespective of their status or whether they have formal titles, legal rights or not; or classified as squatters as is the case in Badia, based on the sheer number of persons that claimed to have been affected by the clearance of 3.22 hectares land area on the 23rd of February, 2013, it would be a

huge financial burden on Government to adopt the entitlement matrix used in the 2012 December RAP. Also, the amount payable under the 2012 matrix significantly exceeds what the State Government normally pays as compensation even for property acquired compulsorily from legitimate owners of approved properties. Government was also mindful of setting a precedent or communicating a policy whereby illegal occupiers of land without development permit have to be paid full compensation upon eviction. As a result of this, the resettlement entitlements for DPs in Badia are as follows:

- Compensation for Owners of Structure - Valuation for Structure and Valuation for Household Assets.
- Compensation for Tenants - Valuation for Household Assets, Rent for months prior to implementation of the RAP, a Year Rent plus Agreement and Agency Fee.

As the enumeration of DPs took place after the clearance, it was not possible to ascertain the actual number of business tenants. To this end, they were categorized as tenants for the purpose of resettlement.

Taking into consideration the number of rooms in a structure, as submitted at the Verification Exercise by the affected persons, Quantity Surveyors did an estimate of the number of planks, roofing sheets, nails, etc. required to put up the structure. Valuation was based on information as regards the number and types of materials used to construct different categories of structures and current prices and rates of items and labour collected in local markets. Structures were banded into three categories, small, medium and large. Small structures (1-4 rooms) were allotted the sum of ₦171, 725.00 each as resettlement assistance, while medium sized structures (5-8 rooms) were allotted ₦248, 740.00 each and large structures (over 8 rooms) were apportioned ₦309, 780.00 each.

This resettlement assistance covered loss of structure, loss of household assets as well as payment for rent prior to implementation.

The total budget for financial disbursements is **₦284,377,984.00** broken down into **₦83,782,240.00** for Owners of Structure (Category A) **₦174,743,200.00** for Tenants (Category B) and **₦25,852,544.00** to cover future claims of Displaced Persons, which will be substantiated after the first and major cash disbursement (Category C). This will also cater for Committee allowances, grievance redress mechanism and vulnerable groups. This sum shall be deposited in an escrow account.

Financial compensation shall be implemented immediately, to commence within two weeks of acceptance of the RAP and completed within four weeks.

Speedy, just and fair resolution of grievances shall be carried out through four mechanisms. The first forum for grievance redress is at local level, in particular the:

- a. **Community Grievance Redress Committee (CGC)**
- b. **Chairman, Apapa-Iganmu LCDA**
- c. **Citizens' Mediation Centre (CMC)**
- d. **Technical Committee On Badia East**

DISCLOSURE

In line with the Bank's policy on disclosure, this RAP shall be displayed at the following places; Apapa Iganmu Local Council Development Area, Ajeromi Ifelodun LCDA, His Royal Highnesses' Palace, the Web Site of Lagos State and that of relevant Ministries, including the Ministries of Justice, Environment, Housing, Economic Planning & Budget, Information & Strategy, Finance, and Physical Planning & Urban Development, as well as the State Urban Renewal Authority and Public Works Corporation.

DEFINITIONS

COMPENSATION: A displaced person / claimant will be entitled to the compensation / financial assistance which is determined by reference to the market value of the land and assets as on the date of preliminary notification. If there is delay in payment of compensation beyond one year from the date on which possession was taken which is attributable to Government, the displaced person/claimant shall be entitled to interest on the outstanding amount of the compensation until the date of payment.

DISPLACED PERSONS (DPs): These are persons confirmed to have been living and or been on land entered (acquired by) into either for the purposes of executing a project or for the purpose of enhancing the environmental standard of a city.

LAND ACQUISITION: Land acquisition literally means acquiring of land for some public purpose by Government/Government agency, as authorized by the law, from the individual landowners after paying Government fixed compensation in lieu of losses incurred by land owner(s) due to surrendering of his/their land to the concerned Government agency. Land acquisition includes both outright purchases of property and purchase of access rights such as right of way.

PROJECT AFFECTED AREA: The land mass entered (acquired by) into by the State Government in the Badia East Area of Lagos State for the purpose of abating nuisance on the 23rd February, 2013 which covers an area of 3.22 hectares.

PROJECT AFFECTED PERSONS (PAPs): These are persons confirmed to have been living and or been on land entered (acquired by) into either for the purposes of executing a project or for the purpose of enhancing the environmental standard of a city.

PUBLIC PURPOSE: The State land Law, Laws of Lagos State 2004 Vol. 7.S.II provides that: ‘Public Purpose “ means public purpose as hereinafter defined in so far as such purpose relates to any matter with respect to which the Government of Lagos State has power to make Laws, and includes:

- (a) For exclusive Government use or for General Public use;
- (b) For or in connection with sanitary improvements of any kind, including reclamations;
- (c) For or in connection with the laying out any new township or Government station or the extension or Improvement of any existing township or Government station
- (d) For obtaining control over land contiguous to any port;
- (e) For obtaining control over land the value of which will be enhanced by the construction of railway, road or other public work or Convenience about to be undertaken or provided by the government;
- (f) For obtaining control over land required for or in connection with mining purpose; and
- (g) For obtaining control over land required for or in connection with planned rural development or settlement;
- (h) For or in connection with housing estates, economics industrial, or agricultural development and for obtaining control over land required for in connection with such land.

REPLACEMENT COST: This is usually calculated as the market value of the assets plus the transaction costs related to restoring such assets. The calculation of replacement costs is complex due to the potential variety of land, land use claimants, and the differing levels of land market development across countries.

STATE LAND: State Land means all public lands in the Lagos State which are for the time being vested in the Governor on behalf of or on trust for the benefit of the Government of the Lagos State, and all lands heretofore held or hereafter acquired by any authority of the Lagos State for any Public Purpose or otherwise for such benefit, as well as lands so acquired under any enactment.

VULNERABLE GROUP: Vulnerable or 'at-risk' groups includes people who, by virtue of gender, ethnicity, age, physical or mental disability, economic disadvantage or social status may be more adversely affected by displacement than others and who may be limited in their ability to claim or take advantage of resettlement assistance and related development benefits. Vulnerable groups in the context of displacement also include people living below the poverty line, the landless, the elderly, women- and children-headed households, ethnic minorities, natural resource dependent communities or other displaced persons who may not be protected through national land compensation or land titling legislation.

LIST OF ACRONYMS

CDA	Community Development Association
CDC	Community Development Committee
CMC	Citizens' Mediation Centre
DPs	Displaced Persons
LCDA	Local Council Development Area
LMDGP	Lagos Metropolitan Development and Governance Project
NGO	Non-Governmental Organisation
PAA	Project Affected Area
PAPs	Project Affected Persons
RAP	Resettlement Action Plan
RRAP	Reviewed Resettlement Action Plan
RPF	Resettlement Policy Framework
OP. 4.12	Operational Policy 4.12

CHAPTER 1

BACKGROUND

1.1 INTRODUCTION

This document seeks to put in place a Reviewed Resettlement Action Plan (RAP), for the displaced persons affected by a 3.22 hectare land clearance that took place in Badia East area of the State on 23rd February, 2013, subsequent to two earlier ones forwarded to the World Bank – the Resettlement Action Plan (RAP) and the Revised Resettlement Action Plan (RRAP). The latest changes were necessitated by the need to obtain the sign-off (approval) of the Executive Council on the compensation matrix, review the earlier proposals in the context of state policy and further consultative dialogue with Community Representatives.

This document is also to link and ultimately update the Resettlement Action Plan (RAP) of 2012, put in place for the Badia Canal and Canal Road for the Lagos Metropolitan Development and Governance Project (LMDGP).

The Lagos State Government has developed this Reviewed Resettlement Action Plan (RAP), adopting a home grown methodology, with the primary aim of providing on compassionate grounds, reasonable financial assistance to affected persons, whilst also accommodating the terms of the World Bank Operation Policy 4.12 (OP 4.12).

