



HOUSING AND LAND RIGHTS NETWORK Habitat International Coalition

URGENT ACTION APPEAL LAGOS: NIG-16112016

FIRE, BULLDOZERS AND DEMOLITIONS ON LAGOS LAGOON, LAGOS, NIGERIA

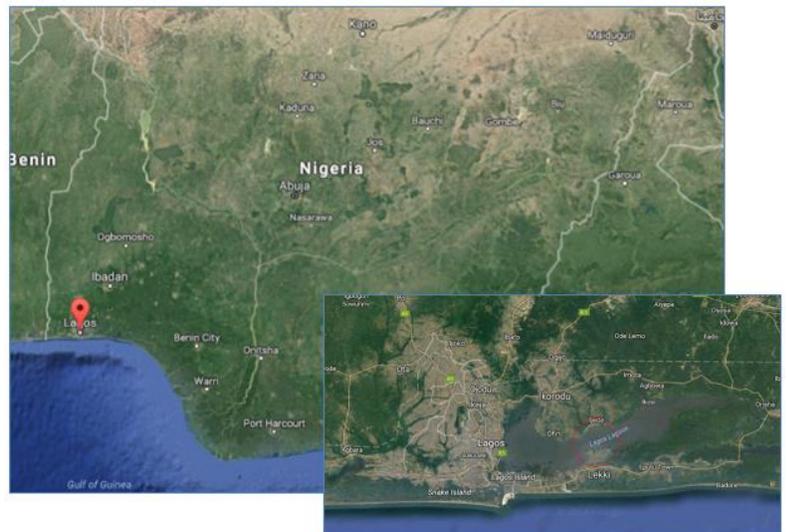
30,000 people violently evicted, and 300,000 people more from Lagos waterfront communities at risk of eviction

Your Urgent Action is required in Nigeria!

I. Summary

Otodo Gbame, a fishing community on the Lagos Lagoon, and neighboring Ebute Ikate community have been violently evicted. On 9th of November, a group of people, allegedly working under the orders of the Governor of the State of Lagos, started setting on fire the houses of the community; when the residents alerted the police, with great astonishment, they found the police joining the group burning houses and shooting in the air to scare and scatter the people trying to extinguish the fires. A similar scene was repeated on the following days. The burned houses were bulldozed, leaving 30,000 people homeless. These violent evictions occurred despite and against a Lagos States High Court's injunction restraining demolition of the Otodo Gbame community and other waterfronts across the state. These evictions may be part of a wider governmental plan to demolish all waterfront communities in the State of Lagos, which would leave around 300,000 people homeless.

Photos and videos available here:
<https://www.flickr.com/gp/93512835@N04/2ZX7k1>



Picture 1. Map of Nigeria with detail of Lagos and location of affected waterfront communities

Background

Lagos State Governor, Mr. Akinwunmi Ambode, [declared on Sunday 9th of October](#) that the State Government would demolish all illegal structures on the State's waterfronts and gave a 7-day ultimatum to people living in the waterfront shanties to vacate the areas. The statement came after the last wave of kidnappings at the State were attributed to residents of the shanties who allegedly use waterways to ferry their victims to other locations, hence criminalizing all population of these areas. The seven-day evacuation notice affects over 40 waterfront communities, inhabited by at least 300,000 people.

The communities reacted addressing a [letter](#) to the governor demanding retraction of this notice to be able to continue an open dialogue with the government on housing, security of tenure and protection of livelihoods. Since the letter had no reply, the people embarked on a series of demonstrations to request open and honest dialogue from the government. The governor never replied to these demands and commenced demolition of Ilubirin community on 15th of October. On 19th of October representatives from affected waterfront communities filed legal suit before the High Court of Lagos State requesting an injunction to prevent evictions and demolitions without following due process of law. On 7th of November the High Court [ordered](#) the Attorney General of Lagos State, the Commissioner of Physical Planning and Urban Development, the Governor of Lagos State, and the Commissioner of Police to restrain themselves or any other party from demolishing homes or facilities of the waterfront communities across Lagos State or evicting the communities, until a final resolution of the motion was adopted by the Court.

