

Path Dependence and Critical Junctures in the Governance of Informal Settlements: The Interplay of State and Non-state Actors over Land Rights and Tenure Security in Abuja, Nigeria

By

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Abstract

Having official land rights and secured land tenure by informal settlement dwellers in global south cities are very fundamental but are also complicated, controversial and often less understood. This paper argues the need for a retrospective approach to the analysis and understanding of the current dynamics in informal settlements using the theoretical framework of historical institutionalism especially the concepts of path dependence and critical junctures. Using Mpape (one of the biggest slums of Abuja, Nigeria) as a case, this study provides a better understanding to why land rights and tenure security in Abuja informal settlements are so controversial and yet to be resolved 42 years after the creation of Abuja as the new capital city of Nigeria. In addition to the fundamental socio-political and power dynamics in Abuja land governance, the 1978 Land use Act, resettlements based on the 1979 Abuja master plan, massive demolitions of informal settlements between 2000 to 2007, and the attempted demolition of Mpape in 2012 are considered to be critical moments that have defined the current dynamics in the governance of Mpape and the contentious politicking over land rights and tenure security.

Keywords

Informal Settlements; Land rights and Tenure Security; Governance; Historical Institutionalism- Path-Dependence and Critical Junctures.

Introduction

The fast pace of urbanization in many cities of the global south have overwhelmed the available institutions and capacity of the urban systems to manage the growing populations of the urban centres. There are no adequate housing plans to accommodate the growing urban population resulting to the emergence of squatter settlements, shanties, ghettos, slums and sometimes quality houses on 'controversial' lands. All these forms of alternative housing provisions by some urbanites are usually termed 'informal' by the city authorities for falling outside the formal building, legal and planning requirements. Informal Settlements have become a major defining feature of African cities. These 'indispensable' controversial settlements which host most of the city dwellers are constantly struggling to be part of the city through secured land tenure. In many African cities land tenure security, understood as a form of formal protection from arbitrary displacement or forced eviction (FAO, 2002; Malik, Roosli, Tariq, & Salman, 2019), is often under contention because of complex socio-economic

and political factors, conflicting interests and institutional challenges. Informal settlements are often deprived of basic infrastructure from the state and are constantly threatened with displacement and demolitions. The displacement and demolition threats have made the informal settlements dwellers (in alliance with other stakeholders) to agitate for their land rights and tenure security using means such as protests, court cases, (un)official negotiations and politicking, thereby complicating the governance of the informal settlements.

Most researches on informal settlements focus on urbanization processes (Dodman, Leck, Rusca, & Colenbrander, 2017; Fard, 2018; Olalekan, 2014), spatio-temporal features (Adepoju M.O et al., 2013; Han, Song, Burnette, & Lammers, 2017; Kohli, Sliuzas, Kerle, & Stein, 2012; López-Borbón, 2018; Rodriguez Lopez, Heider, & Scheffran, 2017) and the ever growing and complex problems of underdevelopment, unplanned land uses, inadequate or lack of social amenities, pollution and social vices (Habitat, 2003; Nazire, 2016; Okyere & Kita, 2015; Zubair, Ojigi, & Mbih, 2015), but much less attention is usually given to the various institutional actors that are trying to influence or regulate socio-spatial processes in the informal settlements (see Lombard, 2014; Michelutti & Smith, 2014; Wacquant, 2008). Although there are studies on the interplay of state and non-state actors in the governance and production of informal settlements (see Al-Daily, 2013; Chiodelli & Tzfadia, 2016; Habitat, 2010; Michelutti & Smith, 2014; Roy, 2009a; Rubin, 2018; Suhartini & Jones, 2019), empirical studies on the specific impacts of such interplay on the controversial issue of land rights and tenure security are relatively scarce. Some studies (see Patel, 2013; van Gelder, 2010) have argued the need for understanding and working with the different tenure practices and land right claims as a basis for feasible interventions in the informal settlements. But for a holistic understanding of the various land right claims and tenure practices in informal settlements, this study argues for a retrospective exploration of the socio-spatial dynamics and evolution of land tenure practices in the informal settlements.

