



# The making of urban informal settlements: Critical junctures and path dependency in governing Abuja, Nigeria

Nuhu Adeiza Ismail<sup>a,b,\*</sup>, Emmanuel Akwasi Adu-Ampong<sup>a,c</sup>, Ana Aceska<sup>a</sup>

<sup>a</sup> Cultural Geography Group, Wageningen University & Research, the Netherlands

<sup>b</sup> Department of Geography and Environmental Studies, Kogi State University, Anyigba, Nigeria

<sup>c</sup> School of Hospitality and Tourism Management, University of Johannesburg, South Africa

## ARTICLE INFO

### Keywords:

Abuja  
Critical junctures  
Historical institutionalism  
Path dependence  
Tenure security  
Urban informal settlements

## ABSTRACT

History matters. Yet, explanations about the contemporary dynamics around informal settlements in global South cities are often divorced from their historical antecedents. We argue that a retrospective approach is important in analyzing and understanding the current dynamics around informal settlements. Applying the historical institutionalism approach and the concepts of critical junctures and path dependency, this paper develops an institutionalist approach to exploring the messy and complex dynamics of urban informal settlements in Abuja, Nigeria. Using interviews, focus group discussions, document analysis, and participant observations, we identify four key critical junctures: the Federal Capital Territory (FCT) ACT of 1976; the Land Use ACT of 1978, the 1979 master plan of Abuja, and the attempted demolition of Mpape in 2012 and the resulting 5-year court case that ended in 2017. These critical junctures have created path dependencies that explain the contemporary state of the urban informal settlements in Abuja, particularly in relation to land rights and tenure (in)security. This study shows how inconsistencies in the formulation of policies and their implementation in the planning of cities are a result of historically embedded problems. Insights into such historical legacies are the first step to a comprehensive understanding and future planning of urban informal settlements.

## 1. Introduction

History matters. Each social phenomenon emerges and evolves in a given historical context. Contemporary cities are shaped by legacies of the past as well as present circumstances. In many cities in Sub-Saharan Africa, rapid urbanization with its attendant proliferation of urban informal settlements represents one of the most challenging tasks for urban planners. With rapid urbanization and informal settlements come contentions over land rights, tenure security, and the lack of infrastructural developments. The United Nations estimates that as of 2018, over 1 billion people lived in informal settlements across the world and this number is expected to increase. To understand the myriad issues associated with informal settlements, especially the processes of planning and governance, present issues in informal settlements need to be placed in their historical context. Urban informal settlements are often embedded in past events created through government policies and programs (see Obeng-Odoom, 2017).

Yet, contemporary approaches to resolving informal settlements tend to take a presentist perspective. Given that urban governance is laced

with inescapable historical antecedents, history needs to be taken seriously in urban planning and governance research (see Sorensen, 2014; Sorensen, 2020). Historical explorations in urban planning research can produce significant insights into the short and long-term spatial-temporal processes that generate various outcomes in different cities (Sorensen, 2014, p. 18). In the African context for instance, Obeng-Odoom (2017) has argued that the inconsistencies in the formulation of policies and their implementation in the planning of African cities are a result of historically embedded problems, incoherent structures, and undefined roles of political actors. Chimhowu (2019) has also shown how customary land tenure systems across Africa have been transformed through neoliberalization processes. This has led to a reconfiguration of land relations and displacements. It is this transformation and shifting in land tenure systems that underlines what comes to be classed as informal. Thus many informal settlements were once formal and become classed as informal settlements through different processes of shifting notions of land tenure and therefore rights to the provision of public amenities. This lack of access to public amenities due to changing notions of land tenure has been illustrated by Huchzermeyer et al. (2014)

\* Corresponding author at: Cultural Geography Group, Wageningen University & Research, the Netherlands.

E-mail address: [firstadeiza@gmail.com](mailto:firstadeiza@gmail.com) (N.A. Ismail).

<https://doi.org/10.1016/j.cities.2024.104789>

Received 11 July 2023; Received in revised form 14 December 2023; Accepted 5 January 2024

Available online 23 January 2024

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in the case of informal settlements in Johannesburg, South Africa, and Dovey et al. (2020) in the case of Baraka, Nairobi (Kenya) and El Barageil, Cairo (Egypt).

In the urban setting of Abuja, Nigeria, the governance of urban spaces could hardly escape past legacies – and offers an avenue to explore the empirical dimension of the proposition ‘history matters’. As a relatively recent urban development phenomenon, Abuja was founded as the federal capital territory (FCT) of Nigeria in the late 1970s. Like many African cities, many informal settlements pose challenges to the overall planning and development of Abuja. These informal settlements, most of which had existed before the making of Abuja as an FCT, were due to be resettled to make way for a well-planned modern city. However, there continue to be dynamic contentions over these settlements ranging from resisting resettlements and displacements to contesting land rights and tenure security in courts. To fully understand the current complexities around the informal settlements, there is a need for a thorough historical exploration of developments in the settlements. Events and key processes in the past have a way of casting long shadows on the present. A historical exploration of the development of Abuja is therefore necessary for understanding the current contentions over land rights, tenure security, and infrastructural developments in the informal settlements.

