

Abstract

The displacement of urban households and livelihoods by state institutions is typically justified on the basis of the developmental purposes of land clearance, purportedly in the public interest. However conflicts around such displacement highlight both the contested nature of the 'public interest' and the unequal position that different urban actors are in to shape consensus about what this should constitute. This paper draws on research into the relationship between urban infrastructure development and displacement in Nigeria, to explore how actors negotiate their positions vis a vis displacement through a range of knowledge practices.

Displacement and the public interest in Nigeria: Contesting the legitimacy of displacement through knowledge practices.

The use of the 'public interest' as a criteria to determine the legitimacy of development induced displacement is widespread, but also problematic in view of both the multiple, and unequally positioned 'publics' involved, and of the contested visions of development which underlie notions of this notion.

This tension is thrown into particular relief in the case of Nigeria, where, the notion of the public interest is placed at the heart of the Land Use Act of 1978, which is the chief legal instrument governing compulsory land acquisition (and thus development induced displacement) in the country. However this Act and its associated legal instruments lack clarity on what would constitute the public interest, beyond very broad criteria related to public ownership. This means that in practice the public interest nature of projects causing displacement is debated outside of the legal system, between actors in very different positions to articulate their positions.

This paper draws on a research project focused on the linkages between urban infrastructure projects and displacement in Nigeria, to explore how groups involved urban infrastructure projects have used different knowledge practices to promote competing interpretations of the public interest nature of these projects. By 'knowledge practices' we mean the ways in which various actors use, control, and shape different forms of knowledge towards competing outcomes.

The public interest and the legitimacy of displacement

It is well established that development induced displacement, including that in cities, creates a series of crises for those affected (Cernea 2008). However, at the same time, growing urban populations, and gaps in the provision of adequate infrastructure in many cities, mean that displacement is often, nonetheless, justified by city governments on a developmental basis, whereby land acquisition and consequent displacement are presented as necessary to deliver functional urban forms, especially in 'unplanned' urban spaces in many cities of the global South (UN Habitat, 2010), and also to enable the development function of cities as 'engines of economic growth' (Harris, 1992; Lall, et al., 2017).

In this vein, development induced displacement is normally invoked by state actors in the name of some collective benefit – i.e. a model of the public interest which itself is rooted in a particular notion of development. Ideally, the 'public interest' signifies "the collective interest of the majority of citizens in a formal political and administrative jurisdiction, such as a nation, a region or a municipality" (Healey, 2007: 15). Public interest arguments advocating displacement emphasise the benefits of either the new uses to which land will be put or, in some cases, of clearing the land of 'undesirable' uses, conditions and occupants. On the other side of the equation from these arguments are the citizenship claims which justify the right to remain, or rights to resettlement and/or compensation.

The legitimation of displacement, therefore, depends on how these two sets of competing interests are framed and weighed.

Clearly the notion of the public interest is troublesome in practice. On the one hand, a literature on inclusive citizenship has emphasized (Dagnino 2007; Kabeer 2005), that a focus on prioritising the collective interest of 'the majority' is problematic in diverse and unequal societies where this might mean obscuring or denying the interest of those who constitute 'minorities', either in numerical terms, or in terms of access to power and citizenship.

Furthermore, decision-making about what constitutes the public interest with reference to displacement is usually practiced through two ideal type mechanisms, both of which have unequal power relations deeply embedded within them. On the one hand, there is a technical/expert assessment model whereby it is anticipated that a 'correct' balance between the public interest and the costs to those displaced can be calculated by experts, typically through cost-benefit analysis. On the other hand, the public interests and citizens' rights may be determined through political deliberation, where the public interest is debated through some form of democratic processes (Mattila, 2016). Critiques of both expert/ rational approaches to development planning (Penz et al, 2011; Sandercock, 1998) and of the deficit in most democratic processes (Gaventa 2006) highlight the power imbalances embedded in each of these approaches. This means that the mandate, space, and power of different social groups affected by displacement to negotiate their position is highly unequal (Oliver-Smith, 2010).

The result of power imbalances in the decision-making processes which govern displacement is frequent injustices around who is displaced and on what bases (Fainstein, 2010; Purcell, 2003). In turn these are closely connected to locally (and politically) defined models of development (de Wet, 2001). Globally, research indicates that negotiation of these competing claims disproportionately disadvantages the urban poor, or socially and politically marginal groups, who bear the brunt of displacement, in the name of the public interest (de Wet, 2001; Graham & Marvin, 2001; Farha, et al., 2011; Bhan, 2016). Poor people are more likely to be displaced as they tend to occupy land which is more accessible to the state both because it has a lower cost to compensate as its market value is lower (even if its potential value may be high) and/ or residents often lack formal land rights, and because the poor are more likely to be marginalized from political processes of urban governance.

Furthermore, there is often a gap between stated public interest justifications for displacement and underlying motivations. Even where displacement happens through official, legal channels, there remains the spectre of the capture of the public interest by particular group interests. With real estate the ever-profitable last frontier of capital accumulation, infrastructure-related displacement often hides a plethora of private and profit-driven practices, often developed in collusion with the state (Smith, 1996; Lees, et al., 2016). Others point to additional rationales for capture of the 'public' interest, including the reshaping of the political contract around a link between property and 'good citizens', the surge of modernist or world class aesthetics, or the influence of global discourses of 'good governance' (Ghertner, 2011; Bhan, 2016), arguments often linked to an underlying critique of neo-liberal approaches to urban development (Harvey, 1989, 2008; Sassen, 2014).