Using the critical junctures framework of HI, this research attempts to provide an understanding of the governance mechanisms and controversies around the land rights and tenure security of Mpape, one of the biggest informal settlement in Abuja. Abuja, the federal capital territory (FCT) of Nigeria is one of the modern cities of Africa that have been plagued with the numerous challenges of informal settlements. Apart from the displacement of over 800,000 residents between 2003 and 2007 through the state demolition of more than 30 informal settlements (see COHRE, 2008) that aggravated

the situations, there are hundreds of land related court cases involving several state and non-state actors in Abuja (Otaru, 2018) and unending periodic demolitions (see ChannelsTelevision, 2020; Otaru, 2019). The interrelationships and activities between state and non-state actors have complicated the management of the informal settlements as recent studies and events indicate an increase in the size, number and problems of the informal settlements in Abuja (see Abubakar, 2014; Adepoju M.O et al., 2013; Bloch, Monroy, Fox, & Ojo, 2015; Obiadi, Nzewi, & Onochie, 2018; Onyekachi, 2014; Zubair et al., 2015). Apart from the complex interplay of different actors, politics and social practices that are constantly (re)defining socio-spatial dynamics in Abuja informal settlements, the constant forced evictions, demolitions of structures, protests, resistance and politicking in Mpape provide the setting for exploring and understanding why land rights and tenure security in Abuja informal settlements are so controversial and unable to be resolved for over 40 years after the creation of Abuja as the new capital city of Nigeria.

Conceptual Framework

Informal settlement is a compound name for settlements such as slums, squatters, ghettos and shanties that do not meet the building, legal and planning requirements of city authorities. Its meaning and usage are controversial and subject to multiple definitions, both in theory and practice (Alfaro d'Alençon et al., 2018; Okyere & Kita, 2015). The term informal settlement is used in this research to describe the slums, squatters and indigenous settlements that are considered not suitable to exist in the developmental plan of Abuja by the planning and development control authorities. As similar to other informal settlements in global south cities, central and fundamental to the discourses around these settlements are the issues of land rights and tenure security that are constantly being contested by different stakeholders that are interested or involved in the governance of the informal settlements ((see Amin, 2014; Chiodelli & Tzfadia, 2016; Haid & Hilbrandt, 2019 ; Lombard, 2014; Michelutti & Smith, 2014; Rubin, 2018) on the interplay of state and non-state actors in the dynamics of informal settlements). It is the right to land (defined by Habitat, 2008 as the social and legal entitlement to acquire, use and control a piece of land) that is often at stake in the discourses of informal settlements (Roy, 2005), and this right evolves around land ownership and tenure security. Land tenure is understood as the institutional and legal framework for regulating land use behavior, property rights, accessibility, allocation, control, transfer, usage type and period of use (FAO, 2002; Malik et al., 2019) and is

dependent on the socio-political dynamics of a country (Geoffrey Payne & Durand-Lasserre, 2012). Land tenure security, understood as a form of formal protection from arbitrary displacement or forced eviction (see FAO, 2002; Malik et al., 2019), is often under contention in many African cities because of conflicting socio-economic and political interests especially when the state *quest* for socio-economic and spatial developments comes up against the socio-economic survival means of some urbanites. Urban land issues in most African cities are messy, complex, multi-layered and poorly understood because of the complex powerplay, lack of transparency and institutional challenges (see Donna Hornby, Lauren Royston, Kingwill, & Cousins, 2017; Otubu 2018; Nuhu, 2018).

Often, the way the informal settlement dwellers understand and agitate for their land rights and tenure security differs from what the state imposed on them as the official status. These differences are rarely captured or operationalized in theories, policies and state dealings with the informal settlements' dwellers (see Patel, 2013), except in some cases when state officials acknowledge and work with these differences in informal settings or 'outside the law' arrangements (see Hall et al., 2015; Michelutti & Smith, 2014; Rubin, 2018). In a similar vein, Van Gelder (2010) assert that understanding and working with how the informal settlement dwellers perceive their tenure security (perceived tenure security); the tenure security according to existing laws and legislations (legal tenure security); and the actual tenure practices on ground (de facto tenure security) is important in addressing the common controversies over tenure security in urban centres. When seeking for this understanding, history matters. We therefore make use of ideas (such as critical junctures and path dependency) from historical institutionalism (HI) to explore and fully understand the tenure (in)security in the informal settlements of Abuja through the various governance dynamics around the settlements.

