

## **REQUEST FOR INSPECTION**

### **In the Matter of the Lagos Drainage and Sanitation Project (Credit No. 2517-0)**

To: THE INSPECTION PANEL, 1818 H Street, N.W., Washington, DC, 20433 USA

We, the Social and Economic Right Action Center (SERAC), a Lagos-based non governmental, nonpartisan and voluntary initiative concerned with the promotion and protection of social and economic rights in Nigeria, for ourselves and on behalf of individuals, families, and community development associations directly affected by the Lagos Drainage and Sanitation Project, claim the following:

1. The International Development Agency of the World Bank is financing the Lagos Drainage and Sanitation Project (hereinafter “the project”) in Ijora Badiya and Ijora Oloye, both slum communities in Lagos. Under this project, over 2000 persons have been forcibly evicted from their homes and businesses while thousands of others face an imminent threat of eviction. The evictions were carried out by officials of the Lagos State Ministry of Environment and Physical Planning, the Lagos Urban Renewal Board and heavily armed police and other security forces who harassed and beat residents who tried to salvage their personal properties from their homes as bulldozers reduced their dwellings to mere rubbles. During the demolitions, project officials extorted huge sums of money from desperate residents based on promises to save their homes and properties from destruction. In July 1996, the Lagos State Government announced plans to demolish fifteen slum communities in Lagos thereby rendering approximately 1.2 million people homeless under the above referenced World Bank assisted project. In flagrant violation of The Bank’s Operational Directive, the Constitution of the Federal Republic of Nigeria, the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other relevant international human rights instruments, the World Bank and its partner the federal Military Government of Nigeria (and the beneficiary Lagos State Government) neglected, failed or refused to consult with the host communities during the development, planning and implementation of the project. The residents of the host communities were not provided adequate notice prior to the commencement of the demolitions. At the time of filing this Request, the victims have neither been resettled nor compensated for their losses.
2. We understand that the Bank has the following policies and procedures which are apt and relevant to a consideration of the present Request:

Operational Directive (OD) 4.30 on Involuntary Resettlement (June 1990) that requires participation of host communities during project planning and implementation stages;

OD 4.15 on Poverty Reduction (December 199 1) providing for active involvement of

beneficiaries beginning from the early stages of a poverty reduction project;

OD 4.20 on Gender Dimensions of Development (April 1994) that aims to reduce gender disparities and enhance women's participation in the economic development of their countries by requiring that gender considerations be integrated into assistance programs;

OD 10.70 on Project Monitoring and Evaluation (September 1989) that provides for continuous assessment of project implementation in relation to project beneficiaries for the permanent improvement of overall management practice within borrower agencies;

Operational Policy/Bank Procedure 10.04 on Economic Evaluation of Investment Operations (April 1994) that specifies that projects should integrate financial, institutional, technical, sociological, and environmental considerations;

Articles of Agreement of the International Development Association, Article V, Section I(g) that conditions project financing; and

Lagos Drainage and Sanitation Credit Agreement, Credit Number 2517-0, that identifies the project's purpose to improve health standards and living conditions in areas of Lagos subject to regular flooding.

3. Our interests have been, and continue to be, directly and adversely affected by the failure of the Bank to comply with its policies, procedures, and the credit agreement during the implementation of the project. The demolition of the homes and destruction of properties of the residents of the host communities without compensation, resettlement or rehabilitation constitutes a massive violation of the rights of the victims to adequate housing, education, adequate standards of living, security of the person, a healthy environment, food, health, work, respect of dignity inherent in a human being, freedom of movement, family life, water, privacy, information and the right to choose one's own residence. SERAC is concerned with the promotion and protection of social and economic rights in Nigeria. Further, SERAC is mandated to broaden the access of individuals and communities to information and to strengthen their participation in the design and implementation of social and economic policies and programs which affect them.
4. The Bank has violated its policies, procedures, and the credit agreement because the host communities were not consulted during the project's planning and implementation stages. Where brief discussions were held, the consultation was nullified by insufficient follow-up efforts to ensure that the community development associations and the families affected understood their rights and roles as stakeholders in the project. Further, the host communities have not been able to effectively express their opposition during the implementation phase of the project due to the brutal activities of heavily armed security forces during the demolitions and their continuing well-founded fears of official reprisals.

