



THE MYTH OF THE
ABUJA MASTER PLAN

NIGERIA

REPORT



MISSION

FORCED EVICTIONS AS URBAN PLANNING IN ABUJA

The Centre on Housing Rights and Evictions
Social and Economic Rights Action Center, May 2008

THE MYTH OF THE ABUJA MASTER PLAN



NIGERIA

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ABUJA, NIGERIA

May 2008

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Social and Economic Rights Action Center

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Cover photo: Kuchigoro settlement, Nigeria [Photo: Deanna Fowler, Nov. 2006]

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AGIS	Abuja Geographic Information Systems	
AMAC	Abuja Municipal Area Council	
AMMC	Abuja Municipal Management Council	
CESCR	Committee on Economic, Social and Cultural Rights	
ECOWAS	Economic Community of West African States	
FCC	Federal Capital City	
FCDA	Federal Capital Development Authority	
FCT	Federal Capital Territory	
FCTA	Federal Capital Territory Administration	
ICESCR	International Covenant on Economic, Social and Cultural Rights	
IDP	Integrated Development Planning	
IPA	International Planning Associates	
LAAC	Land Allocation Advisory Committee	
LUAC	Land Use and Allocation Committee	
MFCT	Ministry of the Federal Capital Territory	
NITP	Nigerian Institute of Town Planners	
UN-HABITAT	United Nations Human Settlements Programme	
ZEIS	Special Zones of Social Interest	
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About the Centre on Housing Rights and Evictions

The Centre on Housing Rights and Evictions (COHRE) is a Geneva-based, international non-governmental human rights organisation founded in 1994 as a foundation in the Netherlands (*Stichting COHRE*). COHRE strives to promote the right to adequate housing, including the right to protection from forced eviction, for everyone, everywhere. COHRE has offices in the Americas (Brazil and US), the Asia-Pacific region (Australia, Cambodia and Sri Lanka), Africa (Ghana) and Europe (Switzerland). These offices coordinate global, regional and local activities in pursuit of COHRE's mission.

About the Social and Economic Rights Action Center

Established in May 1995, the Social and Economic Rights Action Center (SERAC) is a Lagos-based non-governmental and non-partisan organization concerned with the promotion and protection of economic, social and cultural rights (ESC rights) in Nigeria. SERAC seeks to build awareness about economic, social and cultural rights and explore strategies for securing their realization. In addition, SERAC aims at broadening individuals' and communities' access to, and strengthening their participation in, the design and implementation of social and economic policies and programs that affect them.

Aftermath of the demolition of
Aleita settlement
[Photo: Deanna Fowler,
1 Nov. 2006]



Introduction

For over ten years, the Centre on Housing Rights and Evictions (COHRE) and the Social and Economic Rights Action Center (SERAC) have monitored and advocated against massive and egregious housing rights violations in Nigeria. Although Nigeria boasts a rich and diverse history, as well as being Africa's fourth largest economy¹, Nigeria has violated the right to adequate housing on a scale and with a persistence that is rarely seen anywhere else in the world. Over two million people have been forcibly evicted from their homes in Nigeria since the year 2000 in cities such as Lagos, Abuja, Port Harcourt and others.²

Remarkably, these violations have attracted little international attention or criticism. In contrast, housing rights violations in countries such as Zimbabwe (where 700 000 people were evicted during *Operation Murambatsvina*) and China (where millions have been displaced in Shanghai, Beijing, and other areas due to large-scale development projects) have received sustained international media attention. However, equally extreme violations in Nigeria have gone largely unnoticed beyond the country's borders. Moreover, while the Nigerian media have reported on some cases of forced eviction, these tended to focus on the dramatic events of the moment, such as police violence or the reactions of those who have had their property destroyed. Unfortunately, there has been an extraordinary lack of critical coverage of the policies and laws that lead to forced evictions and of the lack of effective legal instruments to

- 1 The 2005 real gross domestic product for Nigeria was \$59 992 million, behind South Africa (\$160 793 million), the Arab Republic of Egypt (119 714 million), and Algeria (\$69 698 million). See *African Development Indicators 2007*, the World Bank, p. 23.
- 2 See *Forced Evictions: Violations of Human Rights – Global Survey 10*, COHRE (Dec. 2006); *Forced Evictions: Violations of Human Rights – Global Survey 9*, COHRE (2003); and *Forced Evictions: Violations of Human Rights – Global Survey 8*, COHRE (2002).

provide remedies to those whose human rights have been violated. There has been insufficient information on the full extent of the destruction and the number of people directly affected. There has also been little analysis on how cities, regions and the country have been affected by local and national policies that lead to millions of Nigerians being forcibly evicted – and millions more living in inadequate housing without tenure security.

To help fill this gap in reporting and analysis, COHRE and SERAC undertook a joint fact-finding mission in October and November 2006 to investigate forced evictions in the Federal Capital Territory of Abuja. This report is the result of that mission and follow-up research and discussions with authorities throughout 2007. The report provides a critique of the policies and practices that led to the forced eviction of more than 800 000 people in Abuja from 2003 to 2007 under the administration of Federal Capital Territory (FCT) Minister, Nasir Ahmad el-Rufai. The report also includes constructive and detailed recommendations for remedial and corrective actions by the authorities. COHRE and SERAC respectfully offer this critique and these recommendations in the hope that the current administration under FCT Minister, Dr Aliyu Modibbo Umar will take into account our recommendations for further development of Abuja in a way that promotes rather than violates the human rights of its residents, and that offers redress for human rights violations committed under the El-Rufai administration.

The Abuja evictions and demolitions of 2003 to 2007 affected businesses, high-density apartment buildings, informal settlements, mosques, churches, schools, government office buildings, and even mansions belonging to nationally elected representatives. In one bizarre but revealing case, the Federal Capital Development Authority (FCDA) placed an eviction notice on the entrance of the Federal High Court in Abuja that stated: “You are hereby ordered to vacate this site you are illegally occupying/developing and report to the development department...Failure to comply will lead to the demolition of your structure and legal action will be taken against you. To avoid embarrassment, please comply.”³ A public relations officer for the Department of Development Control explained that the Authority had issued the notice to quit because the Abuja Master Plan did not envision a court located in a residential area.⁴ Director of Development Control, Isa Shuaibu, admitted that the court had been allocated the site legally as temporary premises while permanent premises were under construction, but that was not sufficient reason to keep his department from carrying out its work. He also told reporters, “You and I know that a court is not supposed to be located within a residential Estate.”⁵ Although the FCT Minister rescinded the notice to quit, the Minister and FCDA officials had unabashedly questioned the rule of law, suggesting to the public that their *interpretation* of the Master Plan was just as important – if not more – than the processes by which land is allocated under Nigerian law. Former FCT Minister El-Rufai and FCDA officials have created a powerful myth about the Abuja Master Plan; and they have used this myth to attempt to justify violations of international and domestic law.

FCDA officials have not been alone in publicly misrepresenting the scope, content and legal authority of the Abuja Master Plan. In a 2006 press statement, the Nigerian Minister for

3 Ruby Rabiou and Abdullahi M. Gulloma, ‘FCDA Serves Court Eviction Notice’, *Daily Trust*, (21 Mar. 2007).

4 Ibid.

5 ‘El-Rufai Rescinds Decision to Evict Abuja Court’, *Daily Trust*, (23 Mar. 2007).

Housing and Urban Development defended the forced evictions in Abuja, saying: “Since those affected choose to embark on illegal development without recourse to the provisions of the Master Plan, which is the legal instrument for administering development control in the city, their removal was on the ground of maintaining the rule of law.”⁶ However, the Abuja Master Plan is not a legal instrument, but a planning document. Those who implement it are subject to laws that, among other things, prohibit forced evictions.

Former FCT Minister El Rufai and other officials have used this myth of the Abuja Master Plan to attempt to convince people that the proper implementation of the Master Plan justified and necessitated the systematic violation of the rights of hundreds of thousands of people so that Abuja would not become ‘another Lagos’. However, few people have access to the Abuja Master Plan to be able to read its recommendations firsthand. Few people have criticised the FCDA for its failure to implement key provisions of the Master Plan regarding Government responsibilities towards housing delivery mechanisms – and it is that failure to implement the Master Plan that contributed to the growth of informal settlements and the dire lack of adequate housing in Abuja. In particular, the Master Plan notes:

Housing represents the most basic of human needs and has a profound impact on the health, welfare, and productivity of individuals. As the closest point of contact between City residents and the City, the success of the New Capital, in the eyes of its residents, will be judged on the basis of the quality of the residential environment. ...[F]uture residents will judge the City not only on how the organization of the City fits their everyday needs, but also on how the demand for housing is provided.⁷

The 1979 Master Plan also levelled criticisms at housing delivery mechanisms in Nigeria, which remain entirely valid in 2007, including such problems as:

- *Failure to mobilize all available financial resources, including both public and private sectors*
- *Setting of unrealistic standards of housing quality not matched to the experience, desires, and capabilities of the population to be served*
- *Failure to give access to credit to the population – both producer and consumer-to-be-served*
- *Inability to preserve and use properly located and easily developed land in an efficient manner*
- *Building industry shortcomings represented by such equally unsatisfactory options as high-priced foreign contractors and imported materials versus inexperienced small-scale builders with an uncertain supply of indigenous materials*
- *Preoccupation with building technology rather than delivery of affordable housing.⁸*

6 Office of the Honourable Minister, Federal Ministry of Housing and Urban Development, ‘Evictions in Abuja: The Untold Story’, [press release], (22 Jun. 2006).

7 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, Federal Capital Development Authority, Federal Republic of Nigeria, (15 Feb. 1979), p. 171.

8 *Ibid*, p. 172.

Unfortunately, the Minister and the FCDA have done little to address the positive recommendations of the Master Plan towards delivering and facilitating the development of adequate housing that is affordable for the majority of the residents of Abuja. Instead, they have destroyed existing housing and forced residents into homelessness and overcrowded living conditions. Through forced evictions, the FCT Minister and the FCDA have further obstructed residents' existing access to water, sanitation, health care, and education facilities. Furthermore, the FCDA failed to adequately consult with residents prior to evictions, failed to provide adequate notice, and failed to obtain court orders for all evictions. The FCDA also carried out some evictions in defiance of court injunctions to stop them. FCT Chief Justice Lawal Hassan Gumi reported that as of August 2007, at least 80 percent of cases pending against the FCT Administration in the FCT courts are regarding demolitions and evictions. The newly-appointed FCT Minister, Dr. Aliyu Modibbo Umar, has declared that his administration will attempt to settle 560 pending cases on demolitions out of court.⁹

1.1 Report overview

This report does not address the full extent of the destructive and illegal actions by the FCDA and its officials, but rather focuses on the forced evictions of residents of informal settlements in the FCT between 2003 and 2007. In 2003, then-Minister of the FCT, Nasir Ahmad el-Rufai, and the FCDA instituted a policy of mass forced evictions in Abuja in an attempt to reinstate a Master Plan that had been developed by International Planning Associates and approved by the FCDA in 1979. The Abuja Master Plan was designed to guide the creation of the new Capital and development of the FCT through the year 2000. It was developed when the Federal Government decided to move the Federal Capital from Lagos to Abuja. The aim of the Master Plan was to create an orderly Capital as a solution to the chaotic, rapidly expanding Lagos. The Plan called for the resettlement of people living in traditional villages in what would become the new Capital City to other parts of the FCT or to neighbouring states. However, the Government never fully carried out the resettlement plan. Instead, many of those living on the land when the FCC was created (commonly referred to as 'indigenes') were allowed to remain in their settlements. Those settlements have expanded over the past 30 years as indigenes have allocated land or rented housing to non-indigenes who moved to Abuja for employment and who were unable to access affordable formal housing. This resulted in the establishment of extensive informal, unplanned and unauthorised settlements within the area designated for the Capital.

After El-Rufai's appointment as Minister of the FCT in 2003, the FCDA targeted up to 65 informal settlements in Abuja for demolition, arguing that the land was zoned for other purposes under the Master Plan and, in some cases, had already been allocated to private developers. To date, those evictions have affected a minimum of 800 000 people. Although the FCDA argues that this number is inflated, it has not released its own figures from its enumerations

9 Funmi Peter-Omale, 'FCTA'll Resolve 560 Demolition Cases Out of Court', *This Day*, (10 Aug. 2007).

of non-indigene households in the informal settlements.¹⁰ Over the past five years, the FCDA demolished approximately 31 targeted settlements in Abuja.

The FCDA has demolished homes, schools, clinics, churches, mosques, and businesses without adequate consultation with communities, and without providing adequate notice, compensation, or adequate resettlement. The evictions have resulted in the massive displacement of hundreds of thousands of people from entire communities, with a spiralling effect on health, education, employment, and family cohesion. Some of the demolitions were accompanied by violence perpetrated by heavily armed security operatives against residents and business owners.

Authorities of the FCDA have drawn a distinction between residents of the FCT land prior to the establishment of the Federal Capital, and those who have moved to the FCT over the past 30 years. The original inhabitants are referred to as 'indigenes', whereas the relatively more recent inhabitants of informal settlements have been deemed 'non-indigenes', 'squatters'¹¹, 'immigrants', or 'settlers'. The demolitions have targeted homes in which non-indigenes live, regardless of whether the buildings were owned by indigenes or non-indigenes. The FCDA's policy has been to wait to demolish indigene homes until resettlement sites are prepared, although in some cases in which enumerations were not completed, the FCDA demolished indigene homes during demolitions of non-indigene homes.

The FCDA has a policy to provide full resettlement to indigenes, in keeping with the original intentions of the Master Plan. However, there is no such policy for non-indigenes living in Abuja. After a public outcry from thousands of evicted residents, the FCT Minister began to publicise plans for evictions with a 'human face'. Since late 2005, the FCDA has offered some non-indigenes affected by demolitions access to a plot of land in relocation sites that are currently under construction. However, this is on condition that they pay 21 000 naira (approximately US \$170) for administrative fees, and a further 600 naira (approximately US \$4.88) per square metre of land. Thus, access to a 500 square metre plot would cost 321 000 naira (approximately US \$2 612). They would further be required to build a home based on certain planning standards within a two-year period or lose their rights to the relocation plot. In a country where over 70 per cent of the population lives below one dollar per day, the relocation plan is simply unaffordable, particularly for those who recently have had their homes and possibly much of their property destroyed.¹²

10 See Annex 1 for partial enumeration figures of indigene households to be resettled at Galuwyi Shere and Wasa, provided by the Department of Resettlement and Compensation in December 2007. The Department did not provide the complete enumeration data of all indigene households to be resettled, nor did it provide any enumeration data on non-indigene households of informal settlements.

11 The term 'squatter' is defined by UN-HABITAT as "A person or household in housing with no title to the land on which it stands; squatters may pay or not pay rent." See United Nations Centre for Human Settlements (UN-HABITAT), *State of the World's Cities 2001*, HS/619/01E (2001) p. 125. However, the term squatter is sometimes understood as referring to a person or household that is living in housing without the authorisation of the public authority or the person(s) with legal tenure. COHRE and SERAC want to clarify that 'non-indigenes' in this case generally have had the authorisation of indigenes to reside on land over which indigenes had customary tenure. However, indigenes did not attain permission from the FCDA to allocate this land, as is required by the FCT Act. Furthermore, various FCDA officials have used the term 'squatter' as a pejorative. As such, COHRE and SERAC generally prefer the term 'non-indigene' throughout this report.

12 COHRE/SERAC interviews with affected communities, FCDA officials, and Nigerian organisations, (1-11 Nov. 2006).

COHRE and SERAC found that in the process of trying to ensure that Abuja is a safe, well-planned city, the former FCT Minister and the FCDA achieved the opposite effect by increasing homelessness and unemployment, and by disrupting access to water resources, sanitation facilities, schools, and health clinics for hundreds of thousands of people. This policy of unmitigated destruction is not merely illegal under international human rights law – it is fundamentally counterproductive to the aims of the Master Plan.

Our research has found that only a handful of those evicted have been able to access plots at relocation sites, and only some 100 households have been able to afford to build new homes. As of publication, the FCDA has not yet followed through on its promise to provide access to water, electricity, roads, schools and health clinics in the relocation sites even though the former FCT Minister began evictions in 2003. The relocation policy has been an unequivocal failure as both a practical solution to address a shortage of adequate housing and as an attempt to assuage public anger and international concerns over the demolitions and human rights violations.

In contrast to the relocation sites, the majority of the indigenes in settlements facing demolition *do* have access to boreholes, sanitation facilities, schools and health clinics, as the communities have worked closely with local area councils to develop the settlements over a number of years, and have often collectively raised funds and built facilities when Government support was lacking. Hundreds of thousands of people, including civil servants, advocates, journalists, retail workers, taxi drivers, and people working in the informal sector, live in these informal settlements, due to a lack of affordable housing in the formal market.

COHRE and SERAC urge an immediate halt to all demolitions. No further demolitions should be allowed until such time as adequate relocation and resettlement plans have been developed in full consultation with affected people, a detailed enumeration of affected people has been completed and made public, and adequate relocation and resettlement sites with all relevant facilities have been prepared. COHRE and SERAC further urge the FCDA to consider *in situ* upgrading and regularisation of informal settlements as a more affordable and efficient alternative to relocation and resettlement and as a more humane alternative to demolitions.

1.2 Methodology

From 28 October to 10 November 2006, a four-person team from COHRE and SERAC undertook a fact-finding mission to Abuja, Nigeria.¹³ The mission included focus group discussions; gathering documentation; interviews with affected persons, government representatives, and local non-governmental organisations; and visits to informal settlements, demolition sites, resettlement sites, relocation sites, and sites where slum-upgrading had been attempted previously. The initial mission was followed by a phase of supplementary research and the production of a draft report. COHRE and SERAC submitted the draft report to FCDA officials,

13 The team was headed by Deanna Fowler (COHRE) and included Joseph Amenaghawon Idahosa (SERAC), Alex Wafer (consultant), and Marie Huchzermeyer (expert consultant on urban planning and *in-situ* upgrading). Victoria Ohaeri (SERAC) and Mbee Daniel Mbee (SERAC) provided additional research during 2007. Michael Kisielewski (COHRE) provided editorial assistance.

national Government officials, and other stakeholders in November and December 2007 in order to discuss the findings and recommendations. Subsequently, COHRE and SERAC undertook additional site visits and interviews and finalised the report based on new information and feedback from officials.

The COHRE/SERAC team visited the following sites:

- Settlements where non-indigenes had been evicted but indigenes remain: Galadimawa, Aleita, Kuchigoro, Piwoyi, Chika, Utako, Durumi
- Settlements facing eviction of indigenes and non-indigenes: Lugbe
- Resettlement site for indigenes: Galuwyi Shere, Apo
- Relocation site for non-indigenes: Pegi
- Previous attempted slum-upgrading site: Garki

COHRE and SERAC also interviewed residents of informal settlements, evicted persons, chiefs of indigene communities, and the following:

- Kolawole Olabisi, Special Assistant to Hon. Minister, Federal Ministry of Housing and Urban Development (31 Oct. 2006)
- Morenike Babalola, Deputy Director of Development Control, Federal Ministry of Housing & Urban Development (31 Oct. 2006)
- Johnson Bade Falade, HPM, Nigeria, UN-HABITAT (1 Nov. 2006)
- Barnabas Atiyaye, Programme Officer, UN-HABITAT (1 Nov. 2006)
- Emeka Ononamadu, Deputy Executive Director, Community Action for Popular Participation (CAPP) (1 Nov. 2006)
- Special Assistant to the Senate President (2 Nov. 2006)
- Lambert Oparah, Chief Public Affairs Officer, National Commission on Human Rights (3 Nov. 2006)
- Ibrahim Salim Olasupo, Legal Officer, National Commission on Human Rights (3 Nov. 2006)
- Deputy Director, National Commission on Human Rights (3 Nov. 2006)
- Edna Deimi Toibi, Urban & Regional Planner, Federal Ministry of Housing and Urban Development (5 Nov. 2006 and 30 Nov. 2007)
- Elder O. J. Nwodo, Enumerator consultant, FCDA (5 Nov. 2006)
- A.C. Ike, Former Director, Department of Urban and Regional Development, FCDA (6 Nov. 2006)
- Yunusa Shuaibu, Federal Mortgage Bank of Nigeria (6 Nov. 2006)
- Abah Grace Ogwa, Justice, Development & Peace Commission (6 Nov. 2006)
- Festus Esekhill, Director, Department of Resettlement and Compensation, FCDA (7 Nov. 2006)
- Hadiza Abdullahi, Chairperson, Task Team on Affordable Housing (7 Nov. 2006)
- Rev. Musa Labar Wuyep, Chairman of the Committee on Habitat, House of Representatives (8 Nov. 2006)
- Idika Oluwa, urban planner, Nu 'Terra (8 Nov. 2006)
- Alh. Ramalan Abbas, Assistant to the Director, Department of Resettlement and Compensation, FCDA (9 Nov. 2006)
- Prince Hassan Danagna Mabushi, Speaker, Abuja Municipal Area Council (9 Nov. 2006)

- Christian Hickel, AGIS (9 Nov. 2006)
- Roland Klaus, AGIS (9 Nov. 2006)
- Ibrahim Usman Jibril (former Land Officer with AGIS) (10 Nov. 2006)
- H. N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (10 Nov. 2006, 27 Nov. 2007 and 3 Dec. 2007)
- Hamza M. Tayyub, Deputy Director, Department of Development Control, AMMC (27 Nov. 2007)
- Francis J. Okechukwu, Deputy Director of Valuation and Compensation, Department of Resettlement and Compensation, FCDA (27 Nov. 2007)
- Dr. Shehu Garba Matazu, Chairman of the Committee on Housing & Habitat, House of Representatives (28 Nov. 2007)
- Mohammed Hazat Sule, Chief Press Secretary to the FCT Minister (28 Nov. 2007 and 2 Dec. 2007)
- Comfort O. Ayeni, Estate Department, Federal Housing Authority (29 Nov. 2007)
- R. O. Attah, Community Renewal & Mgmt. Services, Federal Housing Authority (29 Nov. 2007)
- Sulaiman Abubakar, Director, Department of Urban & Regional Planning, FCDA (29 Nov. 2007)
- Mallam Yahaya A. Yusuf, Acting Director, Department of Development Control, AMMC (30 Nov. 2007)



Rental housing in Lugbe
informal settlement
[Photo: Marie Huchzermeyer,
8 Nov. 2006]



The Creation and Development of Abuja

2.1 The Emergence of the Federal Capital Territory, Abuja

In 1975, the Federal Military Government of Nigeria established the Justice Akinola Aguda Committee to examine the capacity of Lagos to continue serving as the Federal Capital, to advise the Government on whether Lagos should remain the Capital, and to recommend alternative sites for the capital.¹⁴ The committee recommended that the Federal Capital be moved from Lagos and suggested the area which is now the Federal Capital Territory of Abuja as an alternative site for a new Capital City.¹⁵

The Master Plan for Abuja, the New Federal Capital of Nigeria – designed by International Planning Associates (IPA) and approved by the Federal Military Government in 1979 – explained the Committee’s rationale for moving the Federal Capital to Abuja, as follows:

- *The City of Lagos is incapable of functioning as both a Federal Capital and a State Capital, due to the problems of inadequate land space for development commensurate with its status as the Capital of Nigeria.*

¹⁴ Federal Military Government of Nigeria, *Report of the Committee on the Location of the Federal Capital* (Lagos, 1976).

¹⁵ Jonathan Moore ‘The political history of Nigeria’s new capital’, *The Journal of Modern African Studies*, (Vol.22, No .1, 1984), pp. 167-175.

- *Lagos is identified with predominately one ethnic group. A New Capital in a more central location would provide equal access to Nigeria's great diversity of cultural groups.*
- *A New Capital is desirable that would be secure, ethnically neutral, centrally accessible, comfortable and healthful, and possess adequate land natural resources to provide a promising base for urban development.*
- *A New Capital is needed as a symbol of Nigeria's aspirations for unity and greatness.*¹⁶

Authorities also justified relocating the Federal Capital to Abuja as a means by which to balance development across the country by establishing economic opportunities in the 'middle belt' of Nigeria. Authorities believed the creation of the Capital would foster new employment opportunities in the FCT, as well as the neighbouring states of Niger, Kwara (now Kogi) and Plateau (now Nasarawa).¹⁷

On 4 February 1976, the Federal Military Government of Nigeria, led by General Muhammad Murtala, established Abuja as Nigeria's new Capital by virtue of the Federal Capital Territory Decree No. 6 of 1976. Following the recommendations of the Justice Akinola Aguda Committee, the Decree legalised the creation of the Federal Capital Territory (FCT). The Federal Government was to move from Lagos to the new Federal Capital over the course of 20 years. The FCT Act of 1976 placed the entire land mass of the FCT under the auspices of the Federal Government. It also charged the Federal Capital Development Authority (FCDA) with the responsibility of spatial planning and development of the FCT.

In 1977, the FCDA commissioned International Planning Associates to develop a 'Master Plan' for the FCT, which was approved by the Government in 1979.¹⁸ The establishment of the seat of Government in Abuja became effective on 12 December 1991, with the transfer of the Office of the President to the new city.

2.1.1 The Abuja Master Plan

During an 18-month period, IPA undertook a master planning process that involved: "a review of relevant data, the selection of a Capital City site, the preparation of regional and city plans and an accompanying design and development standards manual." On 15 February 1979, *The Master Plan for Abuja, the New Federal Capital of Nigeria* was submitted to the FCDA.¹⁹

The Master Plan for Abuja was "designed to provide long-term guidance for the orderly implementation of the new Capital City. As such, the plan is more than land-use maps, since it provides a general framework for development within which planning for various systems and sectors can continue. The 25-year-plus focus requires that the plan must recognise changes and uncertainty by making provisions for foreseen growth and transition, as well as unfore-

16 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 27.

17 Louis C. Umeh, 'The Building of A New Capital City: The Abuja Experience', Chapter 20 in Taylor, R., ed., *Urban Development of Nigeria: Planning, housing and land policy*, (1993), p. 217.

18 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. i.

19 Ibid.

seen events.”²⁰ The Master Plan was intended to cover and coordinate land use, transportation, housing services and other infrastructural facilities in a manner that was cost-efficient and recognised their inter-relationships.²¹

Located in the geographical centre of Nigeria, the FCT occupies approximately 8 000 square kilometres (km²), while the Federal Capital City (FCC) constitutes about 250 km².²²

Table 1: Planned land use for the Federal Capital City, Abuja²³

	Category of Land Use	Land Budget (in hectares)	Percentage of total
1	Government Activity	500	1.96
2	Services	891	3.49
3	Residential	12 486	48.97
4	Light industries	920	3.61
5	Infrastructure	1 840	7.22
6	Commercial	561	2.20
7	Open space & Recreational facilities	8 300	32.55
	Total	25 498	100

2.1.2 Envisioning the FCT: demographics and housing

The Federal Capital City was designed to accommodate a target population of 1.6 million people by 2000. Planners envisioned that the city ultimately would reach a population size of 3.2 million people once completely developed, after which population growth would be managed through the construction of adjacent, ‘satellite’ towns. The development of the city was to occur in phases, the first of which was planned for completion by 1986 and intended to accommodate up to 150 000 residents.²⁴

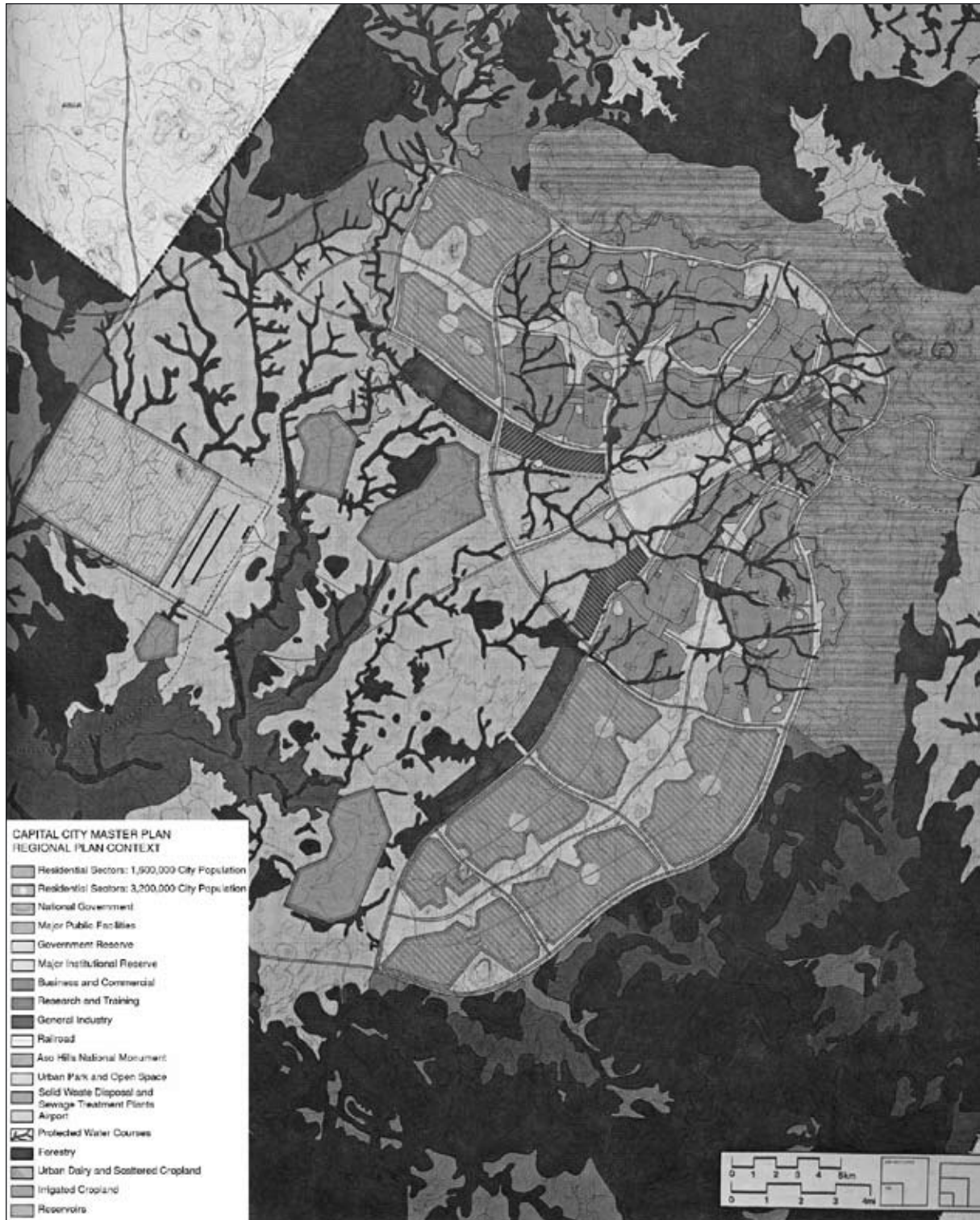
20 Ibid, p. v.

