

EXTERNALITIES OF URBAN REDEVELOPMENT: EVICTION, RELOCATION AND COMPENSATION IN NIGERIA

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Abstract

Urban redevelopment plan often involves construction of social capital projects like good road network or dualisation of the existing roads, housing and other costly project which are very crucial to economic development of any country. However, one of the externalities is the problem of eviction since all these physical structures requires land which is inelastic in supply, hence the option available to developers is to evict the occupants, some of who may not be adequately compensated. Hence the objectives of such development plan become defeated as the well being of the evictees are compromised. This paper adopts survey and interview methods to examine the effect of eviction on the victims, and effectiveness of the compensation in alleviating the suffering of the victims. Empirical evidence indicated that some of the physical developments more often deny people their unalienable right to shelter by rendering them homeless, the right to uphold and defend their community, heritage and history. Based on the findings, some policy recommendations were offered.

Key words: Development, Infrastructure, Compensation, Eviction, Relocation

1.0 Background

Urban redevelopment plan often involve a lot of costly capital projects like roads expansion, and construction of other infrastructures. Infrastructures here refer to some tangible social capital that may take the form of public works like highways, bridges, dams, housing, airports, industrial development and the likes, that could be used by public and private firms and individuals, to produce or facilitate the production of goods and services (Case and Fair, 2007). Social infrastructure determines the quality and productivity of economic factors, which together, determine the level of production and distribution in an economy (Yuyun, 2006)

However, urban redevelopment bring with it, externalities, which may be positive (economic externalities) or negative (non-economic externalities). While externalities are the common thread that run through economic consideration of the environment (Lynn, 2001), negative externalities are cost of economic activities, like some redevelopment projects, that are imposed on others. For instance, like the environmental damages, cost of health care incurred as result of pollution, the social cost of eviction and many more.

In many developing countries including Nigeria, physical structures and other costly projects require land within and around major cities. However the supply of land is inelastic in nature, hence the physical developers are sometimes left with the option of dislocating the occupants of the target areas. The situation in Nigerian cities is a combination of this constraint of land supply and of an elite giving high priority to land acquisition. The problem is compounded by the government having the power to acquire land compulsorily and to revoke any right of occupancy, as contained in the Land Use Decree and the (Federal) Compulsory Land Acquisition Law Cap 167, which makes it possible for governments in Nigeria to acquire, for public interest, land already occupied (Agboola and Jinadu, 1997).

Every year, millions of people in developing countries are forcibly displaced to make way for costly projects like dams, roads, urban redevelopment schemes, power plants, and other infrastructures. All these projects have resulted in eviction of people, many of who face great difficulty in finding alternative shelter or land for their daily economic activities. In many cases the victims are the poorest and the most vulnerable sections of the society, like the landless labourers, urban squatters, farmers with customary tenure, indigenous people and ethnic minorities among others. A large majority of these victims for decades had lived in their settlements. Monumental physical development driven by strong capitalist profit motive tends to ignore and neglect the interests and welfare of certain section of people who are often adversely affected by that physical development.

According to UN-Habitat (2002), more than 3 million Africans have been forcibly evicted from their homes since 2000, including **Nigeria**, Angola, Sudan, Equatorial Guinea, Kenya, Ghana and Zimbabwe, as shown in table 1 below.

Table 1.0 Some Evictions in Some part of Nigeria and other African countries (1990-2006)

Date	Location	Evictees	Motive	Agent	Compensation/Alternative
1990	Maroko/Nigeria	300,000	Illegal occupation	State/Federal government	No compensation
1990	Maitama village /Nigeria	3,000	FCT development	FCDA	Resettled
1993	Garki – Abuja / Nigeria	30,000	FCT development	FCDA	Resettled
1995	Bamisoro Island / Nigeria	N.A	Illegal occupant	State government	No compensation
2005	Zimbabwe	700,000	Cities clean-up	Government	No compensation
2006	Kenya	N.A	Urban development	Government	No resettlement (Govt. later planned resettlement)
2006	Sudan	60,000	Morewe and Kajbar dam project	Government	Resettled

Source: Agboola & Jinadu (2007) and UN-Habitat (2007)