1.2 LOCATION OF AREA

The cleared site of 23rd February, 2013, in Badia East is located within the Apapa-Iganmu Local Council Development Area of Lagos State. The area is within Central Lagos, measures approximately 3.22hecters i.e. 32,200square meters and is bordered to the North by the Elevated Light Railway, to the West by the Lagos Metropolitan Development and Governance Project (LMDGP) Canal and Canal Bank Road Projects, to the South by existing Slum and to the East by the Surface Railway. The area is swampy in nature, filled up with refuse and other waste material and acknowledged as a slum.

In continuance of the earlier upgrade development effected under the World Bank funded Lagos Metropolitan Development and Governance Project; the Lagos State Government had planned further development of this area pursuant to her vision of becoming Africa's Model Mega City and a Global Economic and Financial Hub that is safe, secure, functional and productive.

1.3 **DESCRIPTION OF THE PROJECT**

Lagos State with its mega city status is a large city state in terms of her population currently estimated at 21 million. Historically, Lagos served as a former federal capital, but despite the relocation of the capital, Lagos remains the nation's economic and commercial hub with the largest concentration of multinationals, daily influx of persons from around the nation, and susceptibility to illegal and slum housing development. This has necessitated measures to accelerate development and enhance sanitation and security.

One of such development intervention has been that of the World Bank in the area of urban infrastructure development with the overall objective of increasing and sustaining access to basic urban services through investments in critical infrastructure.

A Canal has been constructed in the area under the World Bank Project as a drainage channel to mitigate the effect of flooding, while a Canal Bank Road was also constructed to ease access to the community.

In line with the upgrade development of this area, the Lagos State Government has also embarked on integrated metropolitan development which is essential for economic growth and sustainable service delivery for poverty alleviation.

1.4 **THE NEED FOR RESETTLEMENT ACTION PLAN (RAP)**

The clearance exercise that took place in Badia East area of Lagos State on 23rd February, 2013, had led to the displacement of persons living on this portion of land. This is despite the fact that the parcel of land in question was a swampy terrain filled up with refuse and other waste materials before being illegally occupied by the residents. Also, the same area had earlier been cleared by the State Government in

2006 and was never approved for development. The clearance had become compelling in the face of the need to upgrade and redevelop this area. A similar exercise had taken place in another portion of Badia during construction of the Canal Bank Road in February, 2012, under the LMDGP World Bank Project, for which a Resettlement Action Plan (RAP) was put in place and subsequently implemented.

Consequently, however, the Lagos State Government, in line with the World Bank's Operational Policy, OP 4.12 on Involuntary Resettlement and on compassionate grounds, has developed this Updated Reviewed Resettlement Action Plan (RRAP) to mitigate the adverse social, economic and/or physical effects of displacement on the displaced persons:

1.5 **THE MAIN OBJECTIVES OF THE REVIEWED RESETTLEMENT ACTION PLAN (RRAP)**

The main objectives of this RRAP are:

- i. Update the 2012 RAP to include the entitlement to compensation following a socio economic baseline and recommend quantum.
- ii. Evolve a Community Development Programme by consultations between the State Government and the Community.
- iii. Examine the mode of compensation to be adopted, be it financial or resettlement and clearly articulate reasons for the adopted mode clearly articulated.
- iv. Propose a Grievance Redress Mechanism.

1.6 **RESETTLEMENT ACTION PLAN (RAP) METHODOLOGY**

The methodology adopted in developing this Reviewed Resettlement Action Plan (RRAP) includes the following:

i. Stakeholders' Consultative Forum

- (a) The Technical Committee on Badia East held one (1) Consultative Meeting with the Chairman and Officers of the Apapa-Iganmu Local Council Development Area on Wednesday, 26th June, 2013, to seek the assistance of the Local Council Development Area and get the input of the Council on matters concerning the clearance at the Oke Ilu Eri Area of Badia. This is in recognition of the Local Council Development Area as the government closest to the affected persons and a

veritable avenue to sensitize the people on the activities of the Committee.

- (b) The Technical Committee on Badia East held two (2) Consultative Meetings with His Royal Majesty, Oba F.A. Aremu Aromire, the Ojora of Ijora Land and His Council on Wednesday, 26th June, 2013 and Wednesday, 3rd July, 2013, in recognition of the need to consult with the Traditional Institutions in the area.
- (c) The Technical Committee on Badia East convened a Stakeholders' Meeting on Badia East on Thursday, 4th July, 2013, at the National Arts Theatre, Iganmu, Lagos. Over 1,000 displaced persons, numerous groups and parties, Traditional Institutions, Community Development Associations, Non-Governmental Organizations, World Bank Representative, Apapa-Iganmu LCDA Chairman and Council members, 8 members of the State Executive Council and other top Government functionaries attended the Stakeholders' Meeting. The Stakeholders' Meeting provided a forum for peaceful and unguarded deliberation amongst Stakeholders, particularly, on the part of people directly affected by the clearance exercise. Also SERAC, a Non-Governmental Organization (NGO) working in the area presented a database on Socio Economic Impact of the Clearance on the Community at that forum. There were assurances of a promising future to the people from the State Government.
- (d) The Technical Committee held a total of five (5) Consultative Meetings with the representatives of Ajeromi and Oke ilu Eri Communities on 26th, 27th, 28th, 29th and early hours of 30th August, 2013, to validate the Census of Displaced Persons. The Consultative Meeting resolved and agreed to adopt the Database of Project Affected Persons compiled and submitted by the Community Representatives. The Technical Committee had observed that the Verification/Census Exercise was obviously infiltrated by persons who never lived in the affected area.
- (e) The Technical Committee on Badia East held three (3) Consultative Meetings with representatives of Ajeromi and Oke Ilu Eri Communities with two (2) representatives of the Social and Economic Rights Action Center (SERAC) in attendance at two (2) of the Meetings. The Consultative Meetings were held on 18th, 19th and 23rd September, 2013. The Resettlement Matrix and the Grievance Redress Mechanism were disclosed and made available to the Community Representatives and SERAC. This was to enable them consult widely with all Displaced Persons to

know what has been proposed before signing off on the Resettlement Action Plan Document. A resolution was subsequently signed by Members of the Technical Committee on Badia East and Seven (7) out of the Eight (8) representatives of the Communities.

- (f) The Technical Committee forwarded the Revised Resettlement Action Plan to the World Bank, to meet the pre-agreed deadline, while it reported to the EXCO Committee on outcome of Consultative meetings with community representatives and the financial matrix agreed there from.
- (g) In line with standard practice, presentations were made to the Lagos State Executive Council to update information on the affected persons of 23rd February, 2013 clearance at Badia East, and to seek approval for the financial matrix proposed.
- (h) *In giving approval, EXCO had scaled down the financial matrix of N400, 199,587.00 proposed to N284, 377,984.00 having regard to two main factors. First is the fact that affected structure owners had no land title or building plan approval and should therefore not be entitled to any compensation for loss of rent or loss of profit. As a second factor, EXCO took into consideration the level of compensation ordinarily payable to genuine property owners in cases of land acquisition for government projects. Apart from removing the component amount earlier recommended for Owners of Structure on account of loss of rent, EXCO also adjusted downwards the allowance made for legal and agency fees for tenants to enable them take up new accommodation. From a total of 20% of rent, this was reduced to 10%, which accords more to reality.*
- (i) *Consequently, the need to meet with community representatives became expedient, in order to inform and seek their concurrence on the revised package. The meeting with community representatives took place on Wednesday, 20th November, 2013. Although community representatives would have wanted approval of financial matrix as earlier proposed, they appreciated government gesture, while copies of the new financial matrix was made available to the community representatives for further discussion with affected persons.*

ii. Verification/Census Exercise of Affected Persons

(a) Awareness

In order to ensure transparency of her process, as well as, create adequate awareness, the Technical Committee in preparation for the Verification/Census Exercise placed Advertisement in the PM News of Tuesday, 9th July, 2013, made Mobile Jingles around the Community, pasted Posters and circulated Handbills across Ijora-Badia, to sensitize the populace to the scheduled Verification/Census Exercise.