21 Ibid.

22 Official Website of the Federal Capital Territory, Abuja, Nigeria. *The Abuja Master Plan*. <http://fct.gov.ng/NR/exeres/7CA8FoBF-FFF1-43F2-9B29-BC68D3419744.htm>.

23 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 71.

24 Ibid, pp. 55, 18-19, and 22-23. Note: Estimates in the *Master Plan for Abuja* vary from 3 to 3.2 million.



Map of the Federal Capital City [source: International Planning Associates, 1979]

In calculating the anticipated demographic characteristics of the FCC population by 2000, IPA used three essential elements – age/sex, household size, and income distribution – to determine such factors as the number of housing units required, and service facility requirements (e.g., schools and healthcare facilities). For example, age/sex distribution was derived from Nigeria’s 1963 census and was adjusted to account for minor changes in fertility rates and the aging of the overall population over time, as well as the projected effects of the Universal Primary Education programme on the dynamics of growth in the new city. By 2000, the average household size was projected to fall between five and six persons, albeit with substantial variations by income group concentrating larger households in the lowest and highest income brackets. The estimated projection of households for the population of 1.6 million people totalled 278 400.²⁵

The Master Plan contains recommendations for a housing programme that, combined with subsidies to the housing sector, offered a strategy to improve on housing conditions in other urban areas of Nigeria. The programme was built on the following principles:

- *Efficient plot layout and appropriate standards of infrastructure permitting upgrading of standards as economic capability increases*
- *A range of housing options for all income groups, from detached housing, to flats, to traditional multi-family compounds, or rooming houses and shared-services accommodations*
- *Increased reliance on local construction materials, reduced levels of finish and careful management controls to assure that costs of construction are reduced and maintained at lowest possible levels*
- *Sites and services approaches, use of shared services and self-help/self-contracted construction to lower costs.*²⁶

2.1.3 The planned resettlement

Initially, the Nigerian Government planned to resettle all local inhabitants outside of the FCT “in places of their choice at government expense”.²⁷ However, by 1978, the Government chose to prioritise spending funds on developing the infrastructure of Abuja, rather than a complete resettlement of its inhabitants. General Obasanjo stated that, “...those not affected by the first phase of resettlement, but [who] wish to move out of the territory may do so, but such people will have no claims on the FCDA, as they have not been forced to leave. This in effect means that inhabitants (indigenes) not moved out during the present exercise who decide to stay will now be deemed to be citizens of the FCT.... The site cleared for the building of the capital itself will be evacuated and resettlement of the people so evacuated can take place within or outside the territory.”²⁸

25 Ibid, pp. 58-59.

26 Ibid, p. 17.

27 General Muhammed Murtala (1976), *quoted in Ibrahim Usman Jibril, ‘Resettlement Issues, Squatter Settlements and the Problems of Land Administration in Abuja, Nigeria’s Federal Capital’, Promoting Land Administration and Good Governance*, 5th FIG Regional Conference, Accra, Ghana, (8-11 Mar. 2006), p. 2.

28 General Obasanjo (1978), *quoted in Ibrahim Usman Jibril, ‘Resettlement Issues, Squatter Settlements and the Problems of Land Administration in Abuja, Nigeria’s Federal Capital’, (2006), p. 5.*

Under the Master Plan, all indigenous villages within five kilometres of the area intended for the Federal Capital City (FCC), as well as several areas of support, including “the game reserve area; the reservoir watersheds; the plains areas adjacent to the Capital City containing the airport; and the key access points to the Federal Capital Territory” were therefore to be resettled in other areas of the FCT or in the neighbouring states of Nigeria. Those included Niger, Plateau and Kwara.²⁹ An initial estimate of the total inhabitants to be resettled was placed at up to 50 000 people from 264 settlements.³⁰

The Master Plan provided the following options for the relocation of existing residents:

1. *Relocation outside the FCT. This option would probably incur greater expense, having the potential to create greater socio-cultural impacts on the people involved. This option has been discarded by FCDA.*
2. *Relocation within the FCT. Although this may be the most straightforward solution, it will probably not be applicable to all the residents being relocated. Given that virtually all of the population to be relocated presently live in rural areas, it seems likely to assume that most, if not all, may prefer less urban accommodations.*
3. *Relocation within the FCT, to villages which already have some of the basic community facilities. This is probably the most reasonable option, since it might better address the potential socio-cultural preferences of the population involved, and might increase the numbers of people who could potentially be served through existing community facilities.*³¹

In 1979, the University of Ibadan conducted a follow-up enumeration of the population to assess the compensation entitlements that would be paid to the affected persons through their state Governments.³² The civilian administration of President Shehu Shagari also commissioned an *ad hoc* Committee to conduct an opinion survey among the inhabitants of the FCT to determine who wanted to be relocated to other states and who wanted to remain in the FCT.³³ The survey results indicated that the majority of inhabitants from the area that had been Plateau State preferred to be relocated to Plateau State rather than to remain within the FCT. In contrast, the majority of those from Niger and Kwara States wished to remain in the FCT. Furthermore, the results of the analysis from the Ibadan University survey and that of the opinion survey found that over 100 000 inhabitants (between 125 000 and 150 000) were living in the FCT.³⁴

From 1981 to 1984, the resettlement process concentrated primarily on those in the areas of the Capital City who were to be compulsorily moved out (Category 1), and those who opted to leave the FCT (Category 2). The first villages (from Category 1) to be moved out of the Niger State section of the FCT were resettled outside the FCT in a location called New Wuse, between

29 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 228.

30 *Ibid.*, p. 230.

31 *Ibid.*

32 Alhaji Usman Sabo-Ago, ‘Implementing A Master Plan: The Abuja Experience’, Paper presented at the workshop on the planning of the new capital cities in developing countries held at Abuja, Nigeria from (5-9 March 1984), under the auspices of the United Nations University, Tokyo-Japan, NISER Ibadan and the FCDA Abuja. Delivered on 7 March 1984.

33 *Ibid.*

34 *Ibid.*

Suleja and Jere on the Suleja-Kaduna highway. Similarly, the villages from the Plateau section were resettled outside the FCT in New Nyanya and New Karu. Other villages remaining from Category 1 were subsequently resettled within the FCT at resettlement sites in Kubwa and Usman Town.³⁵

By 1984, the resettlement process for Category 2 was complete.³⁶ The process concerning Category 1 continued until the introduction of an ‘integration policy’,³⁷ which sought to blend together the villages within the Capital City without needing to resettle them elsewhere. Notable among those villages is Garki Village in Wuse II of the FCC, which, following the reversal of the integration policy in 1999³⁸ and the subsequent advent of new policies in 2003,³⁹ was targeted for demolition by the FCDA under the direction of former Minister Nasir Ahmad el-Rufai. However, the integration policy, which was not foreseen by the architects of the Abuja Master Plan, was not properly implemented by policymakers. Consequently, that led to poorly-serviced areas, such as Garki Village, in the midst of the rapidly developing and more highly-prioritised neighbourhoods of Phase One.⁴⁰

2.2 The ensuing urbanisation

The movement of the Seat of Government to Abuja became effective on 12 December 1991. During 1991, over 200 000 public sector workers relocated from Lagos to the FCT, along with staff from foreign embassies and the offices of multilateral and bilateral agencies.⁴¹ According to the census of 1991, the population for the FCT was estimated at 378 671.⁴² Following more than two decades of military rule, the 29 May 1999 inauguration of civilian-elected President Olusegun Obasanjo became a further incentive for Nigerians from all walks of life and members of the international community to relocate to Abuja.

Between 1980 and 1994, the FCDA had completed construction of more than 22 000 housing units and the Federal Housing Authority had completed 1 571 units.⁴³ Most of these units were not affordable to Abuja residents and annual costs were subsidised up to 98.5-99.9

35 Sylvester Abumere, ‘Resettlement then and Now’, in *The Review of Abuja Master Plan*, M.S.U. Kalgo and O. Ayileka, eds., (Ibadan, Nigeria: Fountain Publications, 2001).

36 Ibid.

37 Ibrahim Usman Jibril, ‘Resettlement Issues, Squatter Settlements and the Problems of Land Administration in Abuja, Nigeria’s Federal Capital’, *Promoting Land Administration and Good Governance*, 5th FIG Regional Conference, Accra, Ghana, (Mar. 8 – 11 2006), p. 5.

38 Ibid. As the report discusses, new houses were built by the Government, security personnel took over the houses, and ‘The Government looked the other way – perhaps out of political expediency?’ pp. 5-6.

39 Ibid. Those included restoration of the Master Plan and a return to the original concept of complete resettlement, pp. 6-7.

40 See section 5.1.1 of this report for a more detailed analysis of the failed implementation of the integration of Garki village.

41 Adediran Adejuwon, ‘Satellite towns and the new Abuja Master Plan,’ in *The Review of Abuja Master Plan*, M.S.U. Kalgo and O. Ayileka, eds., (Ibadan, Nigeria: Fountain Publications, 2001).

42 National Population Commission, (1992), *quoted in* Onyekwere M. Ukoha and Julia O. Beamish, ‘Assessment of Residents’ Satisfaction with Public Housing in Abuja, Nigeria’, *HABITAT INTL*. Vol 21, No.4, pp. 445-460, (1997).

43 Onyekwere M. Ukoha and Julia O. Beamish, ‘Assessment of Residents’ Satisfaction with Public Housing in Abuja, Nigeria’, *Habitat International*. Vol 21, No.4, (1997), pp. 445-460.

percent for civil servant residents.⁴⁴ The 1991 National Housing Policy estimated that Nigeria as a whole would need five million new housing units in urban areas to meet housing needs by 2000.⁴⁵

The sudden increases in the population of Abuja placed enormous pressure on the city's still rudimentary infrastructure – particularly its housing. The massive housing deficits that resulted from the influx of relocated civil servants, without adequate measures from the FCDA to provide access to affordable housing, gave rise to rapidly rising rents, overcrowding, large numbers of shared households, the growth of small-scale private sector housing in the outlying settlements of Abuja and homelessness.⁴⁶

2.3 The growth of informal settlements

The lack of affordable housing units for both civil servants and other residents, the failure of the relevant FCT agencies to establish proper regulatory mechanisms for development control, and the series of inconsistencies and changes in the Government's resettlement policy led to the establishment and growth of informal settlements within the FCT. The compensation policy also contributed to the growth of informal settlements. Compensations placed no value on bare land and were paid only for “unexhausted improvements”⁴⁷ such as buildings and crops.⁴⁸ Owners thus began to sell in the open market rather than wait for Government acquisition and subsequent perceived low compensations. That led to a flourishing illegal land market, which was operated mainly by leaders of local communities. The illegal markets were the easiest way for Abuja residents to acquire land. The operators of the illegal land markets exploited the weakness of the Government's regulatory mechanisms, the slow and cumbersome process of acquiring legal titles and the demand for housing. Former AGIS Land Officer, Ibrahim Usman Jibril, estimates that these policies led to the development of 28 such settlements within the FCT, although COHRE and SERAC estimate that approximately 65 such settlements developed.⁴⁹

44 Erasmus U. Morah, 'Why Nigeria obtained the new capital that it did: An analysis of officials' disposition in housing development', *International Review of Administrative Sciences*, (Vol.59, 1993), 251-275.

45 Uche Ikejiofor, 'The Private Sector and Urban Housing Production Process in Nigeria: A Study of Small-Scale Landlords in Abuja', *Habitat International*, Vol. 21, No. 4, (1997), pp. 409-425.

46 Ibid.

47 The term “unexhausted improvements” is defined in the *Land Use Act of Nigeria, 1978*. Chapter 202, Section 51 (1) as “anything of any quality permanently attached to the land, directly resulting from the expenditure of capital or labour by an occupier or any person acting on his behalf, and increasing the productive capacity, the utility or the amenity thereof and includes buildings, plantations of long lived crops or trees, fencing, wells, roads and irrigation or reclamations works, but does not include the result of ordinary cultivation other than growing produce.”

48 *Federal Capital Territory Act of Nigeria. (1976)*, Chapter 128, Section 6.

49 Jibril, 'Resettlement Issues, Squatter Settlements and the Problems of Land Administration in Abuja, Nigeria's Federal Capital', (2006).

Garki settlement: 'failed' integration experiment, targeted for demolition [Photo: Deanna Fowler, 10 Nov. 2006]



Land tenure and use in Abuja

3.1 Legislative framework

3.1.1 The Federal Capital Territory Act (1976)

The Federal Capital Territory Act was passed on 4 February 1976, although the exact location of the site and the finalisation of the urban design and infrastructure layout for the FCT – the Abuja Master Plan – was not finalised until 1979. However, Abuja was officially inaugurated as the Federal Capital in 1991.⁵⁰

The FCT Act established, among other things, the requirement for an area to be declared as the FCT and to be described, and the establishment of the Federal Capital Development Authority, charged with the development and management of the FCT.⁵¹ The FCT was envisaged as an area separate from the rest of Nigeria, existing within none of the States, and controlled by a body appointed directly by the Federal Government. That body was granted considerable powers by the Act. It was charged with the preparation of the Abuja Master Plan, and 'town and country planning' within the FCT.⁵² That gave the FCDA authority over all land

50 Morah, 'Why Nigeria obtained the new capital that it did: an analysis of officials' disposition in housing development', (1993), pp. 251-275.

51 *Federal Capital Territory Act of Nigeria*. (1976), Chapter 128, Sections 1.2 and 3.1.

52 *Ibid.* Section 4 (1b).

within the FCT, and not simply the Capital City itself. Moreover, the FCDA was granted the power to “purchase or otherwise acquire or take over any asset, business, property, privilege, contract, right, obligation and liability of any person or body (whether corporate or unincorporate) in furtherance of its activities”.⁵³

The authority of the FCDA was somewhat curtailed by subsection 4.3 of the Act, which denies the FCDA the power to borrow money or to dispose of any property. Yet this part of the Act pre-empted the Land Use Act passed in late 1978, which vested all land in the hands of Government (whether federal, state or local) and allocated it for perpetual use. The FCT Act also charged the FCDA with halting any construction already underway on land within the FCT.⁵⁴ The powers to allocate and develop land within the FCT were thus retained by the Federal Government, which appointed the FCT Minister to act on its behalf.⁵⁵

As the Capital of an ethnically and religiously diverse nation – and being located within territory outside of any State – it was further envisaged that no person or group would have any claim (either customary or otherwise) to land within the FCT.⁵⁶ The Act makes provision for compensation to be paid to people affected by the establishment of the FCT (particularly the extant indigenous settlements within the area) and/or for alternative land to be granted to them in neighbouring States. The term ‘right of occupancy’ was only introduced in 1978 with the passing of the Land Use Act, but the mechanisms of control over land granted to the FCDA and FCT Minister reflect the legislation that has governed all land in Nigeria since 1978.

3.1.2 The Land Use Act (1978)

On 29 March 1978, the Federal Government of Nigeria passed the Land Use Act, which introduced a tenure system based on rights of occupancy and brought all land within the country under government control: local government, the Governor of each State, or in certain circumstances (e.g. where land contains or provides access to minerals), the Federal Government. In each State, the Governor is the ultimate trustee of land, which is held in posterity for all Nigerians, and the Governor is assisted in her/his duties by a Land Use and Allocations Committee (LUAC).⁵⁷

The Land Use Act governs the principles of land tenure within Nigeria, the rentals payable by occupants to the local authorities or state, the revocation of rights (and compensation thereof), and the transition to the system of rights of occupancy.

The State Governor is responsible for appointing: (a) a Land Use and Allocation Committee (LUAC) at the state level, who is responsible for assisting the Governor in matters of land use and land allocations, and (b) a Land Allocations Advisory Committee within each local government, which is responsible for assisting with issues of land allocations.⁵⁸ However, the

53 Ibid. Section 4 (2d).

54 Ibid. Section 7.

55 Ibid, Section 18.

56 Ibid. Sections 1 and 6.

57 *Land Use Act, 1978*. Chapter 202, Sections 1 and 2.

58 Ibid. Sections 2.2 and 2.5.

rights and powers of the various advisory committees are poorly defined by the Land Use Act. The LUAC consists of “such number of persons as the Governor may determine and shall include in its membership not less than two persons possessing qualifications approved for appointment to the public service as estate surveyors or land officers and who have had such qualification for not less than five years; and a legal practitioner”.⁵⁹ Nor is there any mandatory engagement of civil society or consultative process over and above the LUAC. At the level of local government (e.g., in rural areas), the Act makes provision for a Land Allocation Advisory Committee (LAAC), but that committee does not necessarily require a consultative process. The membership of the LAAC is appointed by the State Governor (after consultation with the members of the local government) and it serves only an advisory capacity to the local government.⁶⁰

The State Governor has the authority and responsibility for granting statutory rights of occupancy in urban and non-urban areas, to set the rental rates for any such land and to impose penal rents.⁶¹ The Governor can impose penal rents or revoke statutory rights of occupancy upon a breach of the Certificate of Occupancy, such as the addition of ‘improvements’ without the consent of the Governor; the failure to undertake improvements as specified; and the sale, sublease, mortgage or transfer of any part of the land without the prior consent of the Governor.⁶² The local government, on the other hand, has the authority to grant customary rights of occupancy (e.g., the use of land for agriculture, grazing or other purposes by families and tribal associations) in areas designated as “land not in an urban area” and which is not already subject to a statutory right of occupancy.⁶³

Moreover, the State Governor has the power to delineate the boundaries of urban areas.⁶⁴ Unlike land in non-urban areas that can and is expected to be subject to customary allocations,⁶⁵ the State Governor is not obliged to grant rights of occupancy to customary groups within areas deemed urban. The power to determine whether land is urban or non-urban therefore could be exploited by officials to prevent certain groups from accessing land.

Although the State Governor is empowered to collect rentals for right of occupancy, the Act prohibits the Governor from attaching rental value to the value of improvements on a site.⁶⁶ Thus, the rentals are not, in theory, allowed to represent a form of tax on the value of the buildings on a site. This also might represent an attempt to avoid price speculation and market-related land-price inflation, though the Act does not prohibit rentals that reflect land scarcity. Although rentals might not reflect the value of improvements on a site, they still can reflect the relative value of a site so that well-situated sites are subject to higher rents than those that are poorly situated.

59 Ibid. Section 2.3.

60 Ibid. Section 2.5.

61 Ibid. Section 2.5.

62 Ibid. Section 5.

63 Ibid. Section 6.

64 Ibid. Section 3.

65 Ibid. Section 6.

66 Ibid. Section 16.

In both urban and non-urban areas, the economic value of land for which a person is entitled to compensation, if the right of occupancy is ever revoked, is attached to the improvements located on the land for which a person or organisation has a right of occupancy.⁶⁷ As discussed in sections 3.2 and 4.2 of this report, compensation levels are not always sufficient to enable a person or organisation to attain a Certificate of Occupancy for an equally profitable parcel of land. In fact, the Land Use Act does not require a Governor to take into account the circumstances of a person or organisation – whether they would be financially able to access alternative land – in deciding whether to revoke a right of occupancy or in deciding the levels of compensation.

The Land Use Act also favours a top-down, non-consultative and centrist “master-planning” approach to urban planning, with little concern for the internal dynamics of the urban area, rendering urban areas exclusive and controlled by the Governor. Furthermore, decreeing that all improvements to the land, all sub-leases, all mortgages, and other changes be approved by a single person – the Governor – based on the Governor’s subjective consideration of the usefulness of such changes, severely hampers the efficiency of land use and allocation. The Land Use Act further creates the opportunity for land allocation and rental rates to be based on political favouritism, as it provides only a vague description of how rentals should be calculated, while also providing the authority for Governors to reduce rents or eliminate rents when she/he is satisfied “that it would be in the public interest to do so.”⁶⁸

3.1.3 Land allocation in the FCT

Although the FCT Act of 1976 was passed into law before the Land Use Act of 1978, the current context of land tenure within the FCT reflects the Government’s attitude towards access to land in the Land Use Act. The control of land allocation by the Government was intended to remove land from the hands of customary landowners, stimulate urban growth and development, and make land more economically productive.⁶⁹ However, unlike land administered by the various State Governors, there is no distinction between urban and non-urban land within the FCDA (although the FCT Act does make reference to ‘town and country planning’.⁷⁰ The FCT Act states that all land within the FCT is to be administered by or under the control of the Federal Government.⁷¹ The later Land Use Act reinforced the status of land within the FCT as falling under the direct control of the Federal Government and any “Federal Commissioner” that the President might designate to act on her/his behalf – a position which would later be termed the Minister of the Federal Capital Territory. Any references to the powers of a Governor under the Land Use Act can also be construed as referring to the powers of the FCT Minister.⁷²

All existing inhabitants were to have been resettled outside of the FCT area. However, it was later decided that resettlement would happen within the FCT, but outside of urban areas of the planned Federal Capital City. Authorities made this decision for a number of reasons,

67 Ibid. Section 29.

68 Ibid. Section 17.

69 Jibril, ‘Resettlement issues, squatter settlements and the problems of and administration in Abuja, Nigeria’s Federal Capital,’ (2006); and R. W. Taylor, *Urban Development Policies in Nigeria: Planning, Housing, and Land Policy*, (1988).

70 *Federal Capital Territory Act of Nigeria*. (1976), Chapter 125, Section 4.1(b).

71 Ibid. Section 1.3.

72 *Land Use Act*, (1978), Chapter 202, Section 51.2

including a higher revised estimation of the number of indigenous people living in the area and the associated costs of resettlement.⁷³ The Abuja Master Plan identified 40 villages to be relocated during the initial construction in the FCC, and an additional 85 villages to be relocated as the City population grew to the estimated 3.2 million population.⁷⁴ The preparation of Phase One – designed to accommodate the new seat of Government – was supposed to have been completed and ready for the occupancy of 150 000 people by 1986.⁷⁵ However, President Shagari compelled the FCDA to move the date forward to 1983. Thus, the construction of the infrastructure of Abuja was conducted under pressure, and there was an ongoing lack of adequate housing in the city.⁷⁶ The failure to address the need for adequate housing that was affordable to civil servants,⁷⁷ coupled with a cumbersome, and seemingly corrupt bureaucracy for accessing land and attaining development contracts⁷⁸, resulted in the establishment of informal settlements on the outskirts of the new city and other deviations from the latter (and as yet un-built) phases of the Master Plan.

Administration within the FCT

The FCDA consists of 13 administrative departments:⁷⁹

- Engineering services
- Administration and supplies
- Finance and accounting
- Maintenance
- Public building
- Survey and mapping
- Development control
- FCT Treasury
- Internal audit
- Legal services
- Parks and recreation
- Resettlement and compensation
- Urban and regional planning

The Department of Resettlement and Compensation carries out the resettlement programme, while the Department of Development Control carries out the relocation programme.⁸⁰ There are also six administrative regions within the FCT: the Abuja Municipal Area Council (AMAC), Abaji, Bwari, Kuje, Kwali, and Gwagwalada. The FCC falls within AMAC.

73 Jibril, 'Resettlement issues, squatter settlements and the problems of and administration in Abuja, Nigeria's Federal Capital,' (2006).

74 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), pp. 228.

75 Ibid, pp. 261.

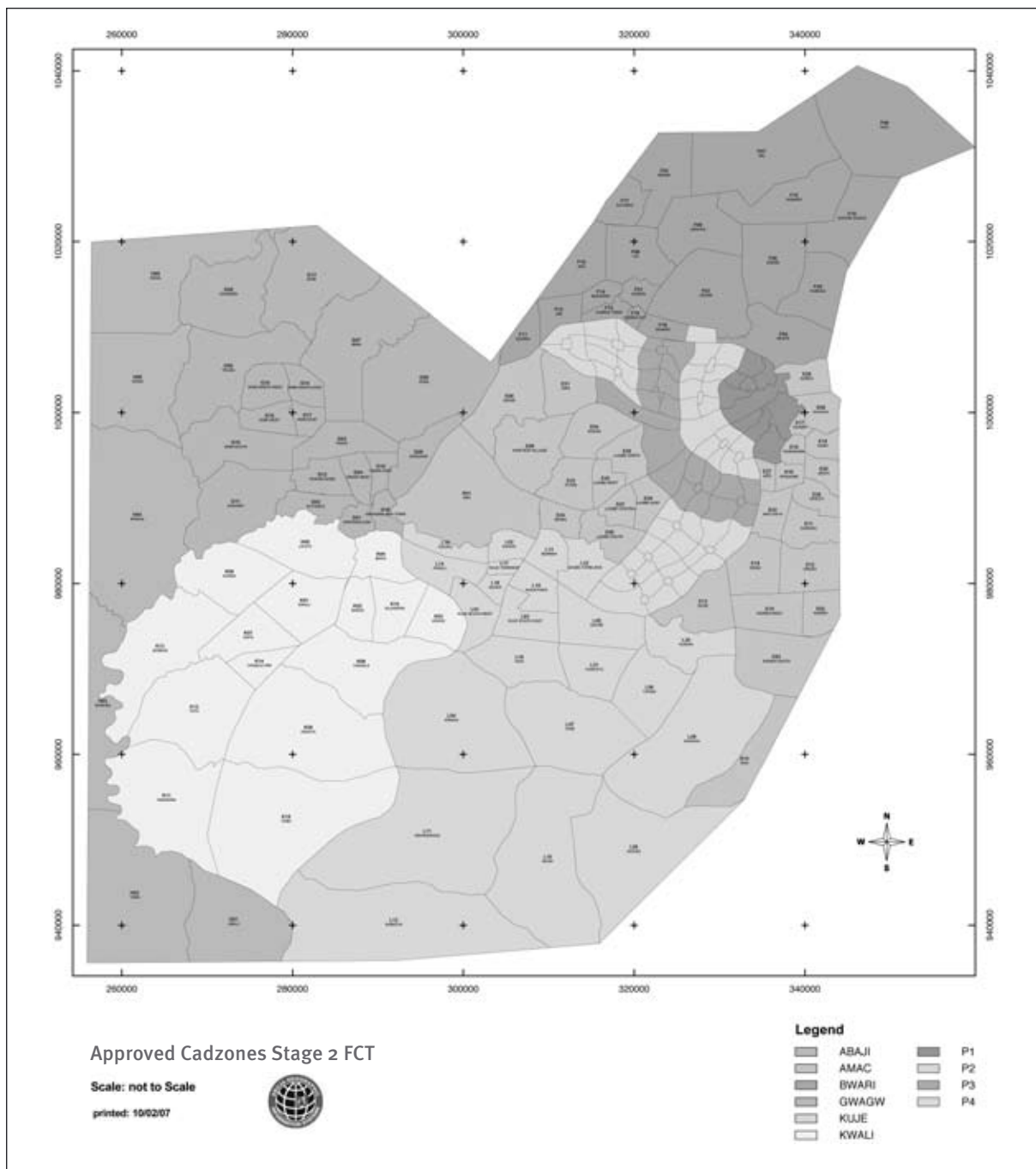
76 Umeh, 'The Building of a New Capital City: The Abuja Experience,' (1993), pp. 226, 18-19 and 22-23.

77 Morah, 'Why Nigeria obtained the new capital that it did: An analysis of officials' disposition in housing development' (1993), p. 251.

78 Ibid, p. 273, notes 6 and 7.

79 Federal Capital Territory website, www.fct.gov.ng => FCDA => Departments (accessed on 16 Nov. 2007).

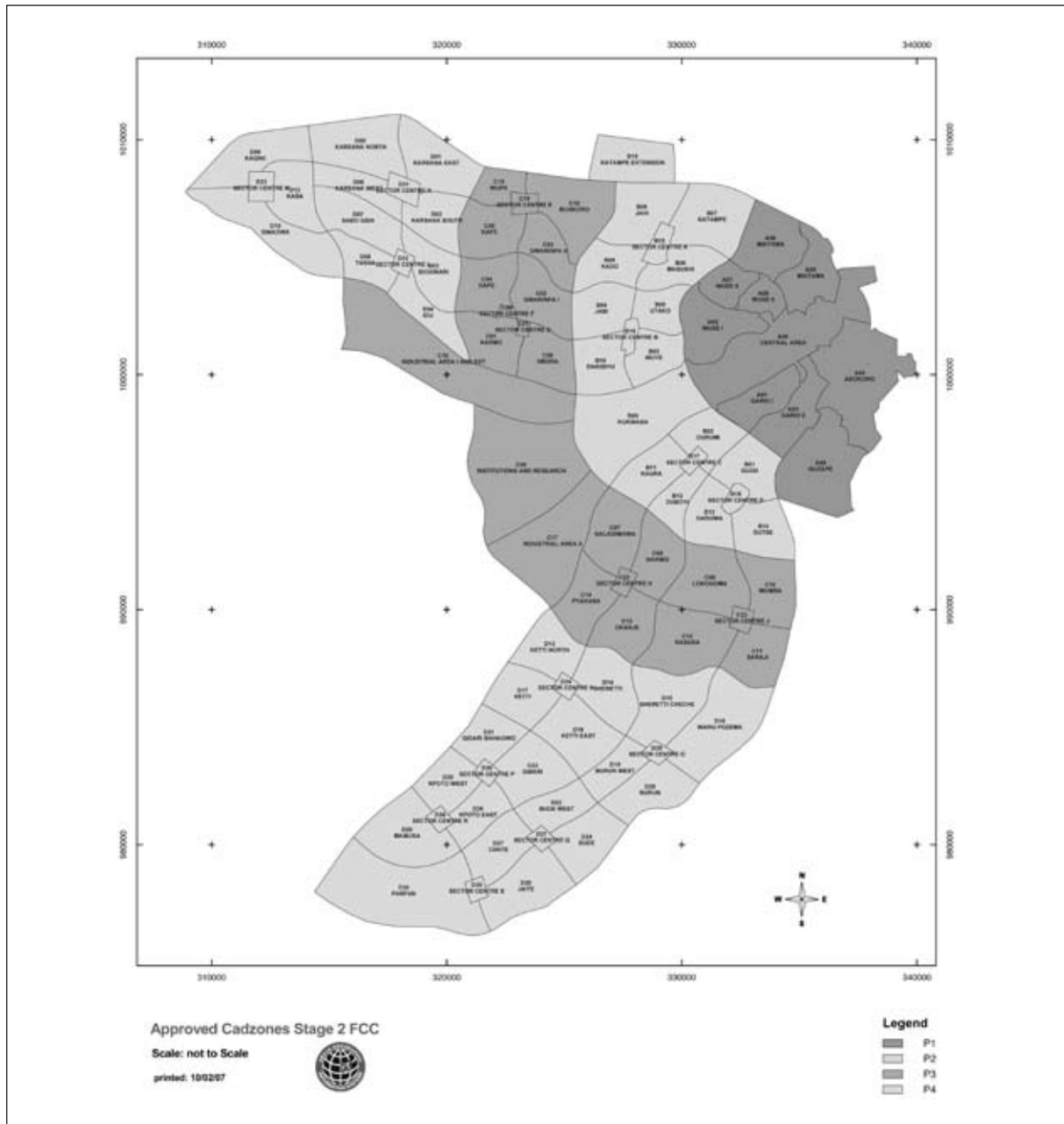
80 COHRE/SERAC interview with Mallam Yahaya A. Yusuf, Acting Director, Department of Development Control, AMMC (30 Nov. 2007).