According to Amnesty International's oral statement on forced evictions, in 1990 about 3,000 people of the community of Maroko in Lagos State were evicted from their houses without adequate housing alternative. Though Agboola and Jinadu (2007) put the number of the victims at 300,000. About 800,000 people have been removed from their houses in Abuja since 2003. This was caused by the Abuja Master Plan which was introduced in 1979 when the capital was moved from Lagos to Abuja with the aim of creating orderly city. In Sudan, more than 60,000 residents were forcibly evicted to make way for construction of the Morewe and Kajbar dams on the Nile in northern Sudan, besides the 12,000 people were forcibly evicted from Darusalam camp in 2006. In 2006, tens of thousands of people, including indigenous people were violently evicted from forest in Kenya with no resettlement arrangement. In May 2005, about 700,000 people were forcibly evicted when the Zimbabwe government embarked on an operation to "clean-up" its cities (UN-Habitat, 2007).

Interestingly, some of these projects, like dams and urban projects are being funded by the World Bank, which main objective is poverty alleviation. However by providing funds, and by its close co-operation with borrowing governments, its complicit in the problem of displacing and further impoverishing very large number of poor people.

Most development policies in some of the developing countries are focused mainly on the economic aspect with just little attention in practice to the socio-cultural aspect. Whatever has a right must always have a responsibility. Hence every developer or agent, must have a social responsibility, which implies that they must be able to achieve their development objectives without sacrificing the right and interest of the masses and the society at large. In other words, the concept of social responsibility implies that the agent or developers must be responsible for its business activity that affect the people, society and the environment where it operate (Keraf, 2998). If a physical development in a country only result to increase in number of people living in poverty, denying people their unalienable right to shelter by rendering them homeless, their right to earn an income, their right to uphold and defend their community, heritage and history, then one question worth asking is, "for what and for who is the development?"

Given the foregoing, this paper proposes to critically examine and/or analyse:

- i. The process adopted by agents for eviction of squatters.
- ii. The effect of eviction on the social and economic welfare of the evictees
- iii. The effectiveness of the compensation offered by the agents/developers.
- iv. A typical example of an ideal process of eviction and relocation

Given these objectives, the challenge of this paper is focused on the effect of force eviction on the masses or squatters, and subsequently the effectiveness of the compensation in alleviating the suffering of the victims. To this end, the paper is organized into five sections. Following this introduction is section II, which focuses on conceptual issues. Section III discusses the processes involve in eviction of squatters. Section IV analyses the effect of eviction on the masses, while section V summarises the findings and offer some policy recommendations.

2.0 Conceptual Issues

According to the United Nations Committee on Economics, Social and Cultural Rights, General Comment No.7, the Right to Adequate Housing (Art 11 (1) of the Covenant); Forced evictions, UN Doc.F/C.12/1997/4, para 3), forced eviction has been defined as:

“the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or other land which they occupy, without provision of and access to, appropriate forms of legal or other protection”.

The provision on forced evictions does not however, apply to evictions carried out by force in accordance with the law and in conformity with the provisions of the International Covenants on Human Rights.

Forced evictions have deprived residents, including women and children, of their homes and, in most cases, of their means of earning a living. In addition to this, forced evictions are often associated with violations of other rights including the rights to health, education, earning living, freedom of movement, privacy and the right not to be subjected to cruel, inhuman or degrading treatment or punishment.

Whereas a sustainable development means achieving improvements in living standards without sacrificing the ability of future generations to enjoy at least those same standards (Lynn, 2003). According to the United Nations (2005), sustainable development has three principal dimensions which include economic growth, social equity and protection of the environment.

The economic aspect of sustainable development includes growth and welfare, optimality, efficiency, and steady optimality, efficiency, and steady state, while the ecological aspect includes stability of biological and physical system, and protection of diversity.

The social equity, or socio-cultural aspect according to Tarsidin of the University of Indonesia, include reduction of destructive conflicts, intra and inter generational equity. The equity can be seen both in spatial and time horizon perspective. Intra-generational equity is between the poor and the rich, in their access to use natural resources and the parties bear the burden of the negative externalities which is the burden imposed on other people especially the masses for the economic activities of some section, for instance eviction is the cost of infrastructure project which is imposed on the evictees. Inter-generation equity is between the current and the future generation, which should be counted by government in establishing development policies, so that the future of the youths is not sacrificed for today.