(b) Display of Lists

All the lists of displaced persons as earlier compiled and received were conspicuously displayed in three (3) different locations. These were:

- (i) The Site;
- (ii) The Apapa-Iganmu Local Council Development Area Secretariat; and
- (iii) The Palace of Ojora of Ijora Land.

(c) Verification/Census Exercise

The Verification/Census Exercise of persons affected by the February, 23rd, 2013, clearance at Badia East took place on 15th, 16th and 17th July, 2013, in the Conference Room of the Apapa-Iganmu Local Council Development Area. Traditional Institutions, Community Development Associations, Non-Governmental Organizations, World Bank Representatives, Officers from the Lagos Metropolitan Development and Governance Project, Apapa-Iganmu Local Council Development Area Chairman and Council Members witnessed the issuance and collection of Verification/Census Checklist Forms to 2,417 claimants at the 3-Day Verification/Census Exercise.

(d) Outcome of Verification/ Census Exercise

Following from the Verification/Census Exercise, the under listed represents a summary of details:

- Total Number of Verification Checklist Form Issued - 2,417
- Total Number of Verification Checklist Form Returned - 2,330
- Total Number Voidable entries - 7
- Total Number of Respondents as Landlords - 324
- Total Number of Respondents as Tenants - 1960
- Total No. Respondents without indication of Status - 22

(e) **METHODOLOGY ADOPTED**

- (i) A Template (Form) was developed to capture relevant information from displaced persons to ascertain status.
- (ii) The Template Form was batched A – E and serially numbered 001-500 for each batch.
- (iii) The Form was handed out to each person that came forward after oral interview (in language the person understands) to ascertain status. Forms were initialled by issuing Officer to authenticate. Name of each person that collected Form was also written down against the number on the form issued.
- (iv) The Community Development Committee (CDC), Community Development Associations (CDAs) and Non-Governmental Organizations (NGOs) were in attendance everyday of the exercise.
- (v) Respondents were requested to return duly completed Forms to the Committee within her sitting days at the Local Council Development Area office with a passport photograph attached, together with any proof of claim(s) as may be available to the respondent.
- (vi) Some forms were however, returned to the Local Council Development Area after the Committee had left, while some were returned to the Ministry of Housing.
- (vii) These forms were accepted since they could be easily identified whether a photocopy or otherwise.
- (viii) The Technical Committee, thereafter, used a computer Software to harmonize all names in previously generated data of names forwarded and did a Run Query with names on the Forms to determine if existing and cross check in form earlier given. This was to give another level of verification and authentication.
- (ix) With the conclusion of the Verification/Census Exercise, the Technical Committee submitted her Report and moved to commence the next stage of her Terms of Reference, which is the development of the Resettlement Action Plan (RAP).

iii Identification of Structures and Persons Affected by the Clearance
Identification of number of persons and structures affected by the 23rd February, 2013, clearance exercise, using database as compiled and submitted by Community Representatives.

iv Data Analysis
The data obtained through Verification/Census checklist was analysed to determine socio economic status of Affected Persons.

v Valuation of Losses

The Technical Committee relied on valuation of structures and/ or materials by experts i.e. Architects, Civil Engineers and Quantity Surveyors in relevant Government agencies.

vii Settlement Option

The Technical Committee Determined the Resettlement Option through consultation with representatives of the Communities and approval by the Executive Council.

viii Budget & Funding

The Committee developed an Estimated Budget and identified source of funding by relying on data from the Badia East Community, Lagos State Government, World Bank and Lagos Metropolitan Development and Governance Project (LMDGP).

1.7 IMPACT OF DISPLACEMENT/CLEARANCE

The clearance exercise embarked upon on 23rd February, 2013, ultimately led to displacement of persons who hitherto lived on this portion of Land, although the conditions were extremely unhealthy and they had no building or development permits. The displaced persons as identified include traders, artisans, teachers, labourers etc.

CHAPTER 2

SOCIO-ECONOMIC PATTERN OF PROJECT AFFECTED COMMUNITIES

2.1 DEMOGRAPHY

Analysis from the Census/Verification exercise as administered revealed that the project affected two (2) communities, namely, Oke Ilu Eri and Ajeromi Communities. It further revealed that the Affected Communities had large concentration of their population on the small expanse of land totalling 3.22 hectares.

2.2 HOUSEHOLD SIZE

The Project Affected Area had an average household size of seven (7) persons per household, comprising Father, Mother and Five (5) Children. It also revealed that a total of 2,252 households were affected by the Clearance, although a number of fraudulent persons may have infiltrated the exercise.

2.3 HOUSEHOLD HEAD

Analysis revealed that the headship/leadership in household for the Affected Persons were predominantly male. 1,419 heads of household were male representing 63% of the Project Affected Households, while 833 females headed the remaining households.

2.4 OCCUPATION

The analysis also revealed that 968 household heads representing 43% were traders, 495 heads of household representing 22% were Artisans, 563 household heads representing 25% were factory workers/labourers, while the remaining 113 heads of households representing 5% are retirees/aged who could no longer work. None of the persons affected admitted to being unemployed.

2.5 EDUCATIONAL BACKGROUND

The analysis further revealed a relatively low literacy level amongst the Displaced Persons. Only 676 Heads of Household representing 30% had formal education to the level of secondary education, 293 Heads of Household representing 13% had tertiary education, while 1,283 representing 57% had no formal education.

2.6 AGE DISTRIBUTION

The age distribution pattern amongst the Heads of household revealed that 2,139 representing 95% of the household heads were in the active/working age group, that is, 21years – 60 years, while only 113 representing 5% of the Heads of Household are aged / non- active age group.

2.7 GENDER PATTERN

The gender distribution amongst the Heads of Household revealed that female gender had 833 number representing 37% who either are widows, divorcee, single parents or spinsters. The remaining 1,419 that is 63% were male.

2.8 STANDARD OF LIVING

The Affected Persons (APs) has a low standard of living as depicted by the household size which is the universally accepted demographic indicator for measuring standard of living. This enunciates that the larger the size of the household, the lower their living quality or standard of living.

2.9 VULNERABLE GROUP

The vulnerable group amongst the Affected Persons consist of 113, that is, 5% of the Heads of Household that fall within the aged / non active age group.

CHAPTER 3

LEGAL FRAMEWORK

3.1 OVERVIEW OF LAND LAWS

Lagos State has sufficient laws guiding land matters to ensure equitable and ordered society. The laws encompass various aspects in which land related issues might arise, ranging from acquisition, transfer, forfeiture, endorsement, ownership and situations whereby there would be a form of compensation for acquisition.

Some of these Laws include;

- Land Development (Provision for Roads) Law;
- Determination of Certain Interest in Lands Law;
- State Lands Law;
- Land Use Act;
- Central Lagos Land (Acquisition) Law.

State Land Law 1918:

This can be seen in Chapters 1 & 2 of the Lagos State of Nigeria Law 1994. It consists of 38 Sections with various sub-sections all aimed at resolving issues as regards land matters and to make further and better provision for the management and disposal of State lands.

It is important to note that this is operational only to the extent that its subject areas are not provided for in the Land Use Act 1978.

Determination of Certain Interest In Lands Law 1975:

This can be seen in Chapter 38 of the Lagos State of Nigeria Laws of 1994. It consists of 15 Sections aimed majorly at resolving issues of land and providing for the determination of certain interests in land and for matters connected therewith. It also goes on to deal with the issue of compensation as seen in Sections 4, 5 & 6.

Where in Section 4 it is stated that....

- *“The Governor shall where applicable pay compensation to any person whose interest in any State land is determined by virtue of this law”*

Section 5 also states that.....

- *“A compensation payable for any interest determined under this law shall be assessed and computed in accordance with the provisions of this law“*

Section 6 states that...

