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Urbanization, Land Rights and Development: A Case Study of Waterfront Communities in Lagos, Nigeria.

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Research Topic

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Abstract

The aim of this study is to examine the root causes of forced evictions and displacement through the current urbanization process in Lagos, Nigeria. My particular attention is devoted to the legal complexities and how ethnolinguistic identities shape land laws, influence land tenure, and construct urban citizenship. Through this process, competing claims to land ownership provide fertile ground for forced evictions and displacement. Existing scholars suggest that poor urban residents lack rights to stay in their neighborhoods, while a powerful capitalist class has emerged and dispossessed the poor from their lands. Yet these existing approaches derived from the neoclassical and Marxist traditions fail to account for the legal complexity and historical origins of land ownership in these cities. By placing this case within the larger scholarship of the discourse of urbanization, development, and international law, this study will disentangle the legal complexity of how ownership actually emerges and dispel the major social theories and approaches of forced evictions. This paper argues that forced evictions and displacement of in-migrants in waterfront communities are caused by the shift in the land tenure system, and that this shift is a product of land laws that have been shaped by ethnolinguistic identities. Second, multiple land laws that accompany the shift in land tenure have led to the fragmented claim that favor one ethnolinguistic group over the other. Finally, development in the urbanization process is represented as an "urban cleanser" that portrays the in-migrants population as impoverished, alien, rural, strangers thus, inimical to urban sustainability. As a potential solution, this paper proposes a resettlement to an unaffected waterfront in Badagry where a fish market can be established, religious institutions in Lagos to give 10% of their acquired religious city land to support victims of forced eviction, and advocates for an informal settlements protection law.

This research was conducted over two months and is a multi-sited participatory ethnography largely relying on interviews, seminars, workshops and extensive desk research through reviews of existing literature, and court cases on land laws concerning the traditional overlords. This research will extend to the broader literature of sustainable urban studies, development, sociology, politics, and law.

Keywords: Urbanization, land rights/tenure, Development, Rights, Ethnolinguistic, Customary law, Common Law, Micro-politics, Indigenous, Migrants, Forced eviction and Displacement.

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Dedication

This thesis is dedicated to the victims of State-led development forced evictions globally.

Acknowledgement

First and foremost, I want to thank the God almighty for his Grace over my life and my mother, Mrs. Omoniyi L.A for her prayers. In particular, I want to thank my amiable thesis advisor, Professor Jeffrey Paller not only for his massive supports in every step of this thesis but also for his gargantuan research knowledge and skills he impacted on me. I would like to appreciate Professor Christopher Loperena who influenced my ideas on land rights and Professor John Zarobell whom while working as his teaching assistant; I advanced my knowledge of research. Also, I would love to thank members of the Nigeria/Slum and Informal Settlements Federations, Mr. Samuel Akinrolabu and Mr. Sanni Mohammed. I thank the Directors of Justice and Empowerments Initiatives, Andrew Maki and Megan Chapman for the internship opportunity. Also, I would like to acknowledge and appreciate Professor Dana Zartner, Professor Brian Dowd-Uribe, Professor Lindsay Gifford, and the entire Professors and staffs of the International Studies Department, University of San Francisco especially Christie Meno; she is a great lady. The fieldwork that shaped this thesis would not have been possible without the Rue W. Ziegler award that I received. I am grateful to the Department of International Studies for the financial support.

"Land owners in Lagos State live in opulence…and it's so because land in Lagos State is as Oil in the Niger Delta." Olumegbon of Lagos and the overlord of Ajah.

May 2015 City Voice Interview.

Introduction and Background

Urbanization is changing the African continent at an extraordinary rate (Cheeseman and Gramont, 2017). This process has contributed to rising land prices, new claims over ownership, urban citizenship, rights to the city, changing demographics, and fragmenting relationships between local communities. During this process, residents who have lived in the city for decades have been forcefully evicted and displaced; their homes are giving way to massive, commercial and private redevelopment. In this context, forced eviction is the unlawful expulsion of an individual or a community from a particular space by the government or another powerful individual as a result of government or private sector-led infrastructural development projects with no resettlement plans or compensation. It could also mean the removal of the use of the city as a center for national cohesion (Simone and Pieterse, 20017, p.199). Displacement, on the other hand, connotes an internally displaced person as a result of forced evictions.

Forced evictions are a global pandemic. Every year, millions are still affected globally with the threat of forced evictions, and it is violently increasing with a global estimate of 70 million to be affected by 2020 (United Nations Advisory Group on Forced Evictions, 2007, p.2). The World Bank also estimated that in 1994, over 200 million people were displaced as a result of public and private sector large-scale development projects, at a rate of 10 million annually (UN-Habitat 2004, p.16). In 2000, it was estimated that over two million people experienced forced evictions and displacement in Nigeria, about 50,000 since 2013 in Lagos (Ocheje,2007, pp. 174-77) and over 300,000 are still living in fear of being evicted in Lagos alone (Amnesty International, 2017, p.13).

In 2005, over 50,000 people were evicted in Mau Forest in Kenya by the government, and over 400,000 faced the threat of eviction in Kibera (Ocheje,2007, pp. 174-77). In 2005 in Zimbabwe, over 700,000 were forcefully evicted in urban centers by the government under "Operation Murambatsvina," and in China, the 2008 Beijing Summer Olympics led to the displacement and forced evictions of over 1.5 million people (COHRE, 2008, p.6). Similarly, in the Caribbean Coast of Honduras the Garifuna struggle over land rights due to the neoliberal tourism development projects (Loperena, 2012). While the Eminent domain is being used by the United States Federal Government to forcefully transfer private land to developers or corporations (see the Supreme Court case of *Kelo v. New London* 545 U.S. 469, 2005). In Adivasi and Mumbai, India, over 120 villages with millions of residents were forcefully evicted and displaced by the government-led development projects despite constitutional provisions to protects tribal land rights (Indian People's Tribunal on Environment and Human Rights, 2005). Clearly, forced evictions and displacement is a global concern.

Lagos state is currently experiencing a massive proliferation of government-led infrastructural projects, including the construction of Eko Atlantic, Badagry Maritime Economic City, Lekki and Badagry Free Trade Zone, Lekki-Epe International Airport, Oil Refinery, Lekki Light Rail Network, bridges and massive real estate development. At the epicenter of such infrastructure projects is the forced evictions and displacement of in-migrants, (a group of people that have migrated from a different community within a particular geopolitical space) living in the waterfronts communities that have existed for decades. On November 9, 2016, and April 8, 2017, over 30,000 in-migrants in waterfront communities evicted with no resettlements plan nor compensation. Such action obstructs social justice, amputates judicial proceedings and disregards human rights and international law because it does not follow due process of consultation with the

local communities. Also, the Nigerian police officers killed evictees during this process, families were fragmented, and children of evictees left with uncertain futures. However, not all waterfront communities experienced forced eviction and displacement. Thus, one could ask, why are some waterfront communities forcefully evicted and others are not? In the colonial and post-colonial era, Lagos has experienced shifts in the land tenure with regards to land laws. How does the shift in land tenure lead to forced evictions? In a state where the shift in land tenure has created legal pluralism, competing claims to land and dual property rights, who are the rightful owners and who has access to the protection of the law? Therefore, how are development projects represented in the process of urbanization?

The dominant discourse in mainstream urban studies, development, and international law is that forced evictions and displacement emanated from lack of property rights, security of tenure and control over the rights to live in the city. Li 2010 and 2014 assert that people are motivated by the compulsive need to buy and sell their land, and capitalist relations and individual property rights have emerged naturally. Alternatively, the lack of property rights, security of tenure, dysfunctional land market and bad governance are the causes of forced evictions and displacement. Urbanization, therefore, has the potential to be a positive force capable of alleviating poverty and sustaining economic growth as long as social, economic, and political freedoms are promoted, and human rights reinforced (Hayek, 1944; Friedman, 1962; De-Soto 1989 and 2000; Easterly 2013; Spence et al., 2009). Alternatively, the radical argument suggests that the city is an engine of capitalism, which will promote accumulation by dispossession: the assertion that the global elite class will take over the urban land of the poor. Therefore, the right to the city, or the repossession of land, is only possible through structural change or revolution (Marx, 1978; Polanyi, 1944;

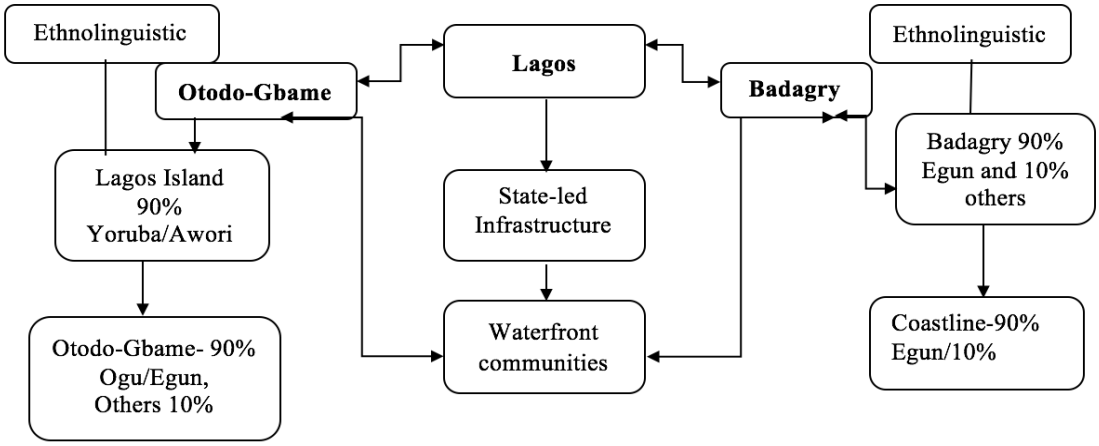
Lefebvre, 1976; Merrifield, 2002 and 2014; Harvey 1973,2012,2014; Davis, 2006; Sassen, 2014; Brenner, 2014).

These theories have been examined in the context of Lagos. For example, Agbola and Jinadu 1990; Nwenna, 2012; Ocheje, 2007; and Amnesty International, 2017 all linked forced evictions and displacement to gentrification, development, land grabbing, discriminatory land use policy and high valued property all of which fall within broader conventional ideas and theories. While there are elements of truth in the postulated theories on the causes of forced evictions and displacement, these studies overlook the micro-politics of the shift in land tenure. In particular, they miss how ethnolinguistic identities have shaped land laws, influenced land tenure, and created a fertile ground for forced evictions and displacement.

This paper argues that forced evictions and displacement of in-migrants in waterfront communities are caused by the shift in the land tenure system, and that this shift is a product of land laws that have been shaped by ethnolinguistic identities. Second, multiple land laws that accompany the shift in land tenure have led to the fragmented claim that favor one ethnolinguistic group over the other. Finally, development in the urbanization process is represented as an "urban cleanser" that portrays the in-migrant population as impoverished, alien, rural, strangers, thus, inimical to urban sustainability. As a potential solution, this paper proposes a resettlement to an unaffected waterfront in Badagry where a fish market can be established, religious institutions in Lagos to give 10% of their acquired religious city land to support victims of forced eviction, and advocates for an informal settlements protection law.

To examine why some waterfront communities are forcefully evicted and others are not, this paper features two cases from among the five geographical divisions of Lagos. These two geographical divisions are Lagos Island and Badagry. The focus is on a community known as

Otodo-Gbame on the Lagos Island and communities along the coastal front in Badagry. The Yoruba-Awori ethnolinguistic group controls land ownership in the Lagos-Island while the Ogu/Egun ethnolinguistic group controls land in Badagry.



The thesis draws from qualitative and quantitative sources, including two-months participatory ethnography between June 1, 2017-July 31, 2017. The research is accompanied by experience as an intern with Justice and Empowerment Initiatives (JEI), an NGO giving legal aid and legal support to the evictees. During this time, I interacted with the evictees affiliated with the Nigeria Slum/Informal Federation, I conducted 43 interviews. It includes 32 evictees and non-evictees in Otodogbame and Badagry coastal communities, four government officials, two community chiefs, one UN-Habitat Representative and four members of the Nigeria Slum/Informal Settlement Federation. This research is of personal and professional significance; therefore, I adopted an objective academic approach to limit biases.

At the center of this study is Lagos desire to be a megacity, and the master plan it has created to achieve these ambitions. Currently, the government is creating a new master plan by districts and divisions to coincide with the megacity ambition (LSDP 2013, p.177). Such mega-city ambition is backed up by the Lagos State Model City Development Law that was enacted in

2009 that authorized demolition of any structure that is not in line with the megacity ambition (Lagos State Ministry of Physical Planning and Urban Development, 2009). Forty-two (42) informal settlements were identified for eviction and relocation, but one of the case studies I focus on Otodo-Gbame was not among these (Amnesty International 2013, p.12). Nonetheless, the community faces forced eviction and displacement.

Theoretically and empirically, the aim of this paper is fivefold. First, to implant legal traditions of Customary and Common law into the discourse of urbanization process and provoke further investigation to the causes of forced evictions and displacement. Second, to critically examine the urbanization process and better understand the relationship between shifts in land tenure, ethnolinguistic identities and forced evictions. Third, to critically examine the dominant approaches to urban development, including rights-based and critical Marxist theories. Fourth, to review why proposed solutions are not practical, and to propose potential short and long-term solutions to forced evictions and displacement.

The paper has six sections. Section I examines the contesting view of what constitutes urbanization, and possible theories that explain the causes of forced evictions. Section II is the methodology. Section III focuses on Lagos, ethnolinguistic structures of its people, and the waterfront communities under investigation. Section IV uncovers the micro-politics of the shift in land tenure. Section V focuses on the shift in land tenure, urbanization, and forced evictions. Section VI, concludes and offers potential solutions and policy recommendations.

Urbanization

Urbanization, forced evictions and displacement are not new concepts in the literature of urban studies, development, international law and human rights. What does urbanization connote and what constitutes the process? Urbanization can mean different things depending on the field of study and the particular theoretical orientation of the scholar. For example, David Harvey understands urbanization as a class phenomenon, drawing from the Marxist tradition (Harvey, 2012, p.5). As a process, urbanization has also been conceptualized as the gathering of human beings in large numbers and a continuing process of spatial change to new economic conditions within a particular period (Mabogunje 1968, pp. 24-33). Neil Brenner and Richard Walker are at the forefront of a contemporary debate over urbanization. According to Brenner (2014), urbanization is a process. In other words, urbanization is an abstraction and not an empirical object (Brenner and Schmid 2013, p.163). Walker (2015) on the other hand argues that urbanization is not just a process but also could be an object (Walker 2015, p.185). The point Walker is trying to make is that processes often produce objects, in this case, infrastructure. In this paper, therefore, urbanization is demonstrated as both a process and object: the concentration of persons and the process by which infrastructural projects affect spatial adjustment along power, interest, and identities.

The urbanization process encompasses interesting legal and social issues, including forced evictions. The inevitability of forced evictions and displacement during urbanization has evolved over the years in different parts of Africa, North America, South America and Asia. Scholars from a variety of disciplines have debated the utility of these concepts and explained how they relate to the process urbanization in Africa. These advanced in the literature include:

(i) The rights-based approach to urbanization

(ii) The critical approach to urbanization

The aim of this section is threefold. First, to critically analyze these dominant theories through their various ideas and look at their contentions concerning the causes of forced evictions and displacement. Second, to examine the causality narratives of forced evictions and displacement during urbanization, and explain why the proposed solutions that emerge from these theories are not sufficient to solve the situation in Lagos. Third, to introduce a theoretical framework that will serve as a model for the empirical analysis.