The analysis of the extent to which displacement can be seen as being in the public interest in a given case is further complicated by the different forms of displacement which coexist and the ambiguities in distinguishing them. At one extreme, 'involuntary resettlement', defined as a managed, formal process of displacement involving compensation for those with legal or recognised customary claims (Cernea, 2008) is generally represented, by those initiating it, as a fair response to unavoidable land acquisition for developmental purposes and thus underpinned by public interest claims. At the other

extreme, forced eviction constitutes “...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.” (UN Committee on Economic, Social and Cultural Rights, 1997, para 3). While forced eviction is often justified based on some claims towards a public interest, its extra-legal nature means that there is less emphasis on demonstrating it.

In practice, the line between resettlement and eviction is often blurred. Even where involuntary resettlement relies on formal legal process, it may nonetheless be seen as unjust if this legal processes favours particular interests (Rubinson, 2013). Furthermore, even if we do accept displacement within the law as legitimate at face value, there are many modes of displacement which fall uncomfortably between the eviction and resettlement - what we would describe as legitimatised displacement - i.e evictions which are understood to be justified within appropriate forms of legal or other protection (so not meeting the UN definition of forced eviction above), but through which people are displaced without compensation or resettlement support (thus, not constituting involuntary resettlement) . Clearly ‘legitimised eviction’ is not ‘legitimate’ eviction, but will be framed as legitimate by some and contested by other. Furthermore the extent to which cases of involuntary resettlement do comply with legal norms is debated. In Nigeria, and globally, cases abound of displacements officially described as involuntary resettlements which those affected and their supporters would argue in practice constitute extra-legal forced evictions (Penz, et al., 2011).

Given the contentious nature of displacement, and the crises that it results in for those affected, it often meets with a range of forms of resistance (Cabannes et al, 2010). While some of this is through actions of physical resistance (for example blockades against bulldozers), much of it is centred around attempts to question, or redefine, the nature of the public interest. As a result, actors initiating or resisting displacement engage in which could be termed a politics of legitimacy to attempt to secure public buy-in for their positions vis a vis an instance of displacement. At the heart of these public debates about displacement are different ideas about, on the one hand, what constitutes the public interest and, on the other hand, what determines citizens’ rights to urban spaces. However, in Nigeria, much of this politics of legitimacy is played out on a highly uneven terrain of information – both in terms of the ability to access information and in terms of the ability to generate information and shape knowledge and discourses.

Research project

This paper draws on research that was part of a UK DFID funded programme of urban research in Nigeria, conducted by a team from the University of Nigeria, Nsukka, the Nigerian NGO *Spaces for Change*, and from University College London. It focused on exploring the relationship between infrastructure development and displacement in Nigerian cities, in an attempt to understand and learn from cases in which the interests of the poor had successfully been protected in the context of infrastructure-related land acquisition. Our findings show that, according to media and other public reports (though as we will discuss, many of these reports are contradictory and contested) between 2010 and 2016 there were over 370 cases of displacement in Nigerian cities, affecting (in terms of actual or threatened displacement) over three million people, the majority of whom are informal settlement residents or traders.

As part of this research, we aimed to build a picture of urban displacement, both at the national scale, and by looking at specific cases at the scale of one city (Enugu). The national level ‘scanning’ of urban displacement synthesised secondary information sources in the public domain. Critically, the resultant database brought together *reported* evidence of infrastructure-related displacement and does not

claim to build an accurate picture of *actual* displacement. Rather, it includes multiple sources on specific cases of displacement, which often contain contradictory information. We searched for reports from a wide range of sources, including government (judicial sources, as well as state and federal government agencies responsible for infrastructure development), international development agencies, civil society organisations, academic institutions, and the media.

Proportion of reports on displacement in Nigeria 2010-2016 by source type

All reports used were from publically available sources, although some of these sources are open only to a limited public. For instance, the legal database used, the *Law Pavilion* Electronic Law Report¹, is available on payment of a subscription fee, and the hard copy newspaper data bases were accessed through the University of Nigeria (Enugu Campus) Library and National Library, Enugu. Using these data sources, we were able to identify 370 cases of reported urban displacement in Urban Nigeria from 2010 – 2016.

The city-profile of urban displacement in Enugu city aimed to drill down into some of the trends and issues revealed through the analysis of the national scanning database by examining all case studies in the city and then undertaking primary research (interviews and focus group discussions) with stakeholders involved in four case studies. The transcripts of these interviews were then analysed using qualitative charting software to explore emerging thematics, including the different ways in which respondents characterised the ‘public interest’ and their depiction and analysis of the rights and rights based claims of different groups of urban citizens.

Nigeria and the public interest basis for displacement

The idea of the public interest is central to the justification for compulsory land acquisition (and thus what has been termed displacement for development) in Nigerian legislation. According to the Nigerian Land Use Act 1978, Part V, 28. (1) “It shall be lawful for the Governor to revoke a right of occupancy for *overriding public interest*” (authors’ italics). The Act goes on to specify that the criteria for the public interest is that the land take is for use for ‘public purposes’ by either the state or federal government, and also allows some specified instances of land take for privately owned projects for (28, 2 (c)) “.....the requirement of the land for mining purposes or oil pipelines or for any purpose connected therewith” (and in customarily owned rural areas, for extraction of building materials). The one other exception to the principle of public ownership as the criteria for public interest, which is more typical of urban areas, is linked to the use of the 1992 NEPZA (Nigeria Export Processing Zone Act), which allows for land compulsorily acquired by state entities to be subsequently used by private companies through public private partnership in the operation of export processing zones.