Critical Junctures and Path Dependence concepts of HI are the main concepts used in this study to explore how the interrelationships of state and non-state institutional actors and structures on the contested issue of land rights and tenure security of informal settlements have evolved over time. Peters (2019) explained path dependency in governance to mean that when a government program or organization embarks upon a particular policy or a style of action, there is an inertial tendency for those initial choices to persist with a determinate influence far into the future but the path can be altered by political pressure and conflicts by different actors to produce an institutional change at different times. Critical Junctures on the other hand refer to those major

governance decisions or policies (often as a product of the interplay of different governance actors or as a solution to existing conflicts) that are capable of setting path-dependent processes that are contingent or influential on future outcomes. These critical junctures foreclose other alternative choices to produce a long-term path-dependent processes that are contingent on outcome of interests (Capoccia, 2015; Capoccia & Kelemen, 2007; Mahoney, 2001; Thelen, 1999). Analyzing path dependence processes focus on the importance of historical processes in the discourse of socio-political issues, rules of engagements and power relations while critical junctures examine the major (and most times rigid) institutional change decisions that have prolong and dynamic effects on the object of interest (in this case, informal settlements).

However, in the application of the critical juncture and path dependency concepts to this study, we considered the following: (i) the advice of Mahoney that in the explanation of critical junctures, path dependent analysts should also focus on small events, human agency, and historical peculiarities (instead of a priori knowledge) that are capable of influencing outcomes of interest; and (ii) the realities that most socio-spatial and political processes in urban centres are interconnected- and contend that subjective assessment of the criticalness of candidate critical junctures to focus on the most critical or significant ones has methodological limitations that are capable producing a historical analysis that could discard important nuance issues that are significant to the outcomes of interest. Hence, we streamlined the analytical suggestions of Mahoney, (2001; see also Capoccia & Kelemen 2007; Capoccia 2015) to our case study by examining the antecedent conditions that surrounds the informal settlements of Abuja; the critical junctures in the governance of Mpape; and the path dependent processes and structural persistence in the dynamics of Abuja informal settlements. That is, we considered all the major governance decisions and policies (as long as they have a long-time structural effect or path dependent influence on our outcome of interest-the present dynamics in Mpape) in this study chronologically as much as there are empirical evidence to support their significance to the case study without evaluating the criticalness of one over the other. This our position is also supported by Capoccia and Kelemen (2007) and Capoccia (2015) who explained that a theory-guided narrative with rich empirical cases can build the arguments for what are critical junctures and their path dependent processes. The structural persistence in the developmental pathways of critical junctures that often portray critical junctures as having a deterministic effect on outcomes of interest have been attributed to the roles of

powerful institutional actors (see Mahoney, 2001; Thelen, 1999; Sorenson, 2017b) who benefit from present arrangements and might not want a change in the status quo despite the efforts of the disadvantaged. Hence, after outlining the critical junctures in the governance of Abuja informal settlements, we highlight the roles of influential actors and the structural factors that are aggravating the problems in the informal settlements before making our conclusions.

Research Methods

The study used qualitative research methods to capture the socio-spatial dynamics of Abuja informal settlements (as used in similar cases by Al-Daily, 2013; Dodman et al., 2017; Lombard, 2014; Michelutti & Smith, 2014; Roy, 2005, 2009b; Rubin, 2018; Suhartini & Jones, 2019; Wacquant, 2008, 2015). This involved systematic literature reviews, policy document analyses, interviews, focus group discussions and direct field observations to explore the land governance dynamics in Mpape, a prominent informal settlement in Abuja. Mpape is located in the suburb of Abuja city, it is one of the largest and most densely populated slums of Abuja comprising of a heterogenous population of various migrant streams and indigenous settlers known as Gbagis. It shares boundary with one of the Most developed neighbourhoods of Abuja (Asokoro and Maitaima) which host the powerful and political elites of Abuja. The current socio-political dynamics in Mpape settlement of Abuja offer the perfect setting to explore and understand the interplay of institutional actors on the often-contested issue of land rights and tenure security of Abuja informal settlements. The respondents for this research cut across state and non-state actors in the dynamics around Abuja informal settlements. These include respondents across relevant government agencies, departments and units like the Federal Capital Development Authority- FCDA (specifically at resettlement and compensation department, urban and regional planning (URP) department); Abuja Geographic Information System- AGIS (Information unit and Land administration department); Development Control (also known as Abuja Metropolitan Management Council-AMMC); and Municipal Area Councils (local representatives of the people in the federal government structure of Nigeria). The non-state respondents include community leaders, representatives and residents in Mpape, Estate developers, land buying agents and some academic researchers on related land issues in Abuja.