Two days after the High Court injunction, on the morning of 9th of November, the forced eviction of Otodo Gbame community commenced when police began assisting a group of thugs to set fire to houses, businesses, and community facilities. As stated in the Press Releases ([10th](#) and [15th](#) of November) of Justice and Empowerment Initiatives – Nigeria (JEI), when residents tried to quench the fires, the police chased them away with teargas and bullets, forcing residents to flee into the Lagos Lagoon. Allegedly between 4 and 10 persons drowned. The police and group of attackers also prevent the resident to rescue their properties, in consequence most of the inhabitants of the affected areas lost everything they owned, becoming homeless and dispossessed within one day. The same date, the Lagos State Police Command [reportedly](#) issued a public statement pointing out the involvement of the Lagos State Ministry of Physical Planning and Urban Development in the eviction. Later on it was officially confirmed from the Lagos Building Control Agency, which is under the Lagos State Ministry of Physical Planning and Urban Development, that they were involved in the demolition. Just after midnight on the 9th, the police came back with an excavator to demolish the remaining houses of the community in the dead of night. Again, the police set fire to the properties, even though residents and activists informed high levels of the police, such as the Complaints Response Unit in the Inspector General of Police's office. The demolitions, destruction of houses and shops and police setting properties on fire continued throughout the night, and in the morning of 10th of November 2016. Subsequently, on the 11th of November, Ebute Ikate, an informal settlement neighboring Otodo Gbame, was demolished by excavator after the police gave the residents 3 hours oral notice to pack their possessions and leave their homes. Evicted residents face an extreme situation without shelter, access to clean water, food, or other basic needs. Moreover, after being evicted, the police returned the following days to Otodo Gbame to harass evictees with arrest and setting more properties ablaze. On the evening of 13 November the police set fire to the approximately 100 traditional bamboo houses that remained on stilts above the Lagoon.

As stated in an [article published](#) on 11th of November by Reuters, the Lagos Police denied being involved in the destruction and burning of buildings and mention the detention of several people for setting fires the houses in Otodo Gbame. Contrary to this statement, residents and witnesses pointed out the open involvement of police officers in the destruction and burning of the community.

Official Reasons

The initial reasons for the evictions, as stated in the declarations of the Governor on 9th of October, are safety and security, since the waterfront communities are characterized as criminal hideouts posing a threat to the rest of inhabitants of the city of Lagos. The eviction of an entire community—or

communities, in this case—for the alleged crimes of several of its members can be described as a collective punishment, and is a spurious and dangerous argument that contravenes both Nigerian and international law. Criminalization of poverty is a common strategy of certain governments. In this manner governments avoid responsibility and obligations towards marginalized and poor population of their countries and elude developing a comprehensive strategy to eliminate poverty and fulfill the rights of the less privileged. People living in Lagos State's waterfront are common people: fishermen, women engaged in fish smoking and fish selling, registered sand-dealing businesspeople, barbers, etc. Nigerian government officials often allege houses built on the waterfront houses are unsafe, either because they are built under high-tension wires, because the traditional construction method is unsafe, because they commit environmental infractions or because there is no water sanitation or basic services infrastructures. These concerns can be legitimate. Nevertheless, the solution cannot be forced evictions, which further endanger the populations and push them deeper into poverty. Instead, governments must invest in slums and informal settlements and work hand-in-hand with residents to improve their living conditions. Another reason often cited by authorities when evicting large urban populations is urban renewal. While urban transformation and development are legitimate pursuits of a government, they must be carried out with meaningful consultation with, and participation of local inhabitants and their representative bodies, and respect human rights. Authorities that pursue urban renewal through forced evictions only aggravate the conditions of displacement, poverty, and homelessness.

Victims and affected people

According Nigerian authorities' declarations and statements, more than 40 waterfront informal settlements on the Lagos Lagoon are facing eviction. The Lagos waterfronts have been populated for generations, mostly comprised of fishing communities of ethnic minority Egun. These communities are often marginalized by authorities and mostly poor. Signs of development in the communities such as power supply are mostly products of communal efforts. Residents of Otodo Gbame and Ebute Ikate have already been evicted, despite the Lagos High Court injunction restraining the authorities from doing so. The violent demolition of Otodo Gbame might be part of a broader "slum clearing" effort, which would entail mass forced evictions affecting at least 300,000 people.