The equation of public purpose with state ownership has been further solidified by a series of legal precedents. The key court cases which establish the precedent that the underlying legal criteria for public purpose in line with the Land Use Act routinely used in Nigerian courts is public ownership of the resulting land use are the Goldmark Nigeria Limited vs Ibaforon Company Limited case, which builds on the Lawson vs Ajibulu case, where, the court held that a revocation made in compliance with the Act could be nullified as the acquisition was not made to fulfil the legitimate ends of government, but instead facilitated the transfer of acquired land to an individual or group of persons with vested interests (i.e. for private commercial purposes).

¹ A private initiative developed by Grace Info Tech (GIT) Ltd., Ikeja, Lagos, Nigeria.

The accompanying procedural law for compulsory acquisition of land is the notice of land revocation (defined in sections 28(6) &(7) of the Land Use Act, referring to section 44 (d) of the Act). This specifies that notice has to be given in person to landholders, and not via a second party, property marking, the media or the gazette. Non-compliance with these statutory provisions can invalidate a revocation even if it clearly accords with public interest considerations. A plethora of cases have nullified land acquisition on the basis of failure to comply with the LUA process of notification. Moreover, the notice of revocation must specify the public purpose for which the land is being acquired.

To this end, the chief formal instrument to give wider public notice on state land acquisition is the 'State Gazette', typically published in local government offices and displayed on the sites of land to be acquired or cleared. However, these provide very generic explanations for land acquisition, which cannot easily be linked to specific infrastructure projects and do not state a clear public interest rationale for land take.

In the absence of a clear legal definition of the public interest, beyond the assumed link to public ownership, an idea of how the public interest is generally understood can be elucidated from public discourses – for example media and CSO reports, and politicians' speeches and statements.

In analysing these, our project strongly corroborates a body of research which points to the (ongoing) centrality of the developmental paradigm in Nigeria (Morka, 2007; LeVan & Olubowale, 2014; Rigon et al, 2014). In a country marked by mass poverty, this paradigm conceives of 'development' as an unambiguously positive process. In turn, the broadly shared consensus posits that achieving development requires investment in, and the expansion of, key infrastructure – that is, infrastructure in support of economic development, towards poverty alleviation and for the delivery of services to the population at large (see e.g. Ogun, 2010; Foster & Pushak, 2011; Nnaji et al., 2013). Such concerns are at the heart of the current Nigeria Vision 20:2020 (National Planning Commission [NPC], 2009), and the National Urban Development Policy Framework (Federal Republic of Nigeria [FGN], 1990).

This widely shared belief in the desirability of 'development' - and its material manifestation in the form of infrastructure provision - frames the notion of the public interest. The latter, in turn, is premised on a post-colonial, post-civil conflict and oil-fuelled state-civil society contract, whereby the state is understood as the provider of services (or the facilitator in the provision of services) for civil society (Morka, 2007; Rigon et al, 2016). This strong focus on the state as responsible for development is reinforced by the fact that the legal approach to the definition of the public interest basis for displacement is public ownership - which reveals an assumption that any publicly owned project is de facto in the public interest.

The fact that this idealised vision of the social contract bears little resemblance with a reality marked by delivery failure and corruption at scale has done little to remove enthusiasm for 'development' and its supposed emancipatory powers. Importantly for our purpose, the developmental paradigm appears to underpin the ways in which individual and collective, public and private claims to urban resources are mediated – including in the case of eminent domain for displacement of people settled on public land for infrastructure development. Put differently, in the case of land requirements for the purpose of infrastructure development, the public interest (emphasising the new developmental uses to which land will be put) tends to weigh in favourably in public discourse against the rights and well-being of existing occupants of land to be cleared.

Contesting the displacement through knowledge practices

Given the importance of how the public interest is understood and defined as a basis for urban land take in Nigeria, different forms of knowledge are central to contestations around displacement. As a

starting point, the various ways in which displacement is defined, in themselves imply a set of ontological constructions, each with implications for their legitimacy as governance processes. Cutting across these, both the 'technical' (cost-benefit analysis) and the 'political deliberation' approaches to defining the public interest require information as a central input – to determine the technical application of rights and/or to feed into the processes of deliberation. Moreover, if the governance of displacement is to have legitimacy amongst citizens, information relating to displacement and projects generating displacement needs to be available to the wider affected public, unless there is a blind faith in the efficacy and neutrality of government. This is tacitly accepted by the main international policy on displacement, the World Bank OD 4.12, which has an emphasis on the role of "informed consent" in the definition of involuntary displacement (OD 4.12: footnote 7).

However the capacity to generate and shape knowledge about displacement is underpinned by very unequal power relations. While the urban poor are disproportionately affected by displacement, their voices are likely to be less heard in political deliberations regarding the public interest and the upholding of the social contract that underpins it (Oliver-Smith, 2010).

