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Tuesday, April 9, 2024

Dr. Oluyinka Abiodun Olumide,
The Honorable Commissioner,
Ministry of Physical Planning and Urban Development
Alausa, Ikeja

Dear Sir,

RE: OPEN LETTER ON RIGHT-OF-WAY AND COMPULSORY ACQUISITION OF PROPERTY FOR LAGOS-CALABAR COASTAL ROAD

I write further to reports of actions taken and proposed to be taken by the State for purposes of the proposed Lagos-Calabar coastal road – a Federal Government project. A widely-reported letter in the media recently, from the Lagos State Ministry of Physical Planning, informed one property owner that their property lies within the right of way and, in the same notice, conveyed a 7-day removal notice. In addition, along the right of way, clearing of informal settlements have also commenced.

The State's power of eminent domain over the citizenry is clear, incontrovertible and constitutionally guaranteed. However, like all great and wide-ranging power, it must be utilized carefully, with justice and compassion. I would therefore advise as follows:

1. In such matters, process is particularly important, and it should involve wide-ranging, good faith consultation and open communication. Wherever feasible, alternative solutions should be explored for particularly injurious situations. This may involve some added time and cost. Recent developments would suggest that more work is needed in this area.

2. Some of the properties are owned and operated by businesses that have invested substantial sums, taken commercial risks and succeeded, contributing to the city, while employing residents and paying taxes. The effect on them, on their employees and on the city should be carefully considered.

3. Informal settlements and shanty towns may be considered illegal, but the social and human implications of clearing them, especially on the vulnerable (children, elderly) cannot be wished away. Mitigating provisions will have to be made.

4. Fair and just compensation for owners, whether businesses, urban or rural communities along the entire right of way must go along with compulsory acquisitions of property, including undeveloped land, if such acquisitions ultimately prove to be inevitable.

5. In such a project, which is a Federal Project cutting across states, one of the roles that is expected of Lagos State Government, being a Federating entity, is to serve as an advocate for all of its people, especially those that may be adversely affected in one way or another. LASG should be mindful to discharge this trust faithfully and to ensure that it is reflected in project plans.

6. As an example, given that this is a PPP, it is expected that LASG, on behalf of its residents that will ply the road and pay tolls, would have properly vetted the procurement process to ensure competition in contractor selection and value for money in line with the laws.

In aspiring to be a center of excellence, Lagos must lead in these matters as other states may take a cue from Lagos. The wider domestic and international community are also watching.

Yours faithfully,

Funso Doherty

CC: His Excellency, Babajide Sanwoolu, Governor, Lagos State.