The residents of the directly affected areas, Otodo Gbame, and Ebute Ikate, were evicted violently and their possessions were destroyed in front of their eyes, leaving them homeless and dispossessed. Most of the people affected lived in poor fishing communities and they have lost their livelihoods and food sources as well as their homes and possessions after the evictions. During the demolitions and evictions, between 4 and 10 residents allegedly lost their lives when escaping from fire and gunshots. Loss of life is the most serious consequence of any conflictual situation and constitutes a gross violation of human rights worsening the breach when is the direct effect of the authorities action.

Actions taken

Prior to the violent evictions of Otodo Gbame and Ebute Ikate, JEI supported the communities to pursue legal recourse and successfully seeking an injunction against the Governor's threatened eviction of all waterfronts in Lagos State. The injunction was granted on 7th of November 2016 and still subsists to date. After the violent evictions, the Nigerian Slum/Informal Settlement Federation, a movement of the urban poor in Nigeria supported by Slum Dwellers International and JEI, convened peaceful protests demanding provision of emergency shelters, and an investigation into the police who lit their structures on fire to drive them out. Communities from all Lagos waterfront and Port Harcourt, more than 600 km away from Lagos, joined the protests. Both during and in the aftermath of the evictions in Otodo Gbame and Ebute Ikate, the Nigerian Slum/Informal Settlement Federation has led efforts to document

resulting evictions and human suffering, and has repeatedly requested dialogue with the Lagos State Governor, and called on the Nigerian Police Force to cease their attacks on Otodo Gbame. Unfortunately, till date the Governor has failed to reply to any requests from the affected residents for dialogue. The Nigerian Slum/Informal Settlement Federation has also provided the evictees with humanitarian aid and where possible, has provided homeless evictees with shelter in other waterfront communities. Meanwhile, [JEI](#) is following-up and informing regularly on the case.



Picture 2. November 15th's Demonstration

The State Duty under the Law

Since the turn of the century, according to the Habitat International Coalition - Housing and Land Rights Violation Database over 1,200,000 people have been forcibly evicted in Nigeria, mostly in the Southern part of the country. Nevertheless, the figure can raise up to 2,000,000 people in calculations of other international and Nigerian NGOs. Forced evictions in Nigeria have been primarily targeted against marginalized people who have lived for years without access to adequate amenities such as clean water, sanitation, health services or education. The current and still-planned evictions and demolitions, with their grave human and material consequences, are violating the human rights to adequate housing, private and family life, access to justice, work, education and health, among others. All these rights are guaranteed in international and regional human rights treaties that the Federal Republic of Nigeria has ratified, as well as rights enshrined in its 1999 Constitution.

The demolitions and evictions of the waterfront of the Lagos State contravene the 1999 Nigerian Constitution, legislation, national policies and Nigeria’s human rights obligations under international law. These rights are essential to realize the human right to adequate housing enshrined in Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESR). Nigeria has not yet, as its treaty obligations require, incorporated the right to adequate housing or a clear prohibition of forced eviction into its domestic law. However, certain provisions in the Nigerian Constitution of 1999 may be invoked to contest forced evictions under articles forbidding arbitrary expropriation of property and violation of the right to privacy of the home. Article 43 of the Constitution states: "Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria." Article 37 states: "The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected". The evictions and demolitions also violate the human right to life, dignity and private and

family life as enshrined in sections 33, 34 and 37 of the Constitution of Nigeria, and Articles 4 and 5 of the African Charter on Human and Peoples' Rights (ACHPR). Moreover, the fourth Nigeria's Housing Policy, adopted on 2012, recognizes the severe need of affordable and adequate housing of Nigeria and the government's corresponding obligation to ensure all persons' access to adequate housing, planning social housing for the poorer population. Having ratified the ICESCR on 29 October 1993, the State of Nigeria is treaty bound to conduct itself according Human Rights Standards. Thus, by condoning these waterfront evictions, Nigeria is violating articles 6, 7, 10, 11, 12 and 13 of the covenant, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