The Right Based Approach to Urbanization

The dominant approach to understanding the process of urbanization focuses on the lack of rights in cities. In other words, conventional wisdom backed by theories of liberalism suggest that urban residents lack socio-economic rights, property rights, and political and human rights. This rights-based approach is advanced by prominent liberal and neo-liberal scholars, including Frederic Hayek, Milton Friedman, Hernando De Soto, William Easterly and Michael Spence.

Prominent economist William Easterly (2013) advances a theory built on the idea of rights. The introduction of the book tells the story of how World Bank development sponsored projects often lead to forced evictions. According to Easterly, one statement often ends such operations "… the land is no longer yours" (Easterly, 2013, p. 3-6). Such technocratic approaches he argues ignores the rights of the impoverished and such ignorance causes poverty. Central to the Easterly argument is the idea of property rights, freedom, and the role of the state to protect these rights and freedoms. Easterly believes that individual rights are a sine qua non for prosperity and without rights and freedom the poor will not prosper and develop. The implication for urbanization is that the urban poor lack rights and require civil and political rights if they are to improve their lives.

Within the context of land, such rights could mean security of tenure, property rights that enable the poor to benefit from the capitalist system, and political and economic freedom in the form of liberal democratic principles which will allow them to exercise their civil rights. However, as this paper will demonstrate, rights are rooted in ethnolinguistic politics that change over time and complicate who has access to rights. The political economy of rights requires us to ask: Who has access to which rights, and who has the power to define rights? The rights-based approach is limited in its ability to answer these questions because it does not incorporate the importance of how state ideology shapes rights regimes in practice.

Similar to Easterly, Hayek (1944) and Friedman (1962) have argued that the role of the state or government is to protect the freedom of its citizen and to "preserve law and orders and enforce private property to foster competitive markets" (Friedman, 1967, p.2). Friedman further contends that individual freedom is attainable only in capitalism and the free-market (Friedman, 1967, p.10-15). Thus, capitalism is a necessary prerequisite for development, and private property rights must be granted to the poor as a sine qua non for poverty alleviation.

Building on these early neoclassical economists, Hernando De Soto argues in the context of Peru that the lack of property titles documents that recognize legal title to homes and land keeps people poor. Without property titles, people cannot use their houses as collateral to obtain bank loans and start businesses. With legal rights to properties, Soto argued, capitalism could unleash, businesses will grow, and poverty will be alleviated (Soto, 1989, p. xxi). However, Soto pays less attention to the political and legal context which is as important as the property title itself. Coupled with these, while property rights will provide security of tenure for poor people, in reality, the shift in land tenure implicates property rights because the shift in land tenure has put property right in the hand of everybody at one point or the other. However, according to Harvey (2014), De Soto

ignored the fact that poverty is abundant in societies even where clear property rights are established (Harvey, 2014, p.20).

Soto put such assertions more clearly earlier in his book *The Mystery of Capital*. His main argument is that a legally integrated property system is essential for economic development (Soto, 2010, p. 227). According to him, property legalization and formalization is not just about ownership, but rather a tool to extract capital. He argues that legalization has helped the West to generate capital and wealth; thus, it is a sine qua non for the poor to reproduce capital and generate wealth (Soto, 2000, p.44-53 and 218). Basing this argument on case studies in Lima, Peru, Cairo, Manila, Mexico City and Port-du-Prince, he further contends that formal property law would create an environment where rights of ownership are a shift from a politicized context where the poor rely on corrupt politicians and political parties, to a system where the poor are integrated into the modern economy with formal documents. While Soto does an excellent job uncovering the complexities of slum dwellers, their challenges to acquire land ownership, the value of their extralegal enclosure, and the importance of property rights, he fails to understand the complexities and contradictions in the structure of land laws that shape land ownership. Coupled with this, he fails to deeply examine how the politicization of property rights occurs in real life.

Spence et al. (2009) in *Urbanization and Growth* look at the issue of forced evictions broadly. The essence of this book is to find the correlation between urbanization and growth. The argument is that urbanization is necessary to sustain growth. They further contend that the absence of growth does not make urbanization aggravate poverty; in other words, the proliferation of urbanization does not correlate with poverty (Spence et al., 2009, p.8).

The ideas of these rights-based scholars are popularized and enforced by reports from influential international organizations including the World Bank, United Nations Office of High

Commission for Human Rights and UN-Habitat. For example, in the World Bank 2013 Global Monitoring Report, urbanization is capable of eradicating poverty. The problem of forced evictions and displacement that emanated from urbanization is minimized by enforcing or creating policies that promote human rights and adequate housing (World Bank 2013, p.79). While housing could be a part of the need of victims of forced evictions, availability and ownership of land is crucial because their livelihood is attached to home ownership.

Another example is included in the United Nations Human Rights Commission 2015 publication titled "*Land and Human Rights: Standard and Application."* The aim of the report is to address the issues of land rights, forced eviction, displacement, rapid urbanization and the application of international law to mitigate these challenges. The assertion in the report is that land is essential to the realization of human rights, and the substance given to rights includes the protection of indigenous people and relationships to ancestral lands. The critical shortcoming of the report is that it failed to define who are indigenous to the land, and what ancestral claims mean. Thus, the question of who has the right to which rights and who has right to the protection of the laws remain uncertain. This question calls for the need to deconstruct these concepts, especially 'rights' and unravel the ideological contestations, micro-politics and power dynamics underneath it. Consistent with the rights-based approach, a recent Amnesty International 2017 report emphasizes the importance of land title, property rights, political and economic freedoms and human rights. The AI report proposes the solution to provide security of tenure, ease the cost of the land title registration process, and provide affordable housing to accommodate the urban poor. In this case, waterfront communities in Lagos do not have private property rights, they lack social and economic rights, and their human rights are being violated. Second, evictions do not comply within the framework of domestic and international laws, which requires due process of

compensation and resettlement. As a solution, they suggest urbanization can be a positive force that will alleviate people out of poverty and promote growth.

The Critical Approach to Urbanization

Unlike the rights-based scholars, the Marxist and the Neo-Marxist scholars include Karl Polanyi, Henri Lefebvre, Andy Merrifield, David Harvey, and Saskia Sassen. Contrary to the liberal scholars, they do not see urbanization on its own as a positive force that can bring growth or eradicate poverty. Instead, they highlight cities as spaces for exploitation, commodification, class struggle and capitalist accumulation. This contributes to alienation, displacement, and dispossession of the poor and the working class.

At the center of the critical approach is the theory of alienation or dispossession and primitive accumulation. Marx (1977) initially discusses primitive accumulation as a historical phase at the beginning of capitalist development through which private property instituted in land serves as an instrument of dispossession (cited in D'Costa and Chakraborty, 2017). Saskia Sassen (2014) also uses the concept of "primitive accumulation" as a new phase of advanced capitalism in the 1980s that operates in a way that led to forced evictions (Sassen, 2014, p.12-15). Sassen introduces the issue of dispossession and injustice from a new perspective in her recent publication *Expulsions: Brutality and Complexity in the Global Economy* (2014). She supports her argument by drawing from several case studies in Russia, USA, and Africa. She argues that poverty and injustice cannot be explained only through the destruction of lands and displacement, but through the expulsion from livelihood and living space that coexists with economic growth (Sassen 2014, p.1-3). She argues this outcome emanated from the rise in prices of global food that has created global demand for land, and such development has pushed for infrastructure and new land laws

that simultaneously encourage micro-expulsions of villages and small farmers (Sassen, 2014, p.80-82).

David Harvey, on the other hand, has reworked Marx's ideas regarding capitalism and hegemony of capital to justify how land speculation empowers the capitalist class. He borrows from Henri Lefebvre's ideas of collective rights in the context of the revival of interest in the urban revolution as a solution to problems of dispossession (Harvey, 2014, p. 25).

In his book *Rebel Cities: From the Right to the City to the Urban Revolution*, Harvey starts by asking the question: Who has a right to the city, the residents, businesses, or developers? (Harvey, 2012, p.3-4). He asserts that the recent radical expansion of urbanization has commodified urban life for those with money, and the neoliberal turn has restored class power to the wealthy elite (Harvey, 2012, p. 14-15). For him, the right to the city is the right to change and reinvent the city based on collective power in a radical way (Harvey 2012, p.4-5). Harvey talks about the idea of rights of private property and how profit rates trump all other rights. He draws on several case studies of special economic zones in India, and eminent domain in the US, Seoul, South Korea, and Rio de Janeiro, Brazil. Harvey further examines the class struggle that emanates from the standpoint of capital and argues that such accumulation by dispossession will create an urban social moment of urban commons. As a proposed way forward, he asserts that such dispossession would result in revolt like what happened in Paris in 1871, as well as the urban social movements of 1968 that extended from Paris to Bangkok to Mexico City and Chicago.

Although one could not underemphasize that there has been some form of collective interest that emerged out of the struggle to reclaim dispossessed land, we have not seen such revolution in the contemporary era because individual interest always emerges in this process of collective interest. Harvey also neglects capitalist relations as an engine of urbanization that

emerges naturally, reproducing and reconfiguring human relations socially and materially (Li, 2014, p.5-9). Lastly, capitalism is not just an economic model anymore, but a substantial state survival practice that almost every government depends on to protect the livelihood of its people.

Tania Murray Li made the observation in her journal article "*Indigeneity, Capitalism, and the Management of Dispossession.*" Published in 2010, her aim is to understand the relationship between dispossession, indigeneity and capitalism, and how communities use indigenous discourse as a counter dispossession mechanism in Asia. She argues that the discourse of indigeneity often suffered defects because some people also claim exclusive possession and the right to buy and sell land. Similar traction can also jeopardize Harvey's idea of collective power because people can quickly switch from collective interest to personal interest.

Furthermore, Harvey finds a connection between the development of capitalism and urbanization which is dispossessing the poor legally (Harvey, 2014, p. 5). This is contrary to Hernando De Soto's claims (2000) that in a capitalist economy, the poor already possess the assets to help them survive (Soto, 2000, p.6). However, for Murray Li (2014) capitalism has emerged as a result of individual compulsive needs and not some form of land grab by corporations, an argument she supported with her ethnography of Lauje Highlander in Indonesia (Li, 2010, p.339 and 2014, p. 9, 115).

Neil Brenner et al. (2009) had put forward a similar argument to contradict David Harvey's claims, suggesting that cities have become not only a prominent place in which neoliberal policies have unleashed creative destruction, but also the center of reproductions of neoliberalism itself (Brenner et al., 2009, p. 57-65).

In the *Urban Question,* published in 2014, Merrifield examines the issue of dispossession from what he called *neo-Haussmannization,* or "the process that "integrates financial, corporate

and state interests…seize land through forcible slum clearance and a handy vehicle for dispossession known as eminent domain" (Merrifield, 2014, p.73). His argument is that land is seized by states for the public good but ends up giving contracts to big corporations. He further contends that "The terrestrial texturing of our urban universe is woven by a ruling class that treats cities as purely speculative entities, as sites for gentrifying schemes and upscale redevelopments, as machines for making clean, quick money, and for dispossessing erstwhile public goods" (Merrifield, 2014, p.38). This argument is similar to Mike Davis' (2006) analysis of urban spatial dislocation along population density and land use. Davis also looks at how indigenous elites took over lands after independence to perpetuate the status quo class structure (Davis, 2006, p.96-98). According to him, such urban segregation is not a frozen status quo, but rather a ceaseless social war in which the state intervenes regularly in the name of progress, beautification and even social justice for the poor to redraw spatial boundaries to the advantage of landowners, foreign investors, elite homeowners, and middle-class commuters (Davis, 2006, p. 68). For example, the destruction of a former fishing village in Lekki peninsula in Lagos called Maroko became a prime site for the extension of high-income residences, and by 1990, bulldozing of Maroko left 300,000 homeless (Davis, 2006, p.101). He argues that when it comes to the repossession of high-value lands, the promise made to the poor becomes unimportant to the bureaucrats in power. This is coupled with the fact that most of the occupants of these settlements have no clearly defined legal documents and no security of tenure (Davis, 2006, p. 102).

The fact is, despite the large contributions of both the rights-based and critical theories of urbanization, none go far enough in helping us to understand how ethnolinguistic identity shape land laws, influence the shift in land tenure, and create a fertile ground for forced evictions and displacement. This is because the theories are devoid of local political context, or the micro-

politics and in-depth historical knowledge of land ownership. Therefore, by implanting the legal tradition of common and customary law into these debates, we will better understand how the shift in land tenure, micro-politics of ownership, and diverse ethnolinguistic identities can be a cause of displacement and forced evictions. Also, the dynamics of global events call for a re-assessment of these theories in explaining complex global issue such as forced evictions. This is important to avoid falling into the dungeon of hypothetical determinism or the complicated politics of knowledge (Simone and Pieterse, 2017, p. xv). Such observation is not new in social science. For example, Brenner and Schmid (2011, 2015) built on a reflexive approach that situates on a critical rethinking of epistemological study that emphasis urbanization as a process and aimed towards the advancement of critical urban theory.

The Critical approach dominated by Marxist and neo-Marxist theories do not see urbanization as a positive force that can bring about growth or eradicate poverty. Instead, the process of urbanization has created a space for exploitation, commodification, class struggle and capitalist accumulation. This has led to alienation, displacement, and dispossession of the poor and working class. Stated succinctly, it promotes accumulation by dispossession. These scholars conclude that the right to the city necessitates a revolution that will manifest through collective interest. I will now turn to the case of Lagos to explain how these existing theories are limited in their ability to explain the process of urbanization and forced eviction in Nigeria.

Urbanization and Forced Evictions in Lagos

Lagos was the capital of Nigeria until 1991, and today it is the 5th largest economy in Africa (Heinrich-Boll-Stiftung Foundation 2017, p. 2). It has a population of 23.3 million (Lagos State Bureau of Statistics, 2013). Facing similar challenges to major cities in Africa, South America and Asia, forced evictions and displacement is a central part of the urbanization process

in Lagos (Paller, 2017). Scholars of Lagos have linked forced evictions and displacement to gentrification, expropriation, land grabbing, discriminatory land use policy, high valued property, colonial planning laws, population explosion and difficult access to land documents (Marris, 1960; Agbola and Jinadu 1990; Davis, 2006; Nwenna, 2012; Ocheje, 2007 and Amnesty International, 2017). All of these studies fall within the broader conventional rights-based and critical approaches to urbanization.

Ucheje (2007) for example, took a broader view of forced evictions in Africa concerning Lagos, focusing specifically on land rights. He argues that the use of public interest as a justification for forced eviction is a myth. For him, forced evictions are a product of several factors that include urban and rural land crises, failure of land reforms and development, corruption, and colonial-era planning laws. He proposes a participatory policy to end forced evictions. Macroscopically speaking, Ocheje pays less attention to how land reforms led to forced evictions and participatory approach also raise the question of power relations. Who is participating in what?