The victims of the demolitions have neither been resettled, rehabilitated, nor compensated for their losses.

5. We believe our interests and the stakeholders' rights have been, are being and will likely continue to be, materially and adversely affected as a direct result of the Bank's non-compliance with its Operational Directives. The victims ' have suffered and continue to suffer destruction of their homes, livelihoods, communities and culture. Residents who have attempted to build makeshift homes in neighborhoods around the project site have been constantly terrorized by armed security agents. Contrary to the project's objective to uplift the living standards of the slum communities, it has, in fact, exacerbated those conditions. The local communities' stable access to utilities have been disrupted as a result of the project. Stagnant waste water accumulated in the open drainage channels which were constructed under the project has become a potent source of danger to the health and well-being of the local population. Rather than de-flood the communities, the channels have become a receptacle for waste water which overflows regularly into living spaces and endangers the lives of residents. Many of the evictees have been forced to become squatters or live in distant places far removed from their employment thereby further impoverishing an already poor and vulnerable population. Further, women, children, and the disabled have suffered untold hardships under the project. No relief measures have been applied to mitigate the suffering of these members of the population as mandated by the Bank's policies.

6. We believe the actions and omissions described in the present Request are the responsibilities of the Bank because they have resulted from a project funded by it. The Bank therefore holds a clear legal obligation to ensure that the project is implemented in accordance with its own Operational Directives as well as applicable domestic and international law. Being a specialized agency of the United Nations, the Bank is bound by the U.N. Charter which recognizes the human rights of every individual.

7. We have complained to the World Bank through its officials and consultants by the following means (in reverse chronological order):

Telephone messages (un-returned by Mr. Ansu as of the date of this filing) for Yaw Ansu, Country Director for Nigeria, World Bank, from Felix Morka, Executive Director, Social and Economic Rights Action Center (SERAQ, placed at several points between May 28 and June 8, 1998;

Tour of the host communities by Ministry of Environment and Physical Planning Engineers Dapo Ajadi, M.A. Akinsanya, and Erinle; World Bank Consultants Professor Akeredolu-Ale and J.W.E. Metibaiye; Lagos State Urban Renewal Board Official, Mr. Olowu; and SERAC staff

members Joseph Otteh, Director of Programs, and Uzodinma Nwaogbe, Neighborhood Network Coordinator, to Ijora Oloye and Badiya on May 28, 1998;

Meeting between the Dr. Ellen Boitel-Doku, World Bank Consultant; Engineer T.O. Erinle, Lagos State Government; Engineer G.A. Ajadi, Lagos State Government; Felix Morka, Executive Director, SERAC; Joseph Otteh, Director of Programs, SERAC; and Uzodinma Nwaogbe, Neighborhood Network Coordinator, SERAC, dated March 26, 1998;

Meeting between David Henley, Project Task Manager, Lagos Drainage and Sanitation Project, World Bank; Engineer M.A. Akinsanya, Head, Lagos Drainage and Sanitation Project, Ministry of the Environment and Physical Planning, Lagos State Secretariat; Felix Morka, Executive Director, SERAC; Uzodinma Nwaogbe, Neighborhood Network Coordinator, SERAC; Kimberly Futrell, Legal Officer, SERAC; and Rotimi Amurawaiye, Consultant, Forced Evictions Prevention Project, SERAC, during February 1998;

Meetings between David Henley, Project Task Manager, Lagos Drainage and Sanitation Project, World Bank, and Felix Morka, Executive Director, SERAC, on September 19, 1997 in SERAC's Lagos headquarters and between both men and Yaw Ansu, Country Director for Nigeria, at the World Bank headquarters in November 1998;

Letter to Yaw Ansu, Country Director for Nigeria, Africa Region, World Bank, regarding Resettlement Issues Surrounding the Lagos Drainage and Sanitation Project, dated August 14, 1997, from Kimberly A. Futrell, Legal Officer, SERAC;