- *“In computing compensation payable under this law, account shall be taken of any building on the affected State land, so however that any compensation payable shall be as respect.....*

- a. *Developed land: HAG/CJ’s comment [find citations in Laws of Lagos State 2003]*

- (i) *For an amount equal to the sum total of all deed fees and ground rents paid in respect of the lease up to the date of the determination of the lease, and*
- (ii) *For the amount of the actual cost of construction of the building in accordance with an approved plan.*

b. Undeveloped Land:

For the sum total of all deed fees and or ground rents paid in respect of the lease up to the date of the determination of the lease plus reasonable expenditure incurred in respect of Architects fees, surveyors fees and fees in respect of development approvals or permits granted by the appropriate planning authorities.

Land Development (Provisions for Road) Law:

This can be seen in Chapter 110 of the Lagos State of Nigeria Law 1994. It consists of 13 Sections with various sub-sections. This law is to make provision for any necessary reservation or land for roads where land is sold off in lots. It encompasses a lot of sections which is aimed at resolving basic land dispute or confusion. It also provides for situations where compensation is available which can be seen in its Section 9.

Central Lagos Land (Acquisition) Law:

This law can be seen in Chapters 1 & 2 of the Lagos State of Nigeria Law 1994. It consists of 7 Sections which have been set aside to acquire certain parcel of land in central Lagos for public purpose. Also it provide for compensation in situations whereby the government have taken possession of a persons' land but this compensation is subject to an investigation and upon discovery that the claimant has any right or interest in the said land the prescribed officer shall so advice the Governor who also on being satisfied of claim direct that compensation be paid to the claimant as seen in Section 3 of this law.

Land Use Act 1978:

This Act is located in Chapter 15 of the Laws of the Federation of Nigeria. It consists of 52 Sections. It is "an Act to vest all land comprised in the territory of each State (except land vested in the Federal Government or its agencies). Solely in the governor of the state, who would hold such land in trust for the people and would henceforth be responsible for allocation of land in all urban areas to individuals resident in the State and to organizations for residential, agricultural, commercial and other purposes while similar power with respect to non-urban areas are conferred on local government. It also gives an insight as regards the power of a Governor to revoke rights of occupancy and clearly states situations where compensation is payable on revocation of right of occupancy by the Governor in certain cases, which can be seen in sec 29 of this Act.

In summary, the set of laws stated above have ensured that the land issues and compensation in relation to land are properly administered to ensure that all get fair and just treatment when it comes to land related issues in Lagos State.

Notably, there are four (4) types of impact a Resettlement Action Plan may focus on, namely:

- i. Loss of land
- ii. Loss of structure
- iii. Loss of assets
- iv. Loss of business.

This RRAP focuses on the loss of structure, loss of assets and loss of business, leaving out loss of land because the Displaced Persons (DPs) fall under Category C of the World Bank OP 4.12, that is, those who have no recognizable legal right or claim to the land they are occupying or squatters living on site. The other categories are:

CATEGORY A: Those who have Formal Legal Rights to land including Customary and Traditional Rights recognized under the Laws of the County;

CATEGORY B: Those who do not have Formal Legal rights to land at the time the Census began but have a claim to such land or assets – provided that such claims are recognized under the Laws of the Country or become recognized through a process identified in the Resettlement Action Plan.

In line with OP 4.12, all Project Affected Persons are eligible for some kind of assistance if they occupied the land before the entitlement cut –off date or at the time of the clearance, irrespective of their status or whether they have Formal Title, Legal Rights or not, squatters or otherwise encroaching illegally on land.

There have been two major acquisitions affecting this area, the first by the then British Colonial Government in 1929 and by the Western Nigeria Regional Government in 1958 under the 5,000 acres acquisition. However, the Ojora Family ultimately won a protracted Court case that lasted for over three decades against the Federal Government of Nigeria over the Ownership of the land, although before the conclusion of the case, the Federal Government had utilized most of the Badia East Land for the construction of a railway line and railway staff quarters.

Squatters had moved into the un-utilized portion of the land and have occupied it for several decades. Most of the Project Affected Persons (PAPs) /Displaced Persons (DPs) under this Reviewed Resettlement Action Plan (RAP) came on the land through these processes.

In *Piaro v Tenalo* (1976) 12 SC. 31 at 40 -41, the court per Obaseki, Ag. JSC observed:

“It is now settled law that there are five (5) ways in which ownership of land may be proved “. These are as follows:

- i. Proof by traditional evidence
- ii. Proof of act of ownership
- iii. Proof of long possession
- iv. Documents of title which must be duly authenticated
- v. Proof of possession of connected or adjacent land

These five (5) ways of proving ownership of land has been corroborated in plethora of cases, see *Ishola Abeke* (1972) 5 SC 321 at 329-330 and *Abinabina v Chief Enyimadu* (1953) A.C 207 at 215-216.

Considering the five (5) ways provided by Courts of Law for the proof of ownership to land, the Project Affected Persons cannot be accommodated under any of the five prescribed mode of proving ownership to land considering the fact that the Ojora Family’s title to land in the area has been confirmed by the Supreme Court of Nigeria which is the Highest Court of the land and coupled with the fact that the Project Affected Persons (PAPs) came on the land while some portion of Badia East was under government acquisition including the portion occupied by the Project Affected Persons (PAPs) and the title to the land was under contest.

In spite of the above, the Resettlement Policy Framework (RPF) in line with OP 4.12 has made provisions for adequate compensations for those who have no recognizable legal right or claim to the land they are occupying such as the Project Affected Persons (PAPs) / Displaced Persons (DPs) under the present Resettlement Action Plan (RAP)

Therefore the objective of this Reviewed Resettlement Action Plan (RAP) are to set out an action plan for prompt payment of compensation to the Project Affected Persons (PAPs) / Displaced Persons (DPs) within the frame work of the Resettlement Policy Framework (RPF) and OP 4.12

References:-

- i. Laws of the Federation of Nigeria, 2004 Volume 7.
- ii. The Laws of Lagos State of Nigeria 2003.

CHAPTER 4

RESETTLEMENT OPTION

4.1 ELIGIBILITY CRITERIA

To qualify for compensation, the primary consideration remain that the person must have been verified to have lived in the Project Affected Area, as earlier described, by both the Community representatives and from the returns as imputed in the Verification/Census Exercise Checklist administered by the Technical Committee.

Cut off date for eligibility for compensation has been identified as last date of 1st stage of Consultation with Community Representatives, that is, Thursday, 29th August, 2013.

4.2 BASIS FOR OPTION

The Lagos State Government in the conception and implementation of its policies always has the welfare and interest of her citizens as the overriding consideration. The Government had always taken issues of compensation very seriously. However, it has a policy of discouraging illegal settlements and the construction of houses without building permits.

In this instance, various options for compensation or financial assistance were examined. The State eventually opted for monetary compensation after due consultations with representatives of the affected Communities, in view of the number of affected persons as provision of physical resettlement does not appear feasible.

Furthermore, majority of the Affected Persons in this exercise belong to category of persons whose title to the land could not be ascertained as enunciated in Chapter 3. The basis for consideration, therefore tend to be more on compassionate grounds and giving a human face to governance. Others who may have title to land and building permits were requested to submit their claims which must be considered for full compensation as required by law.

4.3 VALUATION OF LOSSES

Relevant Professionals – Architects, Quantity Surveyors, Town Planners and Engineers within the Technical Committee came up with valuation of loss.