Similar to Davis (2006), Agbola and Jinadu (1990) studied forced evictions and displacement in Maroko, a waterfront community in Lagos. The main argument is that evictions were a result of the proximity of Maroko to high price lands and high-income neighborhoods. While indisputably true, Agbola and Jinadu (1990) do not consider that there are other high price lands in proximity to the affluent neighborhood, including few that won a Supreme Court case against the overlords and prevented forced evictions (see *Elegushi v. Oseni* SC. 50/2001; *Gbadamosi v. Akinloye*; *Bamidele Jemiyo v Atiku Abogun & Anor*).

Nwanna (2012) in her Ph.D. dissertation argues that gentrification, an essential component of urbanization, serves contradicting forces. While it beautifies the city, it also enriches the rich and makes the poor poorer. Her primary contention is a call for compensation, but the shortcoming

of this paper is that, compensation often ends up in the hands of the overlords who have obtained some form of private property rights over communal land claims (see *Amodu Tijani v. Secretary of Southern Nigeria*).

In the World Bank (2015) report titled "*Slum Upgrading and involuntary Resettlement Land and Housing in Lagos*," the key argument is that there is a "dysfunctional urban land market" in the city. Coupled with this, the fact that the 1978 Land Use Act has led to faulty land management and institutional inefficiency have excluded millions of residents from access to formal affordable housing (World Bank, 2015, p.7). The relevant contribution of the report is the acknowledgment that land laws in Nigeria and Lagos are not clear, and remain ambiguous. Understanding the complicated nature of land tenure and competing claims to land is vital to solving the problem of urbanization in Lagos.

Specifically, Amnesty International (2017) examines the causes of forced in Otodo-Gbame, a waterfront community in Lagos. According to this publication, forced eviction occurs because evictees occupy highly valued land. The report notes the failure of the government to comply with international human rights laws, including the failure to provide adequate notice, emergency relief, and resettlement plans. These forced evictions are thus unjustifiable and violate international human rights. Moreover, the Lagos State Government has violated the rights to housing, human dignity, and family protection.

The conventional approaches to urbanization are limited in their ability to explain the urbanization process in Lagos. Consistent with the rights-based approach, the city has experienced global capital infiltrations and attracted investors from different parts of the world. Yet without private property rights and security of tenure among the urban poor, overlords have been successful at selling off urban lands to foreign investors, evicting the poor in the process. However, these

approaches treat the city and its residents as homogenous entities, overlooking the important local-level variation that exists across urban space. In particular, not all communities face eviction and displacement, suggesting that there is more to the story than lacking rights and the power of the capitalist class. In other words, why are certain waterfront communities selected for investment, leading to forced evictions and displacement while others remain living in their neighborhoods?

The rights-based approach is not able to explain this variation because all of the urban poor face a similar scarcity of rights. In addition, there are communities that are also in close proximity to high-value land that have won possession of land in courts (see *Oba Yekini Elegushi Ors v. Sarata Oseni & Ors* 2005 LPELR-SC.50/2001) and the case of *Ojomu v Igbo-Efon Community* LD/826/2007 over *Maiyegun* Village in Lagos). This fact calls into question the critical approach that is based on the underlying political economy of the city. In the next section I outline my argument that a shift in land tenure competing ethnolinguistic identities shaped land laws, influence land tenure, and create a fertile ground for forced evictions and displacement.

Methodology

The overall research method adopted in this paper is a mixed method approach that combines qualitative and quantitative methods. Qualitative findings are important because this paper attempts to understand the complex legal and social issues of urbanization, forced evictions and displacement that are not quantifiable while quantitative methods are important because the paper is also interested in the ethnolinguistic structure and fractionalization of the Otodo-Gbame waterfront community and Badagry coastal communities.

The research also draws from court case files, letters that were written by evictees to the State Governor, internship experience, interviews, workshops, and focus group discussions. The aim is to understand and interpret the experience of evictees, how they are coping with eviction threats, their claims and evidence for residency protections, and their perception of land laws, rights, and government. The paper aims to empirically investigate the contestations of claims between the Elegushi overlord and the Otodo-Gbame community. I will also assess the role of the government in the forced eviction process, and explain how all these factors causes of forced evictions and displacement. In the end, the paper will unravel why some communities forcefully evicted and others are not.

Most Similar Research Design

First, to understand why are some communities forcefully evicted and others are not, the paper adopted Most-Similar Research Design. I selected two waterfront communities that are most similar along the following characteristics: They are both impoverished, sit along the waterfronts, ethnically heterogeneous, have the potential location for megacity infrastructure projects like Free

Trade-Trade Zones and mega-ports projects. Most importantly, they both have White-Cap Chiefs who are overlords and control land ownership.

	Otodo-Gbame (Eti-Osa)	Badagry
Multi-ethnolinguistic	Yes	Yes
Impoverish	Yes	Yes
Waterfronts	Yes	Yes
State-Led Infrastructure	Yes	Yes
White Cap-Chief/Overlord	Yes	Yes

I started with an historical approach to trace the history of settlement of these two communities. This method primarily depends on published books, academic journals, articles, archives and court cases files. I visited the University of Lagos History and Law Library, Gleeson Library, and the Zief Law Library to access publications on the history of Lagos and land tenure in Lagos and how that has changed over time. First, I sought to understand the emergence of land tenure, the history of Lagos and its process of urbanization, the land laws, and the ethnolinguistic composition of local communities. Second, I tried to understand how the shift in land tenure became an integral part of the urbanization process.

In addition, I used discourse analysis to interpret the interviews and laws that help explained the experience of urbanization in these two communities. According to Hall & Gieben (1992), discourse is defined as the production of knowledge through language. The knowledge produced from discourse constitute a kind of power exercised over those who are 'known' (Hall and Gieben, 1992, p. 294). Discourse analysis was also adopted to understand first, the narrative of 'alien' 'stranger' and 'immigrants' that shaped land laws and what it means in the context of urbanization process in Lagos and how was it constructed. Second, it was used to deconstruct

‘development’, ‘Rights’ and ‘Indigenous’. According to Jacques Derrida, a leading poststructuralist writer, words do not have static or neutral meanings; they have histories embedded with contradictory interest and ideology (Agger, 2010, p. 112). The deconstruction of this concepts is vital to understand the embedded power, complexities and contradictions underneath them.

To supplement the historical and discourse analysis, this paper adopts participatory ethnography, which included Semi-Structured and In-Depth interviews. Informant names were made anonymous and all participants provided oral consent. The use of pseudonyms for participants and Informants voices tapped without photo identity, and information was kept on google drive temporarily. The questions asked revolved around their perception of the land laws, property rights, evictions and displacements. Also, to prove or provide evidence of a land claim, I asked about how they perceive development and government. Finally, I examined the relationship between the Elegushi overlord and the resident, how long they have lived in Otodo-Gbame, where they originally migrated from, what form of documents they possess to give them claim over the land, and what they want as a solution.

Through participatory ethnography, this paper extends the critical inquiry into the communities that were forcefully evicted and those that were not. Several discourses shaped the government evictions, including the criminalization of residents and the need for security. To better understand and substantiate or rule out these claims, ethnographic work is needed. I asked the following questions: Why are these in-migrants’ communities being targeted? What kind of relationship and power structure exists within these communities? What is the unknown part of this story that might not have been covered in the media? Participant observation is also key to developing a relationship with informants and gain approval in the communities, making it an

important step in the process of data collection.

I visited the study site at least five times a week. Visits were extended to Government offices, the Nigeria Slum and Informal Settlement and Justice and Empowerment Initiatives offices, where there is a congregation of evictees and potential evictees from different waterfront communities in Lagos, including Otodo-Gbame.

The in-depth interviews were at the heart of the whole process. It was necessary because of the complexities surrounding forced evictions, the history, and contradictions around the concepts of ownership of land and tenure. Coupled with this, the inhabitants have an iota of knowledge of the concepts that shape land tenure under the Common law. Also, as discussed earlier, inhabitants have existed as first, second and third settlers and each of these settlers has obtained their occupant rights directly from different individuals. I also conducted focus groups to synthesize conversations between the Yoruba-Awori and the Egun, as well as among the Ogu/Egun to understand if there is any form of power relationships within and between them. The question raised by the moderator include the historical relationship between the two-ethnolinguistic groups about land.

Interview Participants: In-Migrants (Ogu/Egun)

Gender	Otodo-Gbame	Badagry	Age	Ethnicity (Ogu/Egun)
Male	10	6	21+	16
Female	10	6	21+	16

Total 32

Table II

Gender	Government Officials	UN-Habitat	Community Chiefs	NGO
Male	2	-	2	3
Female	2	1	0	1

Total 11

The participants for this study are 20 inhabitants of Otodo-Gbame waterfront and 12 inhabitants of Badagry. They consist of 16 males and 16 females. The age selection was a choice that reflects adulthood.

The individuals were selected in the affected and not affected areas in a cross-section of culture, age (21+), sex (male and female), Egun and Awori ethnolinguistic group with the intention of making sure the sample as inclusive as possible. It also helped in understanding the diversity of the population concerning who is indigenous and who are migrants. Snowball and Non-Probability Sampling were used to compliment the probability sample in the case of Otodo-Gbame because the population was already displaced and dispersed across other waterfronts in Lagos.

The study was conducted in Otodo-Gbame under the Eti-Osa local government in Lekki part of Lagos Island and Badagry both in Lagos, Nigeria. The selection is because of the geographical location of these communities that represents the historical settlement patterns of both the Awori and Ogu/Egun ethnolinguistic groups.

This research is of personal and professional significance, but the academic objective approach was adopted to limit biases. Among other limitations are (i) uneasy access to the study site because of lack of security in the communities, (e.g. Otodo-Gbame is high protected by thugs and Police). (ii) The community was razed, but several avenues were used to conduct interviews. This included attending UN-Habitat Conferences held on July 27, 2017, weekly Slum Federation meetings, and visit other waterfronts communities where the victims of forced evictions are currently residing, and reading Court proceedings (iii) Because the project has a limited time frame, consent and appointment from government officials and the overlords was a challenge. So, random and daily office visit, monitor government events where they are present. Lastly, more population sample is needed especially in Badagry to investigate some of the claims. For example, the forced evictions and compensation claims, including who got compensated, what form of overlord existed here, and what is the relationship between the overlord to the community.

Otodo- Gbame Waterfront Community

Total Population Estimate: 30,000 (2006)

Sex	Percentage	Ethnolinguistic	
Male	53.20%	Ogu/Egun	95%
Female	46.80%	Others	5%
Grand Total	**100%**		

Source: Profiling by the Nigeria Slum/Informal Settlement Federation.

Picture of Otodo-Gbame. Source: Amnesty International Report, 2017

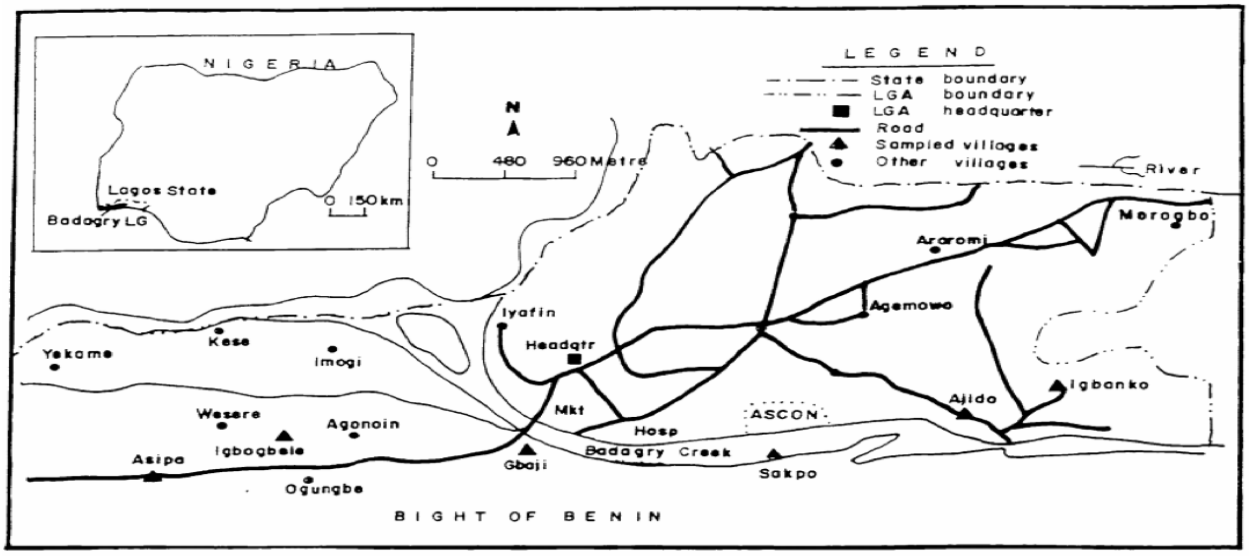
History of Otodo-Gbame

Otodo-Gbame translates as "community in the bush," and is situated in Eti Osa (lagoon side) local government area, Lekki, Lagos Island, Lagos-State, Nigeria. The community was among the thirty-nine communities faced with forced evictions by the Lagos state governor in 2017. The population of Otodo-Gbame was estimated at 30,000 before the first forced evictions in late 2016 and 4700 in 2017 after the second forced evictions. Otodo-Gbame occupied 56 Acres of Land. The navigable coastal Lagoon that joined the five-historical geopolitical areas of Lagos state offered easy movement of a canoe, both for the economic activities between Lagos Island, Ikorodu, Mainland and Badagry. The swampy nature of the terrain is the reason why most of the houses are made up of plank standing on six pivots planks of poles, and also things like *Akaja* (bush trap fishing), Canoe, fragmented sketchy plank and bamboo houses standing on water. This oral history also revealed that the Otodo-Gbame inhabitants were from Badagry, although the contesting theory by the Awori-Lagos overlord, Lagos Government State and the Lagos-State House of Assembly was that, they are not from Lagos but rather strangers and alien from the Benin Republic, and

Togo. Although findings also reveal, the Egun dialect of the Otodo-Gbame is largely the same with that of the Egun from Badagry but different from the dialect of the Cotonou and Togo.

Badagry

Badagry formerly known as "*the Island Patakkerie*" has a strong link to the slave trade. It is among the five-historical divisions of Lagos in the South West of Nigeria, a few miles from the Benin Republic. Badagry has the land mass of 363 Square Kilometer and 80 Square Kilometer water. The population was 380,000 (187,000 Male and 192,993 Female) as at 2006 (Lagos State Bureau of Statistics, 2012). Like the Lagos Island, the ecology of Badagry shaped its settlements patterns. The major occupation in Badagry is fishing because its soil is not sustainable for farming and its proximity to the Lagoon and the Atlantic Ocean. Thus, large part of the population is into fishing. The Badagry people are the Ogu/Egun people. There are also the Awori's Ilaje's, Ijaw's and French speakers in Badagry. Some of the villages around this location include, *Aradagun, Ajido, Ajara, Gbaji, Igbogbele, Asipa, Kwame, Iworo, and Igbanko* to mention a few (Olawope, 2007, p. 113). According to oral interviews, the White Caps/overlords were also part of Badagry tradition, and they have power over the land. Badagry was the home of over 30 local and international sand mining companies. Badagry has no functioning company, industry, and the inhabitants said they are marginalized politically and economically.



Map showing fishing settlements in Badagry.