In Nigeria, disputes involving land ownership may be resolved either by a court or through various other means of dispute resolution. However, human rights defenders claim and witness, as in this occasion, that in many cases government officials reportedly ignore implementing judgements and instead act on the orders of those with influence. Such practices are in violation of the right to a fair hearing by a competent, independent and impartial tribunal established by law, as prescribed in Article 14 of the International Covenant on Civil and Political Rights (ICCPR), also ratified by Nigeria. The right to a fair hearing has been interpreted, in light of the principle of legality, as to require that a final binding decision by a court or tribunal must be enforced and cannot be ignored. Moreover, the ICESCR has recommended, in its General Comment 7, the provision "of legal aid to person who are in need of it to seek redress from the courts" among the procedural protection that should be applied to evictions. In Nigeria, legal aid is only available for criminal matters, and not for civil matters such as land disputes and very limited access to justice for individuals affected by forced evictions. The Governing Council of the National Human Rights Commission (NHRC) [resolved](#) in 2013 the Commission to undertake a public inquiry into demolitions and forced evictions, acknowledging the negative effect of demolitions and evictions to general human rights and people wellbeing. Even if a nation-wide public inquiry has been undertaken no specific recommendations from the NHRC are available and unlawful demolitions and evictions are still ongoing.

The African Charter does not explicitly mention the right not to be forcibly evicted. However, the African Commission on Human and Peoples' Rights (The African Commission), the body set up to oversee the implementation of the African Charter, issued a resolution ([231](#)) on the right to adequate housing and protection from forced evictions that asked countries to put an end to all forms of forced evictions. Following international standards, eviction should be undertaken only as a last resort and in accordance with the following eight principles: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts. None of these criteria were met in this case, and that the actions of the Nigerian government therefore amounted to forced evictions, and as such amount to a grave violation of human rights.

Cases of forced evictions also display the indivisibility and interrelation of all human rights, civil, cultural, economic, political and social. In instances of forced evictions, sometimes on a mass scale, disproportionate force is often used to restrain residents who are trying to prevent their houses from being demolished. Residents and protesters are often beaten up, arbitrarily arrested, and subjected to

cruel, inhuman and degrading treatment. At the same time their right to adequate housing is being violated by special government demolition forces or other security forces, or a combination of both, using force to destroy the evictees' houses.

Moreover, police and other law enforcement officials should base their conduct on international human rights law and standards, including the United Nations Code of Conduct for Law Enforcement Officials (the Code of Conduct) and the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (The Basic Principles). Both place strict limitations on the use of force. Principle 4 of the Basic Principles states: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result." The force used to carry out the evictions, including teargas spray, firearms and the ill-treatment of men, women and children, clearly contravene Principle 4.

Recommendations

We urge the Government of Nigeria and the Lagos State to uphold their treaty-based obligations to avoid forced eviction and to provide the affected families with effective remedies. We also urge the government to ensure adequate compensation and alternative accommodation as essential elements of their duty to respect, protect and fulfil the human right to adequate housing. It is crucial the Nigerian Authorities respect, protect and fulfill its human rights obligations. Habitat International Coalition - Housing and Land Rights Network suggest the Nigerian authorities to:

- Place an immediate moratorium on all evictions until International Human Rights Standards are met;
- Ensure that all those who have been subject to forced evictions have adequate alternative accommodation and effective remedy, including access to justice, which may include restitution, compensation, satisfaction and guarantees of non-repetition;
- Ensure that all law enforcement officials comply with the UN Code of Conduct and the UN Basic Principles under all circumstances;
- Set up independent, impartial and competent commissions of inquiry to investigate the way in which the forced evictions in the Waterfronts of Lagos States have been carried out and initiate appropriate judiciary measures and clarify responsibilities of the loss of lives and human rights violations against a court injunction;
- Introduce any necessary legislation or amendments to existing law in order to include and protect the right to adequate housing for all;
- Promote a forum where the Government of Nigeria and all the interested parties, including the waterfront communities and their representatives, concerned habitat networks, NGOs, relevant UN agencies, and public bodies can consult, come to mutual understanding and agree upon the alternatives to evicting persons in a manner agreed with the concerned communities and consistent with their needs and the international law;

Now It's Time for Your Action!

Write to the authorities of Nigeria, urging them to respect human rights, as they are obliged under international law and the Constitution of Nigeria!