4.4 CATEGORY OF CLEARED STRUCTURES

There was design and costing of cleared structure to get an estimate, using the land mass of the cleared area. Owners of Structure were grouped into 3 categories namely:

S/N	NO. OF ROOMS	CATEGORY
1	1 – 4	SMALL
2	5 – 8	MEDIUM
3	ABOVE 8	LARGE

CATEGORY 1 - SMALL STRUCTURE (1-4ROOMS)

SPECIFICATIONS

- 1) Wooden structure built on wooden stilts measuring approximately 25m²
- 2) Floor and cladding is made wood
- 3) Roof covering is corrugated zinc sheet
- 4) Timber battern doors and windows

S/N	DESCRIPTION	QTTY	UNIT	RATE	AMOUNT
PROPOSED ESTIMATE FOR THE STRUCTURES CLEARED AT IJORA BADIYA					
A	Provision and erection of wooden pile buried under water, 6m deep	60	no.	420.00	25,200.00
B	Provide and construct wooden base consisting of 1x12' and 2x2 planks including all accessories	25	Sq.m	650.00	16,250.00
C	Provide and construct wooden wall consisting of 1x12' and 2x2 planks with upright and bracing planks	49	Sq.m	700.00	34,300.00
D	Provide and construct wooden roof carcass consisting of 2x4' and 2x3, 2x2' planks with all accessories	15	Sq.m	1,200.00	18,000.00
E	Supply and fix corrugated roofing zinc sheets nailed on wooden carcass (m/s)	15	Sq.m	665.00	9,975.00
F	Allow a sum for electrical works		Sum		3,000.00
G	Supply and fix wooden doors including frames, hinges and locks	6	no.	1,700.00	10,200.00
H	Supply and fix wooden batterns to window opening including frames, hinges and bolt size 1200 x 1200mm	3	no.	1,200.00	3,600.00
J	Ditto, size 600 x 600mm	2	no.	600.00	1,200.00
TOTAL					121,725.00

Prepared by:

PERMANENT SECRETARY.
MINISTRY OF HOUSING
Odunayo Odeyinka, M.F. (Mr.)
Principal Quantity Surveyor
Ministry of Housing

CATEGORY 2 - MEDIUM STRUCTURE (5-8ROOMS)

SPECIFICATIONS

- 1) Wooden structure built on wooden stilts measuring approximately 47m²
- 2) Floor and cladding is made wood
- 3) Roof covering is corrugated zinc sheet
- 4) Timber battern doors and windows

S/N	DESCRIPTION	QTTY	UNIT	RATE	AMOUNT
PROPOSED ESTIMATE FOR THE STRUCTURES CLEARED AT IJORA BADIYA					
A	Provision and erection of wooden pile buried under water, 6m deep	110	no.	420.00	46,200.00
B	Provide and construct wooden base consisting of 1x12' and 2x2 planks including all accessories	47	Sq.m	650.00	30,550.00
C	Provide and construct wooden wall consisting of 1x12' and 2x2 planks with with upright and bracing planks	50	Sq.m	700.00	35,000.00
D	Provide and construct wooden roof carcass consisting of 2x4' and 2x3, 2x2' planks with all accessories	30	Sq.m	1,200.00	36,000.00
E	Supply and fix corrugated roofing zinc sheets nailed on wooden carcass (m/s)	30	Sq.m	665.00	19,950.00
F	Allow a sum for electrical works		Sum		10,240.00
G	Supply and fix wooden doors including frames, hinges and locks	8	no.	1,700.00	13,600.00
H	Supply and fix wooden batterns to window opening including frames, hinges and bolt size 1200 x 1200mm	5	no.	1,200.00	6,000.00
J	Ditto, size 600 x 600mm	2	no.	600.00	1,200.00
TOTAL					198,740.00

Prepared by:

PERMANENT SECRETARY
MINISTRY OF HOUSING
 Odunye Abeyinfa (Mr.)
 Principal Quantity Surveyor
 Ministry of Housing


CATEGORY 3 - LARGE STRUCTURE (ABOVE 8 ROOMS)

SPECIFICATIONS

- 1) Wooden structure built on wooden stilts measuring approximately 63m²
- 2) Floor and cladding is made wood
- 3) Roof covering is corrugated zinc sheet
- 4) Timber battern doors and windows

S/N	DESCRIPTION	QTTY	UNIT	RATE	AMOUNT
PROPOSED ESTIMATE FOR THE STRUCTURES CLEARED AT IJORA BADIYA					
A	Provision and erection of wooden pile buried under water, 6m deep	115	no.	420.00	48,300.00
B	Provide and construct wooden base consisting of 1x12' and 2x2 planks including all accessories	63	Sq.m	650.00	40,950.00
C	Provide and construct wooden wall consisting of 1x12' and 2x2 planks with with upright and bracing planks	60	Sq.m	700.00	42,000.00
D	Provide and construct wooden roof carcass consisting of 2x4' and 2x3, 2x2' planks with all accessories	42	Sq.m	1,200.00	50,400.00
E	Supply and fix corrugated roofing zinc sheets nailed on wooden carcass (m/s)	42	Sq.m	665.00	27,930.00
F	Allow a sum for electrical works		Sum		23,600.00
G	Supply and fix wooden doors including frames, hinges and locks	10	no.	1,700.00	17,000.00
H	Supply and fix wooden batterns to window opening including frames, hinges and bolt size 1200 x 1200mm	7	no.	1,200.00	8,400.00
J	Ditto, size 600 x 600mm	2	no.	600.00	1,200.00
TOTAL					259,780.00

Prepared by:


PERMANENT SECRETARY
MINISTRY OF HOUSING
Odufuye Adeyinka A. (M.P.)
Principal Quantity Surveyor
Ministry of Housing

4.5 REVIEWED MODALITIES FOR RESETTLEMENT TO OWNERS OF STRUCTURE

- a. Valuation of structure retained as computed by State Principal Quantity Surveyor.
- b. The sum of ₦50,000.00 (Fifty Thousand Naira) earlier calculated as being equitable amount for loss of household assets to both Owners of Structure and Tenants retained.
- c. Breakdown of Loss of Household Assets:

	₦
i. Foam (4ft x 6ft)	8,000.00
ii. 18 inches Colour Television	14,000.00
iii. 2 Nos. Cushion Chairs	6,000.00
iv. 1 No. Center Table	2,500.00
v. Kitchen Utensils	3,300.00
vi. Plastic Buckets	1,400.00
vii. Personal Clothing	13,000.00
viii. Stove	<u>1,800.00</u>
TOTAL	<u>50,000.00</u>

In this regard, the reviewed Resettlement Matrix is as follows:

REVIEWED RESETTLEMENT TO OWNERS OF STRUCTURE

S/N	CATEGORY OF STRUCTURE	NO. IN CATEGORY	VALUATION FOR STRUCTURE ₦	VALUATION FOR HOUSEHOLD ASSETS ₦	TOTAL TO OWNER OF STRUCTURE ₦	TOTAL COST ₦
1	SMALL (1-4 Rooms)	24	121,725	50,000	171,725	4,121,400
2	MEDIUM (5-7 Rooms)	187	248,740	50,000	248,740	46,514,380
3	LARGE (Above 8 Rooms)	107	309,780	50,000	309,780	33,146,460

4.6 **REVIEWED MODALITIES FOR RESETTLEMENT TO TENANTS**

	₦
1. Loss of Household Assets	50,000
2. Rent for Relocation (1 yr. rent (@ N2, 000/month) plus 5% Agreement and 5% Agency fee	26,400
3. Rent for period before resettlement (@ N2, 000/ Month (March-September, 2013)	<u>14,000</u>
TOTAL	<u>N90, 400</u>

~~N90, 400~~ x 1,933 Tenants = N174, 743,200

4.7 **TOTAL PAYABLE (TO BOTH OWNERS OF STRUCTURE AND TENANTS)**

N83, 782,240 + N174, 743,200 = N258, 525,440

Add 10% escrow provision (Grievance Redress Mechanism, Vulnerable Persons, Transport Allowance for Community Representatives etc.)	<u>N25, 852,544</u>
GRAND TOTAL	<u>N284, 377,984</u>

CHAPTER 5
COST AND FUNDING

5.1 REVIEWED FINANCIAL RESETTLEMENT TO OWNERS OF STRUCTURE

S/N	CATEGORY OF STRUCTURE	NO. IN CATEGORY	VALUATION FOR STRUCTURE N	VALUATION FOR HOUSEHOLD ASSETS N	TOTAL TO OWNER OF STRUCTURE N	TOTAL COST BY CATEGORY N
1.	SMALL (1-4 Rooms)	24	121,725	50,000	171,725	4,121,400
2.	MEDIUM	187	198,740	50,000	248,740	46,514,380
3.	LARGE	107	259,780	50,000	309,780	33,146,460

5.2 REVIEWED RESETTLEMENT BUDGET FOR TENANTS

S/N	A YEAR RENT PLUS AGREEMENT & AGENCY FEE N	VALUATION FOR HOUSEHOLD ASSETS N	MONTHS PRIOR TO IMPLEMENTATION OF RAP N	TOTAL N	TOTAL NO. OF TENANTS	TOTAL COST N
1.	26,400	50,000	14,000	90,400	1,933	174,743,200

5.3 Add 10% escrow provision

(Grievance Redress Mechanism, Vulnerable Persons, Transport Allowance for Community Representatives etc.)