Source: Olawepo (2007). https://link.springer.com/content/pdf/10.1007%2Fs10669-007-9052-5.pdf

Lagos, Ethnolinguistic Structure and Waterfronts

This section briefly describes Lagos, the political, legal and economic structure, and the ethnolinguistic configuration, a form of ethnicity shaped by language. The argument here is that the geographical location of Lagos and proximity to Lagoon and Creeks influence ethnolinguistic settlements and these settlements and ethnolinguistic identities play a massive role in shaping the land laws especially Native/Customary law.

Lagos and the Geographical Division of Lagos

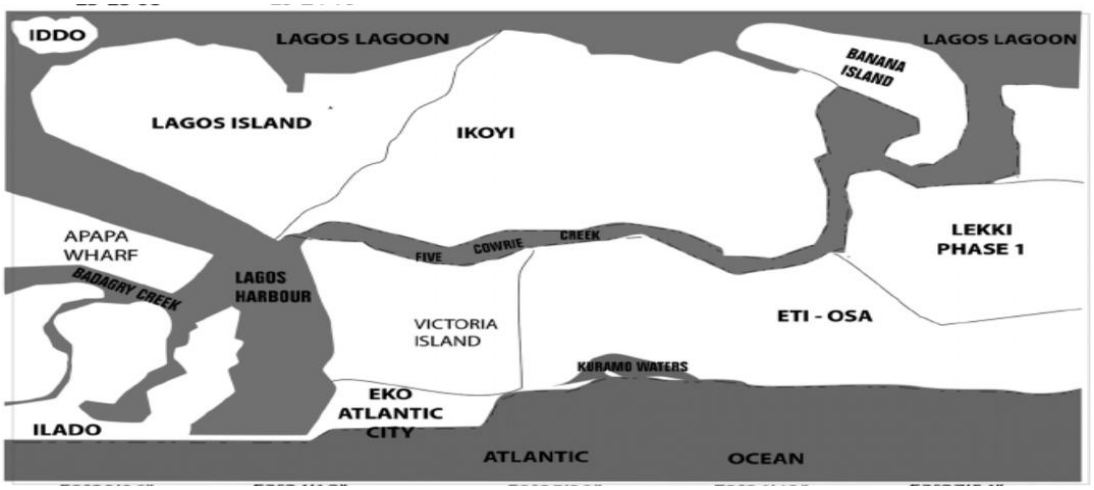
"Lagos" was coined from the Portuguese word *Lagoa* which translates to lake or lagoon (Law, 1983, p.323). It is one of the Thirty-Six States in Nigeria. Lagos became a State in 1967. Lagos is the 5th largest economy in Africa (Heinrich-Boll-Stiftung Foundation, 2017, p.2). Based on the Federalism structure of Nigeria, Lagos enjoys constitutional autonomy shared between the state and its Twenty-one local government areas to carry out specific political, legal, economic and administrative functions. For example, the Governor of Lagos can grant Statutory rights

(Section 1, 34 of the 1978 Land Use Act) and the local government can grant Customary rights of occupancy (Section 6 and 36 of the Land Use Act) on all other land or non-urban land. On infrastructural development projects, the Local Government is empowered constitutionally for the construction and maintenance of road, street, drainage, park and gardens (Fourth Schedule 1&2 of the 1999 Constitution). Such micro-autonomy and power are also affected by macroeconomic and political factors, including Structural Adjustment Programmes (SAP) by the International Monetary Fund (IMF). Also, the financial dependency of the local government on the State that rendered the twenty-local government impotent in carrying out its constitutional role.

The Yellow represent Nigeria and the Blue dot represent Lagos. Source: https://www.voanews.com/a/nigeria-tech-enclave-sprimgs-up-in-lagos-suburb/2880350.html

Lagos State is located in the southwestern tip of Nigeria in West Africa covering 3,577 sq. Km. or 0.4% of Nigeria's territorial landmass and 22% of the State comprises lagoons, rivers, and creeks (Lagos State Bureau of Statistics, 2013). The southern boundary of Lagos formed the 180km long Atlantic coastline and rivers. Lagoons, Atlantic, and Creeks play an essential role in linking the different settlements of Lagos and countries outside Nigeria. The distance between the

lagoon to the ocean is roughly eight miles, and it served as a critical zone for both domestic and foreign economic activities, ethnic warfare including trade between communities and European merchants. The coastline was also used for fishing while simultaneously providing shelter in the form of village clusters for different ethnolinguistic groups, including the Awori, Benin, Ijebus and the Egun/Ogu. Such a strategic geographical location made Lagos an attractive location for colonial administrative functions. It also served as the center of the Trans- Atlantic slave trade from 1850 until the British annexation in 1861 (Smith, 1967; Adefuye et al., 1987, p.8; Law, 1983, p.322; Mann, 1991, p.685; Mabogunje 1968, p.274-280).



Map showing how the Creeks, Lagoons and Atlantic of Lagos. Source: Source: Kafayat et al. (2015)

Waterfronts Communities and the Discourse of Informal Settlements

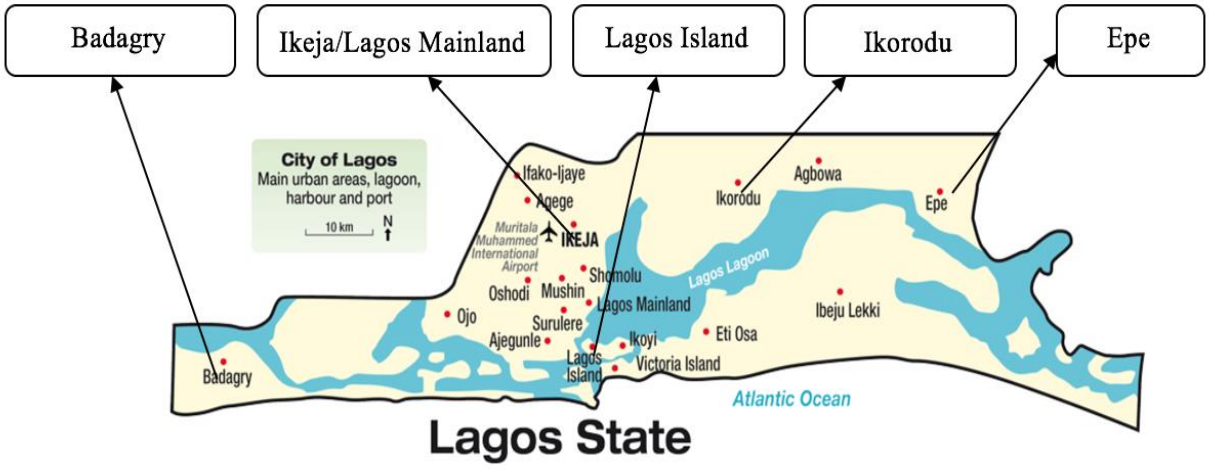
Geographically, Guo (1998) describes a waterfront as the point of interface where land and water meet, within 200 to 300 meters from the water line and 1-2 kilometers of the land site and within 20 minutes walking distance (Guo, 1998 cited Dong, 2004, p. 7). Waterfront communities are part of the discourse of informality because it falls within the criteria and characteristics of what makes a particular geographical location an informal settlement, as defined by UN-Habitat. Informal settlements are residential areas with no security of tenure, lack essential amenities, and possess no building regulations (UN-Habitat, 2015).

The current population of Lagos is roughly 23.3 million (Lagos State Bureau of Statistics, 2014). Over 70% of the population live in informal settlements, including waterfront communities, slums, shanties. 75% of the Lagos population lives in sub-standard housing areas (Lagos State Development Plan, 2013, p. 49-117). 60% of the population lives at or below the poverty line (Lagos State Development Plan, 2013, 49 and 133). Roughly 65% are working in the informal sector (Heinrich-Boll-Stiftung Foundation, 2017, p.11) and over 70%, or 15 million, constitute the urban poor. Based on this statistical evidence, the informal economy plays a large role in the economy of Lagos State.

Historically, Lagos State has five geopolitical areas: Ikeja, Badagry, Ikorodu, Lagos Island, and Epe. Each sub-region includes a project in the form of a model city that fits into the broader plans for mega-city projects. The heterogeneity of each geopolitical area consists principally of three Yoruba ethnolinguistic groups. The Awori in Lagos Island (Eko), Ikeja and parts of Badagry; the Ogu/Egun in Badagry: and the *Ijebu* in Ikorodu and *Epe* and total they make up 70% of the city population (Lagos State Development Plan, 2013, p.24-30). These geopolitical areas are over 90% homogenous, and each ethnolinguistic group has customary rights over land in each area. That is, the Ogu/Egun ethnolinguistic group in Badagry have customary legal rights over most land, the *Ijebu's* have the same customary rights on land in Ikorodu, and the Awori's of Lagos have strong customary rights over land in Lagos Island and some part of Ikeja but not in Badagry and vice-versa.

It is important to note that, Yoruba as a major ethnic group has several ethnolinguistic groups that can be identified by dialects. Badagry in the West and Lekki in the East were annexed decade after the British annexation in 1861, before then (as far as 1791), Badagry was a client-state (Peil, 1991:3) and Lekki was believed to be founded by refugees from troubled interiors of

Yoruba land (Adefuye, Agiri and Osuntokun, 1987, p.6-12).



Map showing the five Geographical Division of Lagos: source: https://www.lagosat50.org.ng/history/history-of-lagos

Migration, Ethnolinguistic Configuration and Settlements

Since the precolonial era, Lagos has been a settlement area or village cluster of migrants' groups that vary along ethnolinguistic lines. Mabogunje (1968) traced migration to as early as the 7th up to the 15th century to the south-western part of Nigeria. The argument is that tribal wars influenced the flow of migration and the need for protection was a significant determinant of settlements (Adefuye et al., 1987, p. 6-12). Lagos is often regarded as a "villagized city" (Emordi and Osiki 2008, p.97). By 1950, immigrants arguably constituted roughly 70% of the total population of Lagos and the *Awori* migrants alone made up 30-35% (Falola, 2003, p. 288).

The dominant literature on migration and urbanization mainly revolves around economic push factors, including employment and education opportunities being the primary reason for migration to urban centers (see Do-Soto, 1989, p.8-9). Migration to Lagos was an outcome of the inter-tribal war and the strategic location of the lagoon as a route for trade and fishing. Also, the

settlement was permanent, and fishing and farming were the real base of the economy, not industrialization as it was the case in Europe and China (see Bascom 1955, p. 446).

The Awori (White Cap Chiefs/Overlord) and Egun Ethnolinguistic Group

The Awori ethnolinguistic group of Lagos are traditionally considered as the "White Cap Chiefs" and often call themselves the "original Lagosian." The title is bestowed according to native tradition, and it is recognized under the Customary and English law. The White Cap Chief who were also overlords and member of the Senate or lawmakers (see Section 34 [ii] of the 1963 Constitution). The White Cap Chiefs are according to Lagos tradition, the original landowners of the Island of Lagos. *Olofin* who arguably migrated from Ile-Ife divided Lagos Island among his Eleven children (*Olumegbon* which is the head, *Aromire, Oloto, Oluwa, Oniru, Ojomu, Onisowo, Onitolo, Elegushi, Ojora, and Onikoyi*). Their power from time immemorial was towards land and allocation of lands and they are today, legally and traditionally regarded as the overlords of Lagos (Nugent&Locatelli, 2009, p.114; Akinyele 2009, p.114). The Awori was the earliest migrants to the city, and they also claim primordial rights to the land. Such primordial rights emerged not from a legal document, but in the discourse of being the first settlers in Lagos. The Awori of Lagos is believed to have migrated from Ile-Ife, in what is today southwestern Nigeria. They are hunters, fishermen, and farmers and they settled in Lagos Island, one of the geographical divisions of Lagos. Today, they are considered the traditional overlords of most land in Lagos Island, and some parts of the mainland because of the primordial rights (Nugent and Locatelli, 2009, p. 114; Mabogunje, 1968, p. 76; Peil, 1991, p.2; Law, 1983, p. 327). The Ogu/Egun ethnolinguistic on the other hand is popularly known as the Egun people because of their dialect. They have always been part of the geographical configuration known as Lagos but are politically a minority. Also, they lack political representatives and are concentrated mainly in the South-east part of Lagos. As

highlighted earlier, The White Cap Chief who were also overlords are members of the Senate or law makers under the 1963 Constitution but it was the White Cap Chiefs of the Lagos Island, that is the *Awori* and not the White Cap Chiefs in Badagry. According to one of the White Cap Chief in Badagry "*the then Governor General (Awolowo) recognized only the Idejo/Awori White Cap Chiefs...and this is the origin of how we became politically marginalized*". The implication is that the *Awori* White Cap Chiefs have gained political power in addition to their traditional power and like every political situation, patronage politics, was inevitable. They (overlords) became very powerful that the Communal Land Rights Vesting in Trustee Law was introduced in 1959 to divest and curb their abuses because they are building an empire out of dispositions of communal land (Olakanmi 2009, p. 22). The oral evidence further revealed that these two ethnolinguistic groups (Awori and Egu/Egun) have peacefully co-existed, they have protected each other's until the valorization and speculation of land prices created new divisions and tensions between the groups. Although 20% of the interviews conducted, think it is a generational issue between the new White Cap Overlords who only care about selling lands and making money. Thus, one cannot dispute that argument that high price land contributes to forced eviction.

Coupled with these, from the 18th century the White Cap Chiefs have always possessed some form of despotic power to control the land and the people. Even in the contemporary, no external organization can carry any activities on land without the approval of the White Cap Chiefs. Such power is not only traditional but spiritual. Under the Native law, the Chiefs have seigneurial rights of control and management over land. They have the authority to allocate land to families and strangers and adjudication of disputes lands between people in the community (Alias 1962:106-109). This power is confined to a particular territory. These territories can be multiples villages and the White Cap Chiefs appoint representatives who are also considered as sub-Chief

to the White-Cap Chiefs to monitor the activities of these territories. The problem that emanated from these form power allocation is that these sub-chiefs or representatives are also granting lands to different people. Thus, rights are being shaped by formal, which is legal under the customary law, under private property rights and informal, the form of rights that existed under power structures of the White Cap Chief and sub-Chiefs who are representatives.

Land, Land laws and the micro-politics of the shift in land tenure

This section extends on the micro-politics of how ethnolinguistic identities shaped land laws, influencing the trajectory of the urbanization process. Ethnolinguistic identity in this context is the power structures that are defined by language within a particular ethnic group and such ethnolinguistic identity evolved through the sociolinguistic discourse that structurally defines who legally get what concerning land and whose right is the right to the city.

I outline the contradictions and power dynamics that underlie the 'rights' to land and territory. My primary argument is that ethnolinguistic identity remains a source of power and influence because it can be used to dominate the city and control infrastructure projects. For example, the $300 million Elegushi, a White Cap Overlord Imperial Smart City Projects which is supported and approved by the Lagos State Government.

Land is more than an economic resource but also holds sacred, spiritual and religious importance (Li, 2014, p.102; Aquiline, 2014, p. 3-4). Land is also a source of political power. For example, the *Awori* overlords served as local political agents during the colonial era; they were lawmakers in the 1950s-60s and the contemporary, they influenced political process because they command respects at the grassroots. The spirituality and sacredness often influenced the 'indigenous' and 'ancestral' claims about the rights to land under international and domestic laws. The sacred part is the connection to the spirit and ancestors. For example, Donald Moore (1999)

in his ethnographic study in Kaerezi, a village in Zimbabwe, shows how Tangwena people used cultural practices to reworked development projects and rejected government resettlement plans; they believe that such resettlement will not allow them to propitiate ancestral spirit (Moore 1999, p.669). Also, in the United States, for example when the Native Americans used indigenous rights against the US Federal Government over the Black Hill-Paha-Sapa and were awarded compensation in 1980 (see *United States v. Sioux Nation of Indians* 448 U.S. 371 1980).