The Antecedent Conditions around Abuja Informal Settlements

There are several antecedent conditions that have influenced the dynamics around the informal settlements of Abuja. The major ones that can be considered to be very influential to the controversies around the informal settlements include: the Nigeria Land Use Act of 1978; the relocation of the federal capital to Abuja in late 1970s and early 1980s; the adoption of Abuja master plan in 1979 to guide the spatial and socio-economic development of Abuja; the resettlements programmes for some indigenous communities; and the demolition exercises between 2000 and 2007. These government decisions and policies are considered in this study as critical and influential to the present dynamics around Abuja informal settlements, hence they are highlighted in the table below vis a vis their developmental pathways and impacts to the issue of land rights and tenure security of the informal settlements' dwellers using Mpape as the focus case.

The Critical Junctures in the Governance of Mpape

Most of the highlighted antecedent conditions above have significant influence in the present dynamics of Abuja informal settlements and can also be considered to be critical to the governance of all the informal settlements. For example, the resettlement programmes and plans that don't capture Mpape for resettlement and the demolitions in the city centre that displaced a lot of residents to the suburb areas like Mpape have significant and critical effects on the present dynamics in Mpape. In addition, and specifically to the case of Mpape, is the displacement and demolition attempt by the government in 2012. Over the years, Mpape has rapidly developed into a highly undeveloped/unplanned settlement and can be described as a slum in all aspects. Haphazard developments, illegal structures, unapproved land uses, and the uncontrolled expansion of the settlement necessitated the government through its planning institutions initiate the demolitions and drastic development control measures in Mpape (Interview with Development Control Official). There were some demolitions of illegal houses in Mpape before 2012, but most of the planning institutions activities were countered with active resistance from the residents. The residents' resistance has been enforced and consolidated from their previous displacement experiences and the massive awareness of their rights that have been campaigned to them and the government by many NGOs and human right activists (field observations). These resistances to development control exercises might have warranted the 2012 government's move to demolish the whole settlement by force. The

decision by the government marked as another major turning point in the socio-spatial and political dynamics of Mpape settlements because of the series of events and reactions that followed.

In July 2012 the Federal Capital Development Authority Department of Development Control served Mpape residents with notices to quit and immediately mobilized demolition equipment to the area without having first conducting adequate consultation or offering any alternative options, accommodation or compensation; contrary to the requirements of international law, this planned demolition would have displaced hundreds of thousands of Mpape residents (AmnestyInternational, 2017). The residents immediately mobilized and took the government to court, the court granted them an interim injunction for the government to suspend the proposed demolition till the final judgement. At a huge financial cost (over 30 million naira (about 140,000 euros in 2015) were contributed by the residents), local and international supports from NGOs and human right activists (Mpape residents were represented in court by Femi Falana, a prominent human right activist and a senior advocate in Nigeria judicial system), the residents of Mpape community finally won the court case in February, 2017 after about 5 years of legal battle and living in fear of forced eviction (AmnestyInternational, 2017; Interview with Mpape community head). On this legal tussle which highlights the solidarity of the residents to struggle for their rights to the city, the present indigenous community leader remarked that:

“...this is a serious issue with plenty story that I can’t just explain everything to you in a short time...this issue aroused some years back... we know the government is for the people and by the people, and the government owns or always claim to own everything (lands) but there must be rules and regulations must be followed...the government is supposed to provide development and infrastructures in our communities...but when you look at the areas that the government have demolished in the name of development, you will see that the government did not do anything in such areas but they keep collecting peoples’ lands and houses and reallocating them to themselves...people will no longer keep quiet, they have to fight. Truly, the issue (demolition) was a serious battle before they realized things need amendment. The lands and houses they were forcefully collecting...are they not people’s plots? ...Are people not living in those houses? ...are they not Nigerians?... why do they want to collect occupied lands and allocate to others? ...that’s why emotions rose and the whole community came together to take the matter to court...the present Attorney General was even among the lawyers

that represent the community...and after the long legal battle (over 5 years), the government was asked to keep off our lands..."