Approved Cadzones, Federal Capital Territory [source: AGIS]

Government Notice No. 1205 of 1979 created a Ministry of the Federal Capital Territory. However in 2005, President Obasanjo abolished the Ministry of the FCT and the Minister was resituated in the Office of the Presidency. The ministerial operations were brought into the FCDA, and the Minister of the FCT (now in the Office of the Presidency) was made Chair of the

FCDA by way of the FCT Act.⁸¹ The abolition of the Ministry reconciles the FCT Act of 1976 with the 1999 Nigerian Constitution, which makes provisions for a minister to assist with the FCT – but does not call for a ministry to accomplish that.⁸²



Approved Cadzones, Federal Capital City [source: AGIS]

81 'FG restructures FCT administration', Public Communications Unit of the Federal Government of Nigeria, (10 Mar. 2005).

82 *Constitution of the Federal Republic of Nigeria* (1999), Chapter VIII, Part I.



Lugbe school
[Photo: Deanna Fowler,
8 Nov. 2006]

3.2 Land tenure and use in the informal settlements

Authorities of the FCDA have drawn a distinction between residents of FCT land prior to the establishment of the Federal Capital, and those who have moved to the FCT over the past 30 years. The original inhabitants are commonly referred to as ‘indigenes’, whereas the relatively more recent inhabitants of informal settlements have been termed ‘non-indigenes’, ‘migrants’, or ‘squatters’⁸³.

In 1979, the architects of the Master Plan estimated that there were approximately 500 to 600 settlements and villages within the FCT area, with a total population of approximately 300 000. The Plan provided for the relocation of settlements within five kilometres of the area intended for the Federal Capital City (FCC), as well as several areas of support, including “the game reserve area; the reservoir watersheds; the plains areas adjacent to the Capital City containing the airport; and the key access points to the Federal Capital Territory.”⁸⁴ The Master Plan’s estimate of the population within the area of the first phase of the FCC was approximately 11 000 people, with an additional 8 500 to 17 000 people in other areas of the FCC. Including population estimates from the other areas of support, the total number of people to be relocated was estimated at 50 000 people.⁸⁵

As discussed in section 2.1.3, the Federal Government implemented a resettlement process for some of the indigenes, but most chose to remain. As of November 2006, the FCDA estimated that there were 49 informal settlements scheduled to be demolished – although different departments of the FCDA provided the COHRE/SERAC team with conflicting lists of

83 See note 11.

84 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 228.

85 *Ibid*, pp. 228-230.

Kuchigoro burial grounds
[Photo: Deanna Fowler,
2 Nov. 2006]



those settlements. Based on a compilation of those lists and media reports of evictions or threatened evictions, there are as many as 65 informal settlements targeted for demolition.⁸⁶ To date, the FCDA has not released updated population estimates for these settlements.

During the past 30 years since the Master Plan was devised, the original settlements have expanded not only through regular population growth, but also due to a massive influx of non-indigenes who moved to Abuja for employment. Indigenes have allocated land or have rented housing to non-indigenes who moved to Abuja and were unable to access affordable formal housing. Hundreds of thousands of people, including civil servants, advocates, journalists, retail workers, taxi drivers, and individuals working in the informal sector, have moved to these informal settlements. This resulted in the formation of extensive informal, unplanned and unauthorised settlements within the area designated for the Capital City.

Due to a shortage of affordable housing – exacerbated by the 2005-2006 sale of approximately 24 844 Government subsidised housing units in the FCT⁸⁷ – many residents of Abuja have been unable to find affordable accommodation in the formal housing market. At the same time, the FCDA has been acquiring farmland from indigenes. Under the terms of the FCT Act, the FCDA can acquire such land for purposes of development, compensating indigenes based on the cost of ‘improvements’ to the land – not the full productive capacity of the land. For example, in Chika settlement, residents reported that the FCDA acquired farmland from indigenes, on which a housing development called Sun City was built. Some indigenes received 2 000 or 3 000 naira for a plot of land that had produced enough to feed their family. Such compensation was not sufficient for them to acquire a Certificate of Occupancy for an

86 See section 4.1 for further discussion of settlements demolished or threatened with demolition.

87 Lere Ojedokun, ‘Debt Relief: Nigeria Pays \$6 Billion in September’, *Daily Champion*, (14 July 2005)



Silos for grain, Lugbe
[Photo: Deanna Fowler,
8 Nov. 2006]

alternative plot of land.⁸⁸ Indigenes in the FCC and surrounding areas were left without farmland and without sufficient compensation to acquire land farther outside the FCC to farm. As the vast majority of indigenes have survived through farming as their sole occupation, they were forced to find an alternative means of earning income. Many indigene households chose to use the additional land in their settlements to supply additional income, while also meeting the urgent need for affordable housing for non-indigenes.

Although illegal under the FCT Act for individuals to rent land or build housing for rental purposes without the approval of the FCDA⁸⁹, indigenes have been doing so for several decades. That practice increased prior to 2003 because:

- the FCDA only sporadically attempted to halt the illegal use of land in terms of the FCT Act;
- the FCDA increased the acquisition of indigene farmland; and
- the population of Abuja continued to increase beyond the number of affordable housing units available.

⁸⁸ COHRE/SERAC interviews with indigenes at Chika settlement, (4 Nov. 2006).

⁸⁹ *Federal Capital Territory Act of Nigeria*. (1976), Chapter 128, Sections 7 (1) and (3).

Predemolition overhead
image of Kuchigoro
settlement expansion
[source: AGIS, printed Nov. 07]



Indigenes built homes and rented them to non-indigenes at lower rates than the formal rental market or rented land to non-indigenes and allowed them to build their own homes. Indigenes also built small shops – typically called ‘corner stores’ – along the main roads within the informal settlements. Indigenes either operate those shops or rent the shops to non-indigenes. The COHRE/SERAC team interviewed indigenes from various settlements who explained that they use the income they earn from corner shops to pay their children’s school fees. Reportedly, some non-indigenes also use the small corner shops for accommodation. Non-indigenes also rent buildings from indigenes in which to run private nursery schools or crèches. The crèches provide an affordable form of childcare to non-indigene and indigene families. A Galadimawa resident explained:

*I raise money and build another home and rent it out and earn some money to raise my children. I have six children and one day I may give one of the homes to them.*⁹⁰

The majority of the informal settlements have been characterised by indigene houses centrally located, with a mixture of indigene and non-indigene homes radiating outwards. With the growth of the non-indigene population, the indigenes often constitute a minority in a settlement. Most settlements have schools, police stations and health clinics – built with local area council funds, by the community themselves, or through a mixture of the two. Settlements have boreholes and electricity connections – also generally developed through a mixture of local Government support and community funds. In Galadimawa settlement, for example, the local Government provided a transformer and the community contributed to buy poles and other necessary equipment to provide homes with electricity. The community also created two boreholes and the local government provided two.⁹¹ Burial grounds are another fea-

90 COHRE/SERAC interviews with indigenes at Galadimawa settlement, (31 Oct. 2006).

91 COHRE/SERAC interviews with indigenes at Galadimawa settlement, (31 Oct. 2006).



Lugbe compound with courtyard
[Photo: Marie Huchzermeyer,
8 Nov. 2006]

ture of settlements, which are of great cultural significance, and the potential loss of which is one of the biggest concerns for indigenes facing resettlement.

The quality of housing varies between each informal settlement, but the most commonly used materials for homes are concrete or mud bricks for walls, concrete floors, and corrugated zinc sheets for roofing. Houses might consist of only one room or of several bedrooms. Also, families occasionally build compounds – several houses surrounding a common courtyard. Courtyards and other open spaces are often used for cooking fires. The majority of settlements do not have buildings of more than one storey. Families who have earned their living from farming also maintain silos constructed with mud brick and corrugated zinc roofing, in which to store grain.

Most settlements are built near paved main roads and are connected to those roads by single- or double-lane dirt roads. The dirt roads can become difficult for cars to traverse due to deep pot-holes or flooding. Many of the roads within the settlements are very narrow, although some settlements have maintained road widths capable of allowing vehicles to pass through all parts of the settlement. In addition to corner shops along the main roads, informal settlements generally have one or more outdoor market spaces where residents sell fresh fruit, vegetables, meat, dried beans and other foods.

Aftermath of the demolition
of Kuchigoro settlement
[Photo: Deanna Fowler,
1 Nov. 2006]



F o r c e d e v i c t i o n s i n **A b u j a : 2 0 0 3 - 2 0 0 7**

Since 2003, the FCDA has demolished homes, schools, clinics, churches, mosques, and businesses without adequate consultation with communities, and without providing adequate notice, compensation, or adequate resettlement. The forced evictions have displaced hundreds of thousands of people from entire communities, with a spiralling effect on health, education, employment, and family cohesion. Some of the demolitions were accompanied by violence perpetrated by heavily armed security operatives against residents and business owners.

Evictions under the administration of Federal Capital Territory (FCT) Minister, Nasir Ahmad el-Rufai commenced as early as 2003, but large-scale demolitions began late in 2005 with the forced eviction of Idu, Karmo, and settlements along the road to Nnamdi Azikiwe Airport. Forced evictions occurred with greater frequency prior to April 2006 national elections. However, after El-Rufai was replaced by Dr. Aliyu Modibbo Umar as the new FCT Minister, there have not been any reported forced evictions of informal settlements. Nevertheless, FCT Minister Umar has stressed that he will continue demolitions of informal settlements, saying in a Town Hall meeting in December 2007, “I will keep the sanctity of the Master Plan. Demolition will continue if it contravenes the Master Plan. The only difference is that we will consult.”⁹²

92 FCT Minister, Aliyu Modibbo Umar, statement at Town Hall Meeting, International Conference Centre, Abuja, (1 Dec. 2007).

4.1 The settlements and people affected

Beginning in 2003, when President Obasanjo appointed El-Rufai as Minister of the FCT, El-Rufai and the FCDA targeted over 49 informal settlements in Abuja for demolition. The FCDA departments of Resettlement and Compensation, Urban and Regional Planning, and Abuja Geographic Information Systems, provided the COHRE/SERAC team with information and maps on the informal settlements in Abuja. However, they were unable to provide the team with a standardised, comprehensive list of the informal settlements that they are targeting for demolition. The Department of Urban and Regional Planning provided the COHRE/SERAC team with the following list of 49 settlements, noting that numbers 48 and 49 are not actual settlements, but rather “other minute homesteads that can be aggregated as two extra communities.”⁹³

Box 1: Key Villages in Phases One-Four to be resettled⁹⁴

1. Akpanjenya	25. Kado Life Camp 1 and 2
2. Aleita	26. Karmo
3. Apo	27. Karomajigi
4. Chika	28. Kpadna
5. Dakibiu	29. Kpaduma
6. Dape	30. Kpebi 1 and 2
7. Dagmalo	31. Kuchigoro
8. Damagaza	32. Kuruduma
9. Dnako	33. Kutakwo
10. Duboyi	34. Lugbe
11. Durumi 1-4	35. Lokogwoma
12. Dutse Garki	36. Lumbu
13. Gaduwa	37. Lungu
14. Galadima	38. Mabushi
15. Galadimawa	39. Magajipe
16. Gisiri	40. Maje

93 FCDA Department of Regional and Urban Planning, List of settlements targeted for demolition, provided to mission team upon request. (6 Nov. 2006).

94 Ibid.

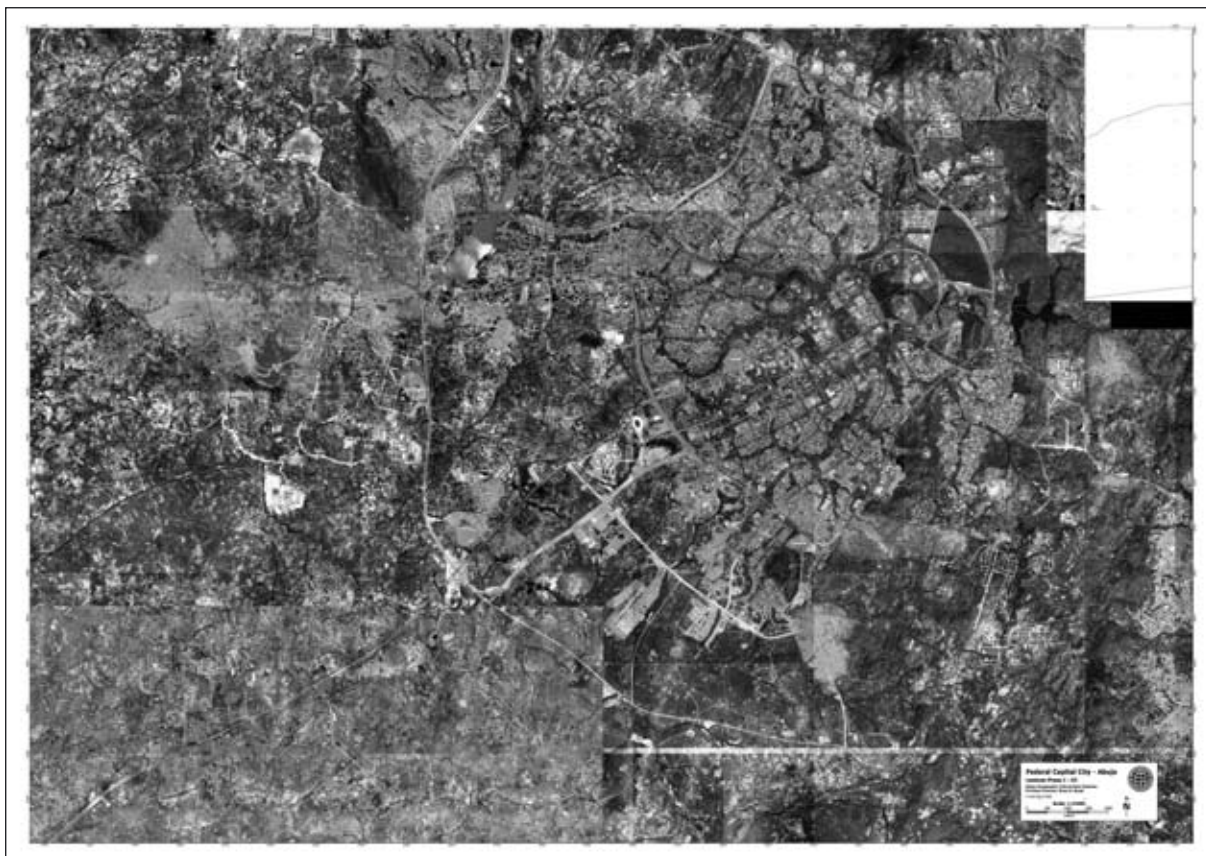
17. Gusape	41. Mazhe
18. Gudu	42. Ngibua (cishini)
19. Gwagwa	43. Piwogi
20. Gwolubwi	44. Pyakasa
21. Idu	45. Wuye
22. Jabi 1 and 2	46. Zhayi 1 and 2
23. Jahi	47. Zhidu
24. Jiwa	48 & 49 2 others

However, there are a number of inconsistencies between the list of 49 settlements provided by the Department of Urban and Regional Planning and various lists provided by the Department of Resettlement and Compensation. In November 2006, the Department of Resettlement and Compensation provided documents to the COHRE/SERAC team that list the locations to which the indigenes of each informal settlement would be resettled and the locations to which the non-indigenes of each informal settlement would be relocated. A year later, the Department provided the COHRE/SERAC team with the results of the enumeration of indigene households to be resettled at Galuwyi Shere and Wasa. The lists provided by the Department include several communities to be resettled and/or relocated, which are not included on the list of 49 settlements from the Department of Urban and Regional Planning. Furthermore, the lists provided in 2007 of settlements to be resettled did not match the lists provided in 2006 by the same Department. These inconsistencies and gaps in information exhibit the extraordinary failure by the FCDA to maintain basic communication between departments on a programme that has an enormous impact upon the lives and livelihoods of a large portion of Abuja's population. It further illustrates that the FCDA has not provided timely, accurate information on which settlements are targeted for demolition to the people who have been or might become affected by the demolitions.

For instance, the 2006 list of villages to be resettled at the Galuwyi Shere site includes Utako, Katampe, Gwarimpa and Kado Raya.⁹⁵ However, those names are not found on the list of 49 settlements. Also, Dutse Garki is here listed as two separate settlements – Dutse and Garki – with residents of Dutse planned to be resettled at the Wasa site and residents of Garki to be resettled at the Apo site. Overhead images provided by the Abuja Geographic Information Systems (AGIS) show Dutse and Garki areas as distinct and separate settlements. Furthermore, the settlement of Unguwar Mada (also commonly known as 'ex-soldier village') is listed to be relocated at Gidan Mangoro, but is not included on the list of 49 settlements.

95 See Annex 1 for the full 2006 list.

The following aerial photograph from AGIS highlights informal settlements within Phases One through Three of the Federal Capital City (FCC) that were planned for demolition.⁹⁶ Additionally, there are at least seven settlements – possibly more – within FCC phases One through Three that are on the FCDA list of settlements targeted for demolition, but which are not highlighted on this map. Those include Duboyi, Galadimawa, Gudu, Jahi, Kado Life Camp 1 and 2, Lokogwoma and Pyakasa.



Overhead image of unplanned settlements in Phases One-Three of the FCC [source: AGIS, printed Nov. 06]

Taking into account all available information provided by various agencies and departments, as well as media reports and site visits, the COHRE/SERAC team estimates that the number of settlements marked for demolition could be as high as 65.

96 Although this aerial photograph was produced in November 2006, it is compiled from a series of photographs taken prior to the demolition of the highlighted settlements. Therefore, the majority of homes shown here have since been demolished.

The lack of public information on which settlements are planned for demolition is a central problem. One of the complaints consistently voiced by residents of all of the informal settlements visited by the fact-finding team was that the FCDA either had not provided *any* notice or had provided *insufficient* notice prior to the demolition of their homes. However, FCDA officials insist that enumerations took place prior to all demolitions:

*Anyone who says they were not enumerated before the eviction is lying. They have been enumerating as far back as 1976.*⁹⁷

On the contrary, the COHRE/SERAC team found overwhelming evidence that the FCDA has not been transparent and has not provided adequate information on the demolition, resettlement or relocation plans to those affected.

The FCDA has carried out evictions in approximately 31 settlements. From a sample, manual count of structures in an aerial image of Idu settlement, the COHRE/SERAC team estimate that at least 9 703 houses were demolished. Using an estimated 4.8 persons per structure,⁹⁸ the forced eviction of just one settlement affected approximately 46 574 people.

The COHRE/SERAC team estimates that from 2003 to 2007, the FCDA has forcibly evicted a minimum of 800 000 people from informal settlements – based on our visits to demolished settlements, analysis of media reports of demolition exercises, analysis of overhead images, and interviews with village leadership, support organisations in Abuja, and FCDA officials. Although the FCDA argues that this figure is inflated, it has not released its own information from the FCDA enumerations of the informal settlements, despite repeated inquiries from COHRE and SERAC during 2006 and 2007.⁹⁹

Furthermore, COHRE and SERAC compiled a list of informal settlements in which the FCDA has undertaken demolitions and a list of informal settlements that are targeted for demolitions, but which have not yet taken place. In November and December 2007, the team provided these two lists to representatives from the Department of Regional and Urban Planning, the Department of Resettlement and Compensation, the Department of Development Control of AMMC, and the office of the FCT Minister. None would provide confirmation of the accuracy of the lists.¹⁰⁰

97 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

98 Based on the average household size in Nigeria. See *Nigerian Core Welfare Indicator Questionnaire*, National Bureau of Statistics, Federal Republic of Nigeria, (2006).

99 See Annex 1 for partial enumeration figures of indigene households to be resettled at Galuwyi Shere and Wasa, provided by the Department of Resettlement and Compensation in December 2007. The Department did not provide the complete enumeration data of all indigene households to be resettled, nor did it provide any enumeration data on non-indigene households of informal settlements.

100 The Department of Development Control was the only office to respond with changes to the list. Officials confirmed that the Bakasi Market and Dakibiu settlements had experienced demolitions, as earlier lists had not confirmed this.



Overhead image of Karmo settlement before demolitions
[source: AGIS, printed Dec. 07]

Box 2: Informal settlements in which demolitions have occurred from 2003 to 2007¹⁰¹

1. Aleita	17. Karmo
2. Area 1 - near old Federal Secretariat	18. Karomajigi
3. Asokoro	19. Kpaduma
4. Bakasi Market	20. Kubwa
5. Chika	21. Kuchigoro
6. Dakibiu	22. Mabushi
7. Dantata village	23. Nyanya
8. Durumi 1-4	24. Old Karimo
9. Galadimawa	25. Pimoji
10. Gwagwa	26. Piwoyi
11. Gwarimpa	27. Pyakasa
12. Idu	28. Ruga
13. Jabi 1 (Jabi Yakubu)	29. Unguwar Mada
14. Jabi 2 (Jabi Samuel)	30. Utako
15. Jiwa	31. Zhilu
16. Kado Life Camp	

101 This list of affected settlements was compiled from official documents provided to the COHRE/SERAC team by the FCDA; from media reports; and from visits to affected sites. All of these settlements experienced demolitions, although some may have only been demolished in part and are therefore still under threat of further evictions. For instance, the COHRE/SERAC team visited the Durumi settlement and can confirm that demolitions occurred, although we can not confirm that they affected all areas of Durumi 1-4.

Overhead image of Karmo settlement after demolitions
[source: AGIS, printed Dec. 07]



Box 3: Informal settlements which remain threatened with eviction or in which evictions have not been confirmed to have taken place from 2003 to 2007¹⁰²

1. Akpanjenya	18. Kado Raya
2. Apo	19. Katampe
3. Dagmalo	20. Kpadna
4. Damagaza	21. Kpebi 1 and 2
5. Dape	22. Lugbe
6. Dnako	23. Lumbu
7. Duboyi	24. Lungu
8. Dutse	25. Magajipe
9. Gaduwa	26. Maje
10. Galadima	27. Mazhe
11. Garki	28. Mpoduma
12. Gisiri	29. Ngibua (Cishini)
13. Gosa	30. Wumba
14. Gudu	31. Wuye
15. Gusape	32. Zhayi 1 and 2
16. Gwolubwi	33. Zhidu
17. Jahi	34. Zone 3

102 This list of settlements targeted for demolition was compiled from official documents provided to the COHRE/SERAC team by the FCDA and AGIS; from media reports, and from visits to sites. Some of these settlements may have experienced demolitions, but COHRE and SERAC could not confirm this.

4.2 The evictions

In most instances, forced evictions are preceded by a process whereby FCDA officials paint a red cross or other form of marking on homes that are planned to be demolished. Typically, officials ask the chief to nominate several indigenes who walk through the settlement and identify the homes in which indigenes live and those in which non-indigenes live.

Box 4: The enumeration process

The process of choosing which homes to demolish based on the information of a small group of people is highly suspect. Firstly, the process forces representatives of one ethnic group to identify the homes of people from other ethnic groups in order to mark them for destruction. This practice is abhorrent, is likely to create ethnic tension, and is a particularly disingenuous strategy from a city created to promote unity among the nation's more than 250 ethnic groups. Moreover, the process is entirely unreliable in that it creates an opportunity for indigenes to protect non-indigenes who have either offered a bribe to the indigene or who rent housing from the indigene, providing an incentive for the indigene to lie in order to benefit financially. In several settlements, indigenes demonstrated reluctance to comply with this enumeration process. In Chika, Idu and Karmo, the FCDA demolished non-indigene homes without an enumeration, and, in the process, mistakenly destroyed indigene homes without providing compensation. For fear of losing their own homes, indigenes thus are pressured to comply – or at least to appear to comply in the enumeration.

Although the FCDA has marked homes prior to demolition, it has rarely informed residents of the eviction date. Following a marking process, police might have arrived to evict within a few days or might not have arrived within the year. In some cases, FCDA officials provided settlements with misinformation and in other cases, provided settlements with no prior warning of the eviction. For example, in Ruga settlement, residents reported that they had received no notice prior to the arrival of bulldozers to demolish their settlement.¹⁰³ All of the affected people that the COHRE/SERAC team interviewed reported that the FCDA had not provided written notification of the eviction dates.

103 Abubakar Yakubu and Ni 'matu Shehu, 'Demolition - Pandemonium at Ruga as Bulldozer Starts Work', *Daily Trust*, (19 Sep. 2006).

In cases of larger settlements that require a longer demolition process, armed police have stayed in the settlement for several days or weeks until the demolition was complete.¹⁰⁴

Armed police used violence in evictions in certain settlements, whereas residents of other settlements reported no violence. In Chika, for example, police arrested two indigene men who argued with police over the unexpected demolition of their corner shops. Police also reportedly beat people.¹⁰⁵ In Pyakasa, during December 2006 evictions, police used tear gas when residents stood in front of bulldozers preparing to demolish a building owned by an indigene. Two women reportedly lost consciousness after inhaling tear gas.¹⁰⁶

Residents of Chika settlement stated:

*You know Nigerian police. If any opportunity is given to them, they take the law into their hands.*¹⁰⁷

The most common complaint from evictees was that they were not provided with adequate notice and were not able or allowed to retrieve property from their homes prior to the demolition. Following the marking process, the FCDA has rarely provided an exact date for planned demolitions. The agency has also demonstrated – as in the case of Lugbe settlement – that it might declare an eviction date for the following week without actually carrying it out for several months. As residents are reluctant to leave their homes, which in many cases are the only form of housing they can afford in Abuja, they often remain in the settlement until bulldozers arrive to begin the demolition process. In the majority of cases, the FCDA has not informed residents of demolition dates and has destroyed homes while residents were at work or away from the settlement and unable to retrieve their personal property. Additionally, some residents present during demolitions have pleaded with bulldozer operators to give them time to retrieve property. In some cases, bulldozer drivers have refused to cooperate and have carried out demolitions or have accepted bribes to grant residents additional time to retrieve property.

104 COHRE/SERAC interviews with residents and M. H. Sule, Chief Press Secretary to the FCT Minister (28 Nov. 2007 and 2 Dec. 2007).

105 COHRE/SERAC interviews with Chika residents, (4 Nov. 2006).

106 Abubakar Yakubu, 'Pyakasa Demolition - Women Faint As Police Spray Tear-Gas', *Daily Trust*, (19 Dec. 2006).

107 COHRE/SERAC interview with Chika resident, (4 Nov. 2006).

Box 5: Musa's story

On 10 October 2006, Musa¹⁰⁸ returned home from work and found his home marked with a red cross. He had moved to Galadimawa and bought the home from an indigene after his home in Chika settlement had been demolished. Musa walked to the District Head Chief's home in his settlement to discuss the issue. The residents of Chika settlement did not believe that they could stop the demolition, but they believed they would be given notice of the exact date of the demolition. Three days after the marking, the Chief met with non-indigenes of the settlement. Four people were appointed to approach the FCDA to determine when the eviction would take place, and to request a delay. Musa led the group of four that visited the FCDA on 16 October. FCDA staff reportedly told the group that the eviction would take place on the 19th or 20th at the latest, so the four attempted to meet with other officials. They met with several FCDA officials, but were unable to obtain further information or to convince officials to delay the eviction. They spoke with a Deputy Director, who agreed to meet with the four again on the following day – the 17th – to discuss a possible allocation plan for alternative plots in a relocation site. Musa and others returned on the following day and were in the midst of completing paperwork when he received a phone call. Bulldozers had already arrived at the settlement. He rushed back and found a bulldozer demolishing the building next to his home. He paid the driver 2 000 naira to wait and allow him to remove his property. Another bulldozer arrived soon after and he paid that driver 2 000 naira also.

Musa is an Advocate and the FCDA not only destroyed two homes of his, but his office in Abuja, as well. Musa had applied, paid for and received Certificate of Occupancy papers from the FCDA for his office that were renewable after 25 years. Nevertheless, the FCDA demolished his office. At the time of the interview, Musa was sleeping in his car. When asked why he, as an Advocate, had not tried to obtain an injunction to stop the evictions, Musa replied: "The judiciary is in the pocket of the Presidency. Injunctions don't stop anything anyway."¹⁰⁹

4.2.1 Forced evictions in Aleita

In the village of Aleita, the FCDA carried out an enumeration of indigenes and non-indigenes. Indigenes interviewed by the COHRE/SERAC team reported that the enumeration found there were 623 indigene homes and over 600 non-indigene houses, although they did not know the exact number. During the enumeration process, FCDA officials explained that non-indigenes were eligible for plots of land in the Yangoji relocation site if they could pay a process-

108 Musa is an alternative name given to the interviewee to protect his anonymity.

109 COHRE/SERAC interview with non-indigene in Galadimawa Village, (31 Oct. 2006).



Demolitions in Aleita
[Photo: Deanna Fowler,
1 Nov. 2006]

ing fee and other required fees. Indigenes reported that some of those evicted paid for plots, but some were unable to do so, and that the FCDA did not provide them with anything. The FCDA returned during the last week of September 2006 to carry out the eviction of non-indigenes. Some non-indigenes had already moved, whereas others had packed their belongings but had delayed moving until the FCDA arrived to implement the eviction. One indigene explained that there was no violence during the eviction: People had already packed their things, so they didn't find it difficult to evict them."¹¹⁰

4.2.2 Forced evictions in Kuchigoro

Residents of Kuchigoro reported that the FCDA came to enumerate indigenes and non-indigenes in 2004, in what residents understood to be part of a plan for integrating the settlement within the FCC. However, in 2005 they were informed that indigenes would instead be resettled. Evictions of non-indigenes took place at the end of September 2006. Non-indigenes completed paperwork and paid 21 000 naira to be allocated land in an alternative location. Those who did not pay were not provided with any alternative land or compensation. The FCDA also demolished at least six private primary schools, corner shops, and some homes owned by indigenes – which came as a surprise to indigenes. Indigenes explained that the Government had acquired their farmland, but that the compensation was not enough to sustain their livelihoods as farmers. Instead, they used the compensation to build houses and shops to rent.¹¹¹

110 COHRE/SERAC interview with indigenes in Aleita Village, (1 Nov. 2006).

111 COHRE/SERAC interview with Kuchigoro residents, (2 Nov. 2006).

4.2.3 Forced evictions in Chika

The FCDA demolished homes in Chika in October and November 2005. Residents reported to the COHRE/SERAC team that FCDA officials had announced plans for demolition, but residents pressured the Government for an integration plan. According to residents, the FCDA became annoyed by their resistance and demolished their homes with only a few days warning and without implementing an enumeration. The FCDA reportedly also demolished some homes of indigenes because they carried out the demolition prior to an enumeration. Residents provided the FCDA with a list of 30 indigene households whose homes were demolished. However, over a year later, the FCDA had not yet responded. The FCDA also demolished corner shops, primary schools, private nursery schools, and a community clinic.