However, in Africa, indigenous and ancestral claims can be ambiguous and highly contentious. The question of which people are indigenous and which has ancestral claims to land remains unsolved across many cities and countries. This ambiguity can complicate indigenous rights as an international instrument in the fight for land rights.

Customary Law and Property Rights

Legally, in Nigeria and most countries in Africa, land ownership is governed by three different legal regimes: Customary law, Common Law, and Islamic Law (Maliki law). The two that concern this paper is the English and Customary law. Before the epoch of British rule in Lagos in 1861, the form of land tenure that existed was Customary law and Customary land tenure. It is a system that defines the rights of usage without any formal land law or formal documents but a body of unwritten rules that find root in tradition. Although it is important to note that customary law does not have universal validity, it is defined differently from one settlement or village to another (Cotula et al.,2007, p.10).

Under the Customary law, the traditional assumption is that the land belongs to the people, the community, the village, or the family, and never to particular individuals (Elias, 1951, p.93; Olakanmi,2009, p.36). It is also a proven fact that community or a village is merely a family settlements along a family lineage or a collection of kindred or extended family (Elias 1951, p.

94). Customary law has evolved under this condition. The implication is that, the customs, traditions, norms that shaped land laws emanated from a particular family or lineage not a community. Coupled with this, a stranger or alien was not allowed to be part of the village or settled on a particular land within a village without the consent and approval of the Chief or Board of Chiefs and even when land is granted to stranger, the ultimate title remain with the family.

The system is also discriminatory because women are typically not allowed to own land, or become a Chief. Whenever land is apportioned either for settlement or farming, the occupants are expected to pay tribute to the Chiefs. Such practice is popularly known as "*Ishakole*" in the Yoruba language. This is different from land tenure under Roman law because property was owned absolutely and the person in possession of the land had no obligation to pay any tribute as long as Roman legion remains in control of the territory (Olakanmi, 2009, p.1). The board of Chiefs of a particular village mainly consisted of men who have the power to withdraw the possession of land from a family or an individual in case of any criminal behavior. Such land rules are different from the private property rights under English law.

Under customary law, land ownership enables two forms of rights: ownership rights and possessory rights. Possessory rights connote having some form of legal power over the land. Possessory rights include adverse and long possession. When it is adverse under English law or Civil law, it means the inhabitants of such land have lived on that land long enough to claim legal possession of the particular land. However, the period of possession varies across different legal systems. For example, in Civil law countries of France, adverse possession requires living between the period 10-30 years with no interruption of possession. In the United States, irrespective of the State, it is usually between the period of 5-40 years (British Institute of International and Comparative Law, 2006).

In Nigeria, adverse possession requires 25-30 years of inhabitation, and it is protected under Section 17 and 21 of the Limitation Law of Lagos State. Despite the existence of adverse possession laws, waterfronts communities in Lagos are unable to claim or reclaim the land they inhabited. As evidence was shown, the shift in the land tenure has given the legal title of primordial rights and private property rights to the powerful local overlords over the adverse possession. Thus, long possession rights are illegal under Section 144 of the 1990 Criminal Code Acts of Nigeria and criminalized because private property rights superseded such claims. Therefore, the point here is that the problem is not with the rights, but how the shift in land tenure has protects the rights of one ethnolinguistic group over the other ethnolinguistic group.

The shift in land tenure means some form of reforms, amendment, or creation of new land laws that serve as a sine qua non for infrastructural development. According to Cotula et al. (2007), the shift in the land tenure marks the genesis of land rights in Africa. Such rights evolved as a result of the competitions and rifts over the occupying of the chieftaincy throne. The chiefs were also reinterpreting their power and control over land (Cotula et al.,2007, p.2-7). The implication was that the local land users are losing out because customary land tenure provides no legal protections, including the rights to use land that exist under customary law.

Belmessous (2012) also argued that the land tenure emanates as a result of some form of a dialogue between “colonized and the colonizer”. It was not an equal affair (Belmessous, 2012, p.241). Such assertion directly opposes the view that land tenure was a product of colonial policies. The shift in land tenure is not unique to Lagos or Africa alone; mass privatization in Europe has also bred complicated land tenure regimes, especially in Eastern Europe (United Nations Human Settlement Programme, 2009).

As the case of Lagos shows, the fight for rights over land is rooted in the struggles and interpretation over the land laws and land tenure themselves. Therefore, the influence and power embedded in ethnolinguistic identity shape the land laws and land tenure and their subsequent interpretation, privileging the influence of one ethnolinguistic identity (*Awori)* over the other (*Egun*).

Land tenure emanated from this perverted land laws dominated by ethnolinguistic identity. In the case of Lagos, the Awori-Yoruba overlords dominated the legal process because they already possess the political, traditional, social and legal respect. Land tenure is indisputably a legal phenomenon that practically reflects social, economic and political demands (Olakanmi, 2009, p. 17). As a system, land tenure is made up of "multiple layers of laws, rules, customs, traditions, perceptions, and regulations, which sometimes overlap and contradict each other" (UNOHCR, 2015, p.6). As Olawoye rightly observed, the rules of tenure often time is the requirement of the people (Olawoye in Olakanmi 2009, p.17). Just as land law is not abstract, neither is land tenure. Thus, as we will see in the later section, these requirements always revolve around power, influence, and control over the city. In the case of Lagos, the ethnolinguistic identities have already shaped the law, and such structure will influence the shift in land tenure during the urbanization process. For example, the 2016 Lagos Land Use Act was created to maintain this status quo.

The micro-politics of land tenure between the colonial administrator and the overlords play an important role in shaping land tenure and infrastructural development in Lagos. In 1861 after the British annexation of Lagos, the primary objective of the British Colonial administrator was to lure King Dosumu of Lagos to sign a treaty of Secession which legally made the Queen of England the owner of the lands (Ibhawoh, 2008, p. 89; Elias 1951, p.7). Lord Luggard, a British colonialist,

also enacted the Land Proclamation Ordinance (1990), which aimed to nullify the native land ownership system by promoting a system of ownership through the British High Commissioner. Similarly, the 1946 Town and Country Planning Act regulated land use aimed towards redevelopment and re-planning of Lagos and other towns and villages in Nigeria. The Nigeria Urban and Regional Planning Act of 1992 replaced the Ordinance (Udoekanem, 2014, p.183-184). The Native Lands Acquisition Act (1917) was enacted to prohibit alien ownership of land. At this point, the British already restricted issuance of land grants to overlords who are also the White Cap Chiefs and they granted land to White-Cap Chiefs who supported their interest, a form of a grant that is synonymous with private property and denied to others who do not support their colonial ambition and interest. According to Nugent and Locatelli (2009, p.119) over 4000 individuals have been issued grants. This grants issuance practice by the British administrator will not augur well among the White Cap Chiefs because there is an established traditional power structure that also determined who has what rights what a piece of land.

One significant implication here is that land tenure has been politicized not only between the colonial government and the *Awori* overlords but also between the *Awori* overlords. So, the shift in the land is not a question of necessity or betterment of land laws but a game of power and interest that manifested and becomes an instrument of control during the current urbanization process in Lagos. Another legal implication was that by the end of the 19th-century people already retained individual rights over communal property (Mann, 1991). In other words, family ownership was becoming outdated because individuals obtained Grants on behalf of the community and the local and immigrants on the coast obtained land through the grants of usufruct (rights to use land) from ‘indigenous people’ (Belmessous, 2012, p. 235-238).

In addition, under the colonial administration, the White Cap Chiefs or overlords were not affected as the head of community, even in a situation where government acquired land and paid compensation to the Overlords. For example, in 1921, the case of *Amodu Tijani, v. Secretary, Southern Nigeria* (Elias, 1962, p.18-19). Furthermore, the shift in land tenure from customary law to English promoted corruption, contributing to the argument by rights-based theorists like Hernando De Soto that without a formal legal title poor people will be marginalized (De Soto, 2000). As Mabogunje (2007) and Okunnu (2003) argue, such legal development became a revenue stream for the government, while simultaneously serving as an obstruction to development as there was an increment in charges of obtaining government consent (Mobogunje, 2007, p.1-6; Okunnu, 2003, p. 21).

Lastly, property rights that emanated from the shift in land tenure are implicated in the urbanization process because the shift in land tenure has provided property rights to everyone at one point or the other. In other words, while some White Cap Chiefs acquired some form of grants to formalized their land under colonial administration, others seek alternative formalization under indigenous government during the first Republic in 1963 when the White-Cap Chiefs became lawmakers. At the community level, the appointed sub-Chiefs who were the representatives of the overlords were also issuing some form of property rights to inhabitants who have directly purchased land from them. As interview revealed, there is also the problem of first, second and third settlers. Most third settlers never knew the original owner of the land until the post-forced evictions. Coupled with these, land titles that were issued by the government during this epoch were constitutionally valid for 99 years. Thus, the renewal process will go through the approval of whoever have primordial rights over land and whose Government Gazette recognized as the owner. In most cases, the Awori-overlord are recognized in the government Gazette as the original

owners of land in Lagos Island while the Egun ethnolinguistic overlords have such rights over land in Badagry.

Thus, the question of who has the right under which law, and who has access to the protection of the law is determined by superior title that has been obtained earlier by the White-Caps overlords. The rights of the in-migrants who occupied this same land remain unprotected because the law from the Customary land tenure to the Common law tenure considered them as alien, and stranger and the micro-politics of power and interest surrounding such shift has only perpetuate such status quo.

Shift in Land Tenure, Urbanization Process and Forced Evictions

Urbanization has a significant influence on shifts in land tenure because the State, in this case the local administrative unit of Lagos State, is enacting laws that suit the infrastructural development projects of the city. The designation of urban land shifts in importance. For example, land that is legally designated as "non-urban land" according to the 1978 Land Use Act, the land Act that shaped the current Land laws in Nigeria are now the most expensive land because of their proximity to the coast. These coastal lands are home to the in-migrant Ogu/Egun ethnolinguistic group.

The changing value of land creates debates over land law and legislation: what form of property rights do the in-migrants have? Moreover, under which law are they protected? Moreover, how is development represented in the process of urbanization? The argument here is that development is represented as an "urban cleanser" that renders in-migrants among the waterfronts as impoverished, strangers and alien, and thus detrimental to urban sustainability. Global capitalism, whose endless growth depends on accumulation by

dispossession, is embedded in the process of shifts in land tenure that undermine in-migrant populations.

The process of urbanization had its root in three epochs in Lagos: (i) precolonial (ii) colonial, and (iii) postcolonial era. This paper focuses on the post-colonial epoch. Each period has infrastructural development projects guided by interests and power that determine who control the city. From a legal perspective, the foundation of urban planning in Lagos is traceable to two enactments; the first was the Town Ordinance 1919 enforced by Lord Luggard, the colonial administration in Nigeria and the Town and Country Planning Act 1946. These two enactments shape urban planning and control of urban land (Pacione, 2013, p.149). Thus, the conventional ideas of the influence of colonial land policies cannot be ruled out in explaining forced evictions.

First Urbanization Wave (1861-1960s)

With the arrival of the British administration in Lagos, there was a need to build roads, infrastructure, bridges and streets. Landowners were dispossessed, but it was not without protest by the landowners. Such need led to the Ordinance No. 17 of 1863, otherwise known as Public Land Acquisition Act, empowered the Governor to take down houses that affect street widening, but with due compensation under the Public Land Acquisition Act 1917. This Act as a matter of law, made it compulsory for the government to compensate any form of expropriation (Olakanmi 2009:18). For example, in the case of *Yesufu Abiodun v. Chief Secretary to the Government*, 1952, UKPC11, the government acquired swampy land in some part of Lagos, and the West African Court of Appeal ruled in favor of the overlord, who was also a White Cap Chief and requested the government to pay the sum of 30,656 Pounds as compensation to the Overlord. Moreover, the case of *Amodu Tijani v. Secretary of Southern Nigeria* 1921 over palm, mangrove, and swampy land

made it legitimate for government to acquire lands despite the 1903 Public Lands Ordinance; the White-Cap Chiefs (Oluwa) have won the case for compensation (Elias, 1951, p.76-79).

There are two implications here; the law had already recognized the overlords as the owner of the land even though the English land tenure had ensued. Also, the compensation does not appear to trickle down to the inhabitants of the acquired swampy land. No existing scholarship has explained these anomalies. Meanwhile, Badagry remained marginalized politically but was also a prime destination for infrastructural development.

Mabogunje (1968) had written about urbanization during this period from an economic perspective, describing the role the colonial administration played in reshaping the traditional concentrations of towns from inter-tribal security zones to an administrative center. Thus, it was a period marked by massive internal migration and slave returnees from Brazil, Sierra-Leone, and Cuba (Olalekan, 2011, p. 200-202). Badagry was also a major slave port. Thus, this geopolitical division was already known. During this period, Mabogunje asserts that there was high demand for land but no real property market (Mabogunje, 1968, p.319). Sales of land occurred outside the Lagos Executive Development Board and were conducted by private individuals. The LEDB will also spearhead the forced eviction of over 20,000 in 1955. Such clearance paved the way for the development of the central business district in Lagos Island. The LEDB also provided housing for displaced populations in *Surulere*, a deserted neighborhood (Immerwahr, 2007, p.171). Although the compensation went to the overlords and the conditions for resettlement was not clear. Thus, urbanization in this epoch was based on colonial need and interest governed by an existing power structure and control over land that was embedded in land tenure. Based on the inference from court cases, it was also clear that the *Awori* White-Cap Chiefs were recognized as owners of lands acquired by the government and compensation were paid duly to the overlords. Swampy, coastal

lands were also mentioned but not who occupied the swampy land and if compensation trickle down to them.

Second Wave of Urbanization (1960s-1999)

When Nigeria gained independence in the 1960s, Lagos was the home of executive government officials and was also the capital of Nigeria. This period also marked the beginning of city restructuring by 'indigenous' politicians. The *Awori*-White Cap Chiefs were already First-Class Chiefs performing legal and political functions. The Military juntas controlled infrastructural development and State power. The period also marked the genesis of the 1978 Land Use Act, also known as the Land Use Decree, that unified several land tenures and continue to shape land laws today. The Act empowered the State Governor with custodian rights over land, especially towards a public purpose. It allowed the state to issue land titles if they had the consent of the Governor (Section 21 and 22). These titles became synonymous with individual rights over land. Such legal developments became a revenue stream for the government, while simultaneously serving as an obstruction to development because there was an increment in charges to obtain government consent (Mobogunje, 2007, p.1-6, Okunnu, 2003, p. 21).

Historians also argued that the Land Use Act of 1978 converted customary rights of ownership to right of occupancy and automatically repeals any existing land legislation that conflict with it provisions (Uduehi 1978:3). In reality, the Land Use Act makes no special provisions regarding customary law. Thus, to own a land in Lagos now request a double consent; the White Cap Chiefs who already obtained legal property and customary private property rights under Customary Law and the Governor, which the *Awori*-White Cap Chiefs or ethnolinguistic group also have political influence over under the English Law. The implication is that issuing of legal titles and security of tenure for the urban poor is based on the assumption that the land belongs

to no one initially, but in reality, there is no free land on earth. Like one informant said "*wait, until a big company is willing to pay big money for a land you have stayed for long and even your father...then you will realize someone has a legal title of that land*". While such situation is common in the Lagos Island, it was not the same in Badagry. Land were still largely held in a communal structure and private property rights existed between the White-Cap Chiefs and family head of the inhabitants of the coastal communities.