3.0 Processes involve in eviction of squatters

There are several processes that usually take place after developers or the authority have issued notice and obtained court order for eviction of squatters. Some of such processes include:

- i. Persuasion: Community leaders, politicians and representatives of developers initially try to persuade squatters to leave. Sometimes squatters are persuade that they are going to benefit from such project when completed. As such they should help the government to realize its dream to develop the country. For example, the development of Kanji Dam for electricity generation in Nigeria, which involved evacuation of villages and farm lands. The government was able to persuade the villagers to accept alternative settlement to enable the government carried out its development project.
- ii. Threats: Squatters are often threatened that all their property would be destroyed, and they would not be considered for compensation, if they do not move out of their will. In some cases gangsters or “Area Boys” could also be sent, not only to threaten but also occasionally to inflict physical injuries on some squatters, presumably as a warning to stubborn ones.
- iii. Payment: Representatives from the developers often come to offer payment especially to recognised leaders in the squatter communities, to set the example by leaving on their own accord.

At the same time, some of the community leaders as well as some local political leaders are paid to persuade the squatters to leave.

- iv. **Forced Eviction:** By adopting one or more of the above methods, many developers have succeeded in getting large number of squatters to leave. But some refuse to do so. When it happens, the developers obtain court order. Armed with such order, officers from the land office and other enforcement officers, with the support of big contingents, arrive to evict these squatters. They use tractors and also different types of tools to bring down houses. For instance, in most of the cases of eviction that occurred in Lagos, the method of removal was forceful and brutal, with little notice given to the people who were evicted and, in many cases, with no compensation or alternative sites provided (Agboola and Jinadu, 1997).

4.1 Eviction: Implications on Evictees

In developing countries, especially in Africa, there seems to be no practice law that protects the life and property of evictees, especially to ensure that evictees are provided with alternative land and/or houses together with adequate compensation for the loss of income as a result of the disruption. Forced eviction has many harmful consequences for the affected people. According to COHRE (2002), for most women, the home is the single most important place in the world. Beyond basic shelter, it is a place of employment where income is generated and children are care for. The state of women's housing is intimately linked to their basic survival. The interconnectedness and particular relationship women have with housing suggest that a practice like eviction will have an acute and disparate impact on women's lives. Other embedded effects of eviction include:

- i. Long established residential settlements, some of which are as old as the city itself are disorganized, and people are scattered as the community that bonds them together are disrupted.
- ii. Production systems are also disrupted as links between producers, suppliers and their customers are severed.
- iii. Health care tends to deteriorate.
- iv. Sources of livelihood are lost when people are forced to abandon their farm lands, or the rivers where they fish for living.
- v. Financial loss including cash and property.
- vi. The departure of member of a community as a result of eviction may bring an end to local organizations in the area.
- vii. Heritages and history may be lost as a result of forced eviction, as symbols like graveyards, ancestral shrines and other precious things are abandoned or destroyed.
- viii. Education of the children is disrupted when they are displaced from a place near the location of their school or if the school itself is also demolished.
- ix. During the process of forced eviction, some government officials could be very rough thereby causing body injuries and psychological pain to the victims.

As an illustration, figure 1, 2 and 3 below show the cases of eviction, relocation and compensation in Ogun state, Nigeria as a typical example of an effective physical development policy in Nigeria.

About tens of villages and farm lands were evicted from their original settlements by the Ogun State government, to give way for the dualisation of the 35 Km Sagamu-Abeokuta express road. The eviction and subsequent relocation exercise involved the Ogun State Road Management Agency (AGROMA), the Ministry of Agriculture, Town Planning office and the Ministry of Housing. An official at the AGROMA in an interview, confirmed that the ministry of agriculture was involved in estimating the market value of the crops in the affected area, and the affected farmers were adequately compensated. The ministry of housing provided alternative houses for the villagers before they were later relocated to new settlement which is not far from the old location along the new express road. The new houses provided by the state government are modern building compare to the demolished mud houses as shown in the pictures below. According to some of the villagers interviewed, the new settlement is more comfortable and not far from their farms. Other villagers, whose buildings were not affected, seeing the transformation in their neighbours building, wished the government could extend the same gesture to them. It is obvious that the redevelopment exercise carried out by the state government had been carried out in such a way that created a better welfare for the masses of the village.



Source: Survey.

Figure 1. One of the villagers houses before eviction



Source: Survey.