Chika residents reported that they had built their own health clinic, school and police station as a community. They had even been awarded by their local area council for their efforts at community development.

*They gave us zinc. They gave us meat and money because of the efforts of the community. Now we are destroyed. They are pushing us to the world.*¹¹²

The FCDA returned in June 2006 to enumerate the remaining indigenes. However, as of December 2007, it had not released the results of the enumeration.¹¹³

4.3 Effects of demolitions

The evictions have resulted in the massive displacement of hundreds of thousands of people from entire communities, with a spiralling effect on health, education, employment, and family cohesion. Some of the demolitions were accompanied by violence perpetrated by heavily armed security operatives against residents and business owners.

The forced evictions often left residents vulnerable to further human rights violations. In the December 2006 evictions in Pyakasa, for example, landlords began to remove roofing and doors from homes they rented after officials announced on a Thursday that the eviction would take place the following Monday. Thieves reportedly took advantage of residents' vulnerability in the few days prior to the eviction and also after it was implemented, during which time a number of evictees were forced to sleep outside.¹¹⁴

The forced evictions have had an enormous impact on children's access to education. With evictions carried out with little notice, parents were forced to withdraw their children from school without having time to plan to place them in an alternative school. In fact, the FCDA destroyed a number of schools in the informal settlements, leading to overcrowding in some schools to which evicted children were moved.

112 COHRE/SERAC interview with Chika resident, (4 Nov. 2006).

113 According to lists provided by the Department of Resettlement and Compensation in December 2007, indigene residents of Chika are intended to be resettled at Wasa. Although the Department provided COHRE and SERAC with the enumeration data for most villages to be resettled at Wasa, the data for Chika was missing. See Annex 1.

114 Shehu Abubakar, 'Robbers Raid Pyakasa As Demolition Begins', *Daily Trust*, (18 Dec. 2006).

Furthermore, the demolitions have forced families to separate – generally to send children to live with relatives with secure housing, while parents remain in Abuja for their employment.

Box 6: Sarah’s story

Sarah¹¹⁵ was at work when the evictions began. A friend called to warn her, but her home in Galadimawa was levelled along with all of her possessions inside before she could return. She had built the home the previous year and paid indigenes for the land. At the time, her husband was away, working in the East. Following the eviction, Sarah sent her two children to live with relatives. For three weeks she slept outside, but eventually found a place to rent in the same settlement.¹¹⁶

A further result of the demolitions has been the overcrowding and insufficient service provision in satellite towns to which many evictees of informal settlements have fled. A non-governmental organisation, Community Action for Popular Participation, reports that housing prices have risen in satellite towns due to the large number of people forced to move from Abuja. Moreover, there is a deplorable lack of infrastructure and services in satellite towns such as Kukwaba and Yangoji, where water from boreholes is rationed and residents must either sleep at boreholes in order to secure water for their households or must fetch nonpotable water from a pond.¹¹⁷ Combined with a shortage in medical supplies, healthcare facilities, and medical personnel, the failure to provide adequate services could lead to a health crisis.

115 Sarah is an alternative name given to the interviewee to protect her anonymity.

116 COHRE/SERAC interview with non-indigene in Galadimawa Village, (31 Oct. 2006).

117 ‘NGO Tasks El-Rufai On Victims of Demolition’, *Daily Champion*, (28 Mar. 2007).



Apo resettlement site construction
[Photo: Deanna Fowler, Dec. 2006]

5

Resettlement and relocation policies

At worst, resettlement is little better than forced eviction with no attempt at consultation or consideration of the social and economic consequences of moving people to distant, often peripheral, sites with no access to urban infrastructure or transport. – UN-HABITAT¹¹⁸

Despite the original vision for Abuja as an ‘inclusive city for all Nigerians’, over two and a half decades have shown that both indigene and non-indigene households have been viewed as obstacles in the implementation or later ‘restoration’ of the Master Plan. At a presidential retreat in August 2005, FCT Minister El-Rufai further emphasised that the original intention for Abuja was *not* to create any ‘indigene/resident dichotomy’.¹¹⁹ Nevertheless, two separate policies have applied to the removal of indigene and non-indigene households. Indigenes’ rights to land and economic agricultural assets have, to some extent, been respected through a resettlement policy. In contrast, migrants or non-indigenes are assumed not to have established rights within the city. Moreover, successive FCT administrations for over two decades have implemented both policy approaches inconsistently and sporadically.

The administration of FCT Minister El-Rufai amended both the policy relating to indigenes and that relating to non-indigenes over the four-year period of the administration, as part of

118 United Nations Human Settlements Programme (UN-HABITAT). *The Challenge of Slums. Global Report on Human Settlements 2003* (2005), p. 131.

119 Nasir Ahmad el-Rufai, *Repositioning the Federal Capital Territory: Presentation to the Presidential Retreat on Public Sector Reforms* (Aug. 2005), <http://www.fct.gov.ng/NR/rdonlyres/8CA1B2C4-C503-4AAC-BB04-7EB3441C86B1/69/ReinventingtheFCT99992.pdf>.

the ‘human face’ that has been touted as part of the removal policy. The changes involved the provision of formal housing at the indigene ‘resettlement’ sites, and the development of ‘relocation schemes’ where non-indigene households can acquire rights of occupancy to residential plots. Both resettlement and relocation schemes are provided outside of the FCC area, and often at a considerable distance. Despite the ‘human face’ that former FCT Minister El-Rufai claimed to have incorporated into the demolition process, the findings of this investigation are that the FCDA resettlement and relocation policies are neither acceptable nor suitable for the affected households.

5.1 Indigene households in the FCT

5.1.1 Shifting policies and incomplete implementation: 1976 – 2002

Indigenes have particular rights to their tribal and ancestral lands. Although their land can be alienated under the FCT Act and the Land Use Act, the FCT Act entitles indigenes in the FCT to resettlement and compensation for loss of economic agricultural assets. Under the Master Plan, all indigenous villages within five kilometres of the area intended for the Federal Capital City (FCC), as well as several areas of support, including “the game reserve area; the reservoir watersheds; the plains areas adjacent to the Capital City containing the airport; and the key access points to the Federal Capital Territory” were to be resettled in other areas of the FCT or in the neighbouring states of Nigeria.¹²⁰ Kubwa is the oldest resettlement scheme within the FCT, dating back to 1980,¹²¹ and is now considered to be a ‘satellite town’.¹²² The early resettlement initiative, which also included the enumeration of households in the villages from 1976,¹²³ was abandoned, apparently due to cost.¹²⁴ Reportedly, the indigenes resettled at Kubwa never received papers to document their rights to the plots they had been allocated.¹²⁵ Indigenes currently facing resettlement discussed this during interviews with the COHRE/SERAC team because they were concerned that they might face the same problem.

The early resettlement projects were followed by a decade of inaction. However, the early 1990s saw a dramatic and progressive, though short-lived, shift in policy towards indigene villages. FCDA officials accepted that these villages had *de facto* become part of the city, and therefore planned to integrate them through a process of upgrading, rather than resettlement. In 1992, Garki – located in Phase One of the FCC – was integrated.

No FCDA official was able to provide documentation on the integration policy and its application at Garki Village.¹²⁶ However, FCDA officials from various departments acknowledged that the approach to integration was a failure. The initial response from interviewees was that the policy was abandoned because integration policies do not work. However, examining the reasons for failure in the Garki project pointed to shortcomings, not in the policy, but in its

120 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 228.

121 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

122 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

123 Ibid.

124 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

125 COHRE/SERAC interview with chiefs visiting the Galuwyi Shere resettlement site, (9 Nov. 2006).

126 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

implementation. When pressed for specific reasons for why the Garki project was unsuccessful, interviewees responded with the following:

- Corners were cut and plots were allocated to non-natives;¹²⁷
- Residents of Garki resisted the integration, and the Government at the time lacked the political will to enforce the implementation;¹²⁸
- New infrastructure was not fully integrated with the city's existing infrastructure;¹²⁹
- The project was only partially implemented, then discontinued, and never reviewed;¹³⁰
- Indigene owners were not prevented from selling to non-indigenes, who, due to the demand for affordable housing in Abuja, constructed multi-storey blocks of flats incompatible with the planned infrastructure and municipal services.¹³¹

Discourse on the failure of integration and the unquestioned legitimacy of its abandonment is very strong in Abuja. This is reinforced by perceived problems with present-day Garki. Interviewees stated the following:

- The settlement is “too dense to drive through into the deeper parts, and the existing roads are not tarred”;¹³²
- “Its streets are narrow and it has a lower level of development. For a city like this, you cannot allow this to remain”;¹³³
- The settlement has mixed land use: two- to three-storey residential buildings with shops below. This was not foreseen in the Master Plan, and it appears that the Plan was not adjusted to accommodate greater mixed land use in the integrated Garki;¹³⁴
- Many non-indigenes live in Garki.¹³⁵

However, these outcomes need not be interpreted as failure. Demands for integration from indigene communities, which are described below, suggest that indigenes do not perceive the integration of Garki in a negative light. However, their voice has no influence over the official planning discourse in Abuja. Rather than discarding integration, the official planning discourse and practice could accept and appropriately manage the indigene villages and the surrounding informal housing. UN-HABITAT notes that upgrading or integration must address “some of the most egregious manifestations of urban policy and institutional failures; but these also have to be confronted by complementary efforts to correct these failures and to build positive channels for improving the economic prospects of the poor.”¹³⁶ In examining the perceived failure of the Garki integration more directly, it should be noted that many cities that incorporate pre-modern urban forms or upgraded informal settlements have treated these areas with narrow streets – such as in parts of Garki – as vehicle-free zones. The residential density and mixture of land use at Garki should be manageable, whereas the densification and diversification process of future integration projects could be regulated effectively. Furthermore, diversification of population is

127 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

128 COHRE/SERAC interview with FCDA official (9 Nov. 2006).

129 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

130 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

131 COHRE/SERAC interview with Idika Oluwa, Town Planner, Nu 'Terra, (8 Nov. 2006).

132 COHRE/SERAC interview with FCDA official (9 Nov. 2006).

133 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

134 COHRE/SERAC interview with FCDA official (9 Nov. 2006).

135 Ibid.

136 UN-HABITAT, *The Challenge of Slums. Global Report on Human Settlements 2003* (2005), p. 165.

inevitable in any city. If there is evidence of economic displacement of indigene households, measures could be developed to protect such households within an integration process.

Box 7: Mixed land use

Mixed land use – particularly through a multi-storey typology with commercial facilities on the ground floor and residential units above – is considered an appropriate urban form due to the convenience and economic opportunities it offers, whether rental or owner-occupation. For example in South Africa, the 2004 revision to the national housing policy embraced a mixed-use typology under the broader aim of achieving ‘sustainable human settlements’. This requires “the development of compact, mixed land use, diverse, life-enhancing environments with maximum possibilities for pedestrian movement and transit via safe and efficient public transport in cases where motorised means of movement is imperative. Specific attention is paid to ensuring that low-income housing is provided in close proximity to areas of opportunity”.¹³⁷ In Brazil, this mixed-use typology has been promoted in the Integrated Programme of Social Inclusion in the Santo Andre Municipality near Sao Paulo. This participative slum upgrading programme, which includes economic development, is one of UN-HABITAT’s best practices.¹³⁸ UN-HABITAT emphasises the importance of “high urban densities [and the] intense mixing of land uses”, stating that *in situ* upgrading does “much to preserve the traditional access-oriented, mixed-use urban fabric.”

Box 8: Special Zones of Social Interest in Brazil

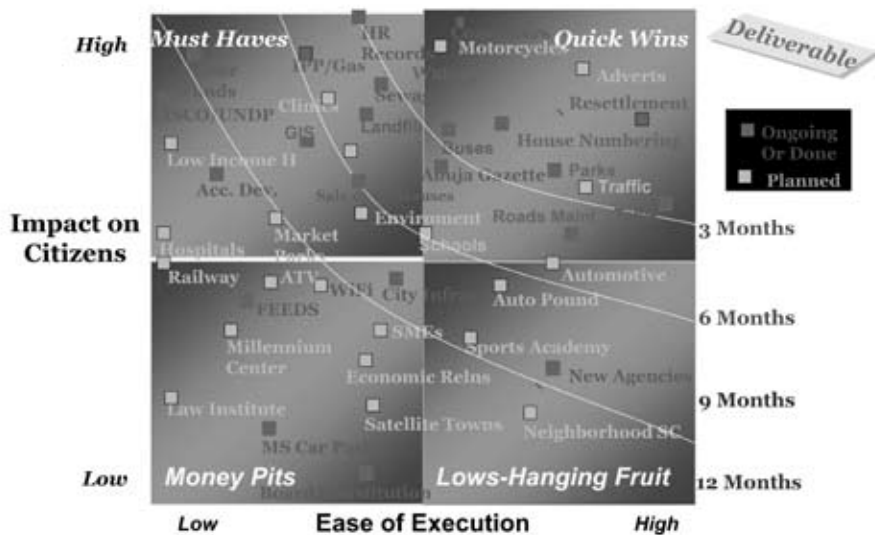
In response to the growth of informal settlements in Brazilian municipalities, Special Zones of Social Interest (ZEIS) were introduced in the 1980s. These designated existing informal settlements as areas for ‘social interest’ housing, and exempted them from town planning and building regulations, thereby enabling *in situ* upgrading. Once upgraded, municipalities developed appropriate regulations on a case-by-case basis to manage future change in the settlement.¹³⁹

137 South Africa Department of Housing. *Breaking New Ground: A Comprehensive Plan for Sustainable Human Settlements* (Pretoria, South Africa: Department of Housing 2004), p. 12.

138 Rodger Wimpey, ‘Lessons from self-help housing: São Paulo’, *Architecture South Africa: Journal of the South African Institute of Architects* (2004), pp. 22-24; also see UN-HABITAT, *The Challenge of Slums. Global Report on Human Settlements 2003* (2005), p. 132, 173.

139 Edisio Ferdandes, “The Regularisation of Favelas in Brazil – The Case of Belo Horizonte,” *Social and Legal Studies*, (Vol. 2, 1993), pp. 211-236.

Re-inventing the FCT – The Daily Matrix



Re-inventing the FCT: resettlement identified as 'Quick Win'

[source: Nasir Ahmad el-Rufai, 2005]

5.1.2 The resumption of resettlement: 2003 – 2007

After a decade of inaction, the FCDA resumed indigene 'resettlement' in 2003. This occurred in the context of a renewed focus on the original Master Plan of Abuja, including a new discourse on the need for its 'restoration', which required the removal of indigene villages. In terms of urban planning, this meant a return to blueprint planning as practiced in the 1950s and 1960s, which has been in disrepute internationally for its role in undemocratic and authoritarian urban planning under regimes such as apartheid South Africa. In Abuja, the context of this return to such inflexible planning is not altogether one of inherent authoritarianism. It is predominantly a commitment to end the corrupt violation of Abuja's urban planning regulations, which led to the enrichment of many individuals within and outside of government.¹⁴⁰

However, internationally, master planning has long been succeeded by deliberative and participative urban planning, with periodic revisions of urban plans through approaches that take stock of the status quo, of changing demands on the city and of citizens' needs and aspirations. Increasingly across the globe, cities – though often originating from master plans – are understood as multi-cultural, multi-ethnic and plural environments, which depend on a complexity that cannot be planned in blueprint form, but only through processes of deliberation and interaction. The master plans of previous decades are understood as a starting point, but no longer as blueprints for implementation. Increasingly, mixed land use has replaced the rigid separation of residential and commercial uses, and municipalities have developed procedures for rezoning. In developing countries, this has enabled the *in situ* upgrading and integration of informal settlements. These informal settlements had resulted out of unequal access to housing and the economy which master plans did not foresee. Resettlement is largely understood as a last resort, due to the disruption to lives and the difficulties with providing adequate access to sustainable livelihoods at resettlement sites. UN-HABITAT stresses the advantages of on-site solutions as "avoiding many of the access problems that accompany relocation to

140 El-Rufai, *Repositioning the Federal Capital Territory*, (2005).

remote sites... A greater emphasis on *in situ* upgrading, rather than eviction/redevelopment, could go a long way towards addressing these issues.”¹⁴¹

Box 9: Integrated Development Planning in South Africa

In the mid 1990s South Africa’s democratically elected Government introduced Integrated Development Planning (IDP) as a shift from the blueprint master planning of the apartheid Government (which had sought a complete separation of residential areas by race and ethnicity and had attempted to exclude indigenes from living and even working in the city). The Local Government Municipal Systems Act 32 of 2000 provided the legislative framework for IDP.¹⁴² While not as intensive as the participatory budgeting processes in Brazilian municipalities, this planning approach requires a large-scale participatory process within municipalities to be repeated every five years. This results in the five-year IDP, which sets priorities and revises plans for spending of capital budgets accordingly. The participatory process takes place at the level of sub-regions of a municipality and includes a wide range of stakeholders, including minority groups. The IDP is refined and adjusted further through a participatory process on an annual basis.¹⁴³

Under his efforts to restore the Abuja Master Plan, FCT Minister El-Rufai undertook a plan for the resettlement of indigene villages located within the various phases of the FCC to designated resettlement sites within the Federal Capital Territory. In this plan, indigenes were to have houses built for them in the resettlement schemes, compensation for their land and infrastructure, and the provision of adequate farmland. Compensation was to be three times higher than originally offered in the 1970s. With the provision of services and neighbourhood facilities, it was assumed that resettlement would improve indigenes’ standard of living.¹⁴⁴

During a presidential retreat in August 2005, El-Rufai presented a matrix of interventions for Abuja’s reinvention, identifying resettlement of indigene households as a ‘quick win’ with a ‘high impact (presumably positive) on citizens and high ‘ease of execution’.¹⁴⁵ This assumption that resettling indigene villages would be a simple task with little disruption to indigenes’ lives was clearly not based on any detailed engagement with indigene communities or understanding of international practices and human rights standards.

141 UN-HABITAT. *The Challenge of Slums. Global Report on Human Settlements 2003* (2005), pp. 174-175.

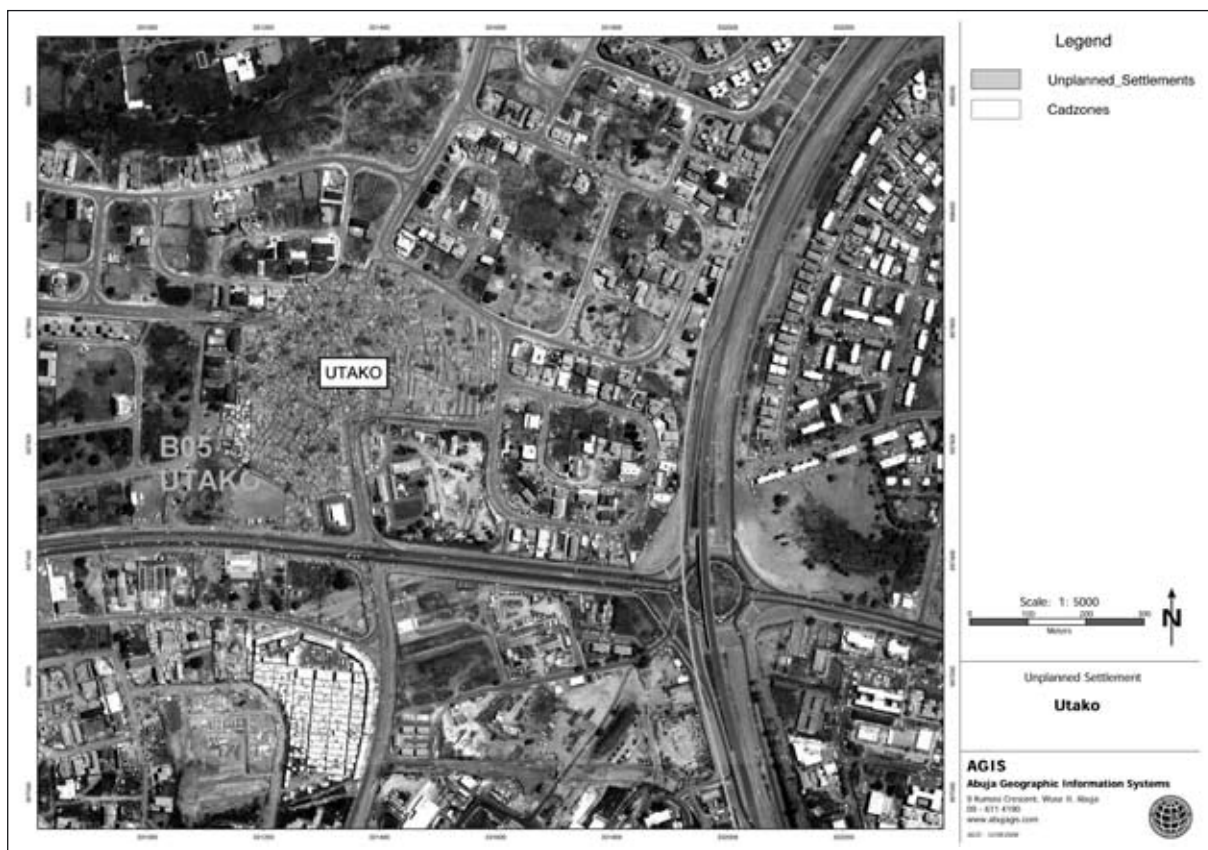
142 Republic of South Africa Government Gazette. *Local Government Municipal Systems Act 32 of 2000* (Cape Town: 20 Nov. 2000). www.info.gov.za/gazette/acts/2000/a32-00.pdf.

143 Philip Harrison, ‘The Genealogy of South Africa’s Integrated Development Plan’, *Third World Planning Review*, (Vol. 23(2), 2001), pp. 175-193; and Saleh E. Mohamed, ‘From Ideas to Practice: The Involvement of Informal Settlement Communities in Policy-making at City Level in South Africa’, *South African Review of Sociology* (Vol. 37(1), 2006), pp. 35-47.

144 COHRE/SERAC interview with Festus Esekhhile, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

145 Nasir Ahmad el-Rufai, *Repositioning the Federal Capital Territory*, (2005), p. 11

After the removal of the indigene villages, the Government’s intention has been to complete the development of Phases One-Four as envisioned in the Master Plan. That includes the construction of roads and other infrastructure, and the allocation of land. However, the Master Plan did not take into account indigenous land use in the area of the FCC, as it assumed their removal in the late 1970s. In Utako District, the ‘squatters’ surrounding the indigene village were forcibly evicted to make way for an arterial road. An urban planner explained: “The village had been blocking the road for 10 years.”¹⁴⁶



One reason why land within the FCC is not allocated for low-cost housing development is the considerable costs of the high level of infrastructure. The Government’s intention to recover the infrastructure costs results in residential plot prices of around N10 million.¹⁴⁷ Professor of architecture, Nnamdi Elleh, has observed that “the sad truth is: the middle class cannot afford any property at all in any part of the city, not to mention people in the lower classes.”¹⁴⁸ Many residential units stand vacant while Government employees cannot afford to rent them.

146 COHRE/SERAC interview with Ibrahim Usman Jibril, former Land Officer with Abuja Geographic Information Systems, FCDA, (10 Nov. 2006).

147 COHRE/SERAC interview with Idika Oluwa, Town Planner, Nu ‘Terra, (8 Nov. 2006).

148 Nnamdi Elleh, *Abuja: The Single Most Ambitious Urban Design Project of the 20th Century* (Weimar: VDG, Verlag und Datenbank fuer Geisteswissenschaften 2001), p. 75.

Clearly, this has a negative impact on the functioning of the city, which hosts Government departments but without available affordable housing for its employees.

Under FCT Minister El-Rufai's administration, much residential land from which informal settlements were demolished was allocated to developers for the commercial provision of housing estates. In Galadimawa, for instance, residents were aware that their land had already been allocated to a private developer. Given the perceived need for cost recovery, no land within the FCC is foreseen to perform a social function, such as the provision of land for affordable housing or traditional tenure arrangements for the indigene population. In the case of Utako, plans are to allocate the land for residential and commercial development, with the exception of one part which is zoned for a hospital.¹⁴⁹

5.1.3 Resettlement site construction and enumeration of indigenes

Information on the resettlement of indigene villages was not entirely conclusive. According to information provided by the FCDA Department of Resettlement and Compensation, there are three resettlement sites currently being prepared: Apo, Wasa and Galuwyi Shere. Others sites that FCDA interviewees mentioned were Anagada, Shafa and Aku,¹⁵⁰ but the COHRE/SERAC team could not obtain further information on the number of plots or the status of their development. Similarly, the FCDA did not provide the team with conclusive information on which villages were to be resettled to which resettlement sites.

According to H.N. Obiechina – the Deputy Director of Planning and Resettlement in the FCDA Department of Resettlement and Compensation – Apo, Wasa, and Galuwyi Shere are currently planned and being developed for the resettlement of 31 villages within Abuja. The remaining villages are located in Phases Three and Four of the FCC and will be resettled in the following phase of the process.¹⁵¹ FCT Minister El-Rufai's August 2005 presentation during a presidential retreat mentions two additional resettlements sites: Yangoji and Kuje.¹⁵² Yangoji was later reconceptualised as a relocation site for non-indigene households, as was a site in Kuje Area Council called Pegi.^{153,154}

The resettlement package for each household reportedly includes a residential plot of 500-800m² with a house, separate farmland, and compensation for loss of agricultural assets. All youth that are 18 years of age or older, but who are still living with their families, will be eligible for a plot of land in the resettlement sites. Once they leave home, they will have this plot of land on which to build a home with their own resources. As the FCT Act does not allow for chiefs to allocate land and does not allow for customary rights of occupancy, resettled indi-

149 COHRE/SERAC interview with Ibrahim Usman Jibril, former Land Officer with Abuja Geographic Information Systems, FCDA, (10 Nov. 2006).

150 COHRE/SERAC interview with Festus Esekhill, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006); and COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

151 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (Nov. 2006).

152 Nasir Ahmad el-Rufai, *Repositioning the Federal Capital Territory*, (2005).

153 Pegi is also spelled Pagi in some official documents.

154 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (Nov. 2006).

genes will initially receive Certificates of Occupancy and will have to apply through AGIS to attain rights of occupancy to further plots of land as children grow up and form new households. The FCDA will waive the fees for attaining the Certificates of Occupancy for those resettled, although future generations will pay the associated fees.¹⁵⁵

Table 2: The status of resettlement sites as of November 2007¹⁵⁶

Resettlement site	Number of plots	Development status
Apo	3212 plots	Under construction; villages enumerated.
Wasa	6366 plots on 700ha	Layout developed; partial enumeration figures released. Plot numbers are estimated.
Shere/Galuwyi	6879 plots on 900ha	Under construction; partial enumeration figures released. Their move was scheduled to take place between December 2006 and Jan/Feb 2007, but structures were not yet ready, as of November 2007.

The three sites discussed above are intended to provide resettlement for 31 of the approximately 65 villages. The remaining villages, including Lugbe, Idu and Karmo, are in Phases Three and Four, of FCC. The FCDA had not started enumerating these villages as of 2006, even though the FCDA already implemented forced evictions of non-indigenes in some of these settlements.¹⁵⁷ Enumeration of households and structures in the 31 villages was underway in 2006. Enumeration data, which covers information about the household and the physical structure of the house, is used in the layout planning of the resettlement sites and to some extent determines what is provided for the households at the resettlement site, such as the number of rooms per house.¹⁵⁸

Officials from the FCDA Department of Resettlement and Compensation were not authorised to provide the COHRE/SERAC team with a copy of the enumeration form. However, officials explained that the form addresses household size (up to ‘over 20 people’), house size (up to six rooms), tribal language, occupation of the household head, and house type (including ‘tenement’). This indicates that the FCDA recognises that indigene households have livelihoods other than traditional farming and that indigene households have invested in rental housing. However, neither of these livelihood aspects appears to be adequately dealt with in the resettlement schemes (as will be discussed below in relation to indigene’s fears of reser-

155 Ibid.

156 Ibid; and COHRE/SERAC site visits to Galuwyi Shere (Nov. 2006) and to Apo (Dec. 2007).

157 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (Nov. 2006).

158 COHRE/SERAC interview with Festus Esekile, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).



Apo resettlement site layout
plan and overhead image
[source: AGIS, printed Nov. 07]

tlement). Perceived shortcomings with earlier resettlement schemes are that resettled households sold their land and subsequently returned to the city due to livelihood constraints. For Apo ‘Mechanic Village’, which was created for indigenes, FCDA Director of Resettlement and Compensation explained that only the chief now remains in the area, as all other households that were resettled had sold to non-indigene households and then returned to the city. This was apparently due to the extreme poverty of those households, and their being offered money for their plots.¹⁵⁹ In the four current resettlement schemes, the FCDA is concerned that “some people may end up selling their plots”.¹⁶⁰

Several interviewees raised concerns about the enumeration process. An official of the Abuja Environmental Protection Board remarked that “people can bring in their relatives in order to benefit more from the compensation. Even if Mohamed Ali dies, Ali Mohamed comes to claim.” Some officials noted that there is a need for periodic enumeration to verify data.¹⁶¹

159 Ibid.

160 COHRE/SERAC interview with Festus Esekile, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

161 COHRE/SERAC interview with Hayiya Hadiza L. Abdullahi, Abuja Environmental Protection Board, (7 Nov. 2006).



Galuwyi Shere resettlement site layout plan and overhead image [source: AGIS, printed Dec. 07]

The experience of enumeration in the villages was not consistent and lacked information. In Chika Village, the FCDA implemented demolitions before enumerating and, therefore, before the identification of indigene properties. Residents viewed that as a deliberate method of repression by the Government, because the community had requested integration rather than resettlement.¹⁶²

The chief of Lugbe Village reported that FCDA enumerators arrived without prior notification or discussion as to where they would be resettled. Residents of Lugbe village had known – via media reports – that the FCDA had targeted informal settlements, including Lugbe, for demolition. However, residents were not aware of a timeline for this process and were expecting some form of communication or meeting with the FCDA prior to the enumeration process:

*FCDA just came, without writing first. There was no period to inform people. They just came, saying they were sent by the authorities. This was 26 September, when they put crosses on the houses... The enumerators came and asked to be given some indigene men to help identifying people... It was to our surprise – we were expecting a meeting, but instead they just asked for men to help them.*¹⁶³

Once the enumeration occurred, residents feared imminent demolition. However, as of publication, Lugbe has not been demolished.