This period was also marked with several infrastructural developments projects. For example, in 1962, the University of Lagos was built. Also, the construction of the Third Mainland Bridge opened in 1990. The government relocated residents living in the affected waterfronts communities into the deep swamp. For example, the *Ago-Egun* waterfront community that was relocated from the University of Lagos site to Barriga, Lagos.

Also, in 1990, the Lagos State Government forcefully evicted over 300,000 in Maroko, a waterfront community in Lagos. More than 2,933 were involuntarily compensated and relocated, but thousands were not and were forced to relocate to other slums (Agbola and Jinadu 1990, p. 280, Nwenna,2012, p. 167). This leads to an important question: Why are some communities compensated while others are not? Was compensation along ethnolinguistic lines? Maroko is now known as "Oniru Royal Estate," which is one of the most expensive housing estates in Lagos (Nwanna, 2012, p.169). Also, 1972, Lagos State acquired land, and the Supreme Court ruled that compensation should be paid to the *Oniru* family, an overlord of Lagos under customary law (see *Kokoro-Owo v. Lagos State Government*. SC. 153/1995) and in 1990, the inhabitants were considered as unlawful occupiers and forcibly evicted. As a consequence, the inhabitants filled for enforcement of fundamental rights but all to no avail.

Third Wave of Urbanization and Forced Evictions (1999- till present)

This period marked the end of military rule in Nigeria and the transition to liberal democracy. Thus, there was an urgent need to re-develop Lagos. The Lagos-State Development Plan (LSDP) was signed in 2012 with the ambition to make Lagos state Africa's model megacity before 2025. Among the four sectors targeted by the document was infrastructure (LSDP 2013:67). At the epicenter of such infrastructure projects is the forced eviction and displacement of persons living in the waterfronts communities, even though these communities had lived there for decades. In November 2013 and 2015, approximately 19,200 were evicted in Badia East. On November 9, 2016, and April 8, 2017, over 30,000 persons in Otodogbame waterfront community were forcefully evicted and, roughly 300,000 are along other waterfronts are marked for forced evictions (Amnesty International, 2017.p.13). Based on profiling done by the Nigeria Slum/Informal Settlement Federation, Egun ethnolinguistic group are the largest inhabitants of these waterfronts communities.

However, things are evolving differently this time. The government offered no compensation and no resettlement like we saw during the first and second wave of urbanization. For example, in the case of Badia East, the Resettlement Action Plan (RAP) was set up by government agencies, and backed by the World Bank Operational Policy OP4. However, the Amnesty International reports shows it was ineffective because it lacked genuine consultations with evictees, hundreds of victims were not compensated and the compensated complained the funds are not enough (Amnesty International, 2014, p.4-9). Another inference from participatory ethnography and focus group was that ethnolinguistic identities play a role in the resettlement process and the same ethnolinguistic identities define who are protected by the land laws during

forced evictions. As a matter of reality, ethnolinguistic identity defines who get evicted and who will not during urbanization process.

Ethnolinguistic Identities and Land Laws

The social construction of ethnicity is the general believe land ownership and conflicts over land are between two ethnic groups. That is, some of form ethnic dichotomy often between major ethnic groups and ethnic minorities or sub-ethnic groups. For example, the case of Kalenjin and Kikuyus in Kenya (see Aquiline, 2014, p.9). Similarly, Article 1 of the United Nations Minority Declaration identified the protection of ethnic minorities. Thus, this study looks beyond ethnic minority or majority or race (White versus Black) as the case of land rights in South Africa to the significant heterogeneity to unravel the power dynamics and micro-politics within both ethnic majority and minority. Through participatory ethnography, the case of Lagos revealed, ethnicity discourse suffers defects. In other words, there are power structures that are defined by language within a particular ethnic group and such ethnolinguistic identity evolved through the sociolinguistic discourse that structurally defines who legally get what concerning land and whose right is the right to the city.

The micro-politics that surround ethnolinguistic identity that emanated from such discourse is important to understand why forced evictions and displacement in most countries in Africa, Asia, and Latin American are persistent, why resettlement and compensation have not been all-encompassing, and why global solutions to development-led forced evictions have not been effective. Ethnolinguistic identity is also important to demystify the discourse of indigenous concerning land rights. Indigenous rights are protected under international law (see United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007). The United Nations adopted in 2007 the United Nations Declaration on Rights of Indigenous People. Indigenous people are a

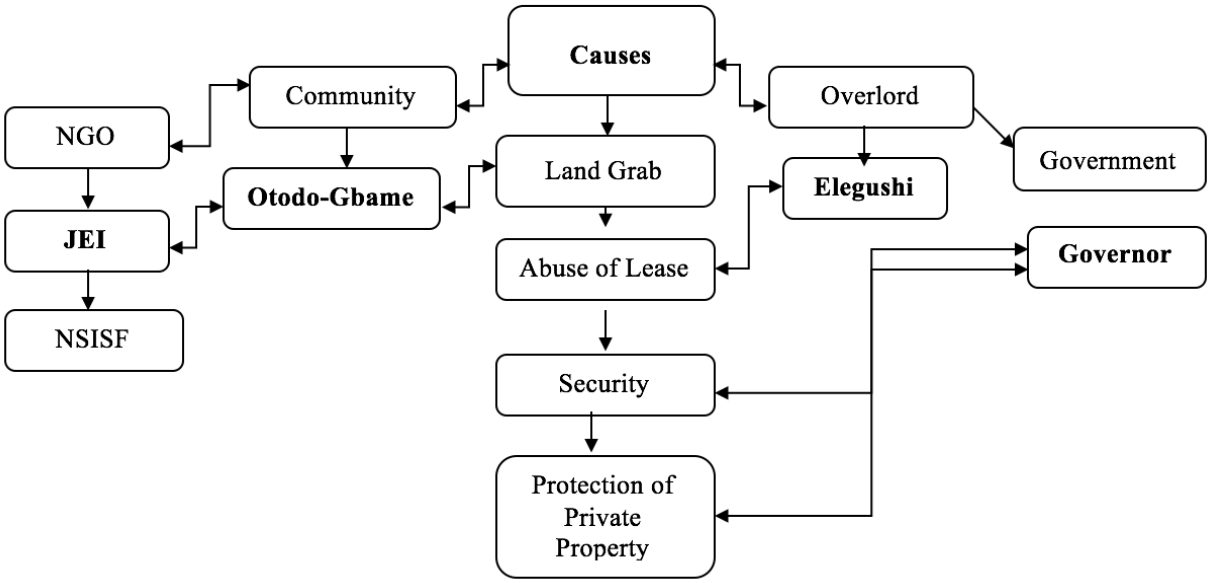
considered as a pre-colonial community, with some form of collective rights, (UNOHRC, 2013, p.7). For example, indigenous rights were used by the traditional overlords as resistance against colonial dispossession (Belmessous.2012, p. 241). However, the current urbanization process in the post-colonial era triggered the need to deconstructs these concepts to unravel the simultaneous meaning and contradictions embedded in them. For example, in the case of Nigeria and Lagos, politically, the major ethnic groups are the "Yoruba, Igbo, and the Hausa's" with several sub-ethnic groups. Ethnolinguistic is a linguistic division of particular ethnic and sub-ethnic groups. In other words, there are several languages within each ethnic and sub-ethnic group, and language identity shaped the interest, customs, traditions, perception that shaped land laws and influences land rights. Concerning land, the *Egun/Ogu* ethnolinguistic groups and the *Awori* of Lagos are both indigenous and ancestral; they are they are in most waterfronts communities in Lagos Island and Badagry. The Ogu/Egun extended to the Benin Republic, Ghana and Togo, although the Ogu/Egun language is also distinct from the Egun of people from Togo and Ghana. The fact is, legally and traditionally the *Awori* are recognized as the owners of land in Lagos Island and part of the Lagos mainland while the *Egun/Ogu* are legal owners of most land in Badagry.

The implication is that other ethnolinguistic groups with a particular ethnicity have been legally excluded from ownership of the land where there is a large concentration of a particular ethnolinguistic settlement and are prone to forced evictions because the cultural norms, traditions, and customs of a particular ethnolinguistic identity are what shaped land laws. Such assertion was examined by comparing two geopolitical divisions of Lagos. They are; Eti-Osa area of the Lagos Island which with housed the Ogu/Egun ethnolinguistic group in Otodo-Gbame community and Badagry with the largest concentration of the Ogu/Egun ethnolinguistic group.

Empirical evidence shows that there is a relationship between forced evictions, displacement, and ethnolinguistic settlements. For example, 100% of the interviews conducted in Badagry show that forced evictions were not a problem in coastal communities Badagry, although there was a defect. That is, the form of forced evictions in Badagry is often between Sand Mining Companies, but 90% acknowledged duly paid compensation with or without the land documents.

Although the 10% linked us to an indigenous overlord, who told us, how Badagry has been marginalized, lack political representative and how White Cap Chiefs from Badagry are demoted to second-class Chiefs. According to him, "*White Cap Chiefs were originally from Badagry, but we have been marginalized... we want development, we love it! However, the government has been slowed in responding to the promised projects*". Another traction was, female informants want me to speak with the head of household, and the head of household wanted me to speak with the overlord or White Cap Chiefs who are also the local chiefs. This form of a social structure shows there is a form of communal formation that still exists in Badagry. Thus, it was difficult to find out if the compensation went directly to the people or the White Cap Chiefs. Coupled with these, some communities in Badagry for example, 'Atiporomeh,' 'Araromi' and 'Ale' had suffered forced evictions in 2013, but I focused on the coastal communities or waterfronts for this project. However, as we will see, the case of Otodo-gbame was more complicated. There was no compensation, forced evictions were intense, the victims were majorly the Ogu/Egun ethnolinguistic group, and the overlord, in this case, Elegushi claimed Otodo-Gbame under the private property rights.

Causes of Forced Evictions and Displacement



The above table is a representation of responses from the interviews conducted in Otodo-Gbame concerning the causes of forced evictions and displacement. 'JEI' in the above box means Justice and Empowerment Initiatives. JEI has been providing legal support to the evictees, and 'NSISF' means Nigeria Slum/Informal Settlements Federation. The NSISF consist of individuals from different informal settlements all over Nigeria. The Elegushi is one of the White Cap Chiefs of Lagos. The diagram identified four major courses of forced evictions based on inference of interviews conducted. They are; land grab, abuse of lease, security concern and the need for the protection of private property. For the evictees in Otodo-Gbame, it is a land grab, and the Justice and Empowerment supported such claim. For the Elegushi overlord, Otodo-Gbame is private property, and the Ogu/Egun inhabitants are squatters, who have also violated lease agreement. The government, on the other hand, stated that the demolition was as a result of fire and cult clash and it is the priority of the state to protect life and property. Another government story is that the coastal communities are used for crimes such a kidnapping. Such claim was difficult to verify because

the community was already razed to the ground and fortified with securities.

The Political Actors and Networks

Based on the evidence, 100% of the victims of evictions in Otodo-Gbame also believed the Elegushi are using their financial power to influence the government and take the land from them. Such assertions cut across most waterfronts communities in Lagos. According to one informant; "*The Elegushi cannot face us, this is why they influenced and used the government."* Thus, there is a symbiotic relationship between the government and the White Cap Chiefs/overlords. Their relationship is also unified because they share the common interest in the Lagos state megacity projects. Thus, the Elegushi overlord has the protection of the law through the government. Moreover, the land laws have also been shifted in favor of their ethnolinguistic identity over the years. Several factors explain such shift:

(i) The ethnolinguistic settlements that shaped Customary land tenure, shaped land laws and the *Elegushi* overlord has been able to prove their settlements in Eti-Osa where Otodo-Gbame is situated. This is also backed by several historical literatures. The opinion that, the *Elegushi* overlord through their father, *Oddofin* were their first settlers of Lagos. Thus, they have primordial rights over land in Lagos Island and most of the Lagos mainland.

(ii) Historically, the *Awori* White-Cap Chiefs and overlords had political influence in the city and they have used such influence to protects their interest over land. Thus, they are not just traditional rulers, they also have political influence even in the contemporary.

(iii) During the shift in land tenure, the Awori White-Cap chiefs were educated and they understand how the laws that governs land works. Education therefore, play a crucial role.

Although such claims, power over land and political influence of the *Awori*-White Cap Chiefs could not be extended to Badagry, another historical geopolitical division of Lagos. This is because another ethnolinguistic identity dominated this geopolitical space. In this case, the *Ogu/Egun*. The complexities of such power dynamics are that, when it comes to the issue of land, the city is not a unified entity and political power is not merely Constitutional but also informal through land control. Thus, the control over land is the control over infrastructural development in the city.

The responses from the government are 100% based on the fact that the land occupied by the Otodo-Gbame Community is private property that belongs to the *Elegushi* overlord. As a matter of law, the community is private land and an illegal settlement and it was only a temporary fishing outpost. Such assertion was repeatedly stated in the various statements issued by the Lagos State Commissioner for Information and Strategy. For example, the Commissioner, Ministry of Physical and Urban Development also asserts that "*They (evictees) don't respect the law* …." The statement suggests that the waterways are used for criminal activities. This accusation could not be verified because the community is inaccessible currently, but the evictees denied such accusation in multiple interviews. The legislative arm of the government represented by the Lagos State House of Assembly passed a Resolution on January 20, 2017, that legally declared the Otodo-Gbame inhabitants as an immigrant and illegal.

"Otodo-Gbame is historically called Ebute-Ikate which is part of Ikate land that belongs to Elegushi family [overlord] and not to the petitioners [inhabitants of Otodo-Gbame]). More so, the petitioners who inhabited Otodo-Gbame mostly from Egun tribe of Cotonou and Togo squatting in the area without consent

or permission from the Elegushi family." (Lagos State House of Assembly, 2017).

Furthermore, the Resolution further stated that Otodo-Gbame community is "setback to policy on development." (Lagos State House of Assembly, 2017). The point here is that, the inhabitants of Otodo-Gbame community are regarded to as squatters, and "Egun tribe from Cotonou" which translate illegal and migrants because Cotonou is another country. Secondly, they are regarded as a "setback to policy on development" which means they are inimical to urban sustainability. As a matter of fact, Otodo-Gbame are also considered "Blighted areas" which means, they are detrimental and unsafe and required redevelopment through Public-Private Partnership. The evictees are also seeking partnership with the government in other to bring upgrade their communities. According to one evictee, "*We need the government upgrade the slum to help Lagos become inclusive city".* Tagging their need to the global UN-Habitat and Sustainable Development Goal has also becomes a strategy of fighting for their rights to live in the city.