Figure 2. Some of the new buildings provided for the evictees by Ogun State Government



Source: Survey

Figure 3. The Sagamu – Abeokuta Express road that motivated the eviction of the villagers

4.2 Level of Compensation

On many occasions, evictees lost their property and sources of income with absolutely no compensation at all, and in some instances, compensations offered were insufficient to even transport the remains of their belongings or to find adequate or comparable accommodation.

In many cases of eviction in Africa especially, the government is repeatedly failing to provide adequate remedies for evicted residents' loss of property, whether it is loss of rights over land seized or the destruction of property in the form of a home or personal belongings.

Where compensation is to be paid, sometimes residents are intimidated into agreeing to compensation even though not favorable. When evicted residents do receive some monetary compensation, frequently the amount given is small in comparison to the value of the property lost, let alone the financial costs of moving and the interruption to residents' livelihoods. Sometimes some of the victims were given compensation so little that is not even enough to move their property let alone getting alternative accommodation. Again, when government offers the inadequate compensation, residents may sometimes lose part of their money to dubious commissions, or taxes taken by local government officials.

In light of the seriousness and scale of the phenomenon of forced eviction in Africa, Amnesty International recommends that states parties to the African Charter to ensure that all evictions comply with the following principles:

- i. Evictions can only take place as a last resort, after it has been determined that all other possible alternatives have been exhausted;
- ii. An opportunity for genuine consultation with those affected;
- iii. Adequate and reasonable notice (of at least 90 days) for all affected persons prior to the schedule date of eviction
- iv. Information on the proposed evictions, and, where applicable, on the alternative purpose for which the housing is to be used, to be made available in reasonable time to all those affected
- v. Presence of government officials or their representatives during the evictions, especially where groups of people are involved
- vi. Proper identification of all persons carrying out the eviction
- vii. Eviction do not take place in particularly bad weather or at night unless the affected persons consent otherwise
- viii. Evictions should never result in homelessness: evictees should receive just compensation and alternative accommodation
- ix. Legal remedies to challenge the evictions, including provision of legal aid to persons who are in need of it to seek redress from the courts.

5 Summary, Conclusion and Policy Issues

5.1 Summary and Conclusion

Urban redevelopment is necessary exercise to make for the ever dynamic and growing society. However the exercise requires more land, which are not readily available within and around the cities, hence some occupants have to be evicted from their settlement. The eviction of squatters to make way for capital projects is seen as a negative externalities of urban redevelopment, and such eviction has many harmful consequences on the affected people, especially where they were not adequately compensated. Whereas no any development can be complete without the development of the people, because the people that are left undeveloped are definitely going to constitute a burden to the developed economy. As such the development of the people itself is tantamount to the development of a country.

5.2 Policy Issues

As one of the ways to enrich the masses in order to enrich the nation, whenever it become very necessary to evict some section of the community for any infrastructural projects, in addition to the recommendations of the Amnesty International on forced evictions, compensations to be paid to the evictees should be sufficient enough to make their living standard better than before the eviction.

During the process of eviction, the evictees can not go about their daily business, hence could not earn any income. Compensation to be paid must not only be based on market value of physical asset loses, but also the income loses must be put into account.

In most cases, people are evicted long before compensations are offered, and sometimes it takes several months or even years before they could actually be paid.

During the period evictees either live in made shift tents without adequate facilities like food, drinkable water, electricity, and access to good health care, or a rented house where they have to pay every week or month. The compensation they eventually receive at the end will only be sufficient to pay their rent for only few months, after which they have to struggle on their own to pay their rent, otherwise they will be back in the street without shelter. From being a land or house owner, to become landless or homeless in the name of development tend to undermine the objective of that development? All expenses incurred by the evictees between the period of eviction and resettlement including transportation and rents should be the responsibility of the developer or the evictor, and not the evictees as it is always are in most cases.

Apart from the normal compensation, the evictees should be given opportunity to benefit from the project being constructed on the land or property they once owned. They should be offered job opportunity during and after the completion of the project. By being allowed to work and earn income at the site where they once live for decades, it will boost their moral and sense of belonging, and encourage them to protect the facilities. Or in case of housing project, priority should be given to them or at least they should be given a new house at their own affordable price.

More so, in case of profit oriented project like industrial project, shares can be allocated or given to the people on whose property the project was built. This will guarantee them an alternative source of income which has been disrupted as a result of the eviction. With the new income it is hoped that the living standard would be better of.

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