*Up to today, we're still in suspense, we don't know which day or month the authorities will commence demolition ... when and where to will people re relocated? [We know that] a day before demolition a big tent is put up... There should be details available on when a plan will be completed [for Lugbe's resettlement].*¹⁶⁴

162 COHRE/SERAC interviews with residents of Chika settlement, (4 Nov. 2006).

163 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

164 Ibid.

Wasa resettlement site layout
plan and overhead image
[source: AGIS, printed Dec. 07]



5.1.3.1 Galuwyi Shere resettlement site

The Galuwyi Shere resettlement sites remained under development as of November 2007. Galuwyi Shere resettlement site is located approximately 22 kilometres directly to the north of the centre of Abuja – although travelling by road would be much further. There are 6 879 plots planned for this 900ha site. Indigenes from 14 villages will be resettled in this scheme, with seven villages resettled in the first phase of the process. The resettlement of the first seven villages was planned for December 2006. However, as of November 2007, the site had not yet been prepared more than one year after the initial COHRE/SERAC field visit.¹⁶⁵ Enumeration of the villages to be resettled at Galuwyi Shere remained underway, while enumeration data from 2001 were used for the planning of the resettlement scheme. The 2006 enumeration was reportedly to determine the provision of farmland at Galuwyi Shere.¹⁶⁶ The Department of Resettlement and Compensation provided COHRE and SERAC with partial enumeration data in December 2007 although several villages were still missing from the data.¹⁶⁷

As of November 2006 – one month before the scheduled resettlement – the road to Galuwyi Shere was graded but not tarred, and a bridge still needed to be built to access the site. Trees had been cleared from the undulating site and roads demarcated. Contractors were scheduled to move onto the site in the following week. The layout plan provides for residential plots of 450-800m², whereas the farmland to be allocated to each household had not been demarcated at the time of the visit. In terms of cultural and religious institutions, Muslim and Christian cemeteries were to be provided, as well as a palace for each chief.¹⁶⁸

165 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (Nov. 2006).

166 COHRE/SERAC interview with Festus Esekhillé, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

167 See Annex 1.

168 Ibid.



Galuwyi Shere resettlement site
[Photo: Deanna Fowler,
9 Nov. 2006]

Although the layout plans for Galuwyi Shere provide separate spaces for different tribes, the FCDA official who led the site visit assumed that mixing of tribes would eventually occur. This could be either through households selling their plots to people from other tribes, or by renting to households from other tribes. According to two officials from the Department of Resettlement and Compensation, the FCDA did not intend to explicitly prohibit or monitor these practices. However, according to the FCT Act and Land Use Act, it would be technically illegal for an individual to rent or sell a house without prior written approval from the FCT Minister. Unfortunately, if residents rent housing without prior approval from the FCT Minister – even though the practice has been informally sanctioned by the FCDA – it could lead such residents to be vulnerable to eviction at a later date. The FCDA is thus sending mixed signals to indigenes that could likely lead to a repeat scenario of the growth of informal settlements and another cycle of demolitions.

5.1.3.2 Apo resettlement site

The Apo resettlement site remained under construction as of November 2007, but was the closest to finalisation of the three resettlement sites. The FCDA offered contracts to build homes to a number of different contractors. One of the potential benefits of offering segments of the layout plan to different contractors is that the FCDA can offer contracts to small-scale, local builders who might not typically have the capacity to take on a large project. This has the potential to help the local economy, although the COHRE/SERAC team did not investigate whether this actually was the case. However, based on a site visit to Apo, it became clear that the FCDA had not properly monitored and enforced the quality of work of the various contractors. This has led to a range of defects and various stages of delay with the newly built homes.



Apo resettlement site:
poorly constructed housing
[Photo: Deanna Fowler,
Dec. 2006]

5.1.4 Indigene concerns, fears and requests for alternatives

COHRE and SERAC interviewed chiefs and residents from the settlements of Galadimawa,¹⁶⁹ Aleita,¹⁷⁰ Kuchigoro,¹⁷¹ Chika¹⁷² and Lugbe,¹⁷³ and more than 10 chiefs from different villages who attempted to visit the Galuwyi Shere resettlement site to find out information about the resettlement plans.¹⁷⁴ Those interviewed expressed fears and demands, as well as suggestions for alternatives. They expressed concern over the lack of participatory processes, the loss of cultural heritage, the loss of livelihood, and the separation of indigene and non-indigene households through the respective resettlement and eviction (with partial relocation) policies applying to them.

5.1.4.1 Uncertainty and lack of participation regarding the resettlement plans

COHRE and SERAC interviewed indigenes who raised concerns over the uncertainty of the resettlement. Chiefs had little information about the resettlement sites. This was evident from the interviews COHRE and SERAC conducted when visiting indigenes in their villages; and from the group of chiefs the team met during the chiefs' first attempted visit to the Galuwyi Shere resettlement site. Indigenes have been frustrated over the lack of information related to the resettlement plans and procedures, the actual resettlement sites, residential plots and house sizes, the public and cultural facilities provided, how much farmland (if any) would be allocated, and whether the allocations would cause disputes with the indigene tribes already living in the areas designated for resettlement, as well as from whom land

169 COHRE/SERAC field visit and interviews (31 Oct. 2006).

170 COHRE/SERAC field visit and interviews (1 Nov. 2006).

171 COHRE/SERAC field visit and interviews (2 Nov. 2006).

172 COHRE/SERAC field visit and interviews (4 Nov. 2006).

173 COHRE/SERAC field visit and interviews (8 Nov. 2006).

174 COHRE/SERAC field visit and interviews (9 Nov. 2006).



Apo resettlement site:
varied quality of construction
[Photo: Deanna Fowler,
Dec. 2006]

would have to be appropriated. This was paralleled by the perception of a lack of any possibility to influence the resettlement plans and procedures, despite Government officials promising meetings.¹⁷⁵

At the time of the site visit to Galuwyi Shere on 9 November 2006, the FCDA officials assured chiefs that their ideas regarding planning were welcome. However, those present could not access the full site, as a bridge had yet to be built. Also, the FCDA officials would not provide the chiefs with site plans. The chiefs were only able to see the site from a distance. It was also evident that the plans for Galuwyi Shere had already been finalised, as contractors were expected on site the following week. Therefore, it was unclear how the chiefs' suggestions or requests would be accommodated at such a late stage. Understandably, chiefs expressed their frustrations:

*We were hoping to see the site, and to be assured that there is provision for graveyards, schools, etc.*¹⁷⁶

However, the chiefs expressed that “the site is acceptable” to them, “due to the Abuja Master Plan” that necessitated their resettlement.

*We have no choice but to support the Master Plan. We're not willing but we have no choice.*¹⁷⁷

Chika Village had a similar experience when demanding to see their resettlement site.

175 In a December 2007 interview, H.N. Obiechina, Deputy Director of Planning and Resettlement stated that the Department had taken indigene concerns – particularly from residents of Garki – into account for the site designs for Apo. However, they did not consult with residents to be relocated to Galuwyi Shere due to purported time constraints.

176 COHRE/SERAC interview with chiefs visiting the Galuwyi Shere resettlement site, (9 Nov. 2006).

177 Ibid.



Cracks in new homes at Apo
[Photo: Deanna Fowler, Dec. 2007]

They took us to the site, but we couldn't continue because there was no road. So they pointed and said it is 5km that way.¹⁷⁸

In the case of Lugbe village, there was concern over the complete lack of information about the resettlement plans:

We haven't seen a single building that will give us interest [to move], we haven't seen the land, let alone the type of area. They only mentioned verbally some areas – Wasa was one of them.¹⁷⁹

Fears about the uncertainty of their situation and the lack of information appeared to prevail among Lugbe residents – both indigene and non-indigene – particularly as houses were already marked with crosses for demolition. Recurring concerns residents expressed were:

We are being resettled against our will.

178 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

179 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).



Windows do not fully shut, allowing open space of several centimeters [Photo: Deanna Fowler, Dec. 2007]

*We have not even seen the land we'll be resettled to.*¹⁸⁰

At Chika, where indigene households had already been evicted and their structures demolished, the indigene community had been promised that the Government “would come and hold meetings from time to time.” However, no such meetings had taken place since the enumeration five months prior to the COHRE/SERAC investigation. Here too, residents had never seen the proposed relocation site, Wasa.¹⁸¹

Residents at Kuchigoro Village explained that indigene and non-indigene households were enumerated in 2004. At the time, residents had asked whether the enumeration would be used for resettlement. Officials told them that this was not the case, but that the data was needed for the planning of social amenities. The Kuchigoro community then assumed it would be integrated and not resettled. Only in 2005 did officials inform them that there would be no more integration and that their village would be resettled outside of Abuja. When asking about the resettlement plans, FCDA officials informed them that these were ‘in the pipeline’.¹⁸² Here too, uncertainty prevailed.

Residents described the withholding of information about resettlement as repressive. In Aleita Village, due to the absence of any consultation process, the residents perceived the Government’s plan for resettlement as a threat:

*The FCDA has threatened to resettle us. We have no idea where, no idea about the housing, what it will look like, whether we will pay and how much. We want to be part of a committee to discuss all of these things with the FCDA.*¹⁸³

180 COHRE/SERAC interview with residents and chiefs from Lugbe Village, (8 Nov. 2006).

181 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

182 COHRE/SERAC interview with residents from Kuchigoro Village, (2 Nov. 2006).

183 COHRE/SERAC interview with residents from Aleita Village, (1 Nov. 2006).

Difficulty in accessing
Galuwyi Shere site
[Photo: Marie Huchzermeyer,
Nov. 2006]



Of great concern to residents was the question of how much farmland would be provided for them at the resettlement site, and whether that would be equitable and clearly demarcated. Most villages had not been given conclusive information on that matter. Thus the following was raised:

*They said they would give us farmland at the resettlement sites, but they never told us how many hectares... We are concerned that farming boundaries will not be clear or equal and will lead to disputes...*¹⁸⁴

*99 percent of us are farmers. We should be given farmland. We have not been told if this is the case, or how big the land will be.*¹⁸⁵

This concern was supported by the knowledge of how those previously resettled had been treated, and was paralleled by concerns of whether services would be provided:

*Others who have already been resettled are suffering – in Kubwa and Maitama. They are farmers, but no farmland was given. They haven't been given water or other services.*¹⁸⁶

At Kuchigoro Village, residents were apprehensive of problems that could arise, as the inadequate supply of farmland under previous resettlement processes had led to unrest:

184 Ibid.

185 COHRE/SERAC interview with chiefs visiting the Galuwyi Shere resettlement site, (9 Nov. 2006).

186 COHRE/SERAC interview with Chief Musa Barde of Galadimawa Village, (31 Oct. 2006).



Crèche marked for demolition, Lugbe
 [Photo: Marie Huchzermeyer, 8 Nov. 2006]

In past resettlement, in Gwari where four villages were resettled due to a dam, they had conflicts due to farmland.¹⁸⁷

An important concern in relation to the provision of farmland at the resettlement sites was raised at Galadimawa Village. It suggested a reason as to why officials were not decisive about the provision of farmland – this still needing to be negotiated with the indigene tribes resident at the resettlement sites:

They want to resettle the indigenes to Wasa – approximately 50km away. If they resettle there, there would be a clash, because there are already tribal people living there and they are farmers. If they resettle us, will they take away other people's land? It will create disputes between communities.¹⁸⁸

5.1.4.2 Fears that resettlement would not improve quality of life

Most of the demands raised by chiefs who visited Galuwyi Shere in relation to the relocation plans (e.g., plot size, levels of compensation, house design and public amenities) were based on indigenes' concerns that the resettlement should not lower their standard of living, but, rather, raise it. Other aspects of quality of life concerned the location of villages in proximity to the urban conveniences of Abuja, as these conveniences have not been fully enjoyed by the indigene communities.

The Lugbe chief raised fears related to basic conveniences of living, of which indigene households would be deprived through the resettlement:

187 COHRE/SERAC interview with residents of Kuchigoro Village, (2006).

188 COHRE/SERAC interview with Chief Musa Barde of Galadimawa Village, (31 Oct. 2006).

We fear government is wanting to take us back to the old days, when people needed to go far to schools and shops. We'll suffer if government carries us back. It will be hard for us to have [conveniences such as]... soap.¹⁸⁹

The other concern related to loss of the ready market for the farm produce of villages:

Now our farmers can sell right here, its very easy.¹⁹⁰

However, the Lugbe residents did not view themselves as integrated with the City of Abuja in any beneficial or meaningful way.

There are no opportunities [created for us], school fees are high, and there are no special schemes or scholarships for our children.

Instead schools and crèches were provided privately in the villages and surrounding 'slums'. Residents pointed out that many of these had already been demolished.

At Galadimawa, exclusion from the conveniences of the city was such that the residents themselves had to provide the poles and make the connections for electricity – the Government had merely provided a transformer. The residents were not connected to the water mains, but had provided two boreholes themselves, with two others being provided by the Government. Officially, Government investment in the indigene villages was considered temporary. Thus, the residents had been informed that the primary school built in 1970 by the FCDA for the Galadimawa village was to be destroyed during the demolition of the village.

At Aleita, the Government had provided a borehole and electricity for the original village. As the village accommodated growing numbers of migrants, residents had purchased electricity poles and organised connections, therefore remaining excluded from the city of Abuja. At Chika, the community had built a police station.

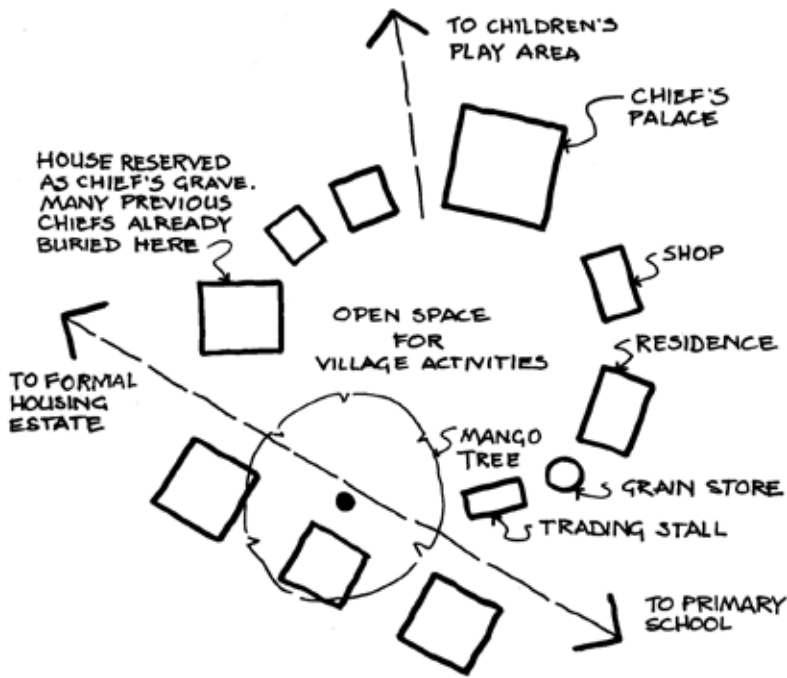
5.1.4.3 Fear of loss of cultural heritage

As with indigenous peoples across the globe, indigene residents have strong ties to the land they have occupied for centuries, as well as vibrant traditions and customs. Consideration of those ties has gone largely unresolved, if not entirely ignored in the resettlement plans, yet have been of utmost importance to indigene communities. Residents voiced concerns related to ancestral graves, the costs of necessary traditional ceremonies to appease ancestors (if resettlement was unavoidable), the loss of history and tribal identity for future generations and disruption and dissolution to chiefdoms that still are defined by customary boundaries.

Chief Musa Barde of Galadimawa raised concerns about the possible loss of ancestral history:

189 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

190 Ibid.



Sketch of central Lugbe
[Marie Huchzermeyer, 8 Nov. 2006]

*Everybody wants to maintain their ancestral home. Everyone has a history. We have to start with our history. Areas like ancestors' shrines are immovable. If we're resettled, our history is lost.*¹⁹¹

Residents raised similar concerns in Chika Village. Chiefs visiting Galuwyi Shere expanded on the traditional practices used to appease ancestors:

*In our tradition, if a community agrees to relocate, there is a way to appease the ancestors, so that the spirits go along with us. The Ukwaba people were called back to appease the ancestors, as they were experiencing problems. Appeasing the ancestors costs a lot of money. At Ladiba Village, the appeasing was paid for [by government], as the official was one of the residents.*¹⁹²

At Lugbe village, residents expressed fears not only about the loss of cultural heritage, but about the possible consequences of such loss – namely, civil war.

*In our district, our grand-grand-grand parents are buried. Our own children will come and ask us "where are the graves?" It will happen that we don't know. According to our own tradition, even if Lugbe is wiped out, our children should have something where they can discover [who they are]. If they see this poor condition [after a demolition], this thing of war between government and the nation may arise.*¹⁹³

In several villages, residents raised concerns over the disruption of chiefdoms. At Lugbe, the chief exclaimed that his "chiefdom would be paralysed."¹⁹⁴

191 COHRE/SERAC interview with Chief Musa Barde of Galadimawa Village, (31 Oct. 2006).

192 COHRE/SERAC interview with chiefs visiting the Galuwyi Shere resettlement site, (9 Nov. 2006).

193 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

194 Ibid.



Chief's palace, Lugbe
[Photo: Deanna Fowler,
8 Nov. 2006]

At Chika Village, that was further elaborated:

*We are concerned that certain settlements will be resettled away from our current chiefdoms and will have to join a new one. They are breaking up tribal structures.*¹⁹⁵

A further concern over the loss of tradition regarded accommodation of a practice at the household level: polygamy. The institution of polygamy among indigene households was raised by various chiefs in the group that visited the Galuwyi Shere resettlement site. One pointed out that he has four wives and lives in a six-bedroom unit in his village, which he feared would not be catered for in the resettlement plan. Requests or suggestions made in relation to polygamous households are further discussed below.

5.1.4.4 Fears about loss of livelihoods

Discussion about quality of life elicited concerns about livelihood – particularly because indigenes' livelihoods were not easily sustained even in the FCC. The Lugbe chief explained that in terms of employment, the benefits of living in Abuja were limited for indigene households, particularly due to the recent reduction of the Government workforce. Despite the Government's acquisition of their farmland for development, their main occupation remained farming on undeveloped land, albeit without the security of knowing whether they would be allowed to harvest their crops. The chief stated that none of the indigene people from Lugbe had formal employment in Abuja. Compensation was provided only for 'economic trees' and not for land. Although their farmland had been acquired in accordance with the FCT Act, the indigenes still knew where their tribal boundaries were and they were constantly aware of this loss.

195 COHRE/SERAC interview with Chief Musa Barde of Galadimawa Village, (31 Oct. 2006).



Corner shop, Lugbe
[Photo: Deanna Fowler,
8 Nov. 2006]

As the city encroached on their farmland, it became necessary for indigene residents to find alternative livelihoods – although some continue to farm on land that is far outside the city or land that has been acquired but not yet developed. Government compensation for land was not sufficient to replace farming with alternatives for a sustainable livelihood. Several interviewees raised the problem of insufficient, as well as inequitable compensation:

*Government has been acquiring farmland from the community for 30 years without compensation*¹⁹⁶

In Chika settlement, the Gbayi [an ethnic group] reported that the FCDA acquired their farmland, on which a housing development called Sun City was built. Some indigenes received 2 000 or 3 000 naira compensation from a plot of land that had produced enough to feed their family. This rate of compensation was not sufficient for them to acquire a Certificate of Occupancy for an alternative plot of land.¹⁹⁷ Residents reported that:

*At Dobi Village, people have been travelling and either buying or begging for farmland in other places like Gwagwalada or other states.*¹⁹⁸

*The Chief got 55 000 NGN for his land, but he got more than others... The FCDA took our land with minor compensation.*¹⁹⁹

Concern about inadequate compensation for indigenes' farmland was supported by Community Action for Popular Participation, an NGO that has been monitoring this situation since 1996:

196 Ibid.

197 COHRE/SERAC interviews with indigenes at Chika settlement, (4 Nov. 2006).

198 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

199 COHRE/SERAC interview with residents from Aleita Village, (1 Nov. 2006).



Traditional burial house, Lugbe
[Photo: Deanna Fowler,
8 Nov. 2006]

*People were cheated on compensation*²⁰⁰

Productivity on the remaining farmland was low. In Lugbe, this was explained as follows:

*The land is no longer fertile and it's a tug of war to get fertilizers.*²⁰¹

Households had tried to adjust to the loss of farmland by opening up 'corner shops' attached to their residence and by renting accommodation in the villages. The money they earned from the corner shops is what indigenes used to pay their children's school fees.²⁰²

At Lugbe, residents explained that rental housing has become a more important livelihood than agriculture:

*All the villagers have rental houses. If you have three or four rooms, you rent out. Compared to your farming, rental is quite a lot better. The land is no longer fertile.*²⁰³

These adjustments to the residents' livelihoods were severely compromised by the waves of demolitions that targeted so-called 'squatters' in the FCC and destroyed corner shops and rental accommodation of the indigenes in many of the villages.

*Over 200 structures and corner shops owned by indigenes ... were destroyed. They had seven bulldozers.*²⁰⁴

200 COHRE/SERAC interview with Emeka Ononamadu J., Deputy Executive Director of Community Action for Popular Participation (CAPP), (1 Nov. 2006).

201 COHRE/SERAC interview with residents and chiefs from Lugbe Village, (8 Nov. 2006).

202 COHRE/SERAC interview with residents and chiefs from Galadimawa Village, (31 Oct. 2006).

203 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

204 COHRE/SERAC interview with residents and chiefs from Galadimawa Village, (31 Oct. 2006).



Open space and drainage, Lugbe
[Photo: Marie Huchzermeyer,
8 Nov. 2006]

*They destroyed indigene shops and non-indigene homes. We resisted but the FCDA held firm. They say they are going to resettle indigenes, but how are they going to resettle us when they've destroyed our shops? ... We want to know what government is thinking of. Where will our children be able to find food to eat?*²⁰⁵

The livelihood concerns were expressed very strongly in Chika Village:

*More than 20 homes and 50 shops of indigenes were destroyed. Some of the shops were being used for [rental] accommodation... Now we are destroyed. They are pushing us into the world.*²⁰⁶

Indigene residents raised fears over the further loss of rental income through the resettlement – particularly in Lugbe – where the demolition of homes of non-indigenes had not yet begun:

*I have some tenant houses. This is where I get something for my children to go to school. They should spare our houses to help us manage our lives. We hope our requests will be granted.*²⁰⁷

Whereas most adult indigene residents identified themselves as farmers – this being the skill they had acquired while growing up – the following generation had been to school. Chief Musa Barde of Galadimawa village explained: “The youth are in school and may not be farmers one day.”²⁰⁸ Although indigenes demand farmland be provided at the resettlement sites, they were also concerned that the next generation would have other livelihood ambitions that needed to be met.

205 COHRE/SERAC interview with residents from Kuchigoro Village, (2 Nov. 2006).

206 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

207 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

208 COHRE/SERAC interview with Chief Musa Barde of Galadimawa Village, (31 Oct. 2006).

5.1.4.5 Fears relating to the separation of indigene and non-indigene households

The indigene villages within Abuja have come to accommodate, as tenants, large numbers of non-indigene migrants. This is either through the sale of plots to non-indigene households who then constructed unauthorised housing, or through the construction of rental units by indigene households. Indigene and non-indigene resident's lives have become integrated in many ways. At Lugbe Village, which has residents of the Beni tribe, non-indigene households arrived after the construction of the main road. For local governance purposes, Lugbe is divided into nine zones with elected chairpersons. Some chairs are indigene whereas others are non-indigene. The village chief explained that the indigenes would be "touched" if they were to be separated from the non-indigene households who have been living among them.

*For a long time, we have lived together, sharing among ourselves. If they are displaced, we are deeply affected. Our children have been at school together. We share ideas about how this problem is to be arrested.*²⁰⁹

At Galadimawa, resistance to being separated was expressed more strongly, possibly because the non-indigene evictions and demolitions had already taken place:

*If you tell some people to leave and some to stay, it is apartheid.*²¹⁰

5.1.4.6 Requests and practical alternatives expressed by village chiefs

Village chiefs – though careful to express support for the Government – were willing to share their thoughts on alternatives and to express their suggestions, be they integration into the FCC, resettlement within their *de facto* tribal area or the city's boundaries, or better accommodation of their diverse needs at the resettlement sites. Chiefs had long been deliberating alternatives within their own structures and had actively demanded and lobbied for these, but to no avail.

Most villages expressed a preference for upgrading or some form of integration into the FCC. Although officials dismissed the integration of Garki as unsuccessful, this remained the preferred model for indigene residents:

*We wrote letters protesting resettlement, wanting integration. We met with FCDA.*²¹¹

*Why not keep us here instead of resettling us outside. But also provide us with a plot of land in the city?*²¹²

Lugbe's chief articulated a form of upgrading or integration that would primarily respect the cultural heritage of the village:

209 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

210 COHRE/SERAC interview with residents and chiefs from Galadimawa Village, (31 Oct. 2006).

211 COHRE/SERAC interview with Chief Musa Barde, Galadimawa, (31 Oct. 2006).

212 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

*We asked the authorities to look at cultural reservations. We have cultural areas and areas of worship, and ancestral graves. No community exists without these. These things are preserved. It is areas that our forefathers were fighting [for], they are marked for cultural heritage... There should have been means to modify the plan, to adjust the plan, to integrate. But government tells us that integration failed. Who is to be integrated, us or government? This is what we deliberated upon...*²¹³

Another alternative relating to livelihood concerns was for compensation through the provision of rental stock within the city, for indigene residents to rent out as a source of income:

*Why not let us stay here or build us other houses in town in compensation for our farmland – and we will use those houses for rent, to have income.*²¹⁴

The Lugbe Chief suggested the alternative of being resettled within their *de facto* tribal area:

*We don't want to go to another tribal district. We have virgin land far away. Why can't we be relocated there? ... We made requests for resettlement within the Municipal Area Council. We wanted to be resettled district by district, within our tribal district, so we can locate our people.*²¹⁵

In terms of procedure, indigene residents requested policies that would enable their participation in decision-making processes, as well as for social impact assessments – both of which are considered entirely relevant and necessary according to international practice:

*We want to be part of a committee to discuss all these things.*²¹⁶

*Before government talks about resettlement, it must see how it will affect us as humans. It must assess the impact. How will people feel after relocation? But Federal Government has refused to listen to us.*²¹⁷

Suggestions for a more appropriate resettlement approach:

*We believe there are ways of resettlement, despite wanting to stay here.*²¹⁸

The chiefs visiting Galuwyi Shere focused their suggestions on the resettlement site they had come to visit. They requested information on the size of the plots, compensation amounts, house layout plans, public amenities and farmland:

213 Ibid.

214 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

215 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

216 COHRE/SERAC interview with residents and chiefs from Galadimawa Village, (31 Oct. 2006).

217 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

218 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

- *We're sacrificing our former place for this. We're told we only get 400-600m². For what we're forfeiting, we should be given 2 500m². This place is for our life, we can't go back.*
- *Full compensation should be given. You should not regret your life in the next 10 years. It needs to be better. Therefore the package of this resettlement must be better than the previous ones we have seen.*
- *The house plans are only for two and four bedroomed houses. The majority will get two bedrooms (we are told). What if a man has two wives? We also need three bedroomed houses. We should have been carried along in the design, for our input. The community were shown the design, but now the plan is already concluded and our inputs were not taken into account. We should have been brought to the site before the plan was commenced.*
- *Different samples of houses should have been built, to show us. Now everything is already awarded to contractors.*
- *We prefer for government to build houses for us and to hand them over to us, rather than us building ourselves. Paper for the houses must be given to us, and we must be given money to move and allowances for three days. At Kubwa, no papers have been given.*
- *All amenities should be packaged together. [presumably the concern that schools or other facilities will not be ready at the time of relocation]*
- *Farmland should be given.*²¹⁹

One chief in the group visiting Galuwyi Shere requested that the resettlement area be fully developed before resettlement. This request was underpinned by the pressure under which residents were placed by the FCDA due to the stated plan to undertake resettlement by December 2006 – one month from indigenes' first attempted site visit.

*The official policy is that the houses in the relocation area have to be complete before the relocation takes place. The pronouncement by the Minister is that the move will be in December, but this has not been given on paper. We are ready to support the programme, but it should be carried out with a human face. All social amenities must be provided before we pack.*²²⁰

The requests made by the chiefs visiting Galuwyi Shere related in part to a fear that the resettlement policy was not being fully adhered to, and in this regard the COHRE/SERAC investigation was especially welcomed:

219 COHRE/SERAC interview with chiefs visiting the Galuwyi Shere resettlement site, (9 Nov. 2006).

220 Ibid.

*We would like a situation whereby the resettlement policy is adhered to strictly, so we don't regret later. We would like the COHRE report to contribute.*²²¹

At Lugbe, residents hoped that the COHRE/SERAC investigation could lead to the official consideration of alternatives from other countries:

*There must be some resettlement procedures from other countries that could be followed.*²²²

5.1.4.7 The absence of official consideration of alternatives to the current resettlement approach

Within the norms of international planning practice, the residents' demands for alternatives are entirely reasonable and warrant attention from the Government. However, within Abuja's planning discourse, these requests represent an unacceptable demand for further violations of a blueprint urban plan.