The State Governor also expected over 70% of the investors for the infrastructural projects to come in through Public-Private Partnership and in 2013, the State established an Office of Public Private Partnerships whose job is to attract Foreign Direct Investment (FDI) to complement the effort of the State (Lagos State Development Plan 2013 16,154,221). The overlords are also converting the waterfront communities into private real estate through partnership. For example, the $300 million dollars Imperial City by the *Elegushi*, one of the overlord. The waterfronts communities are also seeking partnership with government. The partnership is targeted towards upgrading of slums. According to one evictee "*we know upgrading the slums are expensive, we have saving...a ritual we just want the government to meet us half way".* The communities also agreed to provide the state with data through an MoU through the Justice Office by providing data of slums to the government to help them upgrade their slums. While the vision of the state

government and the financial interest of the overlords is in harmony with the vision of a mega and smart city, the community needs antagonized such State ambition.

The future implication of PPP complimenting the effort of state government toward infrastructure development is that investors are only concerns about profit which are repatriated to their country of origin. Thus, money will leave the Lagos State and poverty will stay. Thus, PPP that evolved this way only protects private interest and to a large extent, government interest and not the public interest especially the urban poor because the form of infrastructural development emanates from such partnership is unaffordable for the evictees.

The position of the Non-Governmental Organization was to provide legal and financial support for evictees through other international NGOs and donors. For example, the Justice and Empowerment Initiatives (JEI), providing legal support for the Nigeria Slum/Informal Settlement Federal. Their finance large comes from Slum Dwellers International (SDI). For them, forced evictions are caused by land grabbing that manifested out of high-value land price and the government has violated the fundamental human rights of the evictees while simultaneously supporting the *Elegushi* overlord.

The community, Otodo-Gbame had put up similar narratives based on series of events that occurred in the community to the conclusion that it was an issue of land grabbing. It was a position that was supported by 99.9% of the evictees. Another interesting part was when one of the evictees in her 70s told me "*the problem is love, not law*" narrating how their father live in harmony with the previous overlord father. Although the interview with *Baale* Chief Dansu, had shed more lights on the micro-politics of the land. According to Dansu, the 9th generation community Chief of Otodo-Gbame:

"Otodo-Gbame was founded by our great grandfather for over 300 years. The Elegushi suddenly asked us

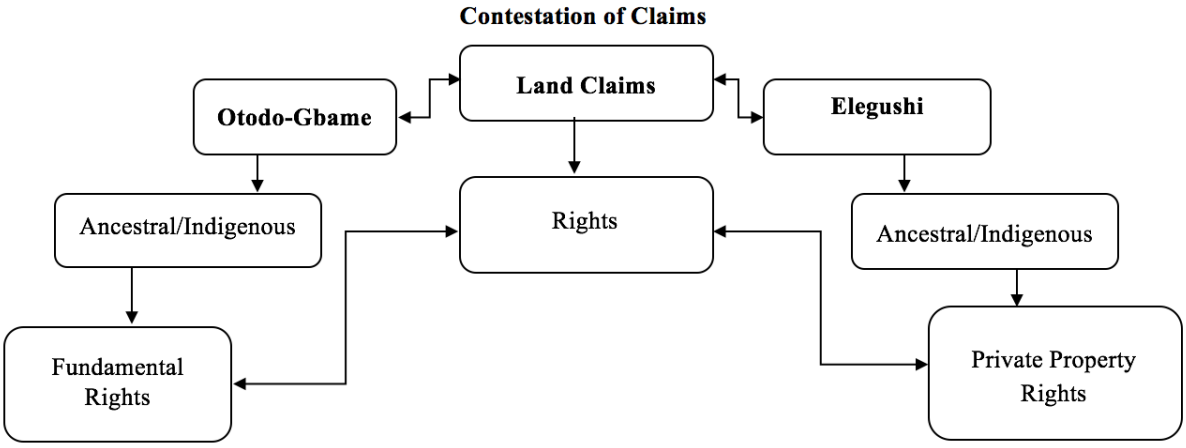
to leave, we were born here. the Elegushi sold their land and they want to sell ours. Our father came from Badagry, we are Lagosian. The government do not care but rather support the Elegushi...We do not have documents."

Although another interview revealed the inhabitants have obtained survey plan of Otodo-Gbame community in 2014. "*We have all the documents...we have survey plan, we did it in 2014*". The claims by the Elegushi contradict the Otodo-Gbame land survey that was conducted in 2014. Another problem here was that, the interview also revealed that the Dansu, the Egun Chief often takes issues concerning to Community to the *Elegushi* overlord. While *Elegushi* has also delegitimized his chieftaincy in 2016 by replacing him with another Chief as the representative of the Otodo-Gbame community. Under the Customary law, this could interpret some form of Customary tenancy. If Chief *Dansu* has been consenting to Customary tenancy, then the Elegushi overlord might have been correct to use the evidence of 'violation of lease' as a reason to carry out the forced evictions. Another counter argument here by the government was that, there was no forced eviction but it was an issue of cult clash and fire outraged that burnt the community. But evidence gathered shows it was indisputably an issue of forced evictions.

On June 22, 2017, a joint statement was issued by the Nigeria Slum/Informal Federation and Justice and Empowerment Initiative-Nigeria which was in response to the Lagos State High Court Judgement on June 21,2017 that finds waterfronts forced evictions without adequate notice and resettlement to be unconstitutional, cruel, inhuman, degrading and retrain further evictions and orders government to consult and resettle residents. Prior to this judgement, on November 7,2016, the judge Onigbajo granted a restrained order to the Government to halt demolition. Although the forceful evictions were a violation of human rights and unconstitutional but the court has failed to address one core issue, who owns the land? Which is at the heart of the issue.

The letter also called on the Lagos State Government to enter into dialogue with residents

of other waterfront communities to plan for *in situ* upgrading. The interview also revealed 70% want resettlement while 30% want the land back. Are the waterfronts residents fighting for resettlement (enforcement procedure of fundamental rights) or want the land back? Thus, harmonizing of individual interest can also be problematic.



The above diagram is a representation of the major contestation between the Egun ethnolinguistic identity of Otodo-Gbame and the Awori overlord also known as the Elegushi. The contention addresses the core issue on who original owns the land?

In Nigeria, prove of land ownership is guided by five principles: (i) by traditional evidence (ii) by acts of ownership extending over a sufficient length of time (iii) by acts of long possession and enjoyment of the land (iv) by production of the documents of title, which must be authenticated (v) by proof of possession of connected or adjacent land in circumstance rendering it probable that the owners of such connected or adjacent land would in addition be the owners of the land in dispute. (see *Yekini Adedokun Oyadare v. Chief Olajire Keji* SC 228/2000) [2005] NGSC 11). Ownership of land therefore is not just a question of single right, but a "totality or the bundle of rights over and above every other person..." (see Tobi, 1992, p.24).

Based on interviews evidence, the Egun/Ogun have a long possession and enjoyment of the land but the shift in land tenure already put document of title in the hand of the Elegushi. The most contentious is traditional evidence. Under traditional evidence, the issue of long possession is also a situation of having some form of indigenous and ancestral claim. All of which defines indigene status and urban citizenship. Been an indigene played an important role beyond land, it also reservation for political positions. For example, a person considered as non-indigenes cannot contest for Governorship position in Lagos state. Thus, the Egun are not considered indigenous in this context because having an indigenous claim to land is beyond land, it is also political power and control over the city. Thus, in a situation where ancestral could also translate indigene and indigene could also translate some form of political power, the recognition of the Ogu/Egun as the owner of Otodo-Gbame land mean they are not migrants, not alien and stranger. Therefore, they not only have right to the city, the have power over urbanization process and control to influence politics.

The ancestral and the Indigenous claim of the Ogu/Egun find route in oral tradition that is deeply rooted in the that fact they migrated from Badagry, a geopolitical part of Lagos and they have occupied Otodo-Gbame for over one hundred years. Interviews from Badagry also attest to such claim. While for the overlord, they are settlers who found the land. Such claim is backed by most literature on the history of Lagos State. Thus, the overlords are not only able to produce legal evidence that they have acquired during the shift in the land tenure, but history has favored them as the original settlers of Lagos. In the same way, the Ogu/Egun ethnolinguistic group are favored by history as having indigenous and ancestral claim over land in Badagry. Thus, they are not prone to forced evictions because their ethnolinguistic identities also shaped the evidence to land claim. Therefore, one could conclude both indigenous, ancestral, law, ownership, rights are abstracts and

to understand their meaning is to deconstruct them and unravel the contradictions ideology, interest, power that are embedded in them. This is important in other to understand who get what and why during urbanization process. Thus, the rise of capitalist class, high value land, lack of security of tenure is not sufficient in explaining why people are forcible evicted during urbanization process.

The solution therefore was to fight for fundamental human rights for the Otodo-Gbame. The fundamental rights are rights enjoyed by citizens and aliens. For example, rights to life, dignity, freedom of thoughts and liberty. This is found in Chapter IV, Section 34 of the 1999 Nigeria Constitution. So, the Court judgement of July 21, 2017 between the Otodo-Gbame, the government and Elegushi find root in this Section. On the question of land rights, the Court say nothing to that regards. While there is a division between the residents of Otodo-Gbame on reclaiming the land. 65% inhabitants stated that they want the land back and only about 40% who are between the age of 25-35 are willing to accepts the relocation alternative by the Lagos State High Court. According to one informant;

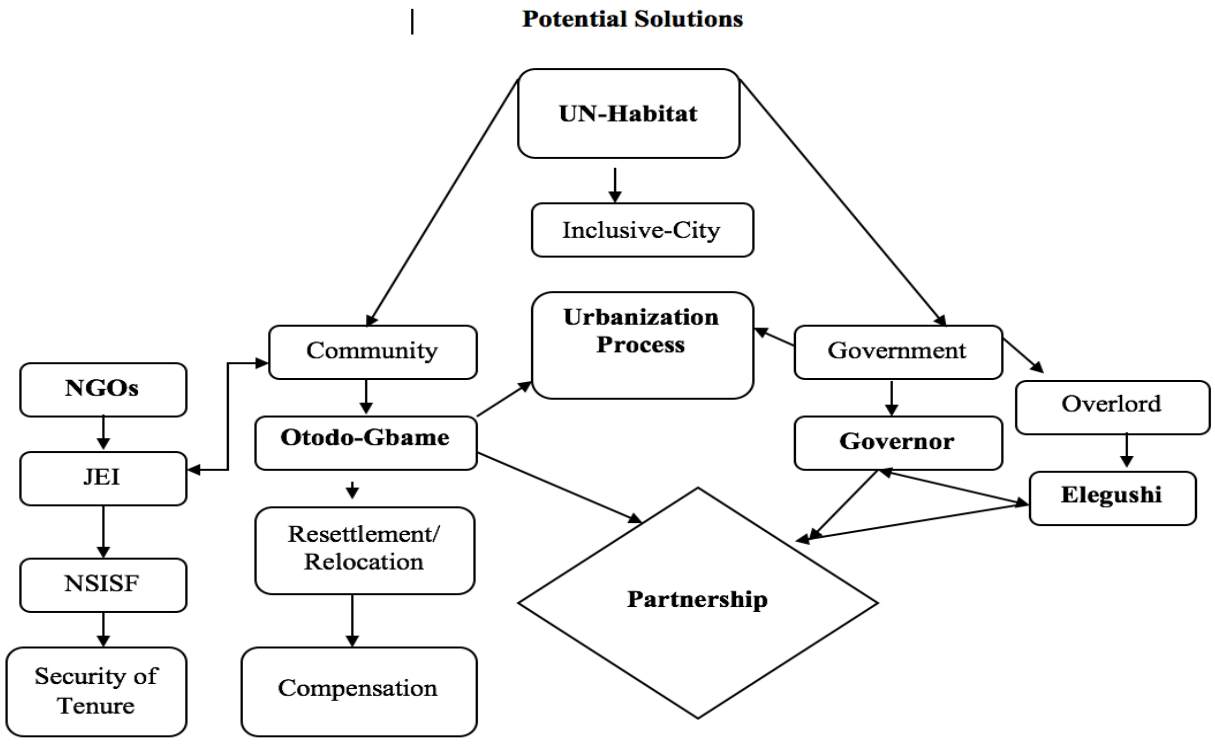
"I am a teacher and a paralegal in the community...the demolition is illegal...it was suddenly...we have lived there more than 100 years...I was born there! Based on the law, we have rights of occupancy based on law of limitations...it is a right no one can take away from us! We also have survey plan..."

Another informant also stated that;

"Otodo-Gbame is our land, where they born us, my father was born there...my father said they left during the time of Badagry war with the white men...it was where most of us grew up, most of us work here, right now we are still in pain because we don't have nowhere to go, I lost my dredging job! Our kids are out of school...I just want governor Ambode to help us and give us our land back!

In this case, who has which property rights and who has access to the protection of the law? Based on empirical finding the *Elegushi* overlord has property rights that are protected by the law

and the rights of the evictees are guided by the discourse human rights, and this is where the Otodo-Gbame community find hope.



The above table is a representation of the potential solutions from the interviews conducted with the victims of forced evictions, workshop organized by the United Nations Human Settlements Programme (UN-Habitat) and the government. The relocation/resettlement option was as a result of the Lagos State High Court judgment on June 21, 2017. The judgment that forced evictions of the Otodo-Gbame inhabitants and other waterfronts communities is a violation of fundamental human rights. This is supported by the push for a Bill for an Act to End Forced Evictions in Nigeria and compensation for victims of forced evictions in Nigeria by victims of forced evictions. All of wish are supported by the Nigeria Slum/Informal Settlement Federation and Justice and Empowerment Initiatives. The strategy adopted by the evictees is advocacy to

inform other waterfronts communities, lobbying through community representatives in government and protest which largely received supports from 99% of the victims of forced evictions.

Fundamental human rights that has been at the forefronts of the fight for slum upgrade and rights to live in the city. Although the Court never said anything concerning reclaiming the land. Resettlement and relocation also raised the question of to where. The NGO, specifically, Justice and Empowerment Initiatives which has been providing legal support for the evictees also share the violation of fundamental human rights and push for the need for security of tenure. Also, the overlord is more concerned about the protection of property rights that are protected under the domestic and international law. The protection of such rights in one of the reasons why the government enforced the forced evictions of the Otodo-Gbame Communities. Although the government also stated it is an issue of cult clash and demolition never took place. The UN-Habitat representative, Dr. Limota Goroso Giwa had tried to stay outside the whole legal rigmarole but want to find a meeting point where the government and community can meet. In other words, relocate the victims of forced evictions to somewhere affordable. Although the victims of forced evictions also preferred slum upgrade. According to one evictee "*what we want is for the government to take the slum away from us not to take us away from the slum*." The evictees further clamored for enabling policies and security of tenure which is also one major aim of the NGOs working on the ground for the evictees. According to one of the evictees "*if the see us as a problem we are also the solution."*

The main contention is, how to find a solution that fits into the current urbanization process. The government and the overlord find a symbiotic relationship on the regeneration of slums, the building of new homes, real estate through partnership. The community and the NGOs headed in

a different part. The solution is the clamor for development ownership and right to live in the city through slum upgrade and relocation. According to one evictee "*We know resettlement is expensive, what we are asking for is the government to meet half-way.*"

Another contention is that of immigrant, alien and strangers who are not Lagosian. For the Ogun/Egu in-migrants, they are Lagosian who have migrated from Badagry, but for the overlord and government, they are foreigners, alien and stranger from Cotonou and Togo. How does this contention become pronounce during urbanization process? What does it mean to be an alien, immigrant and stranger during urbanization process?