N25, 852,544

5.4 TOTAL BUDGET

N

Reviewed Resettlement to Owners of Structure

83,782,240

Reviewed Resettlement to Tenants

174,743,200

Add 10% Escrow Provision

25,852,544

GRAND TOTAL

284,377,984

5.5 The source of funding for payment of compensation is identified as the LMDGP, Project Implementation Unit (PIU).

CHAPTER 6

GRIEVANCE REDRESS MECHANISM

6.1 GRIEVANCE REDRESS APPROACH

The Technical Committee had proposed a Grievance Redress Mechanism which would further look into the concerns of affected persons, who might have been omitted from the Displaced Persons List. This is to be an appeal channel. To this end, the following four-step procedure proposed and agreed with Community Representatives at the Consultative Meeting would be put in place:

(1) COMMUNITY GRIEVANCE COMMITTEE (CGC)

The Community Grievance Committee will comprise representatives of both Oke Ilu Eri and Ajeromi Communities. The Committee will entertain persons who are aggrieved or unsatisfied with the final list as agreed by both the State Government and Community Representatives. The Community Grievance Committee will then sift through the list and recommend a cleared list of persons to the Chairman, Apapa-Iganmu Local Council Development Area.

(2) CHAIRMAN, APAPA-IGANMU LCDA

Upon receipt of the cleared list from the Community Grievance Committee, the Chairman would be required to further corroborate or otherwise, whether the displaced person was indeed inhabitant in the area cleared on 23rd February, 2013.

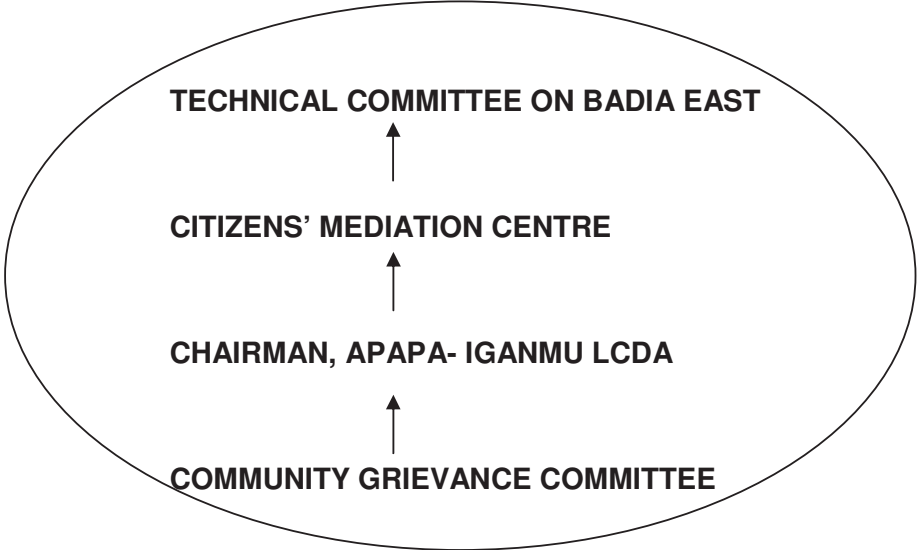
(3) CITIZENS' MEDIATION CENTRE (CMC)

The Citizens' Mediation Centre (CMC) of the Lagos State Ministry of Justice, which provides free mediation services to citizens of Lagos State will be required to further determine, after giving adequate opportunity to the aggrieved person, whether he/she qualifies as a Project Affected Person for compensation. The CMC would then forward names of cleared persons to the Technical Committee on Badia East.

(4) TECHNICAL COMMITTEE ON BADIA EAST

The Technical Committee upon receipt of names of cleared persons would admit the person as a Project Affected Person qualified for compensation.

Figure 1: Grievance Redress Mechanism Chart



CHAPTER 7

IMPLEMENTATION ARRANGEMENT

7.1 RESETTLEMENT PAYMENT

The State Government has opted for financial assistance towards resettlement as explained in earlier chapters. Mode of payment is to by crossed cheque made in the name of the identified Displaced Person in the relevant category.

The option for this mode of payment is not only in line with the Central Bank of Nigeria Cashless Policy, but also to encourage Affected Persons to become financially inclusive.

7.2 NOTICE OF PAYMENT

The State Government would make use of the CDC, CDAs, the LCDA, Community Representatives and traditional institutions in the area, as well uploading on the Lagos State website to give out notice of commencement and modalities of payment to Affected Persons.

7.3 DISBURSEMENT

Crossed cheque or bank transfers shall be employed in making payments to Displaced Persons, after ascertaining identity by the Technical Committee and the Community Representatives.

7.5 DOCUMENTATION

The Technical Committee shall prepare a Resettlement Dossier which shall include necessary personal information, cheque or transfer details, date and amount received.

7.6 IMPLEMENTATION SCHEDULE

The State Government to commence disbursement of financial resettlement, within 2weeks of the acceptance of the RRAP and release of fund from the World Bank Lagos Metropolitan Development Governance Project, Programme Implementation Unit (PIA) and completed within 4weeks.

CHAPTER 8

MONITORING AND EVALUATION

8.1 MONITORING FOR RESULT

In line with the Resettlement Action Plan (RAP) 2012, as a monitoring and evaluation mechanism, the Technical Committee recognizes the need for consultations to continue with Community representatives during implementation, to ensure the achievement of outcomes that are consistent with the objectives of this Reviewed Resettlement Action Plan.

8.2 The Lagos State Government, through her various Skill Acquisition Development Centres located in all Local Government and Local Government Development Areas in the State, will continue to encourage affected persons to take advantage of the opportunities offered at these centres.

**LAGOS STATE GOVERNMENT
TECHNICAL COMMITTEE ON BADIA EAST**

November, 2013

8. ENDNOTES

¹ Meeting between the Lagos state government and the community representatives held on 20 November 2013

² For further reading on the forced eviction of 23 February 2013 see Nigeria: If you love your life, move out! Forced eviction in Badia East, Lagos State, Nigeria (AFR 44/006/2013); (<http://www.amnesty.org/en/library/info/AFR44/006/2013/en>)

³ Database of affected people created, in May 2013, by a 10-person committee made up of Badia East residents and leaders.

⁴ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013.

⁵ Interviews with affected people, Badia East, 15 and 16 May 2013.

⁶ 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.

⁷ Article 11 (1) of the International Covenant on Economic Social and Cultural Rights. Nigeria acceded to the ICESCR on 29 July 1993.

⁸ Badia East is one part of the larger Badia community. Badia East consists of two parts: Ajeromi and Oke Ilu-Eri.

⁹ A Resettlement Action Plan, consists of several basic features: a statement of policy principles; a list or matrix indicating eligibility for compensation and other entitlements or forms of assistance; a review of the extent and scope of resettlement, based upon a census/survey of those affected by the project; an implementation plan establishing responsibility for delivery of all forms of assistance, and evaluating the organizational capacity of involved agencies; a resettlement timetable coordinated with the project timetable, assuring (among other things) that compensation and relocation are completed before initiation of civil works; and discussion of opportunities afforded those affected to participate in design and implementation of resettlement, including grievance procedures. (<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALDEVELOPMENT/EXTINVR/ES/O,,contentMDK:20480221~menuPK:1242368~pagePK:148956~piPK:216618~theSitePK:410235,00.html> (last accessed 19 May 2014)

¹⁰ A source sent Amnesty International the audio recording of the meetings of 20 November 2013 between the government and the community representatives; and the meeting of 9 December 2013 between the Technical Committee and the community representatives. Amnesty International has verified the audio recordings as authentic.