However, despite the efforts of the residents, the landmark court judgement and other similar court injunctions, demolition exercises are still being carried out by the government in the name of development control of emerging illegal structures/houses-shanties and structures without genuine land documents or building approval (Interviews with Department of Development Control/FCDA officials). The fear of demolition and forced eviction still hang around the residents of Mpape. According to the Sarkin Hausawa (tribal head of the Hausas):

"...the government officials are still coming to threaten us with demolitions despite winning the court case against the government. The court even refused to review the case until after 20 years...but they (government) are not happy with that, they are still finding ways to collect lands and demolish people's houses...if you look around, you will still see demolition notices placed on some of houses, but they cannot do anything because the court gave us the power...that before they demolish any house, they must compensate the owner, but it is always difficult for them to do that (compensate land occupants) and they want to use force..."

Still on the continued demolitions and displacements in Mpape, the chairman, council of the tribal heads in Mpape added that:

"...there is nothing like tenure security here, living here is at your risk...although we bought the lands from the indigenes, the government said we can't stay here...that's why I said we are staying here at risk, we know we don't have official right to stay here since the government said they want to use the lands, the court also said all the lands belongs to the government, but they must compensate us, or resettle us before doing anything on this land...that's why we even went to court in the first place (for resettlement or compensation) and we spent nothing less than 35 million naira (about 160,000 euros in 2015) over the four years that the case lasted...there were a lot of demolitions in the past before the court resolved the issue, but they (government officials) are still coming to disturb us...but we know we are covered under the court judgement since the government didn't appeal it up till now...if they want to take anybody's land now, they must pay the person...but the government will not do that, they will always say the government don't have money, it is not in their budget...yet they want to collect the lands (without compensation)..."

The continued demolitions of structures in Mpape despite court injunctions and some resistance from the people indicate that the problems in the informal settlement persist

without any foreseeable resolution. The antecedent conditions and critical junctures outlined so far have set some path dependent processes (as summarized in table 1 below) that are defining the current dynamics in the informal settlements.

Antecedent Conditions and Critical Junctures in the Governance of Mpape

Antecedent Conditions			
Antecedent conditions	Alternative choices/ Forgone options	Related path-dependent processes/ Structural persistence	Impacts on outcome of interest (land rights) in Mpape
Nigeria Land use Act of 1978	Enhancement of customary land rights; Involvement of traditional institutions in land governance	Institutional conflicts; complicated land governance; unending land conflicts and court cases; basis for demolitions and displacements	Most Mpape residents were allocated lands based on customary arrangements
The creation of Abuja as the federal capital in 1978	Redesigning and expansion of the previous capital (Lagos) towards its neighbouring states with more land mass	Rebuilding a capital from the scratch with limited resources; uncontrolled migration and urbanization; expansion of the indigenous communities and suburbs	Expansion of Mpape and more allocation of lands to migrants based on customary arrangements
The 1979 Master plan of Abuja	Designing the master plan based on the existing indigenous communities and/or their integration into the development plans of Abuja	Outdated but still being used for development control exercises (resettlements, demolitions and displacements)	Basis for delineating Mpape settlement as informal; and Mpape being marked for demolition
Critical Junctures			
Critical Junctures	Alternative choices/ Forgone options	Related path-dependent processes/ Structural persistence	Impacts on outcome of interest (land rights) in Mpape
Abuja Resettlement programmes	Prompt resettling of some of indigenous communities; and in-situ development of others as proposed by the Abuja master plan	Failed, unsuccessful and pending resettlement programmes with no alternative plans; Some settlements (e.g Mpape) are not being considered for resettlements; undeveloped indigenous communities; growing resistance to 'development-induced' resettlement and displacement	Increased contentious politicking for the recognition of land rights or proper resettlement
2000-2007 demolition exercises	Proper resettlements; systematic gentrification	Numerous court cases; movement of the displaced persons to the suburb areas like Mpape; growing resistance to 'development-induced' resettlement and displacement	Increased demands for more lands; Increase in the land area and population of Mpape
The attempted demolition of Mpape in 2012	Proper resettlements; systematic gentrification or slum upgrading.	Court cases; occasional and selective demolition of structures; growing resistance to 'development-induced' resettlement and displacement; deteriorating living conditions; relegation of infrastructural development to the background	Enhanced tenure insecurity; Increased contentious politicking for the recognition of land rights or proper resettlement; Residents living in fear of displacements

Path Dependent Processes and Structural Persistence in the Dynamics of Abuja Informal Settlements