Telephone call from Kimberly Futrell, Legal Officer, SERAC, to Yaw Ansu, Country Director for Nigeria, World Bank, on September 18, 1997;

Letter to Commissioner Nosirudeen Kekere, Lagos State Ministry of Environment and Physical Planning, regarding Lagos Drainage and Sanitation Project Resettlement of Evicted Persons, dated August 11, 1997, from Felix Morka, Executive Director;

Letter to James D. Wolfensohn, World Bank Group President, regarding World Bank Financing of Forced Evictions in Lagos, dated June 30, 1997;

Telephone message from Felix Morka, Executive Director, SERAC, to Surjit Singh, Acting Country Director for Nigeria, World Bank, on June 2, 1997;

Electronic Mail to Eleanor Warner, World Bank, from Kimberly Futrell, Legal Officer, SERAC, regarding possible projects in Badiya, dated January 15, 1997;

Telephone messages placed by Kimberly Futrell, Legal Officer, SERAC, on January 13 and 14, 1997 to Eleanor Warner, World Bank; and

Telephone calls placed by Kimberly Futrell, Legal Officer, SERAC, on January 8, 1997 to Surjit Singh, Acting Country Director for Nigeria, and World Bank staff members Daniel Pencock and Samuel Onwuona.

8. We believe that the responses to our complaint have been unsatisfactory. The victims of the demolitions have neither been resettled, rehabilitated, nor compensated for their losses. They have not received any remedies for the physical and mental pain inflicted on them by the armed security agencies during the evictions. No official has been questioned or punished for these violations of the local populations' rights. In addition, SERAC and the host communities remain uncertain and apprehensive as to when future evictions are scheduled or when apparently abandoned components of the project (i.e. unlined and open pits that now contain hazardous stagnant water) will be completed. These uncompleted or abandoned components have been linked to deleterious health and environmental conditions within the host communities. Instead of remedying the homelessness, health perils, and environmental devastation caused by the project, the Bank issued News Release 9 8/143 5 AFR expressing a vote of confidence in the project without first visiting the host communities or meeting with community leaders to assess the situation.

Meetings with SERAC were held with less than an average of a few hour's notice to the organization, and often one day before Bank officials were scheduled to depart from Nigeria. More than one year after SERAC's first contact with the Bank regarding this matter, a team of two consultants to the Bank, officials of the Lagos State Government, a resident Bank official and SERAC officials undertook a joint visit to the host communities on May 28, 1998 and met with community leaders. Although they received no prior notice of the visit, the community leaders and many affected families complained of violations of their human rights under the project. There has been no feedback from the Bank to the victims or to SERAC since that visit.

9. We have also contacted other domestic, regional, and international human rights monitoring bodies and members of the media to express our concerns about the project.

We respectfully submit that the above actions have materially and adversely affected our interests and the stakeholders' rights and request that the Inspection Panel recommend to the Bank's Executive Directors that an investigation of these matters be expeditiously and comprehensively carried out in order to remedy these violations.

As advised in your Operating Procedures, this Request for Inspection is brief SERAC can provide you with more particulars including documents, audio recordings, and videotapes should you require additional information in support of this Request.

DATE: June 16, 1998  
SIGNATURE:

Felix C. Morka, Esq.  
Executive Director

CONTACT ADDRESS: Social and Economic Rights Action Center (SERAC)  
16 Awori Crescent Postal  
Off Coker Rd./Obokun St. P.O. Box 13616  
Ilupeju-Lagos Ikeja-Lagos  
NIGERIA NIGERIA  
Tel/Fax 231.1.496.8605 serac@linkserve.com.ng

Please send duplicate copies of official documents relating to this request to our United States unit: SERAC; P.O. Box 5711; Takoma Park, MD 20913; Tel. (301)495-5997; Fax (301)495-0339; serac@internetmci.com.

We authorize you to make this Request public.

Filed by Hand Against Confirmation.