¹¹ Letters to the Chairperson of the Technical Committee and the Lagos State Attorney General and Commissioner for Justice, both dated 7 May 2014

¹² Ibid

¹³ Ibid

¹⁴ Letter to Amnesty International from the Lagos state government, sent by the Lagos Attorney-General, dated 4 May 2013.

¹⁵ 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 17 July 2014).

¹⁶ 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 17 July 2014).

¹⁷ 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".

¹⁸ <http://www.worldbank.org/projects/P071340/lagos-metropolitan-development-governance-project?lang=en> (last accessed 9 June 2014)

¹⁹ Amnesty International's meeting with the Lagos state Commissioner for Housing, Alausa, Lagos state, 17 May 2013.

²⁰ 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,

²¹ Financing Agreement (Lagos Metropolitan Development and Governance Project) between Federal Republic of Nigeria and International Development Association, 31 July 2006, section V, p. 11.

²² Amnesty International interview with the World Bank Nigeria Country Office, Abuja, 20 May 2013.

²³ World Bank. 2013. Nigeria - Lagos Metropolitan Development and Governance Project: request for inspection. Washington D.C.; World Bank. p.6 <http://documents.worldbank.org/curated/en/2013/11/18509971/nigeria-lagos-metropolitan-development-governance-project-request-inspection-nigeria-lagos-metropolitan-development-governance-project> (last accessed 19 May 2014).

²⁴ Ibid.

²⁵ World Bank. 2013. Nigeria - Lagos Metropolitan Development and Governance Project: request for inspection. Washington D.C.; World Bank. p.6 <http://documents.worldbank.org/curated/en/2013/11/18509971/nigeria-lagos-metropolitan-development-governance-project-request-inspection-nigeria-lagos-metropolitan-development-governance-project> (last accessed 19 May 2014).

²⁶ Letter to Amnesty International from the Lagos state government, sent by the Lagos Attorney-General, dated 4 May 2013.

²⁷ 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).

²⁸ Letter from Country Director for Nigeria, Africa Region, World Bank, dated 28 June 2013.

²⁹ Ibid; and according to a letter to Amnesty International from the Lagos State Attorney-General and Commissioner for Justice, dated 8 May 2014 the Technical Committee was a subcommittee of the Lagos state government Executive Council

³⁰ KAI Brigade is the Law Enforcement Unit of the Lagos State Ministry of the Environment. It was established on 3rd November 2003 by the then Governor of Lagos State, Bola Tinubu. The Brigade was established to enforce the Environmental Sanitation Law of Lagos State.

³¹ Nigeria: If you love your life, move out! Forced eviction in Badia East, Lagos State, Nigeria (AFR 44/006/2013); p.17.

³² Lagos Metropolitan Development and Governance Project (P071340), Resettlement Action Plan 2012..

³³ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013

³⁴ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.14

³⁵ These are main tenants only; the numbers do not include their family members or other non-family members that lived with them at the time of the forced eviction.

³⁶ Resolution document of the consultative meeting between the Technical Committee on Badia East and the representatives of Ajeromi and Oke Ilu-Eri communities held on Thursday 19 September 2013, p.1; Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p. 4

³⁷ Ibid

³⁸ All conversions of Nigerian Naira to US Dollars or vice versa are based on the exchange rate available at <http://www.oanda.com/currency/converter/> (value as of 26 June 2014).

³⁹ For the purpose of the 'entitlement matrix' the Technical Committee grouped structures into categories: small for structures between 1 -4 rooms; medium for structures between 5 – 8 rooms; and large for structures above 8.

⁴⁰ Interview with community representatives, 28 April to 9 May 2013.

⁴¹ Resolution document of the consultative meeting between the Technical Committee on Badia East and the representatives of Ajeromi and Oke Ilu-Eri communities held on Thursday 19 September 2013, p.5

⁴² Interviews with community representatives, 28 April to 9 May 2013.

⁴³ The World Bank informed Amnesty International in a letter dated 20 May 2014 that it had given a preliminary approval to the September 2013 RAP in order to be able to disburse the funds after the closing of credit under the LMDGP.

⁴⁴ Letter to Amnesty International from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013

⁴⁵ Letter to Amnesty International from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013; and Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated

20 May 2014

⁴⁶ Badia East Community letter to the Technical Committee dated 30 October 2013

⁴⁷ See Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p. 15 where the same justification was given by the government.

⁴⁸ Meeting between the Lagos state government and the community representatives held on 20 November 2013

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014

⁵² Ibid

⁵³ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 15.

⁵⁴ UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 37.

⁵⁵ Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁵⁶ Meeting held on 9 December 2013 between the Technical Committee and the community representatives.

⁵⁷ The community representatives told Amnesty International that during the consultative meetings they were only given details of the proposed 'entitlement matrix'; the database of affected people agreed to, a resolution document they signed with the Technical Committee; and information on the Grievance Redress Mechanism. Whereas the RAP contained more information than what was provided.

⁵⁸ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p. 28 -31.

⁵⁹ Meeting held on 20 November 2013 between the Lagos state government and the community representatives and letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁶⁰ Amnesty International interview with community representatives, 28 April to 9 May 2013.

⁶¹ Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁶² Amnesty International research in May 2013.

⁶³ Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁶⁴ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7 Para 16.

⁶⁵ Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁶⁶ Ibid

⁶⁷ Meeting between the Lagos state government and the community representatives held on 20 November 2013

⁶⁸ Ibid

⁶⁹ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.5

⁷⁰ UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 60

⁷¹ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7 Para 13.

⁷² UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 61.

⁷³ Discussion with a group of affected people in Badia East on 8 March 2014; and Interviews with community representatives, 28 April to 9 May 2013.

⁷⁴ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014.

⁷⁵ UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 56.

⁷⁶ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.19-21

⁷⁷ Ibid

⁷⁸ UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 63

⁷⁹ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.5

⁸⁰ Interview with the community representatives, 28 April to 9 May 2013.

⁸¹ UN Basic Principles and Guidelines on Development-based Evictions and Displacement para 52

⁸² Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁸³ See the Badia East Resettlement Action Plan- Beneficiary Information Form annexed to this report.

⁸⁴ Interview with the community representatives, 28 April to 9 May 2013.

⁸⁵ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014.

⁸⁶ Letter to Amnesty International from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013

⁸⁷ Letter to Amnesty International from the Lagos Attorney-General and Commissioner for Justice, dated 8 May 2014.

⁸⁸ Letter to Amnesty International from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013

⁸⁹ Amnesty International letters to the Country Director for Nigeria, World Bank Nigeria Country Office: dated 14 June; 7 October; 3 December 2013. Amnesty International letters to the Executive Director for the UK and Nigeria dated 23 January 2014; and to the Executive Director for the USA dated 6 February 2014.

⁹⁰ World Bank Operational Policy 4.12, para. 2

⁹¹ Charter of the United Nations, Art. 55(c). Article 56 states that “all Members pledge themselves to take joint and separate action ... for the achievement of the purposes set forth in Article 55.”

⁹² Committee on Economic, Social and Cultural Rights, General Comment No. 4, UN Doc E/C.12/1991/4, Annex 3, para 19.

⁹³ Committee on Economic, Social and Cultural Rights, General Comment No. 2, UN Doc E/C.12/1990/3, Annex 3, para 6.

⁹⁴ Ibrahim F. I. Shihata, *The World Bank Legal Papers* (Martinus Nijhoff, 2000) p. 809.

⁹⁵ For example, CESCR, General Comment 17 (2006) UN Doc E/C.12/GC/17, para 56, General Comment 13 (1999) UN Doc E/C.12/1999/10, para 56.

⁹⁶ Committee on Economic, Social and Cultural Rights, General Comment 15 (2002) UN Doc E/C.12/2002/11 para 36; General Comment 19 (2008) UN Doc E/C.12/GC/19, para 30.