The table above summarizes the antecedent conditions and main critical moments in the governance of Abuja informal settlements which have directly or indirectly impacted the issues of land rights and tenure security in Mpape. The controversies can be traced back to the 1978 land use act that the government has used to disqualify all primordial claims (customary land rights) to Abuja lands. The fundamental problem related to the informal settlements is the disagreement over tenure practices (see also Patel, 2013 & Van Gelder 2010) where the statutory tenure criteria used by the state to determine land rights and tenure security are practically different from the customary arrangements that were used to allocate lands to the informal settlement dwellers. This has generated a lot of controversies, conflicts and legal tussles. Although the interinstitutional Abuja land use and allocation committee (LUAC), empowered to fairly and transparently allocate Abuja lands and land disputes through out of court settlements in order to reduce the several land cases that have overwhelmed the judicial institutions, has addressed these unending land conflicts (Aytogo, 2018; Otaru, 2018; Times, 2012), but it has not significantly solved the challenges and land disputes in the informal settlements which are still under the threat of forced eviction and displacements.

Lots of reactions and counter reactions have trailed these critical governance moments such as the continued demolitions of houses and displacements of residents despite the active resistance of the informal settlements' dwellers enhanced by human right activists, NGOs and *favourable* court judgements. This indicates the presence of powerful actors and structural conditions. Many authors (for example Mahoney, 2001; Thelen 1999; Capoccia and Kelemen, 2007; Capoccia 2015; Sorenson, 2017a; 2017b) also point at the roles of powerful actors and elites in either maintaining the status quo or resisting institutional change despite the agency of the poor or marginalized. Looking at how the complicated land issues around the informal settlements of Abuja have persisted and lingered so long, the significant roles of land developers, very rich elites, heads of security agencies and armed forces, politicians from other regions of Nigeria whose aspire to be near the seat of power-Abuja in the persistence of the problems cannot be underplayed. Some studies (see Abdullahi, 2020; Adama, 2020a, 2020b; ICPC, 2015), reports (COHRE, 2004; 2008; Premium Times 2012a; 2012b; 2018 news reports) and feelers from most Abuja dwellers have highlighted the culpability of these powerful actors in the complex land governance of Abuja.

- **The Interplay of State and Non-state Actors on Land Rights and Tenure Security of Mpape Residents**

The continued forced demolitions in Mpape have resulted to a lot of court cases, politicking and interplay of state and non-state institutions in contentions over land rights and tenure security in Mpape. The desperation over the tenure security by the residents is aggravated by the government's determination to displaced the residents without any resettlement or compensation package. On this, the indigenous community leader of Mpape said:

"The government don't have any resettlement plan for us...they just want everyone to leave and go to wherever...and leave the lands empty, no plans at all...everybody just want to get plots of land in Abuja, how will they get plots? Everywhere have being occupied in Abuja; so they have to use these media (forceful evictions, demolition of houses) and tarnish people (as illegal occupants) in order to get what they want (the lands) ..."

A resident (Migrant) in Mpape added that: *"...the government is only after us even when we have the evidence that we bought our lands from the community leaders, but they just want to demolish our houses and take our lands after living here for long...they don't even want to compensate us so that we can move to another place after spending so much on building a house...you know it's not easy to build a house in Abuja...some of us went to court and contributed to get a lawyer but the judges are no longer fair...government use to bribe them or promise them some of our lands..."*

On why there is no resettlement plan for Mpape slum or compensation for demolished buildings... an official at the resettlement department of FCDA remarked that Mpape is not considered an indigenous community by the government. He said *"Mpape was a quarrying site (there are still traces of quarrying activities), where the quarry workers and the construction workers that constructed Abuja roads and buildings used to stay... many companies built temporary structures for their workers then for them to come and work, then go back homes. But as people are coming to Abuja from all over the places (migration) and no place for them, that's when they started building houses there (Mpape) without government approval, so whenever the government is ready, they will all go..."*

A planner in the resettlement department added that the failure to government to take initial stock and biometrics of the indigenous settlers have made resettlement exercises in Abuja very difficult. According to him, the major problem is that of biometrics and determination of the number of indigenous settlers, most of the indigenous settlers are

Gwaris, and we have other Gwaris from other states like Kogi, Plateau, Niger, Kaduna and Nasarawa that have migrated into these settlements to claim original settlers... And they all want to be resettled, and that is not feasible because of the huge financial implications. The indigenous settlers are now diluted and no more entirely original (Interview with FCDA Director of Planning, Abuja South).

On why there are still active demolition of structures in Mpape despite existing court injunctions, the district officer for Mpape at the development control department said *“the court didn’t stop us from performing our duties of development control, it’s our constitutional mandate beyond any court...what the court stopped was the demolition of the entire slum, but we can’t fold our hands and allow the slum to keep growing with illegal structures”*.