Official discussion about the resettlement approach is dominated by submission to the purported dictates of the Abuja Master Plan. Throughout COHRE and SERAC's interviews, Government officials voiced unanimous support for the 'restoration of the Master Plan', as well as the evictions and resettlements that this involved. Even planning officials who would have been exposed to critiques of the long out-dated blueprint master planning approach – as well as to the widely adopted change-management tools in town planning – were restricting themselves to a close adherence to the master planning discourse. The official town planning discourse in Abuja is devoid of any exploration of alternatives, including upgrading and integration of slum or informal settlements, as has been requested by the village chiefs. It is unlikely that the planning officials are unaware of UN-HABITAT's campaigns promoting tenure security and upgrading or integration of slums. Any such awareness seemed to be overridden by the view that Abuja was created as an opposite to Lagos and needed to be preserved from the processes of change, informality and complexity that dominate Lagos:

*Integration [here referring to the in situ upgrading of indigene villages] at this point is a big mistake, if we're talking about building a new town that is moving away from Lagos.*²²³

The only exception in the interviews was from a retired FCDA official, who, during his time in office, had proposed an improved resettlement approach, but this suggestion was apparently not welcomed. Government officials working outside of the FCDA were more willing to critique the approach of Minister El-Rufai:

*Rigorous implementation is a problem.*²²⁴

The views of FCDA officials, expressed as professional town planning practice, were legitimis-

221 Ibid.

222 COHRE/SERAC interview with Chief of Lugbe Village, (8 Nov. 2006).

223 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

224 COHRE/SERAC interview with Special Assistant to the Senate President of Nigeria, (2 Nov. 2006).

ing urban exclusion, ethnic segregation and human rights violations – not unlike urban planning atrocities committed by the apartheid Government in South Africa or other undemocratic regimes. As under the apartheid Government, no choice has been given to indigene households in Abuja regarding their removal and resettlement.

5.2 Informally housed non-indigene households in the FCT

Non-indigene households have been renting rooms in so-called ‘squatter’ settlements that emerged around the indigene villages. These rooms or dwellings were developed either by indigenes or by non-indigenes who acquired land informally from indigene households. Official views of this form of unauthorised housing have been harsh:

*This is wrong, against the law... They are built illegally, and therefore alternatives for them are not considered ... squatter settlements should not exist, therefore the demolition of illegal structures [is underway].*²²⁵

The Government has generally lacked sympathy over the plight of the evicted. This lack is underpinned by an obvious or deliberately mistaken assumption that these households did, in fact, have housing alternatives. There is an official blindness to the economic reality of Abuja, which is striking to any visitor to the city: the absence of authorised affordable housing, paralleled by the same lack of affordable transport, places of trade, and the like. Thus, official positions such as that reflected by the following statement were expressed with indignation:

*Now they cry that Government is demolishing their structures!*²²⁶

5.2.1 Demolitions with a ‘human face’: relocation sites

However, having faced criticism from various quarters over the harshness of the demolitions, the FCT Minister and FCDA introduced a ‘human face’ to the policy in the form of relocation. Ese Ike, the former Director of Urban and Regional Planning at the FCDA, explained that the change in approach was preceded by the realisation in 2006 that some non-indigene Nigerians had come to Abuja to stay, whereas previously the official assumption had seemingly been that migrants to the city would return to their homes in other states.

Several factors severely limit the ‘human face’ approach to demolition. These range from the problem that forced evictions are carried out before relocation sites are available and serviced; the official blindness to the socio-economic condition of the evictees; and the ongoing exclusion of low-income and many middle-income residents from the city.

225 COHRE/SERAC interview with Festus Esekhole, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

226 Ibid.

5.2.1.1 Too little too late

The COHRE/SERAC team estimates that from 2003 to 2007, the FCDA has forcibly evicted a minimum of 800 000 people from informal settlements. The FCDA was preparing several relocation schemes at the time of the COHRE/SERAC investigation in 2006, and some households had been able to access them. At Kuchigoro, only a few non-indigenes had been able to complete forms to access land allocated elsewhere prior to their eviction and the demolition of their dwellings in September 2006.²²⁷ At Chika Village, some non-indigenes were able to “purchase papers for plots in Yangoji.”²²⁸

Meanwhile, many households had been forced by lack of alternatives to migrate to other cities or back to their rural areas – or to gather together all available household and kin resources to accumulate rental payment for privately provided formal housing – but clearly not without compromising on other vital household expenditures. For the majority of evictees, relocation sites were made available far too late.

The Deputy Director of the FCDA Department of Resettlement and Compensation explained that where future evictees were being allocated sites, these were with a three-month notice of demolition in the case of the Unguwar Mada relocation site and a six-month notice in the case of the Pegi relocation site. Neither seemed adequate for a household to save for the construction of a new house. The demolition target at the time of the COHRE/SERAC investigation was to complete the demolition of all informal settlements by December 2006.²²⁹ This target was not met. Moreover, the target of completing the Pegi relocation site was also unmet and, as of November 2007, the FCDA has not provided electricity, access to water, sanitation facilities, or paved roads.

5.2.1.2 Official blindness to the socio-economic reality of evictees

The same blindness to the socio-economic conditions of the evictees exhibited by the demolition policy has also characterised the relocation policy. As explained by the FCDA Director of Resettlement and Compensation, the cost at which evictees are expected to purchase plots in the relocation sites is N600 (US\$4.88)/m², plus a processing fee of N21 000 (US\$165). The payment for the Certificate of Occupancy is only required once 80 percent of the building is complete.²³⁰ This is to assist households in financing the construction of houses.

Residents at Aleita referred to the socio-economic exclusion and the lack of choice in the non-indigene relocation approach:

*They gave them plots in Yangoji. They had to pay a processing fee for the plots. Those that refused to pay or couldn't pay didn't get anything.*²³¹

227 COHRE/SERAC interview with residents from Kuchigoro Village, (2 Nov. 2006).

228 COHRE/SERAC interview with residents and chiefs from Chika Village, (4 Nov. 2006).

229 COHRE/SERAC interview with Festus Esekhole, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

230 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA (Nov. 2006).

231 COHRE/SERAC interview with residents from Aleita Village, (1 Nov. 2006).

5.2.1.3 Exclusion from the city

Non-indigenes were being excluded from Abuja through the relocation approach in two ways. First, there was no opportunity for them to participate in decision-making processes. Indigene chiefs were generally expected to advise non-indigene households of the FCDA’s plans and to ensure their compliance:

*We agreed to the [relocation] plan, and advised the strangers [non-indigenes] to comply – and they did.*²³²

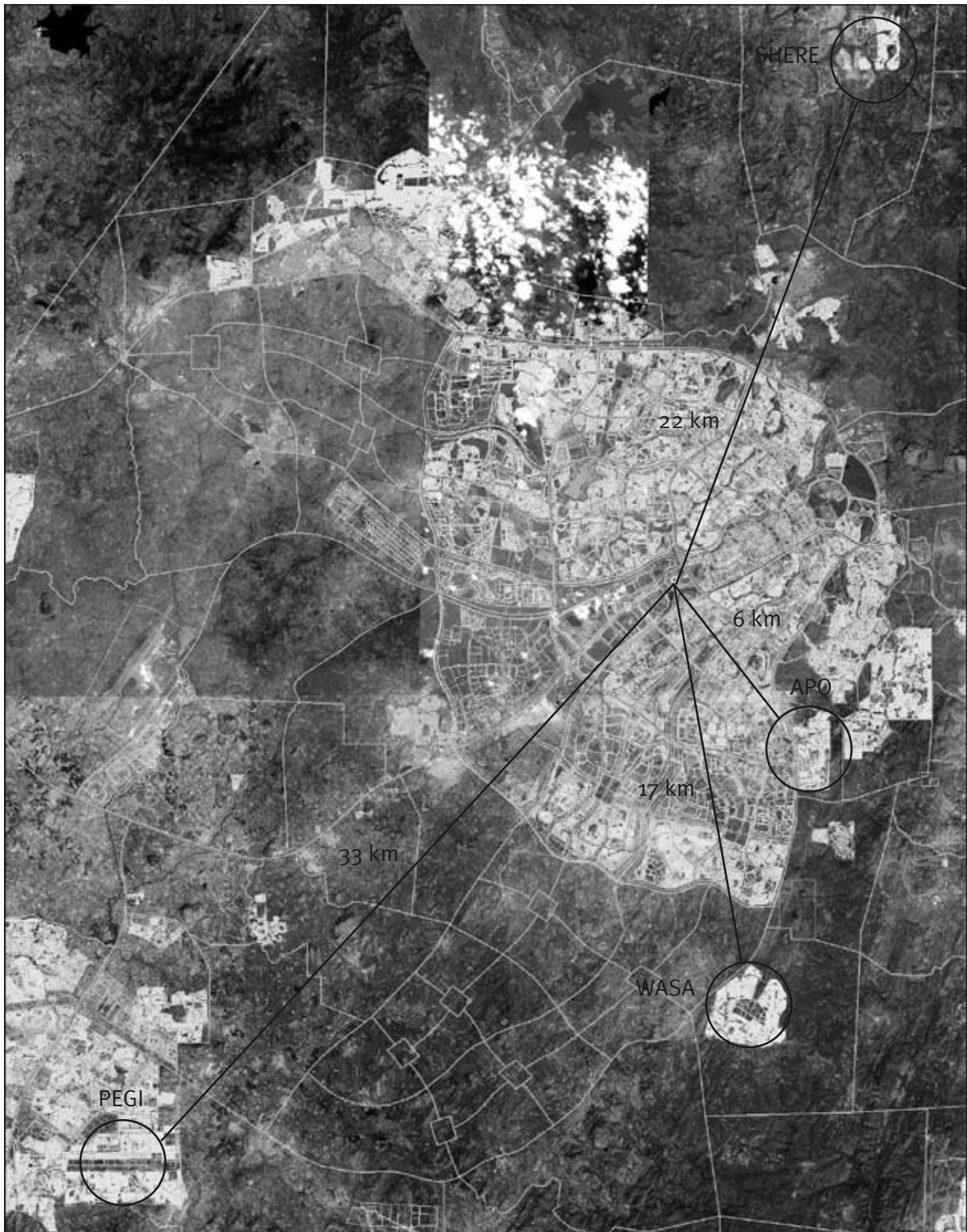
The only reference to a consultation processes in the relocation programme was by the former Director of the FCDA Department of Urban and Regional Planning. He mentioned that Karmo residents were involved as stakeholders in a participation process in which artisans were “told about opportunities brought about by new [housing] developments.”²³³ As mentioned elsewhere in this report, officials’ assumptions on the immediacy of customer thresholds and effective demand or purchasing power in the relocation sites need to be questioned – particularly as it has become obvious that very few people – approximately 100 households – have been able to afford to access plots and build homes more than a year after the relocation programme was made available. A consultation process that imposes questionable information can only qualify as coercion.

Box 10: Arnstein’s ladder of participation²³⁴

- | |
|-----------------|
| Self-management |
| Delegated power |
| Partnership |
| Cooptation |
| Consultation |
| Informing |
| Manipulation |
| Coercion |

Second, the non-indigenes, like the indigenes, are spatially excluded from Abuja. The resettlement and relocation sites are outside of the FCC area at a substantial distance from residents’ employment and livelihood opportunities.

232 COHRE/SERAC interview with residents from Kuchigoro Village, (2 Nov. 2006).
233 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).
234 Sherry Arnstein, ‘A ladder of Citizen Participation’, *Journal of the American Institute of Planners* (Vol. 35, 1969), pp. 216-224.



Resettlement sites (Galuwyi Shere, Apo and Wasa) and relocation site (Pegi) with layout plans and cadastral zones superimposed on an aerial photo [source: AGIS, Nov. 2007]

5.2.2 Status of the relocation sites

Officials from the FCDA Department of Resettlement and Compensation discussed four relocation sites with the COHRE/SERAC team, as listed below. Roads at these sites had already been graded and electricity mains had been laid. Due to anticipated vandalism, wiring and transformers would be provided only once the plots were occupied. The official view was that the relocation policy was “cushioning the fate ... people are very happy about these relocation sites”.²³⁵

Table 3: Relocation sites²³⁶

Village	Number of plots	Other available information
Yangoji	4332 plots	This area is intended for non-indigenes living along the airport road. Allocation letters with approved building plans (which can be modified) were distributed to some households. The FCDA was considering the inclusion of Lugbe non-indigenes in this scheme.
Unguar Mada (also known as Gidan Mangoro)	3 520 plots	Located behind Sani Abacha Barracks. In August 2006, allocation letters were distributed to some households. Demolitions of the non-indigene housing started three months later.
Kuchiko	2 865 plots	Located in Bwari Area Council.
Pegi	6 565 plots, on 500ha	Plots had been intended for households from Idu and Karmo. Interested companies were invited to provide building materials on site. An area for an additional 1000 houses was later added to this area.

As of November 2007, COHRE and SERAC estimate that only approximately 100 households had been able to take part in the relocation programme and build houses at the Pegi relocation site. The relocation programme has so far failed because it is unaffordable to the majority of those evicted and because the FCDA has not followed through with its promise to provide access to water, electricity, roads, schools, and health clinics more than two years after evictions took place.²³⁷

235 COHRE/SERAC interview with Festus Esekhillé, Director of Resettlement and Compensation, FCDA, (7 Nov. 2006).

236 COHRE/SERAC interview with H.N. Obiechina, Deputy Director of Planning and Resettlement, Department of Resettlement and Compensation, FCDA, (7 Nov. 2006).

237 ‘NIGERIA: Abuja’s splendid centre surrounded by urban blight’, *IRIN*, (accessed on 23 Nov. 2007).

5.2.3 Sustainability of the relocation sites

The authorities view the relocation planning as sustainable because it includes plans for schools and markets. In terms of livelihoods, schools will be built at the time of occupation of sites, thereby providing employment for teachers. Regarding transport to outside employment from the relocation sites, FCDA officials mentioned that the Government is outsourcing cleaning services to firms, and that these firms will provide buses from the relocation areas. Further, FCDA officials stated that the bus system “that is coming up will be affordable”. FCDA officials have not made plans for transport to schools, as the neighbourhood design was such that no child will travel more than 500m to any facility, provided those facilities are actually built. Those who are artisans are expected to establish their trades in the relocation areas.²³⁸

These plans might be convincing on paper, but it was not clear whether budgets were in place and construction of the crucial facilities such as schools and markets would be completed in time to ensure no disruption to those relocating. Low rate of occupation of the sites or slow construction of housing due to limited household budgets were officially acknowledged as shortcomings or potential problems. It is important to highlight the slow occupation of the relocation sites, as the assumptions about markets for artisans and traders at relocation sites depend on consumer thresholds. The former Director of Urban and Regional Planning mentioned this very problem in relation to satellite towns with ‘high density’ plots for low income earners, such as Dobi and Kubwa. In the Director’s words, the ‘sad’ experience had been that most households did not want to build. Rather, they had wanted to sell their plots. His perception was that they were “running away from paying property taxes.”²³⁹

Several interviewees raised the problem of the high turnover of relocation plots. Hadiza Abdullahi, of the Abuja Environmental Protection Board, noted that while banks were unwilling to lend money to relocatees to build houses for themselves, “big shots offered them money for their plots... [t]he reality is that giving people plots does not mean someone is not homeless.”

238 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

239 Ibid.

Box 11: Lessons to reduce the unauthorised sale of subsidised plots

The trend of selling off serviced plots in the relocation areas is not unlike the extraordinary transformation of the Dandora Site and Service area in Nairobi from 1976 into multi-storey tenement housing. The original low-income households who were allocated the serviced plots were unable to finance the construction of a dwelling in addition to maintaining the subsidised loan repayments required for the purchase of the serviced plots. Therefore they soon sold the sites to wealthier individuals who realised the maximum profit potential from rental accommodation.²⁴⁰ In South Africa, this phenomenon has been prevented to some extent through the full subsidisation of serviced plots during the late apartheid years and the full subsidisation of roughly 30m² houses on serviced plots in post-apartheid South Africa for targeted low-income households. The persistence of a largely informal secondary market of allocated, fully subsidised houses in South Africa remains a concern, and is largely a result of the poor location of these estates in relation to employment and livelihoods.

Two lessons can be drawn for Abuja's relocation policy. First, if allocated households are unable to afford loan repayments for a serviced site or a full house, these will inevitably be sold in a secondary market to a class of people for which they were not intended. Second, if the relocation sites are inconveniently located in relation to livelihoods and employment, the costs incurred by transport will force low-income households to sell into a secondary market and return to unauthorised accommodation in the city. Again, buyers are likely to be from a socio-economic class for which the sites were not intended. Due to the partial-subsidisation of the relocation sites in the case of Abuja, this means poorly targeted public expenditure.²⁴¹

UN-HABITAT officials noted that:

In [the relocation site of] Peki, some didn't have the resources to develop land and sold so that they could have resources. [The result is that] some people own several parcels of land in Peki.²⁴²

An anonymous interviewee suspected that an official had created a land bank for himself, because of the 6000 plots at Peki, only 4000 were being made available to allocate to relocatees. One day prior to that interview, the suspected official had 'retired', in the context of an attempt by the FCDA Minister El-Rufai to clamp down on corruption. Whether this official – if

240 Laban U. Shihembetsa, 'Urban Developments and Dwelling Environments. Brief Notes on Dandora, Kariobangi and Eastleigh', *International Workshop on Housing*, United Nations Centre for Human Settlements (UN-HABITAT) Postgraduate Centre Human Settlements, Katholieke Universiteit Leuven, Housing Research and Development Unit, (Nairobi, Kenya: University of Nairobi), (25 Jan. 1989).

241 Marie Huchzermeyer, 'Housing for the poor? Negotiated Housing Policy in South Africa', *Habitat International* (Vol. 25(3), 2001), pp. 303-331.

242 COHRE/SERAC interview with Professor Johnson Falade and Barnibas Atiyaye, UN-HABITAT, (1 Nov. 2006).

implicated – would be held accountable was unclear. The persistent problem of official planners inserting their private interests into projects for which they were responsible was a recurring theme in the interviews, understandably one on which informants requested not to be quoted. Low salaries of Government officials and the high cost of formal housing and other living costs in Abuja have undoubtedly contributed to this behaviour over the few decades of the city's existence.

Responding to the reality of a secondary market in Pegi's relocation plots, a Deputy Director in the Federal Ministry of Housing and Urban Development suggested that a building foundation should be provided with the plot:

*In areas where people have been relocated to, people are already selling their papers. The Government should provide a foundation and people should then build the rest themselves.*²⁴³

The reality of relocated households selling their plots was one of the reasons why FCT Minister El-Rufai had inaugurated a Task Team for Affordable Housing. Although UN-HABITAT had drawn attention to the need for infrastructure, Minister El-Rufai decided that the mandate for this team is to devise a way of not only providing foundations but completed houses with appropriate loan finance. The Task Team then focused on the need for these houses to be affordable to the poor and not to be attractive to the rich.²⁴⁴ The hope was that people would pay for the completed houses and occupy them, rather than sell their plots.²⁴⁵

5.2.4 The Affordable Housing Task Team: 1000 houses

The Affordable Housing Task Team is composed of various stakeholders. These include women's groups and groups representing construction workers and civil servants, and two banks (Zenith and Oceanic, neither of which are primary mortgage lenders).²⁴⁶

The Task Team recognised that an approach that did not include adequate consultation, as well as impact assessments would not be sustainable. A Task Team member from the Abuja Environmental Protection Board expressed the view that the FCDA had taken so long to realise this because the social professions were not represented in the relevant departments dealing with the demolition and relocation plans.

An 80ha area was set aside in the Pegi relocation site for the 1000 affordable houses. In this area, individual properties will not be demarcated. The intention with the construction of 1000 affordable houses on a cost-recovery basis is that their immediate occupation will encourage others to build on their plots.²⁴⁷

243 COHRE/SERAC interview with Deputy Director, Federal Ministry of Housing and Urban Development, (1 Nov. 2006).

244 COHRE/SERAC interview with Haiya Hadiza L. Abdullahi, Abuja Environmental Protection Board, (7 Nov. 2006).

245 COHRE/SERAC interview with A.C. Ike, former Director of Urban and Regional Planning, FCDA, (6 Nov. 2006).

246 COHRE/SERAC interview with Haiya Hadiza L. Abdullahi, Abuja Environmental Protection Board, (7 Nov. 2006).

247 COHRE/SERAC interview with Idika Oluwa, Town Planner, Nu 'Terra, (8 Nov. 2006).

The affordability of the houses remains a challenge for the Task Team. An initial proposal for the use of mud bricks was rejected by the team, as this was not considered an acceptable form of construction, despite the strong movement internationally to promote mud architecture.²⁴⁸ The houses are designed to a minimum of 64m², with one or two-bedrooms, with the smaller house plan providing a space for an extension.²⁴⁹ The minimum dimensions of the house are ambitious and exclude any possibility of providing affordable access with conventional building materials, unless heavily subsidised. The Task Team expected various private sector donations. Julius Berger – one of the largest construction firms in Abuja – had reportedly agreed to donate building materials. Also, a commercial housing estate developer offered to construct 50 houses at no charge. The assumption was that relocating households will be able to pay N3 000 (US\$23) per month, equivalent to N100 per day, for two years.²⁵⁰

Box 12: Minimum house size

Minimum house size in post-apartheid South Africa has ranged between 30 and 40m², and is currently at 36m². The housing subsidy for poor households, which covers the cost of construction only, is R36 528 (US\$4 806). This is lower than the one million naira (R58 000 or US\$7 800) envisaged for the affordable houses at Pegi. Under the South African housing subsidy system, the plot, infrastructure and house are fully subsidised, meaning that qualifying beneficiaries are not expected to pay for these houses. Households earning above R1 500 per annum are expected to pay R2 479 (US\$326) towards their house.²⁵¹

The FCDA's stated intention is to attempt to replicate the affordable housing of Pegi in other areas. The heavy reliance on private sector donations in this pilot phase is therefore a problem. Furthermore, as with many politically-driven pilot projects, an unrealistic timeframe was set. In early November 2006, the site for the 1000 houses had merely been set aside on a plan. By the end of December 2006, all 1000 houses were to be complete. This did not leave time for consideration by the Task Team of a potential reduction in building standards, the use of alternative materials and forms of construction, or appropriate finance mechanisms. If pushed through at that rate, it would have been unlikely that the project could produce replicable housing units. Even if allocated to low-income households and made affordable through subsidies and private donations, the mere size of the units will make them attractive in the market.

248 See United Nations Development Programme, 'Rehabilitating Indigenous Technologies for Mud Construction', *Sharing Innovative Experiences* (Vol. 4, 2000). <http://tcdc.undp.org/sie/experiences/vol4/Rehabilitating%20indigenous.pdf>.

249 COHRE/SERAC interview with Idika Oluwa, Town Planner, Nu Terra, (8 Nov. 2006).

250 Ibid.

251 Republic of South Africa Department of Housing, *Breaking New Ground in Housing Delivery*.

5.2.4.1 Limitations of the relocation and affordable housing approach

The creation of an Affordable Housing Task Team represents an important moment in the FCDA's treatment of so-called 'squatters', as it was preceded by an admission that the harsh evictions and demolitions with no provision of alternative accommodation were unacceptable. However, severe limitations that were imposed on the efforts of the Task Team by the minimum house size and tight time-frames must be emphasised. Furthermore, as of December 2007, houses were not yet complete and there had been no decision on which 1000 households would be eligible for the housing.

The Task Team's existence perversely legitimised the inadequate relocation policy, which was still not departing from its position that the 'squatters' had deserved the destruction of their homes, assets and livelihoods and their expulsion from the city. Views expressed by UN-HABITAT officials exemplified this:

*Something is happening now. It's very painful. We have to be sensitive to the needs of the poor. We have to respect the poor. But do we respect the poor who don't follow the law?*²⁵²

This statement by a UN-HABITAT official, who also voiced support for the blueprint philosophy of Abuja's Master Plan, contradicts UN-HABITAT's widely-accepted position on slums (e.g., in the global campaign for secure tenure) – namely that in cities where a large percentage of the population is excluded from formal housing processes, the poor cannot be held responsible for breaking the law to secure basic shelter for themselves.

*In most developing countries, the expansion of informal settlements over the last two decades has taken place in a context of accelerated globalisation and structural adjustment policies. This has been combined with deregulation measures, privatisation of urban services, massive state disengagement in the urban and housing sector, and attempts to integrate informal markets – including the land and housing markets – within the sphere of the formal market economy. These policy measures, along with the lack of, or inefficiency of, corrective measures of safety net programmes, have tended to further increase inequalities in wealth and resource distribution at all levels. As a result, the urban poor and large segments of low- and low-to-medium income groups **have no choice but to rely on informal land and housing markets** for access to land and shelter. This situation has led to the rapid expansion of irregular settlements. Informal land and housing delivery systems remain the only realistic alternative for meeting the needs of low-income households.*²⁵³

252 COHRE/SERAC interview with Professor Johnson Falade, HPM, UN-HABITAT (1 Nov. 2006).

253 UN-HABITAT. *The Challenge of Slums. Global Report on Human Settlements 2003* (2005), pp. 167-168 [emphasis added].

Indigene chiefs visiting the Galuwyi Shere resettlement site
[Photo: Marie Huchzermeyer, 6 Nov. 2006]



The right to adequate housing in Nigeria

6.1 Domestic law and policies

The Constitution of the Federal Republic of Nigeria (1999) states in Article 16 (2) that:

The State shall direct its policy towards ensuring:

- (a) the promotion of a planned and balanced economic development;*
- (b) that the material resources of the nation are harnessed and distributed as best as possible to serve the common good;*
- (c) that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and*
- (d) that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens [emphasis added].²⁵⁴*

However, Article 6(6)(c) of the 1999 Constitution declares that the Chapter Two provisions are non-justiciable, and thus cannot be enforced by the courts. Nevertheless, the Federal

²⁵⁴ *The Constitution of the Federal Republic of Nigeria (1999)*, Chapter 2, Article 16 (2).

Government has legislative powers, by virtue of Item 60(a) of the Exclusive Legislative List, to “promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in this Constitution”.²⁵⁵

Moreover, Article 6(6)(a) and (b) of the Constitution ensure that no person should be evicted without an order of a Court of competent jurisdiction. In particular, Article 6(6)(b) states that the judicial powers vested in the courts “shall extend, to all matters between persons, or between government or authority and to any persons in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person.”²⁵⁶

Furthermore, Chapter Two provisions may receive significant protection through the interpretation and application of other Constitutional rights, such as the Fundamental Human Rights guaranteed under Chapter Four of the Constitution, which include, *inter alia*, the right to life (Article 33), the right to dignity of human persons (Article 34), the right to privacy of the home (Article 37), freedom of movement (Article 41). In particular, Article 43 provides that:

Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria.

Article 44 (1) further describes that:

No moveable property or any interest in an immovable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things -

(a) requires the prompt payment of compensation therefore and

(b) gives to any person claiming such compensation a right of access for the determination of his interest in the property and the amount of compensation to a court of law or tribunal or body having jurisdiction in that part of Nigeria.

While Articles 43 and 44 provide protection for indigenes in Abuja to ensure resettlement, the FCDA and successive FCT Ministers have not interpreted this to imply that adequate compensation must be given to people, such as non-indigenes in the FCT, who are living on land without rights of occupancy. FCT Minister, Modibbo Umar declared in a December 2007 Town Hall Meeting, “Demolition will continue if [development] contravenes the Master Plan. ...[I]f you contravene in any way, do we not owe you compensation.”²⁵⁷ Whether this is a correct interpretation of what is legally acceptable under Nigerian law has not yet been challenged successfully in court.

255 *The Constitution of the Federal Republic of Nigeria* (1999), Second Schedule, Part I, Exclusive Legislative List, 60(a).

256 *The Constitution of the Federal Republic of Nigeria* (1999), Chapter 1, Part II, 6(6)(b). See also *Samuel Aiyeyemi & Ors. v. Government of Lagos State and Ors.*, Suit No. M/474/03, High Court of Lagos State, (15 Dec. 2005).

257 FCT Minister, Aliyu Modibbo Umar, statement at Town Hall Meeting, International Conference Centre, Abuja, (1 Dec. 2007).

The African Charter on Human and Peoples' Rights provides much greater protection for housing rights, including the prohibition on forced evictions. Nigeria has domesticated the African Charter and it is therefore justiciable in Nigerian courts.²⁵⁸

The former FCT Minister El Rufai and the FCDA therefore violated legal obligations by:

1. Effectively denying access to hundreds of thousands, if not millions, of residents of the Federal Capital Territory to acquire and own property in the Federal Capital City due to the prohibitively high costs of acquiring rights of occupancy and the failure to implement policies prescribed in the Abuja Master Plan towards providing and facilitating the delivery of affordable housing in Abuja;
2. Forcibly evicting residents of the FCT from their homes without court orders; and
3. Forcibly evicting residents of the FCT from their homes without adequate notice, without providing adequate information about the evictions, without any consideration of alternatives to evictions, without adequate consultation with affected residents, and without providing access to legal remedies for those affected.

Furthermore, there is an extraordinary silence on the part of domestic legislation in addressing how the State should ensure the provision of 'suitable and adequate shelter' to all Nigerians, as well as defining what actions would be considered obstructing access to shelter. In terms of Section 60(a) of the Exclusive Legislative List of the Constitution, the Nigerian legislature has the opportunity and the responsibility to 'promote and enforce the observance of State policy' to provide 'suitable and adequate shelter' to all Nigerians.²⁵⁹

6.1.1 Senate inquiry into the Abuja demolitions

Under the FCT Minister Nasir Ahmad el-Rufai, the Abuja demolitions prompted a public outcry and the intervention of the Senate, which formed an *ad hoc* Committee on Demolition of Property in the Federal Capital Territory, led by Senator Idris Kuta, in May 2005 to investigate demolitions undertaken thus far by the El-Rufai administration and to provide a comprehensive assessment through which the Senate could take appropriate action. The Committee's report was finally presented at the Senate plenary in February 2007. The report criticised the Federal Government and officials of the FCDA who oversaw the series of demolitions in the Capital due to alleged distortions of the Abuja Master Plan.

The report noted that the demolitions thus far carried out by the El-Rufai administration were not conducted according to law because no Appeal Tribunals concurrently had been established. The report also stated that the Minister's claim of providing compensation to victims was contradicted by available facts presented by Government officials.

258 See section 6.2.2 of this report for more information on the right to adequate housing within the African Charter on Human and Peoples' Rights.