In this context, one of the patterns which emerged during our research was the ways in which those affected by, and those initiating, displacement, used different knowledge practices to strengthen their case in the politics of legitimacy of particular cases. An emerging pattern in our findings was the importance of knowledge, and knowledge practices (i.e. the ways in which people strategically use, control or construct different forms of knowledge) for the contestation of the public interest arguments and body of urban rights governing displacement.

At a more basic level, and in line with an established set of concerns about the importance of 'transparency' for good governance and citizenship rights, one set of practices related to how actors worked with *information* (its strategic use, or withholding). At another level, in line with a body of theory concerns with the power implicit in discursive practices, actors in Nigeria concerned with displacement systematically draw on existing *discourses* which underpin values about citizenship or rights related to urban land claims. Going beyond this our research suggested that the contestations of displacement in Nigeria are also increasingly characterised by attempts of collectives of the urban poor challenge to re-frame or challenge, rather than draw on existing discourses about urban spatial rights.

The following sections explore these two different level of knowledge practices, how they were employed in some of the different cases covered by our research, and the uneven knowledge terrain on which different groups are able to draw.

Information and the governance of displacement

A key pattern which emerged with reference to the management of information was state actors' withholding of information which might be used to critique public interest arguments for displacement.

The UN HABITAT Advisory Group on Forced Evictions reported that approximately 2.35 million people had been evicted in Nigeria between 1995 and 2005 (UN-Habitat, 2007) and our research suggests that this scale of displacement has persisted in the last decade, notably in Lagos, Port Harcourt, Abuja, and Kaduna.

However information about this displacement is patchy, and not documented in a systematic fashion. In particular, information provided through official state communication channels about projects

leading to displacement is notable mainly for its paucity, representing only 0.67% of the reports that we were able to find in constructing our database (see Figure 1, above).

The one extensive source of official information regarding infrastructure-related displacement is where state projects are conducted with the support of the World Bank for which a Resettlement Action Plan (RAP) report is required. As a result, we were able to identify far more official reports (7.42% of those included in our database) from multilateral institutions sources (primarily the World Bank), as RAPs are all held on the World Bank Nigeria website which is publicly available. However, it is worth noting that there is no published information on the World Bank website relating to the implementation of these plans or follow up monitoring, making the picture provided of displacement partial, at best. This is significant given that the challenges from many of those affected by displacement in our database, as well as one of our Enugu cases which was a World Bank-funded erosion management project, are concerned less with the planned/agreed resettlement processes and compensation, than with actually delivered in practice, making a lack of reporting on implementation a highly problematic hiatus.

Another interesting feature of the RAPs for World Bank supported projects, is that, in contrast to the typical state practice of withholding information, these RAPs are characterised by the heavy use of descriptive demographic data, which often seems unrelated to displacement impacts (such as marital status, educational attainment, and age breakdown of project affected people). Our interpretation is that this information detail in RAPs serves the function of emphasising the 'scientific' and 'professional' nature of these studies, likely to strengthen their status in case of contestations from project affected people. In one extreme case, the RAP produced for a project in Abia state is 72 pages long and has detailed contextual and demographic data about the local population, despite the fact that the RAP refers to only 2 project affected people, both of whom would be affected by loss of assets, but not physically displaced.

In addition to information about instances of displacement and the projects that cause them, another area of contestation concerns information about tenure. A critical information artefact required to ensure rights in the context of displacement is the Certificate of Occupancy (CoO) which documents urban land ownership. Thus in one of the cases in Enugu for which we undertook primary research, residents of a low income community (Ugbo Okonkwo) who were threatened with eviction for non-conformity with the Enugu masterplan, were deemed ineligible for compensated displacement (involuntary resettlement) by the ECTDA (Enugu Capital Territory District Administration) due to their lack of CoO, despite characterising themselves as customary/ established land and property owners. This issue must be understood in a context where information regarding tenure is patchy, inaccessible and hard to secure (Onyebueke & Ikejiofor, 2017). Furthermore, CoOs are expensive, difficult to register and, as such, out of reach for many urban citizens and particularly for the poor. This leads to a generalised lack of formal documentation of land tenure for the poor, which is regularly exploited by individuals forging deeds to sell urban land and housing over which they have no title (Lynch, Binns, & Olofin, 2001) through schemes such as the '419 scam' (a reference to the section 419 of the Nigerian Criminal Code which deals with fraud) which is so prevalent that notices warning against property fraud are commonly painted on the walls of land and housing in Nigerian cities.

Where a CoO is unavailable, affected residents may draw on other information as sources of evidence to support their tenure claims. Thus, in the case of Ugbo Okonkwo, frequent reference was made by our respondents to the history of the land grant to the landowners' ancestors by the Nike chieftains, as evidence of land ownership. In such cases, however, evidence of historical land grants rarely rely on written evidence, but instead on residents' testimonies and, crucially, on the word of figures of traditional authority (in this case, the intercession of the Nike 'Igwe' traditional ruler).

Another critical area of (mis)information in the context of infrastructure-related displacement highlighted by our research, pertains to urban citizens' legal rights to compensation (Ocheje, 2007). Wider research suggests that, in Nigeria, residents or street traders may be forcefully evicted without the notice, consultation and compensation outlined in legislation or specific court orders (Morka, 2007; Onyebueke and Anierobi, 2014), not realising that this is a breach of the *de jure* governance of land acquisition. While many civil society rights groups such as SERAC, Spaces for Change, Justice and Empowerment Initiatives, Amnesty International Nigeria, have worked to respond to this low level of rights awareness through interventions such as the 'Enlightenment and Peer Learning Scheme' conducted by SERAC among slum communities in Badia and Moroko, Lagos (see Morka, 2007: 9), lack of legal awareness remains pervasive.