⁹⁷ See further the International Law Commission, 'Draft Articles on Responsibility of International Organizations with Commentaries' in 'Report of the International Law Commission on the Work of its 63rd session' (2011) UN Doc A/66/10, article 61. The ILC concluded its work on the topic with the adoption of these articles.

⁹⁸ See the UN Special Rapporteur on the right to adequate housing in the report of her mission to the World Bank (2013) UN Doc A/HRC/22/46/Add.3, para. 9.

⁹⁹ For example, M Darrow, *Between Light and Shadow: The World Bank, the International Monetary Fund and International Human Rights Law* (Hart 2003) pp. 157-163.

¹⁰⁰ R Daniño, 'Legal Opinion on Human Rights and the Work of the World Bank' 27 January 2006, para 14. He further stated, at para 25 that 'the Articles of Agreement permit, and in some cases, require, the Bank to recognize the human rights dimensions of its development policies and activities since it is now evident that human rights are an intrinsic part of the Bank's mission'. His successor, Ana Palacio, cited the opinion and publicly stated that 'the Bank can and sometimes should take human rights into consideration as part of its decision-making process'. A Palacio, 'The Way Forward: Human Rights and the World Bank' (2006) Development Outreach p. 36.

¹⁰¹ For example, UN GA Resolution 67/174 (20 December 2012) para 32.

¹⁰² Charter of the United Nations, Art. 103.

¹⁰³ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.4

¹⁰⁴ Amnesty International letter to the Country Director for Nigeria, World Bank Nigeria Country Office dated 15 May 2014

¹⁰⁵ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014.

- ¹⁰⁶ World Bank Operational Policy 4.12 on Involuntary Resettlement, para 2.
- ¹⁰⁷ UN Committee on Economic, Social and Cultural Rights, General Comment No. 7, para. 15.
- ¹⁰⁸ Letter from Country Director for Nigeria, Africa Region, World Bank, dated 28 June 2013.
- ¹⁰⁹ Letter from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013.
- ¹¹⁰ World Bank Operational Policy 4.12 on Involuntary Resettlement, para 11.
- ¹¹¹ Letter from Country Director for Nigeria, Africa Region, World Bank, dated 28 June 2013.
- ¹¹² Ibid
- ¹¹³ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014
- ¹¹⁴ Ibid
- ¹¹⁵ Letter to Amnesty International from the World Bank sent from the World Bank Washington Office by the Acting Country Director for Nigeria, dated 20 May 2014
- ¹¹⁶ Ibid
- ¹¹⁷ Reviewed Resettlement Action Plan (RRAP) for displaced persons in Badia East, November 2013, p.5 and p.11
- ¹¹⁸ Meeting between the Lagos state government and the community representatives held on 20 November 2013
- ¹¹⁹ The disclosure date of the RRAP on the website of the World Bank is 10 February 2014; <http://documents.worldbank.org/curated/en/2013/11/18990252/nigeria-lagos-metropolitan-development-governance-project-resettlement-plan-vol-5-5-resettlement-action-plan-displaced-persons-badia-east> (last accessed 27 June 2014)
- ¹²⁰ Info Shop is an online resource centre, offering access to information on World Bank projects and programs to the public.
- ¹²¹ Letter from Country Director for Nigeria, Africa Region, World Bank, dated 4 November 2013
- ¹²² Request for Inspection: In the matter of the Lagos Metropolitan Development and Governance Project (Project ID: P071340), paras. 6 and 7.
- ¹²³ Piloting New Approach, p.1; available at <http://ewebapps.worldbank.org/apps/ip/PanelMandateDocuments/PilotingNewApproach.pdf> (Last accessed 14 August 2014).
- ¹²⁴ World Bank. 2013. Nigeria - Lagos Metropolitan Development and Governance Project : request for inspection. Washington DC ; World Bank. <http://documents.worldbank.org/curated/en/2013/11/18509971/nigeria-lagos-metropolitan-development-governance-project-request-inspection-nigeria-lagos-metropolitan-development-governance-project> (Last accessed 14 August 2014).
- ¹²⁵ Ibid, Annex 1: Nigeria – Lagos Metropolitan Development and Governance Project, Actions proposed by Bank Management (henceforth called ‘World Bank Management Note’) paras. 11 and 12.

¹²⁶ World Bank Management Note, para. 9.

¹²⁷ World Bank Management Note, para. 13 (b).

¹²⁸ World Bank Management Note. 8 and 13 (b).

¹²⁹ World Bank Management Note, para. 16.

¹³⁰ World Bank. 2014. Nigeria - Lagos Metropolitan Development and Governance Project: request for inspection. Washington, DC: World Bank Group.
<http://documents.worldbank.org/curated/en/2014/07/19880804/nigeria-lagos-lagos-metropolitan-development-governance-project-request-inspection> (Last accessed 14 August 2014); Annex 3, Email from the Inspection Panel Secretariat to SERAC, dated 8 November 2013.

¹³¹ Letter from the lawyer of the affected persons to the Inspection Panel, dated 11 July 2014.

¹³² World Bank. 2014. Nigeria - Lagos Metropolitan Development and Governance Project: request for inspection. Washington, DC: World Bank Group.
<http://documents.worldbank.org/curated/en/2014/07/19880804/nigeria-lagos-lagos-metropolitan-development-governance-project-request-inspection> (Last accessed 14 August 2014) (henceforth called 'Notice of Non-Registration'); para 15

¹³³ Notice of Non-Registration, para. 27 (g).

¹³⁴ Letter from the lawyer of the affected persons to the Inspection Panel, dated 11 July 2014

¹³⁵ The letter of support was sent via e-mail by the lawyer on 14 July 2014 to the Chair of the Inspection Panel.

¹³⁶ Inspection Panel, Notice of Non-Registration, Annex IV.

¹³⁷ Ibid.

¹³⁸ Notice of Non-Registration, para. 31.

¹³⁹ Notice of Non-Registration, para. 33.

¹⁴⁰ 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.

¹⁴¹ Nigeria acceded to the ICCPR on 29 July 1993

¹⁴² Article 2, International Covenant on Economic, Social, and Cultural Rights; article 1, African Charter on Human and Peoples Rights.

¹⁴³ UN Basic Principles and Guidelines on Development-based Evictions and Displacement, para 59

¹⁴⁴ UN Basic Principles Guidelines and on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of

International Humanitarian Law, para 3.

¹⁴⁵ Ibid, principles 19-23

¹⁴⁶ Opening statement by Nigeria, Human Rights Council 25th Session, Agenda item 6, Consideration of the UPR Working Group Report of Nigeria, 20 March 2014, p.5



WHETHER IN A HIGH-PROFILE CONFLICT OR A FORGOTTEN CORNER OF THE GLOBE, **AMNESTY INTERNATIONAL** CAMPAIGNS FOR JUSTICE, FREEDOM AND DIGNITY FOR ALL AND SEEKS TO GALVANIZE PUBLIC SUPPORT TO BUILD A BETTER WORLD

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AT THE MERCY OF THE GOVERNMENT

VIOLATION OF THE RIGHT TO AN EFFECTIVE REMEDY IN BADIA EAST, LAGOS STATE, NIGERIA

Close to 18 months after the Lagos state government sent bulldozers into the informal settlement of Badia East in Lagos state Nigeria; and demolished over 200 structures that served as homes and businesses, the affected people continue to be without an effective remedy.

The people who were forcibly evicted were amongst the beneficiaries of a World Bank funded project. This report documents both the Lagos state government's failure to adequately compensate affected people in line with Nigeria's international human rights obligations; and the World Bank's failure to ensure that a Resettlement Action Plan it approved complied with international human rights standards and its own policy.

This report calls on the Lagos state government to act immediately to ensure all those forcibly evicted from Badia East are adequately compensated for their losses and those who cannot provide homes for themselves are provided with adequate alternative housing. This report also urges the World Bank to strengthen its safeguard policies to prevent the use of its funded projects and its policies to commit or facilitate human rights violations.

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