259 See Section 6.2, Recommendation No. 12 of this report.

Senator Kuta stated: “At the time of submitting this report the Tribunal had no offices or chambers where aggrieved persons could go and file their claims or complaints. Therefore, all the demolishing exercises carried out to-date were not done in accordance with the Rule of Law”. He further reported that the “Government also contributed in the distortion of the master plan as the Presidential Villa, Women Centre, National War College, ECOWAS [Economic Community of West African States] Secretariat, Lungi Barracks, Mogadishu Barracks, Fort Bassey, Niger Barracks, Ministers’ Hill, Ukrainian Embassy, etc., were either built on green areas or that they were not on original locations provided for on the master plan.”²⁶⁰

6.2 International law

Nigeria ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) becoming legally bound to respect, protect and fulfil the rights enshrined in the Covenant, including the right to adequate housing. Article 11(1) of the ICESCR, states:

*The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.*²⁶¹

International law recognises three general obligations of States that have ratified a human rights treaty, namely the obligation to respect the right, the obligation to protect the right, and the obligation to fulfil the right.

Obligation to Respect

The obligation to respect requires governments to refrain from interfering with people’s existing access to housing. One clear violation of this obligation is the practice of forced evictions by State actors or agents of the State.

Obligation to Protect

The obligation to protect means ensuring that individuals and communities do not experience housing rights violations by non-State actors or by other States. Violations must be investigated, perpetrators prosecuted and legal and other remedies provided to victims.

Obligation to Fulfil

States have an obligation to progressively realise the right to adequate housing by taking meaningful steps towards that goal.

260 Emmanuel Aziken, ‘Senate report indicts FG, FCDA officials on demolitions’, *Vanguard Newspapers*. (16 Feb. 2007).

261 International Covenant on Economic, Social and Cultural Rights, Art. 11, G.A. res. 2200A (XXI), 21 U.N.GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, *entered into force* 3 January 1976 (acceded to by Nigeria on 29 Oct. 1993).

Box 13: South Africa: The obligation to fulfil the right to have access to adequate housing

The South African Constitutional Court in *Government of the Republic of South Africa v Grootboom and Others* has provided persuasive guidance on the obligation to fulfil the right to adequate housing, holding that:

The State is required to take reasonable legislative and other measures. Legislative measures by themselves are not likely to constitute constitutional compliance. Mere legislation is not enough. The State is obliged to act to achieve the intended result, and the legislative measures will invariably have to be supported by appropriate, well-directed policies and programs implemented by the Executive. These policies and programs must be reasonable both in their conception and their implementation. The formulation of a program is only the first stage in meeting the State's obligations. The program must also be reasonably implemented.

In determining whether a set of measures is reasonable, it will be necessary to consider housing problems in their social, economic and historical context and to consider the capacity of institutions responsible for implementing the program. The program must be balanced and flexible and make appropriate provision for attention to housing crises and to short, medium and long term needs. A program that excludes a significant segment of society cannot be said to be reasonable. Conditions do not remain static and therefore the program will require continuous review.²⁶²

The Committee on Economic, Social and Cultural Rights (CESCR) – mandated to monitor compliance with the ICESCR – has elaborated on the right to adequate housing in its General Comment No. 4 and its General Comment No. 7. According to General Comment No. 4,²⁶³ an adequate house must provide more than four walls and a roof. *At a minimum* it must include the following seven elements:

- Security of tenure
- Availability of services, materials, facilities and infrastructure
- Affordability
- Habitability
- Accessibility
- Location
- Cultural Adequacy

²⁶² *Government of the Republic of South Africa v Grootboom and Others* 2000 (11) BCLR 1169 (CC) paras 42 and 43.

²⁶³ Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing (Sixth session, 1991), para. 18, U.N. Doc. E/1992/23, annex III at 114 (1991), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 18 (2003).

6.2.1 The prohibition on forced evictions

It is not uncommon for city, regional, or national governments to attempt to address the problem of growing informal settlements by demolishing them and forcibly evicting residents, rather than addressing the underlying problem of *why* the informal settlements exist, in accordance with international legal obligations to *fulfil* the right to adequate housing. Implementing forced evictions does not eliminate poverty nor address the scarcity of affordable housing. In fact, forced evictions push people further into poverty by taking away their homes and destroying their property and livelihood assets.

General Comment No. 7 defines ‘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.*²⁶⁴

General Comment No. 4 states that:

[Legal security of] tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, lease, owner-occupation, emergency housing and informal settlements, including occupation of land or property. Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States Parties should consequently take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups.

General Comment No. 4 also states that instances of forced eviction are *prima facie* incompatible with the requirements of the Covenant and can only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law’.²⁶⁵ That conclusion has repeatedly been reaffirmed by the international community, and in particular by the United Nations Commission on Human Rights, which has twice stated that forced evictions are a gross violations of human rights, and in particular the right to adequate housing.²⁶⁶

Additionally, General Comment No. 7 requires that:

States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with

264 Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), para. 4, U.N. Doc. E/1998/22, annex IV at 113 (1998), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003).

265 Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing (Sixth session, 1991), para. 18, U.N. Doc. E/1992/23, annex III at 114 (1991), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 18 (2003) (emphasis added).

266 See Commission on Human Rights resolution 1993/77, UN Doc. E/C.4/RES/1993/77 (1993); Commission on Human Rights Resolution 2004/28, UN Doc. E/C.4/RES/2004/28 (2004).

*affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders.*²⁶⁷

In particular, General Comment No. 7 lists required procedural protections when implementing evictions, including:

- a) *an opportunity for genuine consultation with those affected;*
- b) *adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;*
- c) *information on the proposed evictions and where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;*
- d) *especially where groups of people are involved, government officials or their representatives to be present during an eviction;*
- e) *all persons carrying out the eviction to be properly identified;*
- f) *evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;*
- g) *provision of legal remedies; and*
- h) *provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.*²⁶⁸

Finally, even if evictions are deemed lawful – once there has been a finding that ‘exceptional circumstances’ justify the eviction; once ‘all feasible alternatives’ have been explored in consultation with affected persons; and once all procedural protections have been addressed – evictions must not render persons homeless. General Comment No. 7 further states that:

*evictions should not result in rendering individuals 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.*²⁶⁹

6.2.2 The African Charter on Human and Peoples’ Rights

The African Charter on Human and Peoples’ Rights also guarantees the right to adequate housing, including the prohibition on forced evictions. The African Commission on Human and Peoples Rights has held that Articles 14, 16, and 18(1) of the African Charter guarantee – by implication – the right to adequate housing.

267 Committee on Economic, Social and Cultural Rights, General Comment 7, Forced evictions, and the right to adequate housing (Sixteenth session, 1997), para. 14, U.N. Doc. E/1998/22, annex IV at 113 (1998), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 45 (2003).

268 *Ibid.*, para. 16.

269 *Ibid.*, para. 17.

Article 14 protects the right to property, stating that:

*The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.*²⁷⁰

Article 16 states:

- 1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.*
- 2. States Parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.*²⁷¹

Finally, Article 18(1) states that:

*The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical health and moral.*²⁷²

In a landmark decision in October 2001, regarding forced evictions in Nigeria, the African Commission found that the African Charter on Human and Peoples' Rights guaranteed the right to adequate housing, including the prohibition on forced eviction.²⁷³ In that case, the African Commission incorporated the substance and jurisprudence of international human rights law on the prohibition of forced eviction into the implied right to adequate housing in the African Charter. The African Commission recognised that “the combined effect of Articles 14, 16, and 18(1) reads into the Charter a right to shelter or housing” including the prohibition on forced eviction.²⁷⁴ Consequently, the Commission found Nigeria to have violated Articles 14, 16 and 18(1) on account of forced evictions and the destruction of housing, stating:

*At a very minimum, the right to shelter obliges the...government not to destroy the housing of its citizens and not to obstruct efforts by individuals or communities to rebuild lost homes. The State's obligation to respect housing rights requires it, and thereby all of its organs and agents, to abstain from carrying out, sponsoring or tolerating any practice, policy or legal measure violating the integrity of the individual or infringing upon his or her freedom to use those material or other resources available to them in a way they find most appropriate to satisfy individual, family, household or community housing needs...*²⁷⁵

270 African [Banjul] Charter on Human and Peoples' Rights, Art. 14, adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986.

271 Ibid, Art. 16.

272 Ibid, Art. 18(1).

273 See African Commission on Human and Peoples' Rights, Decision 155/96, *The Social and Economic Rights Action Center and the Center for Economic and Social Rights / Nigeria* (27 May 2002) para. 60.

274 Ibid.

275 Ibid, para 61.

6.3 Violations of international legal obligations

Based on the analysis from the previous section, the Federal Republic of Nigeria is therefore in violation of its obligations concerning the right to adequate housing under international law for several reasons, including procedural obligations that were not implemented or were implemented improperly during the 2003-2007 forced evictions of informal settlements in Abuja.

1. Since 2003, the Federal Capital Development Authority (FCDA) has indiscriminately demolished communities – including homes, schools, medical clinics, mosques, churches and businesses – without considering alternatives to the forced evictions in *genuine consultation* with all affected people. The FCDA has further failed to be transparent with affected communities as to which settlements were targeted for demolition and has failed to conduct genuine consultations concerning the provisions for resettlement or relocation plans.
2. From 2003 onward, the FCDA has failed to provide accurate, sufficient – and in many cases any – advance notice to those who have been scheduled to be evicted from their homes. As discussed in Section 4.2, multiple reports from residents of several settlements whose homes were demolished emphasised that the FCDA routinely failed to provide notice of the date the eviction was to take place.
3. The FCDA has failed to provide accurate, timely, publicly-available information on its planned evictions and the intended use of the land obtained through those evictions.
4. To date, there have been no legal remedies provided to non-indigene victims of forced evictions from the informal settlements. The FCDA has not provided compensation for property of non-indigenes or indigenes that it destroyed.
5. Persons in need of legal aid were not provided with it, in order to seek redress from the courts. In fact, the Senate *ad hoc* Committee on Demolition of Property in the Federal Capital Territory found that the demolitions carried out by the El-Rufai administration were not conducted according to law because no Appeal Tribunals had been established.

The obligation to respect, protect and fulfil

The Federal Republic of Nigeria is in violation of its legal obligations to respect, protect and fulfil the right to adequate housing. By implementing forced evictions in Abuja, the Federal Government of Nigeria, the FCDA, the FCT Minister and any other State and Municipal authorities involved in the evictions have interfered with people's existing access to housing, have forced people into homelessness and have thus failed to respect the right to adequate housing. Hundreds of thousands of people have been made homeless and many were vulnerable to further human rights violations, such as police violence during evictions; theft, violence, and rape while sleeping outside without shelter; as well as the obstruction of access to education, health, water and sanitation services.

The Federal Republic of Nigeria has also failed to ensure the prosecution of violators of housing rights, such as former FCT Minister Nasir Ahmad el-Rufai, and has failed to provide legal and other remedies to victims of forced evictions – particularly the more than 800 000 residents whose homes were demolished and who cannot afford to participate in the offered relocation programme. The Federal Republic of Nigeria has further failed to progressively realise the right to adequate housing by taking meaningful steps towards assisting those who cannot afford adequate housing in the private market to enable them to live free from the fear of forced evictions.



A market in Lugbe informal settlement [Photo: Deanna Fowler, 8 Nov. 2006]



Conclusion and recommendations

This report documents that the Federal Republic of Nigeria has violated the right to adequate housing of hundreds of thousands of people due to forced evictions in Abuja, and that many more people remain in fear of losing their homes, lands and communities as a result of planned demolitions. The report also shows how authorities have mythologised and abused the Abuja Master Plan to achieve ends that are directly contrary to the stated aims and objectives of that plan; in the process causing great suffering and hardship to the affected individuals, communities and institutions.

In light of these findings, COHRE and SERAC respectfully wish to submit a number of urgent recommendations to President Umaru Musa Yar'Adua of the Federal Republic of Nigeria and his Government; the Federal Capital Territory Minister, Dr. Aliyu Modibbo Umar; the Federal Capital Development Authority; the Federal Capital Territory Administration; the Abuja Area Municipal Council; the Federal Ministry of Environment, Housing and Urban Development; the House of Representatives and Senate of the Federal Republic of Nigeria; and all other relevant parties and stakeholders. The following recommendations pertain firstly to the implementation and status of the Abuja Master Plan and secondly to the further development of the Federal Capital Territory of Abuja in a manner in keeping with human rights obligations.

7.1 Revisiting the Abuja Master Plan

*Housing represents the most basic of human needs and has a profound impact on the health welfare, and productivity of individuals. As the closest point of contact between City residents and the City, the success of the New Capital, in the eyes of its residents, will be judged on the basis of the quality of the residential environment. – Abuja Master Plan, 1979*²⁷⁶

COHRE and SERAC urge the FCDA to make the Abuja Master Plan publicly and freely available in libraries in Nigeria and on the internet. It is essential that this be done prior to making any further public assertions about what must or must not be done in the name of the Abuja Master Plan for Abuja's development. We further urge you to make public any revisions made to the original Master Plan, which have been or are planned to be used for the development of Abuja.

We would also like to point out the following invaluable observations, concerns and recommendations taken from the Abuja Master Plan, which we believe remain valid and urgent 28 years following its adoption:

The Master Plan provided ample warning to the FCDA – which has to date gone unheeded – that the failure to provide “satisfactory housing in sufficient quantities to meet demand for housing”, as studied in other cities around the world, “has frequently resulted in the development of unplanned slums, housing shortages or both.”²⁷⁷

The Plan further noted that in the 1979 context, “neither the public sector nor the private sector [of Nigeria] has made substantial inroads on the low-income housing problem relevant to the needs of the 70 percent of the population whose annual income is less than N3000.”²⁷⁸ Little has changed in this respect, as the Federal Ministry of Housing and Urban Development estimated in 2006 that “about 60 % of Nigeria's population lack adequate housing.”²⁷⁹

The Plan raised the following serious concerns over previous attempts in Nigeria to provide an adequate housing delivery mechanism:

- *Failure to mobilize all available financial resources, including both public and private sectors*
- *Setting of unrealistic standards of housing quality not matched to the experience, desires, and capabilities of the population to be served*
- *Failure to give access to credit to the population – both producer and consumer-to-be-served*
- *Inability to preserve and use properly located and easily developed land in an efficient manner*

276 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 171.

277 Ibid.

278 Ibid.

279 Federal Ministry of Housing and Urban Development, *Promoting Access to Adequate and Affordable Housing and Building Sustainable Urban Communities*, [brochure] (2006), p. 9.

- *Building industry shortcomings represented by such equally unsatisfactory options as high-priced foreign contractors and imported materials versus inexperienced small-scale builders with an uncertain supply of indigenous materials*
- *Preoccupation with building technology rather than delivery of affordable housing.*²⁸⁰

Of particular relevance for the FCDA's current resettlement and relocation plans, as well as any future housing projects, is the caution expressed in the Master Plan that:

Many housing programs fail because they are not tailored to a target population's income level and the household's ability to pay. Housing programs have met with little success when based on "needs" translated into arbitrary (and unaffordable) standards rather than on "affordability" and willingness to pay.

*...a housing program developed for the NFCC would have to free itself of many of the housing preconceptions and standards imported from Europe and elsewhere, while still providing for the needs and health of its citizens.*²⁸¹

The Plan provided a number of suggestions for how the FCDA could reduce housing construction costs, including the use of locally manufactured materials and efficient layout planning with some shared facilities, while avoiding imported technology, imported materials, and prefabricated component building systems.²⁸²

The Plan further explained that "[t]otal reliance on reductions of both space standards and construction standards can result in housing at standards which are very low. An alternative policy is, therefore, to maintain certain minimum standards of housing through both capital and interest subsidies to reduce the total amount repaid by low-income households for housing." The Plan thus recommended that the FCDA "determine the monthly cost of a mix of housing standards and financial terms which households at a particular income level can repay without creating undue financial burdens on the household or on development agencies providing housing."²⁸³

We would also like to stress that while the Abuja Master Plan was fundamental to the creation of Abuja, it was not intended to be a complete or fixed blueprint for development. According to the Master Plan "Planning is an iterative process of which the Master Plan is the first and most fundamental step... Toward this end, IPA has attempted to focus the prescriptive elements of the Master Plan on key urban developmental and operational issues while preserving the requisite flexibility to accommodate the results of subsequent studies and design decisions at a finer level of detail."²⁸⁴

280 International Planning Associates, *The Master Plan for Abuja the New Federal Capital of Nigeria*, (1979), p. 172.

281 *Ibid.*, p. 172-173.

282 *Ibid.*, p. 176.

283 *Ibid.*

284 *Ibid.*, p. i.

Internationally, a strict and inflexible adherence to master planning has long been considered to be an outdated and inefficient mode of urban planning, development and management. Deliberative and participatory urban planning methods have proven to be much more appropriate and should include the periodic revision of urban plans based on existing land use and the changing demands on the city and of citizen's needs. Local authorities and planners are recognising that informal settlements are the result of unequal access to land, housing and economic opportunities. In order to address this, many cities have developed and improved procedures for rezoning, which have enabled the *in situ* upgrading and integration of informal settlements. Relocation and resettlement of inhabitants is largely understood as a last resort, due to the disruption this causes to lives and the difficulties associated with providing adequate access to services, facilities and sustainable livelihoods at the resettlement sites. In fact, UN-HABITAT promotes on-site solutions as 'avoiding many of the access problems that accompany relocation to remote sites... A greater emphasis on *in situ* upgrading, rather than eviction/redevelopment, could go a long way towards addressing these issues'.²⁸⁵

Successive Government administrations have failed to adequately implement the resettlement of indigenes as envisioned in the Master Plan; have failed to allocate land in a manner that was efficient and uncorrupt; have failed to follow zoning guidelines from the Master Plan in land allocations; and have failed to address the dire lack of affordable housing for residents of Abuja.

Residents of informal settlements – including civil servants who moved from Lagos to Abuja upon the orders of the Federal Government – have been unable to afford accommodation in Abuja on the formal market. This indicates a serious failure by the Government to follow the Master Plan's recommendation for the development and implementation of a housing delivery system to address the need for adequate, affordable housing. Government authorities must accept responsibility for these failures, rather than placing the blame and negative repercussions on residents of the informal settlements. The FCT Minister, the relevant departments of the FCDA, the Federal Ministry for Housing and Urban Development, and all other relevant Government bodies should immediately undertake measures to address the dire lack of affordable housing, rather than further reducing the housing stock through demolitions and forced evictions.

7.2 Further recommendations

On the basis of the information in this report, COHRE and SERAC urge the FCDA, the FCT Minister, the House of Representatives and Senate of the Federal Republic of Nigeria and all other relevant departments to implement the following urgent steps:

1. The FCT Minister and the FCDA should call an immediate halt to all forced evictions and demolitions of informal settlements in Abuja.

285 UN-HABITAT, *The Challenge of Slums: Global Report on Human Settlements 2003*.

2. The FCT Minister and the FCDA should provide relief in the form of alternative housing and/or fair compensation to all residents previously evicted from informal settlements.
3. The FCT Minister and the FCDA should incorporate *in situ* upgrading into development plans, and ensure that relocation and resettlement of residents will be undertaken only when absolutely necessary, following full consultation with affected people on possible alternatives.
4. In cases where *in situ* upgrading is proven to be entirely unfeasible, no further evictions should take place in informal settlements until the FCDA has developed and fully implemented relocation or resettlement plans to ensure that all residents – indigene and non-indigene – will have access to adequate, affordable housing, so that no resident will be made homeless by evictions.
5. In order to develop the abovementioned plans, the FCDA should undertake social impact assessments to ascertain, at a minimum, the number of residents of each informal settlement, their names, and their income and ability to pay for housing.
6. Furthermore, such plans should be developed in full consultation with affected residents. Residents should be informed of all costs that they will be expected to incur and should be informed well in advance of the relevant implementation timelines. Consultation should not be limited to providing information to residents, but should fully involve residents in the formulation and implementation of any resettlement, relocation or upgrading plans.
7. In line with international legal obligations, forced evictions should only occur under highly exceptional circumstances and only as an absolute last resort when all other alternatives have been exhausted. No eviction should be implemented without a court order and adequate formal notice of the date on which it will take place, preferably given three months in advance, in accordance with international standards.
8. All residents affected by evictions must have access to legal aid and must be given sufficient time to appeal any court order prior to its being carried out. COHRE and SERAC would like to respectfully remind the FCDA that it is not only bound by law to obey court orders, but must take steps to ensure that their acts are not inconsistent with the court pronouncements – including court injunctions to halt evictions pending the determination of the substantive suit.
9. We also submit that, if the FCDA wants to prevent the further establishment and growth of informal settlements, they should immediately commence with the formulation and implementation of plans to develop affordable housing. Such plans could include a mixture of publicly subsidised rental housing units and sites-and-services schemes, making available plots of land with adequate access to water, electricity, sanitation, drainage, education, health services, market areas, and transportation. Residents could then build housing to certain minimum standards. While it is important that minimum standards be maintained for health and safety reasons, this should not preclude the use of local labour and materials, including mud bricks.

10. The FCDA should consider *in situ* upgrading of informal settlements for any areas that could reasonably be rezoned to allow for housing. We note that some of these areas are already zoned for housing, including Phase Four of the FCC and areas along the airport road, on which a number of housing developments are being built, but which remain unaffordable to residents of informal settlements. In such cases, the FCDA could more efficiently and affordably ensure that residents have access to adequate housing by providing or improving drainage systems, paved roads, and access to electricity, water, sanitation facilities, public schools, and health clinics. Key to the success of such upgrading projects is the provision of security of tenure to residents. Again, any such plan should be undertaken through adequate consultation with affected residents at all stages of planning.
11. A number of Government officials interviewed by the COHRE/SERAC team expressed frustration that those who received Letters of Offer or Certificates of Occupancy for the relocation sites were very likely to then sell them. Under the terms of the FCT Act, this is illegal and places those who purchase Letters of Offer or Certificates of Occupancy in vulnerable positions without legal tenure. There are few if any negative consequences for someone who illegally sells a Letter of Offer or a Certificate of Occupancy and a buyer might not be aware of the negative consequences they are likely to encounter. Therefore, we urge the Government to make information on processes of land allocation and how to acquire rights of occupancy more easily available. This should include written pamphlets that are distributed widely with relevant local councils throughout the FCT, the provision of information online, the publication of the relevant information in local newspapers and announcements on the radio. The FCDA should also establish an information desk to which persons affected by evictions or threats of eviction can submit grievances and access information on land allocation processes. Such a desk should be responsive to the residents' language and cultural differences, and should also prioritise providing information to female-headed households who are particularly marginalised in attaining access to secure tenure. Although the FCDA maintains a public relations department, this unit is largely inaccessible to the public, and thus, has not met this need.
12. The House of Representatives and Senate of the Federal Republic of Nigeria should urgently draft legislation that would direct State policy towards ensuring the provision of suitable and adequate shelter for all Nigerians. In particular, any legislation should reaffirm that no person should be evicted without a court order made after considering all relevant circumstances, including whether the affected person(s) would be made homeless by an eviction.
13. In conclusion, COHRE and SERAC urge President Umaru Musa Yar'Adua, the House of Representatives, the Senate, and the Federal Ministry of Housing, Environment and Urban Development and all other relevant government bodies to collaborate to create a national social housing programme designed and able to effectively address the housing needs of approximately 60 percent of Nigeria's population that lack access to adequate housing.

Annexes

Annex 1: Resettlement Sites

The following is a breakdown of the villages from which indigenes are planned to be resettled at the Galuwyi Shere, Wasa, and Apo resettlement sites. The table uses a compilation of three handwritten lists provided by the Department of Resettlement and Compensation – two lists provided in November 2006 and a list of partial enumeration data provided in December 2007.

Galuwyi Shere	Wasa	Apo
Jabi Yakubu	Durumi I	Garki
Jabi Samuel	Durumi II	Apo
Maje	Durumi III	Akpanjenya
Kpadna	Durumi IV	
Utako	Galadimawa	
Zhilu	Pyakasa ²⁸⁶	
Mabushi	Chika ²⁸⁷	
Katampe	Aleita ²⁸⁸	
Jahi	Piwoyi ²⁸⁹	
Jahi II ²⁹⁰	Kuchigoro	
Dakibiyu	Karomajiji	
Gwarimpa	Dutse ²⁹¹	
Kado I ²⁹²	Karmo ²⁹³	
Kado II ²⁹⁴		
Kado Raya		
Galadima ²⁹⁵		
Nbwaha ²⁹⁶		
Lungu ²⁹⁷		

286 Pyakasa appears on two of the three lists provided by the Department of Resettlement and Compensation.

287 Chika appears on two of the three lists provided by the Department of Resettlement and Compensation.

288 Aleita appears on two of the three lists provided by the Department of Resettlement and Compensation.

289 Piwoyi is referred to as 'Piwo II' on the list of enumeration data.

290 Two lists refer to Jahi, but the list of enumeration data includes a Jahi I and a Jahi II.

291 Dutse appears on two of the three lists provided by the Department of Resettlement and Compensation.

292 The list of enumeration data refers to a 'Kado Biniko' and a 'Kado Kachi', either of which could be an alternative name for Kado I.

293 Karmo appears on one of the three lists provided by the Department of Resettlement and Compensation.

294 The list of enumeration data refers to a 'Kado Biniko' and a 'Kado Kachi', either of which could be an alternative name for Kado II.

295 Galadima only appears on the list of enumeration data.

296 Nbwaha only appears on the list of enumeration data and does not appear on any other lists provided by FCDA departments. COHRE and SERAC assume that Nbwaha is an alternative spelling for Ngibua (cishini), which appears on other lists of settlements.

297 Lungu only appears on the list of enumeration data.

Number of plots to be provided

The FCDA will provide a house to each household being resettled and will also provide a plot of land without a house to youth that are 18 years of age or older, but who are still living with their families. Once the youth leave home, they will have this plot of land on which to build a home with their own resources. The Department of Resettlement and Compensation provided COHRE and SERAC with a partial breakdown of the number of plots and the number of houses for some of the villages to be resettled at Galuwyi Shere. The Department did not provide a breakdown for other resettlement sites. The following are the total number of plots (with or without houses) that are planned for the following sites²⁹⁸:

- 1) Wasa resettlement scheme: 6 366 plots
- 2) Shere Galuwyi resettlement scheme: 6 879 plots
- 3) Apo resettlement scheme: 3 212 plots

Enumeration data of indigene households from villages to be resettled at Apo:²⁹⁹

Villages	No. of plots	No. of Houses
Garki		2 000
Apo		55
Akpanjenya		400
Total		2 455

Enumeration data of indigene households from villages to be resettled at Wasa:³⁰⁰

Villages	No. of plots	No. of Houses
Damagaza		118
Dutse		172
Karmajigi		309
Piwo II		435
Durumi III		146
Durumi I		271
Durumi II		190
Kuchigoro		601
Galadimawa		277
Durumi IV		70
Total		2 589

298 Total plot numbers provided by the Department of Resettlement and Compensation in a handwritten document, (Nov. 2006).

299 Number of households to be resettled at Apo are estimates provided by the Department of Resettlement and Compensation.

300 Aleita, Chika, Karmo, and Pyakasa, which are listed under lists of villages to be resettled at Galuwyi Shere from Nov. 2006, are missing from this list of Dec. 2007.

Enumeration data of indigene households from villages to be resettled at Galuwyi Shere:³⁰¹

Villages	No. of Plots	No. of Houses	Total
Jabi Samuel	129	419	548
Utako	123	229	352
Jabi Yakubu	90	130	220
Kpadna	48	93	141
Gwarimpa	220	564	784
Kado Biniko	161	164	325
Zhilu	118	111	229
Galadima	159	105	364 ³⁰²
Jahi I	158	267	425
Jahi II	168	229	397
Kado Kachi	233	181	414
Nbwaha	202	166	368
Maje	91	123	214
Lungu	98	69	167
Dakibyi	205	201	406
Mabushi	248	545	793
Total	2 451	3 596	6 147³⁰³

301 Katampe and Kado Raya, which are listed under lists of villages to be resettled at Galuwyi Shere from Nov. 2006, are missing from this list of Dec. 2007.

302 The table is reproduced, with errors, from a handwritten document provided by the Department of Resettlement and Compensation (Dec. 2007). COHRE and SERAC assume that the error here is in calculating the sum, rather than the enumeration of plots and houses. The total number of plots and houses to be provided for current indigene Galadima residents would therefore be 264.

303 See note 302. The total would presumably be 6 047.

Annex 2: United Nations General Comment No. 7 on forced evictions

On 20 May 1997, the United Nations Committee on Economic, Social and Cultural Rights unanimously adopted General Comment No. 7 on the practice of forced evictions. General Comment No. 7 provides the most far-reaching pronouncement detailing the obligations of governments with respect to the practice of forced eviction. The General Comment outlines the prohibition on forced evictions under international human rights law, including not only the obligation of governments to refrain from carrying out forced evictions but the obligation to protect persons from forced evictions carried out by non-state actors such as corporations, international financial institutions and landlords.