Given the very limited nature of, and access to, official information about displacement impacts and tenure and legal rights, therefore, the bulk of the data gap on displacement (see Figure 1, above) is filled through media coverage (78.65% of the reports in our database) or, to a lesser extent, from CSO reports (5.62% of the reports in our database). In relation to media reports on displacement, it is important to note that our data collection for the database focused on news media published in print (and on the internet), in English, and did not cover more transient forms of media, a notable absence being the radio, which is an important source of information in Nigeria (e.g. a floating community radio station 'Chicoco Radio', supported by Amnesty International, dedicated to raising awareness and public information on the waterfront evictions).

Given that news media is the major source of information of displacement in Nigeria, our research highlighted a number of concerns with this as a reliable source on information. Firstly, forms of displacement not seen as newsworthy go unreported (e.g. forms of 'everyday' eviction, which are often not contested, such as the frequent summary evictions of those encroaching on road right of ways which we were able to document during our field work in Enugu). Secondly it is not clear if the regional bias in the number of news reports on displacement (see Figure 2), with very high reporting of displacement by the media in Lagos and Abuja, as opposed to the very low reporting in other states (e.g. Yobe state, with no report) reflects the higher incidence of displacement in Lagos and Abuja, or to some extent, the higher media interest in these cities.

Figure 2: Distribution of reports on urban displacement in Nigeria 2010 – 2016, by state

Another consideration is the reliability of media information about displacement. Sections 22 and 36(1) of the 1979 Constitution of the Federal Republic of Nigeria grant the media the right of holding government, at all levels, accountable to the citizens. However, the majority of news media in Nigeria are privately owned and may, therefore, not be fully independent of business interests involved in urban land development where displacement is likely to occur. For example, one widely publicised case, covered in our database, is the reported eviction of around 17,000 people from Abonnema Wharf Waterfront in Port Harcourt. While, according to news media reports, this eviction was justified by the Rivers State government on the basis of security and deterrence of gang activity, civil society reports alleged that the eviction was in fact motivated by a major Nigerian media company which planned to build Silverbird Showtime (an eight screen cinema project) in the area.

At the same time, journalists have a very limited scope for data collection and fact-checking on specific details of a case (such as numbers affected). As one NGO respondent working on evictions who we interviewed told us, when they share a story package with a news media outlet "*...they literally copy and paste and print what we've written*". In the absence of official data on displacement, therefore,

the main *producers* of information are often NGOs and CSOs working on evictions. However the capacity of many of these organizations to research the effects of displacement is limited, and there are accusations that civil society organisations reporting evictions (some of who give very high estimates of those affected, such as one report claiming that evictions in the single slum community of Mpape in Abuja will affect 1.8 – 2 million people) could have an incentive to inflate affected numbers to strengthen advocacy cases. However, as we will discuss later, in recent years more systematic data collection efforts by NGOs efforts using the Slum Dwellers International enumeration methodology have begun to respond to this critique.

Displacement and the developmental discourse

In addition to the use of ‘factual’ information as a basis for displacement claims and counter-claims, a second level of knowledge practice is based on how affected people position themselves, or are positioned by others, in relation to hegemonic discourses about citizenship and development.

As discussed above, our research corroborates the dominance of a developmental discourse in Nigeria which conceives of development as a largely positive process in which the state is the leading actor. Thus, it appears that Nigerian citizens are generally hesitant to question the public interest nature of state-led infrastructure developments. As an affected party in one of our Enugu case studies (the National Integrated Power Project (NIPP) project) argued, for instance: *‘[Electric] power is central in the development of any nation, which helps explains why residents were ready to cooperate with displacement that may ensue’*.

Contestation is more likely to be confined to the execution of development projects in practice – i.e. the process through which such projects are implemented by the state, including the compensation of those affected by displacement. A typical example is the response of a neighbourhood representative affected by the Akanu Ibiam International (AII) Airport expansion project in Enugu (on of our primary research case studies):

“Secretary of the Airport Hillview Layout and Neighbourhood Watch and Environs Association, Barrister XX, said the affected land owners and residents were not against the expansion of the airport which would enhance development in the South East, but that they were not comfortable with the style adopted by the government in acquiring the land.”

There is often a similar acceptance of the legitimacy of slum evictions, in that contestation by affected people frequently centres not on the strategy of slum-demolition per se, but rather on the extent to which their settlement is in fact a slum. Thus, a respondent in Ugbo Okonkwo (one of our Enugu cases) argued: *“They told us we have, what did they call it?... slums here, I said no, it is not a slum; I know where slum is.”*

Similarly, in the case of road infrastructure projects (the most common cause of infrastructure-related displacement in our database) challenges in the reports that we picked up did not relate to the overall public interest of the road projects, but rather to concerns with the management of displacement (e.g. timely notice and/or compensation) despite the fact that car-focussed transport infrastructure typically has limited benefit to those low income communities displaced in the global South (see for example Manji, 2016). Our database includes only one challenge to a road infrastructure project on the basis of its public interest rationale, which notably was led primarily by INGOs, rather than by

affected citizens. Noteworthy too, was the only entry in the 'comment' thread under the on-line article related to this case: *"Those against this project are the ones against the development of Africa...."*