A sample letter is provided below, or you may send your letter automatically from the HLRN website at: <http://www.hlrn.org/cases.php>

For more information please contact us at hlrn@hlrn.org.

Address your letter to the following authorities:

President of the Federal Republic of Nigeria

Mr. Muhammadu Buhari
Fax: +234 (0)95235269
Email: info@statehouse.gov.ng

Speaker of the Lagos State House of Assembly

Hon. Mudashiru A. Obasa
Phone: +234 (0)8033014094,
Email: honobasa1@yahoo.com

Governor of the State of Lagos

Mr. Akinwunmi Ambode
Email: info@lagosstate.gov.ng;
akinwunmi@akinwunmiambode.com

Executive Secretary of the National Human Rights Commission

Prof. Bem Angwe
Email: info@nhrc.gov.ng

Lagos State Ministry of Physical Planning and Urban Development

Commissioner Tpl. Wasiu Abiola Anifowoshe
Email: +234 (0)8099992653, +234 (0)7046047652
Email: physicalplanning@lagosstate.gov.ng,
mppud2@gmail.com

Minister of Housing

Mr. Gbolahan Lawal
Phone: +234 (0)8055552407
Email: gbolahan.lawal@hotmail.com

Lagos State Police Command

Commissioner Mr. Fatai Owoseni
Email: lsstf@lagosstate.gov.ng

Sample letter:

Dear xxx,

We are extremely concerned to learn about the situation on Lagos. According our information, the police brutally evicted and demolished Otodo Gbame and Ebute Ikate communities, bulldozing and setting fire to houses, businesses and community facilities, two days after the Lagos High Court injunction prevented the authorities to do so. Allegedly between 4 and 10 persons drowned and 30,000 people became homeless. These evictions might be framed in a wider governmental plan to clear Lagos's waterfront communities, which would leave around 300,000 people homeless.

Evicted residents face an extreme situation without shelter, access to clean water, food, or other basic needs. The demolitions and evictions of the waterfront of the Lagos State contravene the 1999 Nigerian Constitution, legislation, national policies and Nigeria's human rights obligations under international law. Certain provisions in the Nigerian Constitution of 1999 may be invoked to contest forced evictions under articles forbidding arbitrary expropriation of property and violation of the right to privacy of the home. Article 43 of the Constitution states: "Subject to the provisions of this Constitution, every citizen of Nigeria shall have the right to acquire and own immovable property anywhere in Nigeria." Article 37 states: "The privacy of citizens, their homes, correspondence, telephone conversations and telegraphic communications is hereby guaranteed and protected". The evictions and demolitions also violate the human right to life, dignity and private and family life as enshrined in sections 33, 34 and 37 of the Constitution of Nigeria, and Articles 4 and 5 of the African Charter on Human and People's Rights (ACHPR). Having ratified the ICESCR on 29 October 1993, the State of Nigeria is treaty bound to conduct

itself according Human Rights Standards. Thus, by condoning these waterfront evictions, Nigeria is violating articles 6, 7, 10, 11, 12 and 13 of the covenant, related to right to adequate livelihood, including the duties specified in the General Comments Nos. 4 & 7 on the human right to adequate housing and on forced evictions.

We urge the Government of Nigeria and the Lagos State to uphold their treaty-based obligations to avoid forced eviction and to provide the affected families with effective remedies. We also urge the government to ensure adequate compensation and alternative accommodation as essential elements of their duty to respect, protect and fulfil the human right to adequate housing. It is crucial the Nigerian Authorities respect, protect and fulfill its human rights obligations. Habitat International Coalition - Housing and Land Rights Network suggest the Nigerian authorities to:

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- Promote a forum where the Government of Nigeria and all the interested parties, including the waterfront communities and their representatives, concerned habitat networks, NGOs, relevant UN agencies, and public bodies can consult, come to mutual understanding and agree upon the alternatives to evicting persons in a manner agreed with the concerned communities and consistent with their needs and the international law;

Your Excellency, we look forward to hearing of your due diligence to adhere to the Federal Republic of Nigeria's relevant human rights obligations by protecting its citizens from further violation of their right to adequate housing, among their other human rights.

Yours sincerely,