UNITED NATIONS COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, GENERAL COMMENT NO. 7 ON THE RIGHT TO ADEQUATE HOUSING (ART.11.1): FORCED EVICTIONS

1. In its General Comment No. 4 (1991), the Committee observed that all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. It concluded that forced evictions are *prima facie* incompatible with the requirements of the Covenant. Having considered a significant number of reports of forced evictions in recent years, including instances in which it has determined that the obligations of States parties were being violated, the Committee is now in a position to seek to provide further clarification as to the implications of such practices in terms of the obligations contained in the Covenant.
2. The international community has long recognized that the issue of forced evictions is a serious one. In 1976, the United Nations Conference on Human Settlements noted that special attention should be paid to “undertaking major clearance operations should take place only when conservation and rehabilitation are not feasible and relocation measures are made”. In 1988, in the Global Strategy for Shelter to the Year 2000, adopted by the General Assembly in its resolution 43/181, the “fundamental obligation [of Governments] to protect and improve houses and neighbourhoods, rather than damage or destroy them” was recognized. Agenda 21 stated that “people should be protected by law against unfair eviction from their homes or land”. Through the Habitat Agenda, Governments committed themselves to “protecting all people from, and providing legal protection and redress for, forced evictions that are contrary to the law, taking human rights into consideration; [and] when evictions are unavoidable, ensuring, as appropriate, that alternative suitable solutions are provided”. The Commission on Human Rights has also indicated that “forced evictions are a gross violation of human rights”. However, although these statements are important, they leave open one of the most critical issues, namely that of determining the circumstances under which forced evictions are permissible and of spelling out the types of protection required to ensure respect for the relevant provisions of the Covenant.
3. The use of the term “forced evictions” is, in some respects, problematic. This expression seeks to convey a sense of arbitrariness and of illegality. To many observers, however, the reference to “forced evictions” is a tautology, while others have criticized the expression “illegal evictions” on the ground that it assumes that the relevant law provides adequate protection of the right to housing and conforms with the Covenant, which is by no means

always the case. Similarly, it has been suggested that the term “unfair evictions” is even more subjective by virtue of its failure to refer to any legal framework at all. The international community, especially in the context of the Commission on Human Rights, has opted to refer to “forced evictions”, primarily since all suggested alternatives also suffer from many such defects. The term “forced evictions” as used throughout this general comment is defined 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. The prohibition on forced evictions does not, however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

4. The practice of forced evictions is widespread and affects persons in both developed and developing countries. Owing to the interrelationship and interdependency which exist among all human rights, forced evictions frequently violate other human rights. Thus, while manifestly breaching the rights enshrined in the Covenant, the practice of forced evictions may also result in violations of civil and political rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.
5. Although the practice of forced evictions might appear to occur primarily in heavily populated urban areas, it also takes place in connection with forced population transfers, internal displacement, forced relocations in the context of armed conflict, mass exoduses and refugee movements. In all of these contexts, the right to adequate housing and not to be subjected to forced eviction may be violated through a wide range of acts or omissions attributable to States parties. Even in situations where it may be necessary to impose limitations on such a right, full compliance with article 4 of the Covenant is required so that any limitations imposed must be “determined by law only insofar as this may be compatible with the nature of these [i.e. economic, social and cultural] rights and solely for the purpose of promoting the general welfare in a democratic society”.
6. Many instances of forced eviction are associated with violence, such as evictions resulting from international armed conflicts, internal strife and communal or ethnic violence.
7. Other instances of forced eviction occur in the name of development. Evictions may be carried out in connection with conflict over land rights, development and infrastructure projects, such as the construction of dams or other large-scale energy projects, with land acquisition measures associated with urban renewal, housing renovation, city beautification programmes, the clearing of land for agricultural purposes, unbridled speculation in land, or the holding of major sporting events like the Olympic Games.
8. In essence, the obligations of States parties to the Covenant in relation to forced evictions are based on article 11.1, read in conjunction with other relevant provisions. In particular, article 2.1 obliges States to use “all appropriate means” to promote the right to adequate housing. However, in view of the nature of the practice of forced evictions, the reference in article 2.1 to progressive achievement based on the availability of resources will rarely be relevant. The State itself must refrain from forced evictions and ensure that the law is

enforced against its agents or third parties who carry out forced evictions (as defined in paragraph 3 above). Moreover, this approach is reinforced by article 17.1 of the International Covenant on Civil and Political Rights which complements the right not to be forcefully evicted without adequate protection. That provision recognizes, *inter alia*, the right to be protected against “arbitrary or unlawful interference” with one’s home. It is to be noted that the State’s obligation to ensure respect for that right is not qualified by considerations relating to its available resources.

9. Article 2.1 of the Covenant requires States parties to use “all appropriate means”, including the adoption of legislative measures, to promote all the rights protected under the Covenant. Although the Committee has indicated in its General Comment No. 3 (1990) that such measures may not be indispensable in relation to all rights, it is clear that legislation against forced evictions is an essential basis upon which to build a system of effective protection. Such legislation should include measures which (a) provide the greatest possible security of tenure to occupiers of houses and land, (b) conform to the Covenant and (c) are designed to control strictly the circumstances under which evictions may be carried out. The legislation must also apply to all agents acting under the authority of the State or who are accountable to it. Moreover, in view of the increasing trend in some States towards the Government greatly reducing its responsibilities in the housing sector, States parties must ensure that legislative and other measures are adequate to prevent and, if appropriate, punish forced evictions carried out, without appropriate safeguards, by private persons or bodies. States parties should therefore review relevant legislation and policies to ensure that they are compatible with the obligations arising from the right to adequate housing and repeal or amend any legislation or policies that are inconsistent with the requirements of the Covenant.
10. Women, children, youth, older persons, indigenous people, ethnic and other minorities, and other vulnerable individuals and groups all suffer disproportionately from the practice of forced eviction. Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless. The non-discrimination provisions of articles 2.2 and 3 of the Covenant impose an additional obligation upon Governments to ensure that, where evictions do occur, appropriate measures are taken to ensure that no form of discrimination is involved.
11. Whereas some evictions may be justifiable, such as in the case of persistent non-payment of rent or of damage to rented property without any reasonable cause, it is incumbent upon the relevant authorities to ensure that they are carried out in a manner warranted by a law which is compatible with the Covenant and that all the legal recourses and remedies are available to those affected.
12. Forced eviction and house demolition as a punitive measure are also inconsistent with the norms of the Covenant. Likewise, the Committee takes note of the obligations enshrined in the Geneva Conventions of 1949 and Protocols thereto of 1977 concerning prohibitions on the displacement of the civilian population and the destruction of private property as these relate to the practice of forced eviction.

13. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders. States parties shall also see to it that all the individuals concerned have a right to adequate compensation for any property, both personal and real, which is affected. In this respect, it is pertinent to recall article 2.3 of the International Covenant on Civil and Political Rights, which requires States parties to ensure “an effective remedy” for persons whose rights have been violated and the obligation upon the “competent authorities (to) enforce such remedies when granted”.
14. In cases where eviction is considered to be justified, it should be carried out in strict compliance with the relevant provisions of international human rights law and in accordance with general principles of reasonableness and proportionality. In this regard it is especially pertinent to recall General Comment 16 of the Human Rights Committee, relating to article 17 of the International Covenant on Civil and Political Rights, which states that interference with a person’s home can only take place “in cases envisaged by the law”. The Committee observed that the law “should be in accordance with the provisions, aims and objectives of the Covenant and should be, in any event, reasonable in the particular circumstances”. The Committee also indicated that “relevant legislation must specify in detail the precise circumstances in which such interferences may be permitted”.
15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.
16. 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.

17. The Committee is aware that various development projects financed by international agencies within the territories of State parties have resulted in forced evictions. In this regard, the Committee recalls its General Comment No. 2 (1990) which states, *inter alia*, that “international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account”.
18. Some institutions, such as the World Bank and the Organisation for Economic Cooperation and Development (OECD) have adopted guidelines on relocation and/or resettlement with a view to limiting the scale of and human suffering associated with forced evictions. Such practices often accompany large-scale development projects, such as dam-building and other major energy projects. Full respect for such guidelines, insofar as they reflect the obligations contained in the Covenant, is essential on the part of both the agencies themselves and States parties to the Covenant. The Committee recalls in this respect the statement in the Vienna Declaration and Programme of Action to the effect that “while development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights” (Part I, para. 10).
19. In accordance with the guidelines for reporting adopted by the Committee, State parties are requested to provide various types of information pertaining directly to the practice of forced evictions. This includes information relating to (a) the “number of persons evicted within the last five years and the number of persons currently lacking legal protection against arbitrary eviction or any other kind of eviction”, (b) “legislation concerning the rights of tenants to security of tenure, to protection from eviction” and (c) “legislation prohibiting any form of eviction”.
20. Information is also sought as to “measures taken during, *inter alia*, urban renewal programmes, redevelopment projects, site upgrading, preparation for international events (Olympics and other sporting competitions, exhibitions, conferences, etc.) ‘beautiful city’ campaigns, etc. which guarantee protection from eviction or guarantee rehousing based on mutual consent, by any persons living on or near to affected sites”. However, few States parties have included the requisite information in their reports to the Committee. The Committee therefore wishes to emphasize the importance it attaches to the receipt of such information.
21. Some States parties have indicated that information of this nature is not available. The Committee recalls that effective monitoring of the right to adequate housing, either by the Government concerned or by the Committee, is not possible in the absence of the collection of appropriate data and would request all States parties to ensure that the necessary data is collected and is reflected in the reports submitted by them under the Covenant.

Annex 3: Basic Principles and Guidelines on Development-Based Evictions and Displacement*

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I. SCOPE AND NATURE

1. The obligation of States to refrain from, and protect against, forced evictions from home(s) and land arises from several international legal instruments that protect the human right to adequate housing and other related human rights. These include the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights (art. 11, para. 1), the Convention on the Rights of the Child (art. 27, para. 3), the non-discrimination provisions found in article 14, paragraph 2 (h), of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination.
2. In addition, and consistent with the indivisibility of a human rights approach, article 17 of the International Covenant on Civil and Political Rights states that “[n]o one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence”, and further that “[e]veryone has the right to the protection of the law against such interference or attacks”. Article 16, paragraph 1, of the Convention on the Rights of the Child contains a similar provision. Other references in international law include article 21 of the 1951 Convention relating to the Status of Refugees; article 16 of

International Labour Organisation (ILO) Convention No. 169 concerning indigenous and tribal peoples in independent countries (1989); and article 49 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Fourth Geneva Convention).

3. The present guidelines address the human rights implications of development-linked evictions and related displacement in urban and/or rural areas. These guidelines represent a further development of the Comprehensive human rights guidelines on development-based displacement (E/CN.4/Sub.2/1997/7, annex). They are based on international human rights law, and are consistent with general comment No. 4 (1991) and general comment No. 7 (1997) of the Committee on Economic, Social and Cultural Rights, the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2), 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, adopted by the General Assembly in its resolution 60/147, and the Principles on housing and property restitution for refugees and displaced persons (see E/CN.4/Sub.2/2005/17 and Add.1).
4. Having due regard for all relevant definitions of the practice of “forced evictions” in the context of international human rights standards, the present guidelines apply to acts and/or omissions involving the coerced or involuntary displacement of individuals, groups and communities from homes and/or lands and common property resources that were occupied or depended upon, thus eliminating or limiting the ability of an individual, group or community to reside or work in a particular dwelling, residence or location, without the provision of, and access to, appropriate forms of legal or other protection.^a
5. Forced evictions constitute a distinct phenomenon under international law, and are often linked to the absence of legally secure tenure, which constitutes an essential element of the right to adequate housing. Forced evictions share many consequences similar to those resulting from arbitrary displacement,^b including population transfer, mass expulsions, mass exodus, ethnic cleansing and other practices involving the coerced and involuntary displacement of people from their homes, lands and communities.
6. Forced evictions constitute gross violations of a range of internationally recognized human rights, including the human rights to adequate housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman and degrading treatment, and freedom of movement. Evictions must be carried out lawfully, only in exceptional circumstances, and in full accordance with relevant provisions of international human rights and humanitarian law.
7. Forced evictions intensify inequality, social conflict, segregation and “ghettoization”, and invariably affect the poorest, most socially and economically vulnerable and marginalized sectors of society, especially women, children, minorities and indigenous peoples.
8. In the context of the present guidelines, development-based evictions include evictions often planned or conducted under the pretext of serving the “public good”, such as those linked to development and infrastructure projects (including large dams, large-scale

industrial or energy projects, or mining and other extractive industries); land-acquisition measures associated with urban renewal, slum upgrades, housing renovation, city beautification, or other land-use programmes (including for agricultural purposes); property, real estate and land disputes; unbridled land speculation; major international business or sporting events; and, ostensibly, environmental purposes. Such activities also include those supported by international development assistance.

9. Displacement resulting from environmental destruction or degradation, evictions or evacuations resulting from public disturbances, natural or human-induced disasters, tension or unrest, internal, international or mixed conflict (having domestic and international dimensions) and public emergencies, domestic violence, and certain cultural and traditional practices often take place without regard for existing human rights and humanitarian standards, including the right to adequate housing. Such situations may, however, involve an additional set of considerations that the present guidelines do not explicitly address, though they can also provide useful guidance in those contexts. Attention is drawn to 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, the Guiding Principles on Internal Displacement, and the Principles on housing and property restitution for refugees and displaced persons.
10. While recognizing the wide range of contexts in which forced evictions take place, the present guidelines focus on providing guidance to States on measures and procedures to be adopted in order to ensure that development-based evictions are not undertaken in contravention of existing international human rights standards and do not thus constitute “forced evictions”. These guidelines aim at providing a practical tool to assist States and agencies in developing policies, legislation, procedures and preventive measures to ensure that forced evictions do not take place, and to provide effective remedies to those whose human rights have been violated, should prevention fail.

II. GENERAL OBLIGATIONS

A. Duty bearers and nature of obligations

11. While a variety of distinct actors may carry out, sanction, demand, propose, initiate, condone or acquiesce to forced evictions, States bear the principal obligation for applying human rights and humanitarian norms, in order to ensure respect for the rights enshrined in binding treaties and general principles of international public law, as reflected in the present guidelines. This does not, however, absolve other parties, including project managers and personnel, international financial and other institutions or organisations, transnational and other corporations, and individual parties, including private landlords and landowners, of all responsibility.
12. Under international law, the obligations of States include the respect, protection and fulfilment of all human rights and fundamental freedoms. This means that States shall:

refrain from violating human rights domestically and extraterritorially; ensure that other parties within the State's jurisdiction and effective control do not violate the human rights of others; and take preventive and remedial steps to uphold human rights and provide assistance to those whose rights have been violated. These obligations are continuous and simultaneous, and are not suggestive of a hierarchy of measures.

B. Basic human rights principle

13. According to international human rights law, everyone has the right to adequate housing as a component of the right to an adequate standard of living. The right to adequate housing includes, *inter alia*, the right to protection against arbitrary or unlawful interference with privacy, family, home, and to legal security of tenure.
14. According to international law, States must ensure that protection against forced evictions, and the human right to adequate housing and secure tenure, are guaranteed without discrimination of any kind on the basis of race, colour, sex, language, religion or belief, political or other opinion, national, ethnic or social origin, legal or social status, age, disability, property, birth or other status.
15. States must ensure the equal right of women and men to protection from forced evictions and the equal enjoyment of the human right to adequate housing and security of tenure, as reflected in the present guidelines.
16. All persons, groups and communities have the right to resettlement, which includes the right to alternative land of better or equal quality and housing that must satisfy the following criteria for adequacy: accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education.⁵
17. States must ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that his/her right to protection against forced evictions has been violated or is under threat of violation.
18. States must refrain from introducing any deliberately retrogressive measures with respect to *de jure* or *de facto* protection against forced evictions.
19. States must recognize that the prohibition of forced evictions includes arbitrary displacement that results in altering the ethnic, religious or racial composition of the affected population.
20. States must formulate and conduct their international policies and activities in compliance with their human rights obligations, including through both the pursuit and provision of international development assistance.

C. Implementation of State obligations

21. States shall ensure that evictions only occur in exceptional circumstances. Evictions require full justification given their adverse impact on a wide range of internationally recognized human rights. Any eviction must be (a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare;^d (d) reasonable and proportional; (e) regulated so as to ensure full and fair compensation and rehabilitation; and (f) carried out in accordance with the present guidelines. The protection provided by these procedural requirements applies to all vulnerable persons and affected groups, irrespective of whether they hold title to home and property under domestic law.
22. States must adopt legislative and policy measures prohibiting the execution of evictions that are not in conformity with their international human rights obligations. States should refrain, to the maximum extent possible, from claiming or confiscating housing or land, and in particular when such action does not contribute to the enjoyment of human rights. For instance, an eviction may be considered justified if measures of land reform or redistribution, especially for the benefit of vulnerable or deprived persons, groups or communities are involved. States should apply appropriate civil or criminal penalties against any public or private person or entity within its jurisdiction that carries out evictions in a manner not fully consistent with applicable law and international human rights standards. States must ensure that adequate and effective legal or other appropriate remedies are available to all those who undergo, remain vulnerable to, or defend against forced evictions.
23. States shall take steps, to the maximum of their available resources, to ensure the equal enjoyment of the right to adequate housing by all. The obligation of States to adopt appropriate legislative and policy measures to ensure the protection of individuals, groups and communities from evictions that are not in conformity with existing international human rights standards is immediate.^e
24. In order to ensure that no form of discrimination, statutory or otherwise, adversely affects the enjoyment of the human right to adequate housing, States should carry out comprehensive reviews of relevant national legislation and policy with a view to ensuring their conformity with international human rights provisions. Such comprehensive review should also ensure that existing legislation, regulation and policy address the privatization of public services, inheritance and cultural practices, so as not to lead to, or facilitate forced evictions.^f
25. In order to secure a maximum degree of effective legal protection against the practice of forced evictions for all persons under their jurisdiction, States should take immediate measures aimed at conferring legal security of tenure upon those persons, households and communities currently lacking such protection, including all those who do not have formal titles to home and land.

26. States must ensure the equal enjoyment of the right to adequate housing by women and men. This requires States to adopt and implement special measures to protect women from forced evictions. Such measures should ensure that titles to housing and land are conferred on all women.
27. States should ensure that binding human rights standards are integrated in their international relations, including through trade and investment, development assistance and participation in multilateral forums and organisations. States should implement their human rights obligations with regard to international cooperation,⁸ whether as donors or as beneficiaries. States should ensure that international organisations in which they are represented refrain from sponsoring or implementing any project, programme or policy that may involve forced evictions, that is, evictions not in full conformity with international law, and as specified in the present guidelines.

D. Preventive strategies, policies and programmes

28. States should adopt, to the maximum of their available resources, appropriate strategies, policies and programmes to ensure effective protection of individuals, groups and communities against forced eviction and its consequences.
29. States should carry out comprehensive reviews of relevant strategies, policies and programmes, with a view to ensuring their compatibility with international human rights norms. In this regard, such reviews must strive to remove provisions that contribute to sustaining or exacerbating existing inequalities that adversely affect women and marginalized and vulnerable groups. Governments must take special measures to ensure that policies and programmes are not formulated or implemented in a discriminatory manner, and do not further marginalize those living in poverty, whether in urban or rural areas.
30. States should take specific preventive measures to avoid and/or eliminate underlying causes of forced evictions, such as speculation in land and real estate. States should review the operation and regulation of the housing and tenancy markets and, when necessary, intervene to ensure that market forces do not increase the vulnerability of low-income and other marginalized groups to forced eviction. In the event of an increase in housing or land prices, States should also ensure sufficient protection against physical or economic pressures on residents to leave or be deprived of adequate housing or land.
31. Priority in housing and land allocation should be ensured to disadvantaged groups such as the elderly, children and persons with disabilities.
32. States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. “Eviction-impact” assessment should also include exploration of alternatives and strategies for minimizing harm.

33. Impact assessments must take into account the differential impacts of forced evictions on women, children, the elderly, and marginalized sectors of society. All such assessments should be based on the collection of disaggregated data, such that all differential impacts can be appropriately identified and addressed.
34. Adequate training in applying international human rights norms should be required and provided for relevant professionals, including lawyers, law enforcement officials, urban and regional planners and other personnel involved in the design, management and implementation of development projects. This must include training on women's rights, with an emphasis on women's particular concerns and requirements pertaining to housing and land.
35. States should ensure the dissemination of adequate information on human rights and laws and policies relating to protection against forced evictions. Specific attention should be given to the dissemination of timely and appropriate information to groups particularly vulnerable to evictions, through culturally appropriate channels and methods.
36. States must ensure that individuals, groups and communities are protected from eviction during the period that their particular case is being examined before a national, regional or international legal body.

III. PRIOR TO EVICTIONS

37. 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.
38. States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, including women, indigenous peoples and persons with disabilities, as well as others working on behalf of the affected, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate.

39. During planning processes, opportunities for dialogue and consultation must be extended effectively to the full spectrum of affected persons, including women and vulnerable and marginalized groups, and, when necessary, through the adoption of special measures or procedures.
40. Prior to any decision to initiate an eviction, authorities must demonstrate that the eviction is unavoidable and consistent with international human rights commitments protective of the general welfare.
41. Any decision relating to evictions should be announced in writing in the local language to all individuals concerned, sufficiently in advance. The eviction notice should contain a detailed justification for the decision, including on: (a) absence of reasonable alternatives; (b) the full details of the proposed alternative; and (c) where no alternatives exist, all measures taken and foreseen to minimize the adverse effects of evictions. All final decisions should be subject to administrative and judicial review. Affected parties must also be guaranteed timely access to legal counsel, without payment if necessary.
42. Due eviction notice should allow and enable those subject to eviction to take an inventory in order to assess the values of their properties, investments and other material goods that may be damaged. Those subject to eviction should also be given the opportunity to assess and document non-monetary losses to be compensated.
43. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.
44. All resettlement measures, such as construction of homes, provision of water, electricity, sanitation, schools, access roads and allocation of land and sites, must be consistent with the present guidelines and internationally recognized human rights principles, and completed before those who are to be evicted are moved from their original areas of dwelling.^h

IV. DURING EVICTIONS

45. The procedural requirements for ensuring respect for human rights standards include the mandatory presence of governmental officials or their representatives on site during evictions. The governmental officials, their representatives and persons implementing the eviction must identify themselves to the persons being evicted and present formal authorization for the eviction action.

46. Neutral observers, including regional and international observers, should be allowed access upon request, to ensure transparency and compliance with international human rights principles during the carrying out of any eviction.
47. Evictions shall not be carried out in a manner that violates the dignity and human rights to life and security of those affected. States must also take steps to ensure that women are not subject to gender-based violence and discrimination in the course of evictions, and that the human rights of children are protected.
48. Any legal use of force must respect the principles of necessity and proportionality, as well as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and any national or local code of conduct consistent with international law enforcement and human rights standards.
49. Evictions must not take place in inclement weather, at night, during festivals or religious holidays, prior to elections, or during or just prior to school examinations.
50. States and their agents must take steps to ensure that no one is subject to direct or indiscriminate attacks or other acts of violence, especially against women and children, or arbitrarily deprived of property or possessions as a result of demolition, arson and other forms of deliberate destruction, negligence or any form of collective punishment. Property and possessions left behind involuntarily should be protected against destruction and arbitrary and illegal appropriation, occupation or use.
51. Authorities and their agents should never require or force those evicted to demolish their own dwellings or other structures. The option to do so must be provided to affected persons, however, as this would facilitate salvaging of possessions and building material.

V. AFTER AN EVICTION: IMMEDIATE RELIEF AND RELOCATION

52. 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.
53. Special efforts should be made to ensure equal participation of women in all planning processes and in the distribution of basic services and supplies.

54. In order to ensure the protection of the human right to the highest attainable standard of physical and mental health, all evicted persons who are wounded and sick, as well as those with disabilities, should receive the medical care and attention they require to the fullest extent practicable and with the least possible delay, without distinction on any non-medically relevant grounds. When necessary, evicted persons should have access to psychological and social services. Special attention should be paid to: (a) the health needs of women and children, including access to female health-care providers where necessary, and to services such as reproductive health care and appropriate counselling for victims of sexual and other abuses; (b) ensuring that ongoing medical treatment is not disrupted as a result of eviction or relocation; and (c) the prevention of contagious and infectious diseases, including HIV/AIDS, at relocation sites.
55. Identified relocation sites must fulfil the criteria for adequate housing according to international human rights law. These include:ⁱ (a) security of tenure; (b) services, materials, facilities and infrastructure such as potable water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services, and to natural and common resources, where appropriate; (c) affordable housing; (d) habitable housing providing inhabitants with adequate space, protection from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors, and ensuring the physical safety of occupants; (e) accessibility for disadvantaged groups; (f) access to employment options, health-care services, schools, childcare centres and other social facilities, whether in urban or rural areas; and (g) culturally appropriate housing. In order to ensure security of the home, adequate housing should also include the following essential elements: privacy and security; participation in decision-making; freedom from violence; and access to remedies for any violations suffered.
56. 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:
- (a) No resettlement shall take place until such time as a comprehensive resettlement policy consistent with the present guidelines and internationally recognized human rights principles is in place;
 - (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;
 - (c) The actor proposing and/or carrying out the resettlement shall be required by law to pay for any associated costs, including all resettlement costs;
 - (d) No affected persons, groups or communities shall suffer detriment as far as their human rights are concerned, nor shall their right to the continuous improvement of living conditions be subject to infringement. This applies equally to host communities at resettlement sites, and affected persons, groups and communities subjected to forced eviction;

- (e) The right of affected persons, groups and communities to full and prior informed consent regarding relocation must be guaranteed. The State shall provide all necessary amenities, services and economic opportunities at the proposed site;
 - (f) The time and financial cost required for travel to and from the place of work or to access essential services should not place excessive demands upon the budgets of low-income households;
 - (g) Relocation sites must not be situated on polluted land or in immediate proximity to pollution sources that threaten the right to the highest attainable standards of mental and physical health of the inhabitants;
 - (h) Sufficient information shall be provided to the affected persons, groups and communities on all State projects and planning and implementation processes relating to the concerned resettlement, including information on the purported use of the eviction dwelling or site and its proposed beneficiaries. Particular attention must be paid to ensuring that indigenous peoples, minorities, the landless, women and children are represented and included in this process;
 - (i) The entire resettlement process should be carried out with full participation by and with affected persons, groups and communities. States should, in particular, take into account all alternative plans proposed by the affected persons, groups and communities;
 - (j) If, after a full and fair public hearing, it is found that there still exists a need to proceed with the resettlement, then the affected persons, groups and communities shall be given at least 90 days' notice prior to the date of the resettlement; and
 - (k) Local government officials and neutral observers, properly identified, shall be present during the resettlement so as to ensure that no force, violence or intimidation is involved.
57. Rehabilitation policies must include programmes designed for women and marginalized and vulnerable groups to ensure their equal enjoyment of the human rights to housing, food, water, health, education, work, security of the person, security of the home, freedom from cruel, inhuman or degrading treatment, and freedom of movement.
58. Persons, groups or communities affected by an eviction should not suffer detriment to their human rights, including their right to the progressive realization of the right to adequate housing. This applies equally to host communities at relocation sites.

VI. REMEDIES FOR FORCED EVICTIONS

59. 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.

A. Compensation

60. 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.

61. All those evicted, irrespective of whether they hold title to their property, should be entitled to compensation for the loss, salvage and transport of their properties affected, including the original dwelling and land lost or damaged in the process. Consideration of the circumstances of each case shall allow for the provision of compensation for losses related to informal property, such as slum dwellings.

62. Women and men must be co-beneficiaries of all compensation packages. Single women and widows should be entitled to their own compensation.

63. 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.

B. Restitution and return

64. The circumstances of forced evictions linked to development and infrastructure projects (including those mentioned in paragraph 8 above) seldom allow for restitution and return. Nevertheless, when circumstances allow, States should prioritize these rights of all persons, groups and communities subjected to forced evictions. Persons, groups and communities shall not, however, be forced against their will to return to their homes, lands or places of origin.
65. When return is possible or adequate resettlement in conformity with these guidelines is not provided, the competent authorities should establish conditions and provide the means, including financial, for voluntary return in safety and security, and with dignity, to homes or places of habitual residence. Responsible authorities should facilitate the reintegration of returned persons and exert efforts to ensure the full participation of affected persons, groups and communities in the planning and management of return processes. Special measures may be required to ensure women's equal and effective participation in return or restitution processes in order to overcome existing household, community, institutional, administrative, legal or other gender biases that contribute to marginalization or exclusion of women.
66. Competent authorities have the duty and responsibility to assist returning persons, groups or communities to recover, to the maximum extent possible, the property and possessions that they left behind or were dispossessed of upon their eviction.
67. When return to one's place of residence and recovery of property and possessions is not possible, competent authorities must provide victims of forced evictions, or assist them in obtaining, appropriate compensation or other forms of just reparation.

C. Resettlement and rehabilitation

68. While all parties must give priority to the right of return, certain circumstances (including for the promotion of general welfare, or where the safety, health or enjoyment of human rights so demands) may necessitate the resettlement of particular persons, groups and communities due to development-based evictions. Such resettlement must occur in a just and equitable manner and in full accordance with international human rights law as elaborated in section V of these guidelines.

VII. MONITORING, EVALUATION AND FOLLOW-UP

69. States should actively monitor and carry out quantitative and qualitative evaluations to determine the number, type and long-term consequences of evictions, including forced evictions, that occur within their jurisdiction and territory of effective control. Monitoring reports and findings should be made available to the public and concerned international parties in order to promote the development of best practices and problem-solving experiences based on lessons learned.

70. States should entrust an independent national body, such as a national human rights institution, to monitor and investigate forced evictions and State compliance with these guidelines and international human rights law.

VIII. ROLE OF THE INTERNATIONAL COMMUNITY, INCLUDING INTERNATIONAL ORGANISATIONS

71. The international community bears an obligation to promote, protect and fulfil the human right to housing, land and property. International financial, trade, development and other related institutions and agencies, including member or donor States that have voting rights within such bodies, should take fully into account the prohibition on forced evictions under international human rights law and related standards.
72. International organisations should establish or accede to complaint mechanisms for cases of forced evictions that result from their own practices and policies. Legal remedies should be provided to victims in accordance with those stipulated in these guidelines.
73. Transnational corporations and other business enterprises must respect the human right to adequate housing, including the prohibition on forced evictions, within their respective spheres of activity and influence.

IX. INTERPRETATION

74. These guidelines on development-based evictions and displacement shall not be interpreted as limiting, altering or otherwise prejudicing the rights recognized under international human rights, refugee, criminal or humanitarian law and related standards, or rights consistent with these laws and standards as recognized under any national law.

- * Contained in document A/HRC/4/18, annex 1 and E/CN.4/2006/41.
- a The prohibition of forced evictions does not apply to evictions carried out both in accordance with the law and in conformity with the provisions of international human rights treaties.
- b Consistent with Principle 6 of the Guiding Principles on Internal Displacement.
- c See general comment No. 4 on the right to adequate housing, adopted by the Committee on Economic, Social and Cultural Rights in 1991.
- d In the present guidelines, the promotion of the general welfare refers to steps taken by States consistent with their international human rights obligations, in particular the need to ensure the human rights of the most vulnerable.
- e See general comment No. 3 on the nature of States parties' obligations, adopted in 1990 by the Committee on Economic, Social and Cultural Rights.
- f See Guidelines on Housing and Discrimination contained in the 2002 report of the Commission on Human Rights Special Rapporteur on adequate housing as a component of the right to an adequate standard of living (E/CN.4/2002/59).
- g As set forth in article 22, Universal Declaration of Human Rights; Articles 55 and 56 of the Charter of the United Nations; articles 2, paragraph 1, 11, 15, 22, 23, International Covenant on Economic, Social and Cultural Rights, articles 23, paragraph 4, and 28, paragraph 3, Convention on the Rights of the Child.
- h See section V of the present guidelines.
- i See general comment No. 4 on adequate housing adopted by the Committee on Economic, Social and Cultural Rights in 1991. See 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.

Centre on Housing Rights and Evictions (COHRE)

The Centre on Housing Rights and Evictions (COHRE) is an independent, international, non-governmental human rights organisation with its International Secretariat in Geneva, Switzerland. COHRE undertakes a wide range of activities to promote the full realisation of housing rights for everyone, everywhere. COHRE opposes and actively campaigns against forced evictions wherever they occur or are planned. It works in all world regions to ensure protection and fulfilment of the right to adequate housing and related economic, social and cultural rights.



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