While the developmental discourses justifying displacement seem to be broadly accepted, they are often countered with challenges which support the rights of those affected to contested urban spaces, or to compensation by emphasising rights linked to their social characteristics. One framing that is often invoked as a basis for challenges to eviction is indigeneity, which is often connected to customary tenure rights, and with an implicit set of normative values. Reference to characteristics popularly associated with vulnerability is another frequent trope in reports which aim to advocate for people's protection from eviction. The emphasis of news or NGO reports which are contesting evictions is on particular types of people affected (women, children, the elderly) and often accompanied by pictures of them crying or pleading and these have a particular resonance in shaping the sympathies of the Nigerian public. However it is important to note that appeals based on vulnerability construct such victims of displacement as being worthy of the state's mercy, more than as being bearers of citizenship rights.

On the other hand, one frequent characterization used by actors justifying displacement is of affected communities as slums, which are depicted as areas of environmental hazard and urban blight whose residents are 'environmental nuisances' (Chinwe, 2015). In such cases, displacement are legitimized through a public interest construction of slums as impediments to environmental safety or the modern, functioning city. A linked theme is the use of descriptors which relate to the moral character of those affected by displacement. This seems to be the basis for attempts by (primarily state level) government to frame public conversations around specific cases of displacement so that these become viewed as 'legitimised displacement' (i.e. displacements in which those displaced had no rights to compensation) rather than 'evictions'. This can be typified by the comments, cited in a news article in our database, of a spokesperson from Abuja Environmental Protection Board, discussing the forced eviction at Panteka Market, Apo District, Abuja: *"So we are trying to clean the city to be free of miscreants, destitute and beggars... The hideouts of drug addicts and criminals... we are clearing them and ensuring a clean environment... The issue is to ensure the hideout of criminals is flushed out, and gangs and drugs."*

This approach is also applied at scale, to describe whole communities as criminal and thus non-bearers of rights. In Port Harcourt, for instance, one newspaper source in our database reported that the 2015 Rivers State Anti-Kidnapping Law Amendments were used as a basis to evict up to 60,000 people with only 7 days' notice: *"The Wike administration said it took the decision to demolish the houses because they are inhabited by suspected criminals."* Counter claims by civil society organisations and those affected by evictions draw on characterisations of both vulnerability and respectability/good citizenship. Thus a CSO report on the same eviction refers, in stark contrast, to: *"...innocent children, women, men, and elderly persons who are employed in legitimate businesses through which they eke out their modest livings, and from which they pay their children's school fees and Government taxes and fees."*

In relation to these framings, an interesting pattern picked up through our research is that reference to communities as 'criminal' (and therefore 'legitimate' targets of eviction) rarely surfaces in straightforward cases of *infrastructure*-related displacement, where land acquisition is for the construction of new infrastructure. Rather it could be argued that criminality is more likely to be invoked in cases where the developmental/ public interest justification is weaker and accusations could be more easily made that land is being clear for commercial speculation.

Finally, an interesting theme that emerges both in the database and in our research in Enugu is the reference to youth, and specifically the theme of youth unemployment in Nigeria. This is usually associated with the latter's link to insecurity and criminality (the media spectre of 'area boys'), making the well-being of the youth a public interest concern in its own right. Drawing on this logic, one interview in our Ugbo Okonkwo case put forward the following argument for halting the eviction in his settlement: *"When more than ten thousand people (are affected), about 6,000 youths are being...(evicted) ... if they deny them where they are staying, you can imagine, they will increase in being hoodlums, criminals in the society."*

Conclusion: Emerging challenges to the dominant discourse of the public interest

In summary, the patterns in the treatment of the public interest rationales for displacement that emerged from our research suggest that the urban poor in Nigeria have, on the one hand a marginalized level of access to information as a resource, and on the other, both a frequent buy-in to a wider developmentalist discourse which disadvantages them, as well as less ability to shape this discourse to their ends in specific contestations of displacement. Together, these mean that their strategies in negotiating a politics of legitimacy around displacement in Nigerian cities often challenges the injustice of specific cases, without questioning the wider legitimacy of displacing the urban poor for public benefits which are out of their reach.

In general, therefore, the knowledge practices of the urban poor appear to predominantly be based on the strategic use of the limited information available and existing discourses to defend the interests of urban poor groups facing eviction. However, they generally do not challenge two dominant ideas. The first is that the right to urban spaces derives from either formal property rights, or customary rights based on indigeneity, and claims beyond these are based mainly on clientelistic pleas based on vulnerability, rather than a call to housing as a social right. The second is a state-centric understanding of the public interest, which assumes that (if they are executed properly) state owned infrastructure projects are intrinsically beneficial to development and their public interest basis is not open to debate.