On why there are several court cases between the people and FCDA/government over land rights, a deputy director in the planning office explained that all those courts cases are what is known as politics in planning. In his words:

“...there is what we call politics in planning, if you are a town planner or student of town planning, you will understand this very well...there is even a recent court case that is ongoing now, the Abuja indigenes vs the federal government, they want the court to mandate that only the indigenes of Abuja be appointed as the FCT minister...we understand all their politics, but that is not good for planning and development of Abuja...we cannot do our work very well, because before you do anything, they will rush to court or call their people in power to stop us...”

Apart from the residents’ engagements and negotiations with relevant authorities (usually through their municipal government representatives), the efforts of local, national and international NGOs and human right activists have also garnered support and awareness on the plight of the residents through media campaigns, court cases, mobilization, protests and confrontations with state actors. The prominent among these NGOs are Nigerian Slum/Informal Settlement Federation; Social and Economic Rights Actions Centre (SERAC); COHRE; Amnesty International, Abuja Youth Coalition and the Abuja Indigenous People’s Association. Although most residents of Mpape (especially the indigenes) have a sense of security or immunity from arbitrary displacement based on court injunctions, the issue of land rights and future tenure security in the settlements does not appear to be settled yet even among the indigenes that feel untouchable. For instance, in a FGD with some indigenous residents of Mpape, they confidently explained that:

“...as the indigenes of this community, we don’t have any land problem with the government, we are also part of the government...they (government) came in the past for layout to demarcate lands, they settle with our forefathers, our forefathers show them the community lands and the government did not touch our lands because they know its our lands (customary land rights)...but anytime the government come for demolition, it’s the strangers (migrants) that they usually face because they said the strangers have to get land documents from the government...”

On why the whole community (including the indigenes) contributed together to take the government to court over the popular quit notice, they said:

“ ...yes we joined hands together because we (indigenes) sold the lands to them when they came, it is the traditional rulers that use to sell or give lands to people to develop, but they said we cannot do that, that all the land is for the government...also, we don’t want the government to collect the lands because they will not give us anything (money or infrastructure), we see what they did with the lands they collected before from the indigenes in Lokongoma, Utaka, Jabi, Mabushi... they will not bring any development (infrastructure) to us, they will give the lands to themselves and the rich people...”

When further asked if the indigenes have land documents from the government (statutory land rights), they said no, *“the government did not give us land documents but they know our lands and we know our lands, our fathers showed us our lands, every family knows their ancestral land, if the government wants any land from us, like our farm lands, they compensate the family that owns the land...”*

On the statutory land rights another participant added that *“many of us don’t have the money get the Certificate of Occupancy because it’s expensive and those of us that applied for it were not given, some have applied for more than ten years now, they keep giving you excuses anytime you go there (AGIS, the land registration department)...”*

On this, a land registration official at AGIS remarked that *“it’s very easy to get your R of O or C of O if you have the necessary documents that are required, many of them (indigenes) don’t have the required documents, that’s why...”* But on a different tone, a town planner at the FCDA said the major reason for not giving most of the indigenes statutory land rights is because of the Abuja master plan, that *“the lands they are occupying now is for one project or the other according to the master plan, if you give them C of O, it will be difficult for the government if we decide to use the land for anything tomorrow...”*

- **Resistance Practices of Mpape Residents**

The government policies and programmes on Mpape settlement have generated a lot of reactions and feedbacks both within and outside the settlement. As shown in studies on governance institutions, multi-actor governance and resistance (see Tarrow, 2011; 2013; Hall, 2015) Mpape residents have being able to advantage of polarization within the government officials and agencies; and the shifting opportunities and regime changes in government to keep an active resistance to government policies and programmes, thereby changing the dynamics in the settlement (changing the path dependence trajectory of the government past decisions). The town planners at FCDA see this resistance practices as ‘politics in planning’ which they considered to be a major challenge in the development and planning of Abuja. From the interviews with the FCDA officials and Mpape community leaders, the reactions and resistance practices (or politicking) of Mpape residents (with support from other contested settlements) include:

1. Formation of (indigenous) associations (eg Abuja Youth Coalition; Indigenous People of Abuja; Slum and Informal Settlements Association of Nigeria) to engage stakeholders and media in agitating for theirs and resisting displacements.
2. Support (or sabotage as some other government officials might see it) from their *educated sons and daughters* in government institutions and agencies who will mostly go against any displacement or demolition plan of the government; or at least informed the residents earlier to prepare a counter move.
3. Networking with those in power and politics to garner support and sympathy in exchange for votes during election.
4. The campaign for equal citizenship in Abuja, that is, why should the indigenous lands be collected and reallocated to other citizens.
5. Instituting several court cases and most times leading to court injunctions on the government institutions to halt development control exercises within the settlement.
6. The agitation and court case for the presidency/Legislature to reserve the position of FCT Minister for only Abuja indigenes who will understand the plights of Abuja indigenous communities.
7. Reduction of land grabbing by planting of economic trees on yet to be developed lands to increase compensation due to the residents and most times making it difficult for developers to develop such lands.

Conclusion

Many geographical studies on urban informality often focused more on the issues of urban poverty, poor living conditions, inadequate infrastructure and other contentious issues in global south cities at the expense of exploring why the problems of urban informality have persisted so long with no foreseeable improvement. This study advocates for a retrospective reflection to understand why the challenges in these settlements have persisted so long in order to holistically understand the dynamics around the settlements before any intervention. Using the critical juncture concept of HI as a framework, this study identified some path dependent processes and critical junctures that are influencing the current dynamics of Abuja informal settlements. A further analysis of the path dependent processes and critical junctures vis a vis related studies on Abuja land issues shows that the persistence of the land conflicts around the informal settlements is being fueled by the powerful forces of political actors, elites and land speculators (who often connive with corrupt state officials in the land administration departments) that are interested in the lands or benefiting from the present status quo- the continued land grabbing in spaces of the less powerful. This finding supports the significance of taking note of the power dynamics in the analysis of path dependent processes as pointed out in many studies. However, as typical with critical junctures and their path dependencies, the prolong reactions and counterreactions of different institutional actors on the most recent critical juncture (2012 attempted demolition in the case of Mpape) are likely to alter the developmental pathways of the critical juncture (for example the aggressive resistance of Mpape residents and 2015 landmark judgement to halt the attempted demolition is an alteration) and probably produce another critical juncture that will significantly affect the land rights and tenure security tussle. The use of HI in this study has shown the potentials for the holistic understanding of informal settlements in different contexts and at different times. However, based on the findings of this study and the peculiarities of informal settlements in global south cities, we suggest that in using the concept of critical junctures in the study of informal settlements, all critical governance moments and decisions should be considered and analyzed chronologically without unnecessary assessment of their individual level of criticalness as some studies (see Capoccia and Kelemen 2007; & Capoccia 2015) might suggest to avoid discarding important nuance details. Also, there is need for further exploration of the impacts of the current socio-political processes (for example the present contentious politicking around the informal

settlements) and the dynamic influence of (powerful) governance actors that are capable of changing the present and future dynamics around the land rights and tenure security of the informal settlements' dwellers.

In addition, the force of the informal settlement dwellers in (re)defining the socio-spatial and political dynamics in urban centres have been indicated in recent studies on urban informality or marginalization (see Ash Amin, 2014; Michelluti & Smilth, 2014; Chiodelli & Tzafadia, 2016; Aceska, Heer, & Kaiser-Grolimund, 2019; Paller, 2017; Rubin, 2018). This study also acknowledged this as shown in how the resistance practices of the informal settlement dwellers have influenced the government approach towards their displacement, but this study also reveals that the agentic forces of the marginalized urbanites in influencing a lot of things in the city is a bit exaggerated, temporal and not potent enough to guarantee a sustainable tenure security nor attract adequate infrastructural developments to the marginalized neighbourhoods. These (tenure security and infrastructural development) are the major challenges of informal settlement dwellers. Living in most informal settlements is still characterized by abject poverty, poor living conditions and constant fear of displacement; a threat that is highly possible if there is a change in the governance/planning approach of a government regime or the fragile power networks of the informal settlement dwellers. Resistance practices of the informal settlement dwellers can make the government to reluctantly accept their existence in the city, but more needs to be done by the residents and their allies to productively engage the state development institutions and private developers in enhancing the provision of infrastructures to the communities. The poor infrastructures and abject living conditions in the informal settlements are often used as excuses by the government to demolish the settlements. This also suggest the need for further studies on the relationship between infrastructural development and tenure security in informal settlements.

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