Discourse of Stranger, Immigrants and Alien

This section focuses on discourse of alien, stranger and immigrants that emanated from the current urbanization process in Lagos and how such discourse is socially constructed by the Yoruba-Awori overlords or White Cap Chiefs, the government and the House of Assembly who are also the law makers that portray the Egun/Ogu ethnolinguistic group as alien, immigrants and stranger. Specifically, non-Lagosian. Such discourse also finds its way into the infrastructural development that rendered the Ogu/Egun ethnolinguistic group inimical to urban sustainability. The argument here is that, such discourse of alien emanated not from the citizenship as defined by the Constitution but land ownership that was already dominated by a particular ethnolinguistic group. In this case, the Awori-Yoruba of Lagos ethnolinguistic group. Thus, alienation in the Critical theory, for example, David Harvey sense is beyond the emergence of capitalism or class phenomenon, but legal construction that shaped the rights to the city and reconstructed urban citizenship during urbanization process.

The discourse of Alien, stranger, and immigrants during urbanization process requires looking beyond the meaning of the concepts in the literary sense but deconstructing this concepts in other to demystify how they were constructed legally, socially and how they define rights to city and urban citizenship. There is no country in the world without alien, foreigners, immigrants but the extents of their fundamental rights depend on the laws of the country. In the 1999 Constitution of Nigeria, Section 25 (1) described a citizen as "every person born in Nigeria before the date of independence either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria" (1999 Constitution of Nigeria). That is, from the 1960s. There are also the citizens by registration and marriage in Section 26 of the 1999 Constitution of Nigeria. Evidence shows that the Egun/Ogu ethnolinguistic groups are married to the Yoruba's who are indisputably Nigerians, they are also from Badagry, an important part of Lagos and Nigeria, evidence also shows most inhabitants of Otodo-Gbame are born in Lagos, they exercise civic rights, pay tax to local government. As a matter of fact, they have rights to the city because they have been living in Lagos for decades. Thus, they are not alien neither are they immigrants nor foreigners. So, why are they been regarded as alien, stranger, migrants during urbanization process in Lagos? Such question requires putting the discourse of stranger, alien and immigrants into land laws under customary and English law and the 1978 Land Use Act that unified land laws in Nigeria.

As discussed earlier, during the first migration to Lagos, each settlement was governed by a Customary law that is shaped by ethnolinguistic lineage and foreigners to these communities then were stranger because they were not members of the family lineage and automatically has no right over land. This was the case in Badagry where most land were owned by the Ogu/Egun ethnolinguistic group because their settlements shaped the customary land law and as the law

shifted to English law, the influence of ethnolinguistic identities are preserved under indigenous and ancestral.

The Alien Acquisition Land Acts of 1979 of Nigeria, Section 2 (1) stated that no alien shall be acquired land without approval from the Commissioner which must also be approved by the Governor. Section 4 also stated that "Any "alien" or other person who is in unlawful occupation of land belonging to a "Nigerian" shall be guilty of an offence…". Currently, there are dual approval of land. One from the governor and from the "*Omo Onile*" translate "Son of the Owner of the Land" or for some "Son of the Soil". Such alien law is not only unique to Lagos alone. For example, the California Alien Land Law of 1913 also considered alien as ineligible to own or lease land (Ferguson, 1947, p.61), but there is also the equal protection clause in the Fourteenth Amendment of the United State Constitution that guaranteed the protection of fundamental rights of anybody under the jurisdiction of the United States. Such protection clause is not found in the Nigeria Constitution. While this is largely a racial distinction in United States, it is an issue of ethnolinguistic identity in Lagos. So, here, immigrant, alien and stranger could translate into two: (i) to the ethnolinguistic group (ii) to the city, Lagos. However, as fieldwork evidence show, the Egun are not a stranger in the city (Lagos) but the ethnolinguistic structure of city and the land laws has reinforced such stranger and alien identity that legally and socially portrayed them as stranger. Such ethnolinguistic discourse reflects in the discourse that shaped the development in the current urbanization process in Lagos.

The discourses are: first, the discourse that portrays development as the desires to make Lagos State a mega city and a global destination with world class facilities including light rail systems, hotels, shopping malls, waterways system, beautification of coastlines for tourists' attraction and massive real estate projects. This is spearheaded by the State Governor, supported

by the overlords. Such ambition is backed up by the Lagos State Model City Development Law was enacted in 2009 which authorized demolition of any structure not in line with the megacity ambition. (Lagos State Ministry of Physical Planning and urban Development, 2009). Second, the discourses that view development as slum upgrade, the idea of taking the slum away from them and not to take them away from the slum, provision of basic amenities, school. This is waterfronts inhabitants' perception. Therefore, development during urbanization find a nexus because the land laws that already rendered in-migrants in Otodo-Gbame alien and stranger and thus, they are also inimical to urban sustainability.

As the case of Lagos State has demonstrated, it is clear that the causes of forced evictions and displacement during urbanization process required looking beyond the conventional wisdom. By implanting legal traditions of Customary and English law into the discourse of urbanization process, forced evictions and displacement, this paper has been able to illustrate how language shape ethnic identity, ethnic identity shapes settlements, both ethnolinguistic identity, and settlement patterns shaped land tenure under the Customary land tenure. This development is an implicit part of the Common law that shapes the current land laws and private properties in Nigeria. Thus, where there is a significant concentration of a particular ethnolinguistic group, they are favored by the land laws and not prone to forced evictions without compensation, and where there is less concentration of an ethnolinguistic group, they are prone to forced evictions and displacement.

Second, property rights that emanated from the shift in land tenure are implicated in the urbanization process because the shift in land tenure has put in the hand of every family head and individual property rights at one point or the other. Thus, rights to land are beyond the clamor for the security of tenure, but it is defined by superior property title. Also, the way in which the rights

to property is enshrined in the international human rights and international law acknowledges the existing of such property rights. For example, Article 17 of the Universal Declaration of Human Rights. Based on the empirical findings of this paper, both Otodo-Gbame inhabitants and Elegushi have rights to claim land, but the Elegushi overlord has the protection of the law over land because the land tenure has been shaped, formulated and shifted in favor of their ethnolinguistic identity over the years. Also, ownership is defined by a bundle of rights that are embedded in both legal documents and indigenous rights which the Elegushi possessed and not just a single right.

Coupled with these, the micro-politics that surround the shift in land tenure has perverted the land laws to protect rapacity of the powerful ethnolinguistic class, in this case, the Elegushi overlord. The shift in land tenure was also marked with competition, rifts of power among overlords and the overlords and the colonial administrators that have enabled the overlord to reinforce their power and control over land. As a consequence, land users who were considered as alien, stranger and foreigner under the existing land laws are losing out their rights because the shift in land tenure does not provide any legal protections for them. Also, foreigner, alien, stranger or in-migrants discourse do not mean a foreigner from another country or an in-migrant from another community or town but such emanated from the ethnolinguistic settlement patterns that shaped land laws under the Customary law. Thus, immigrant, stranger and alien are shaped the rights to not to own a land irrespective of the years of occupying the land. Urban citizenship that emanated under such social configuration is perpetually foreigners, aliens, and strangers.

Although one could not dispute the conventional wisdom of the rights based approach, dominated by the liberal/neoliberal theory of urbanism and the critical approach, dominated by the Marxism/neo-Marxism theory of urbanism that revolves around that arguments that capitalism promote accumulation by dispossession, rise of powerful class to grab land for redevelopment nor

has this paper denied that lack of security of tenure, gentrification, discriminatory land use policy, dysfunctional land market, and high valued property could also serve as causes of forced evictions and displacement during urbanization process, but they are amplifying causes, and these are the reasons why proposed solutions within the conventional wisdom on the need for security of tenure, property rights and collective interest towards a revolution have not been sufficient in addressing the problem of forced evictions and displacement. Every year millions are still affected globally with the threat of forced evictions, and it is violently increasing with the global estimate of seventy (70) million to be affected by 2020 (United Nations Advisory Group on Forced Evictions, 2007). For example, in Lagos alone, over three hundred thousand (300,000) are still living with the fear of being evicted when the already evictees remain traumatized and living at the mercy of Non-Governmental Organizations.

Potential Solutions and Recommendations

Forced evictions and displacement are violations of human rights under the International law, the 1981 African Charter on Human and People's Right which Nigeria signed in 1981 and ratified 1983 and the 1999 Nigeria Constitution because it is degrading and inhuman. Despite its inevitability during urbanization process, it can be minimized and prevented.

Various international organizations, non-governmental organizations have proposed different ways to ameliorate the problem of forced evictions within the broader framework of right based approach. For example, the United Nations, UN-Habitat, United States Agency for International Development (USAID), Oxfam International, Amnesty International, Slum Dwellers International, Justice and Empowerment and Initiatives, Center for Democracy and Human Rights in Africa, have adopted different approaches of clamoring for security of tenure, low income housing, relocation/ resettlement, compensation, as a fundamental human rights for evictees and

the use of peaceful and sometimes radical protests in the attempt to change government policies, promote and enforced such human rights. For example, in the case of Lagos, Justice and Empowerment Initiatives has been using protests and policy advocacy to convince the Lagos State government to obey the Court order of relocating evictees from waterfronts communities while simultaneously working with evictees to upgrade slums by supporting community projects, for example, bio-fill toilets. But if the core issue of land is not addressed, such important projects might also face future demolition. Also, relocation/resettlements and compensation also raised the question of where should relocation be? For example, sending evictees to another State is also a form of relocation, and in cases where compensation is paid, history also prove it often end up in the hand of the overlord or community Chiefs. Coupled with these, security of tenure could also be ownership and leasehold? Are they fighting for leasehold or ownership? Also, security of tenure or land title is based on the assumption that the land belong to no one or the land belong to the inhabitants but in reality, there are people who have superior legal title over these lands. Thus, the missing puzzle here is that both securities of tenure, relocation, and provision of affordable housing are not in the abstract, they are dependent on another variable called "Land" and land is bound by certain legal and ethnolinguistic complexities structure that problematizes everything. Coupled with this, resettlement and compensation have become a humanitarian effort instead of fundamental human rights that has been met by State inability to fund it and NGO are coming in to take the role of the State. Therefore, International Non-Governmental Organizations must do more to support victims of forced evictions.

The need for a solution to forced evictions and displacement is an urgent one that requires short and long-term goals. Forced evictions contributed to the rise in the number of homelessness, poverty, uneducated children and it is a gross violation of human rights. Thus, its undermine the

Sustainable Development Goals (SDGs) one (1) on poverty eradication, goal four (4) on education and goal eleven (11) on right to the city. Also, it weakened the World Bank agenda to eradicate poverty. Therefore, this paper proposes the following:

Informal Settlement Protection Laws: Despite these above solutions, there is still a need for a strategy for policy advocacy to create informal settlement protection laws in Lagos. Informal Settlement Protection Law is a shift in land tenure with the intent to benefit the in-migrants of Lagos. It also addresses the core issue of land. The push for informal settlement protection law will bring the UN-Habitat, and Sustainable Development Goals (SDGs) come to fruition by 2020. Such progress will also make Lagos State an inclusive city socially, economically and politically. As a consequence, promote development ownership driven by passion and interest not only financial gain that emanated from Public-Private Partnership between the government and investors, but it can be between the community and the investors. Thus, many evictees are also left out.

Informal settlements protection law is different from the security of tenure because it emanated not from the complex legal framework, but it is a new law that will protect the rights of informal settlements and slum dwellers and serve as a security of their livelihood. Such law protects legal, social and economic rights. One strategy of doing this can be through influencing of election campaigns because the evictees still have their civil rights in the city. The evictees could lobby political representatives and lawmakers at the State and Federal level through different constituencies. Informal Settlement Protection Law also served as a legal umbrella that could protect the various diverse interest of the community inhabitants instead of land titles that are aimed towards individual interest. If the Lagos State governor and the law makers enacted/ House of Assembly signed property protection laws, they should enact an informal settlement protection

laws. This is important because most of these informal settlements including waterfronts communities pay some form of tax to the local government. As highlighted earlier, informal settlement contributes roughly 70% to the Lagos State economy. Such protection will enable crude development, not development guided by fantasies of beautification that rely on foreign investors.

Resettlement and Fish Market: resettlement to an unaffected waterfront in Badagry where a fish market can be established is social and economically crucial. The proximity of Badagry to coastal countries like Benin Republic, Ghana, Togo and Ivory Coast will also promote regional integration, one of the major objective of the Africa Union. Such regional integration is also replicable across other Africa countries. Thus, coastal communities can serve as a melting pot of culture, generate income and bring development to the people who need it most. First, the market will be designed to retain the culture, the lifestyle of the resident of the waterfronts communities, promote their businesses and serve as a tourist destination. The fish market is a huge source of income across the world. For example, the Tsukiji in Tokyo contributed approximately 5.9 billion to Japanese in 2013, the Fulton Fish Market in New York valued at over 1 billion dollars. It also served as a tourist destination for fish lovers. Employment is also generated. For example, Fresh Fish Delivery to city centers and online live sales. A Mobile App can be developed where people can order fish and request delivery. Thus, it promotes not only employment but also encourages technological advancement.

Thus, a win-win situation for both the government who can generate tax and the community that can generate income to upgrade their living conditions, educate their kids and contribute to the state economy. Such fish market project should be financially supported by the World Bank that has partners of Lagos State government on infrastructural development and the Ford Foundation that recently (2017) partners with Lagos State on the regeneration of some part of

Lagos Island. These waterfronts communities also have savings group. The World Bank budgeted 16.2 Billion towards poverty alleviation and building sustainable urbanization that is inclusive and resilient in Sub-Saharan Africa, but no funds were budgeted to the real cause of poverty, in this case, forced evictions. (see World Bank report, 2017, p.5 and 25). It will also help to make urbanization sustainable and economic development, another objective of the World Bank in the 2017 World Bank report on Africa.

Role of Religious Institutions: a call on religious institutions in Lagos to give 10% of their acquired religious city land to support victims of forced evictions is a solution that is urgent and important because currently, most victims of development-led forced evictions in Lagos are homeless. For example, the Redeemed Christian Church of God, Mountain of Fire Ministry and Winners Chapel. These religious institutions do not only have vast land, but they are rich and powerful. 10% of their land can house the evictees of the whole Nigeria. Such humanitarian help is good in the sight of men and God. It will boost the public love for these churches whose reputation are already questioned because of their enormous wealth, private jets, most expensive universities unfordable for over 70% of their members. It will give the churches the opportunity redeemed their image and reconnected the spiritual needs with the physical needs of the poor.

Re-orientation of land laws: re-orientation of land laws to waterfront communities and informal settlement by Non-Governmental Organizations and lawyers is important. For example, when the land tenure shifted, only a few educated elites and the overlords move to protects their rights and regain possession.

While infrastructure projects remain a vital need of any country in the world but urban planners must understand the price of development should not be paid by those who need it most, the urban poor who are also waterfronts inhabitants and in-migrants. The Lagos State Development

Plan must review its development to build an inclusive city that is based on domestic need not defined by global requirement guided by the competition of beautification. In other words, upgrading the slum should be prioritized by the government, and this should be backed up by Informal Settlement protection laws.

Theoretically, by implanting legal traditions into social issues, this study emphasized the need for an interdisciplinary approach to not only understanding social issues but also proposed effective solutions. Even though this paper has only focused on the two-geographical location of Lagos, further research can be studied across the fifty-four countries in Africa continent and South America to aid effective solutions to forced evictions and displacement.

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