Despite this tendency, however, we would argue that there are two productive areas of knowledge practice which organization of the poor in Nigeria could, and increasingly do, focus on. The first is attempting to fill the information gap on displacement in the absence of provision of such information by the state to give informational inputs for debate on the basis of public interest arguments. The second is developing collective challenges to dominant discourses of development which justify displacements of poor urban citizens

In terms of the first practice, on filling information gaps on displacement, a number of NGOs working on evictions in Nigeria, including Justice and Empowerment Initiatives (JEI) in Lagos and Port Harcourt and the Women's Environmental Programme (WEP) in Abuja have started working with the SDI (Slum/Shack Dwellers International) supported Nigerian Slum and Informal Settlement Federation, and are now using the SDI profiling and enumeration processes which give more legitimacy to their data on displacement. However, as full enumeration is an expensive and time consuming process, it has only been done in strategic communities imminently affected by eviction at scale (17 communities at the time of our research). In other cases, the more limited 'profiling' approach has been used, which involves counting the structures in a community and calculating total population by applying an average household size, developed through consultation with the community (around 40 communities at the time of our research). While this is still an emerging practice and confined to the waterfront

communities in Lagos and Port Harcourt it appears to be a practice which is increasingly working at scale across a wider range of urban communities in Nigeria. To complement this process, one intended output of our research is to convert the database that we produced on public reports of displacement into an open access, and live, repository of reported cases of urban displacement in Nigeria in an effort to fill the current notable gap on systematic documentation of this phenomenon and provide an input for organizations wishing to contest processes of displacement.

In terms of the second practice, we also found an emerging challenge to the dominant idea that informality itself constitutes underdevelopment and is thus a justification for displacement. One important step in this direction seems to be a shift from campaigns and protest conducted individually by directly affected people and communities, to more collective and solidarity based protest against displacement by organizations of the urban poor as a generalised political force.

A recent landmark example is the response to the threats to the eviction of huge waterfront communities of the urban poor in and around Lagos and Port Harcourt, which have increasingly been challenged through wider solidarity protests from a range of communities working together, with the support of NGOs such as JEI and the Nigerian SDI affiliates. As one NGO research respondent explained, in response to an eviction order from Rivers State government in 2016 affecting communities in Port Harcourt *"....within 3 days from that eviction threat being announced, they were able to mobilise 4000 people from those 70 communities out to close down Aba Road. A bus load of people from Lagos went down, supported them...."*

Such cross-community alliances are new developments in the Nigerian landscape and seem to prefigure more concerted and structural responses to the issue of land acquisition for infrastructure in Nigeria. Furthermore they do seem to be underpinned on emerging set of claims which challenges the established regime of rights to urban spaces or, indeed, the definition of the public interest, reframing housing a human rights issue. This was a mobilising force for the NGO coalition (led by Amnesty International and the Nigerian Slum / Informal Settlement Federation) which lobbied successfully for the Lagos State High Court ruling of 26th January 2017 that halted a series of largescale waterfront evictions in Lagos which had been initiated at the end of 2016, based on the application of Section 34 of the Nigerian Constitution (which relates to respect for individuals' dignity). Furthermore, such a reframing of urban citizenship rights related to displacement has been supported by an active group of NGOs and human rights organisations ready to make noise and support mobilisations, relying on an extensive network of (press, radio, television) media and social media to amplify their calls and is, we would argue, a hopeful precursor to the contestation of the wider developmentalist assumptions underpinning the interpretation of the public interest in Nigeria.

References

Agbola, T., & Jinadu, A. M. (1997). Forced eviction and forced relocation in Nigeria: The experience of those evicted from Maroko in 1990. *Environment and Urbanization*, 9(2), 271-288.

Bhan, G. (2016). *In the Public's Interest – Evictions, Citizenship, and Inequality in Contemporary Delhi*, Athens, Georgia: University of Georgia Press.

Cabannes, Y., Guimaraes Yafai, S, Johnson, C. (2010). How People Face Evictions (pp. 1-126). London: Development Planning Unit, University College London.

Carl LeVan, A., & Olubowale, J. (2014). 'I am here until development comes': Displacement, demolitions, and property rights in urbanizing Nigeria. *African Affairs*, 113(452), 387-408. doi:10.1093/afraf/adu030

Cernea, M. M. (2008). Compensation and benefit sharing: Why resettlement policies and practices must be reformed. *Water Science and Engineering*, 1(1), 89-120.

Dagnino, Evelina, 2007, 'Citizenship: A Perverse Confluence', *Development in Practice*, Vol. 17, No. 4-5, pp. 549-556.

de Wet, C. (2001). Economic Development and Population Displacement: Can Everybody Win? *Economic and Political Weekly*, 36(50), 4637-4646. Retrieved from <http://www.jstor.org/stable/4411475>

Fainstein, S. (2010) *The Just City*, Cornell University Press, Ithaca and London

Farha, L., Acioly, C., & Rollnick, R. (2011). *Forced Evictions-Global Crisis, Global Solutions*. UN-Habitat.

Federal Government of Nigeria, FGN, (1990). National Urban Development Policy for Nigeria, Federal Ministry of Works and Housing, Abuja.

Foster, V. & N. Pushak (2011). Nigeria's Infrastructure: A Continental Perspective. Policy Research Working Paper No. 5686, The World Bank: Africa Region.

Gaventa, John, 2006, 'Triumph, Deficit or Contestation? Deepening the "Deepening Democracy" Debate', IDS Working Paper 264, Institute of Development Studies, Brighton.

Ghertner, A. (2011). Rule by Aesthetics: World-Class City Making in Dehli, in Roy, A. and Ong, A. (eds.) (2011) *Worlding Cities: Asian Experiments and the Art of Being Global*. Malden, Oxford: Wiley-Blackwell, pp. 279-306.

Graham, S. & Marvin, S. (2001). *Splintering Urbanism: Networked Infrastructures, Technological Mobilities and the Urban Condition*. London: Routledge.

Harvey, D. 1989. From managerialism to entrepreneurialism: the transformation in urban governance in late capitalism. *Geografiska Annaler*, 71, 1: 3-17.

Harvey, D. 2008. The Right to the City. *New Left Review*, 53, 23-40.

Harris, Nigel (ed.), 1992, *Cities in the 1990s*. London: UCL Press Ltd.

Healey P (2007) *Urban Complexity and Spatial Strategies: Towards a Relational Planning for Our Times*. London: Routledge.

Kabeer, Naila, 2005, 'Introduction', in Naila Kabeer (editor), *Inclusive Citizenship: Meanings and Expressions*, Zed Books, London & New York, pp. 1-27.

Lall, S. V., Henderson, J. V., & Venables, A. J. (2017). *Africa's Cities*. World Bank Publications.

Lees, L., Shin and Morales, (2016) *Planetary gentrifications : Uneven development and displacement*, Polity Press.

- Lynch, K., Binns, T., & Olofin, E. (2001). Urban agriculture under threat: The land security question in Kano, Nigeria. *Cities*, 18(3), 159-171. doi:[http://dx.doi.org/10.1016/S0264-2751\(01\)00008-7](http://dx.doi.org/10.1016/S0264-2751(01)00008-7)
- Manji, A. (2015). Bulldozers, homes and highways: Nairobi and the right to the city. *Review of African Political Economy*, 42(144), 206-224. doi:10.1080/03056244.2014.988698
- Mattila, H. (2016). Can collaborative planning go beyond locally focused notions of the “public interest”? The potential of Habermas’ concept of “generalizable interest” in pluralist and trans-scalar planning discourses. *Planning Theory*, 15(4), 344-365. doi:10.1177/1473095216640568
- Morka, F. C. (2007). A place to live: a case study of the Ijora-Badia community in Lagos, Nigeria. Case study prepared for Enhancing Urban Safety and Security: Global Report on Human Settlements 2007. Available at: <http://www.unhabitat.org/grhs/2007> (Downloaded: 20th July, 2015).
- National Planning Commission. (2009). *Nigeria Vision 20: 2020*. Abuja: NPC.
- Nnaji, C.C., Eluwa, C. and Nwoji, C. (2013). Dynamics of Domestic Water Supply and Consumption in a Semi-urban Nigerian City. *Habitat International*, 40, 127-135.
- Ogun, T. P., 2010. Infrastructure and poverty reduction: Implications for urban development in Nigeria. *Urban Forum*, 21, pp.249-266. (1.17)
- Oliver-Smith, A. (2010). *Defying displacement : grassroots resistance and the critique of development* (1st ed. ed.). Austin, Tex.: University of Texas Press.
- Onyebueke, V. and Anierobi, C., 2014. Relocation and Defiance in the Dhamidja-Azikiwe Informal Shopping Belt in Enugu, Nigeria: Actions Speak Louder than Words. In Duminy, J., Andreasen, J. Lerise, F., Odendaal, N. and Watson, V. (eds.) *Planning and the Case Study Method in Africa* (pp. 129-154). Palgrave Macmillan UK.
- Onyebueke, V., & Ikejiofor, C. (2017). Neo-customary land delivery systems and the rise of community-mediated settlements in peri-urban Enugu, Nigeria. *International Development Planning Review*, (39), 1-22.
- Penz, G. P., Drydyk, J., & Bose, P. S. (2011). *Displacement by development : ethics, rights and responsibilities*. Cambridge: Cambridge University Press.
- Purcell, M. (2003). Citizenship and the Right to the Global City: Reimagining the Capitalist World Order. *International Journal of Urban and Regional Research*, 27,3, 564-90.
- Rigon, A., S. Abah, S. Dangoji, J. Walker, A.A. Frediani, O. Obunleye, L. Hirst (2014) *Well-being and Citizenship in Urban Nigeria*, URN.
- Rubinson, A. (2013). Preventing Human Rights Violations Done in the Public Interest: Recommendations for Development that Respect the Prohibition on Forced Evictions. *University of San Francisco Law Review (USFL Rev.)*, 48, 673.
- Sandercock, L, (1998) *Making the Invisible Visible: A Multicultural Planning History*, University of California Press
- Sandercock, L. (2016). Sustaining cosmopolis: Managing multicultural cities. In *Managing Urban Futures* (pp. 225-236). Routledge.

Sassen, S. (2014). *Expulsions: Brutality and Complexity in the Global Economy*. Harvard University Press

Smith, N. (1996). *The New Urban Frontier: Gentrification and the Revanchist City*, London: Routledge

UN Committee on Economic, S. a. C. R. C. (1997). General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions. Geneva: Office for the High Commissioner on Human Rights.

UN-Habitat (2010) *Planning Sustainable Cities: UN-Habitat Practics and Perspectives*. UN-Habitat.

UN- Habitat (2007). *Forced evictions—Towards solutions*. Second Report of the Advisory Group on Forced Evictions to the Executive Director of UN-HABITAT [http://ww2.unhabitat.org/campaigns/tenure/documents/AGFE% 20Report. pdf](http://ww2.unhabitat.org/campaigns/tenure/documents/AGFE%20Report.pdf).