This paper develops an institutionalist approach to exploring the messy and complex dynamics of urban informal settlements in Abuja, Nigeria by engaging with the historical institutionalism approach (HI) and adopting the concepts of critical junctures and path-dependency. We argue that current policies and strategies in governing Abuja's informal settlements are steeped in and shaped by key policy decisions in the past. A clear understanding of these defining historical moments is needed to arrive at a clear sight of the most optimal urban planning and policy direction to take for these informal settlements. This paper is structured as follows: after this introduction, the next section develops the conceptual framework of critical junctures and path dependency within HI. The third section focuses on the case study of Abuja by outlining the research design, methodology, and methods. In the fourth section, we identify the key critical junctures in Abuja's urban history by tracing out their path dependencies and the extent to which they continue to shape contemporary policies and practices. In the final section, we provide a discussion of the insights HI offers to understand urban informal settlements through the lens of critical junctures and path dependences.

## 2. Critical juncture and path dependency: a historical institutionalist approach to urban governance and planning

Institutions matter. This claim is at the core of Historical Institutionalism (HI), one of the key historical approaches to studying political and social change in society. Institutions as the “rules of the game” (North, 1991, p. 3) are defined within HI as “the ‘formal and informal procedures, routines, norms, and conventions embedded in the organizational structure of the polity or political economy’” (Hall & Taylor, 1996, p. 938). The urbanization process in cities around the world particularly in Africa is greatly structured by and gives rise to a dense, often impenetrable, meshwork of institutions. Consequently, an HI approach is apt for studying urbanization and its discontents in Abuja as it provides historical explanations on how institutions structure and shape political actors, behaviours, rules of engagement, and outcomes of interests across time (Steinmo, 2008, 2015). Exploring how historical antecedents shape the current dynamics around the governance of informal settlements can provide fundamental insights into the persistent problems and contentions around informal settlements. While HI is deeply rooted in political, comparative, and other social sciences, its potential significance in urban and spatial planning studies is gaining increasing attention. HI approaches are being applied in areas such as planning history (see Sorensen, 2014; Sorensen, 2017b); spatial and regional planning (Dąbrowski & Lingua, 2018); urban governance and

infrastructural development (see Choi et al., 2019; Jacobs & Manzi, 2016; Nicol, 2010; Norris, 2014; Sorensen, 2017a; Sorensen, 2018; Sorensen & Hess, 2015) and urban redevelopment (Rast, 2009). It has been argued by Sorensen (2020) that contemporary processes of urbanization are fundamental processes of institutionalisation. In this sense, HI provides a robust set of flexible conceptual and analytical tools out of which we adopt the concepts of path dependency and critical junctures to unpack the making of urban informal settlements in Abuja, Nigeria.

Institutions matter because they structure the pathways of individual and collective socio-economic and political interactions and the outcomes of such interactions (Hall & Taylor, 1996; Steinmo, 2008). Path dependence is therefore the idea that once the ‘rules of the game’ of a policy are set, a path is created that becomes difficult to reverse because institutions sometimes generate self-reinforcing positive feedback loops of increasing returns that align with continuity (Pierson, 2000). For Peters (2019), path dependency in governance means that when a particular policy or a style of action is embarked upon, there is a tendency for initial choices to persist with a determinate influence far into the future. This is not to say that institutions are immutable to change but that the positive feedback loops generate strong incentives for those benefiting from an institution who resist change and make it costly to go back to earlier available policy pathway options. Path dependences once created can be altered by political pressure, conflicts, and actions of different actors to produce an institutional change. However, “the order in which things happen affects how they happen; the trajectory of change up to a certain point itself constrains the trajectory after that point; and the strategic choices made at a particular moment eliminate whole ranges of possibilities from later choices while serving as the very condition of existence of others” (Hay, 2006: 64). Seen in this light, institutions are contingent outcomes through which some policy choices are enabled which others are constrained.

Institutions are contingent outcomes that matter emerge and change during moments of crisis, uncertainty, and changing social relations. These moments are referred to as critical junctures – periods in which decisions about the ‘rules of the game’ are made. Capoccia and Kelemen (2007, p. 368) succinctly explain that: “during critical junctures change is substantially less constrained...as the structural constraints imposed on actors during the path-dependent phase are substantially relaxed”. Critical junctures, therefore, represent windows in which the momentary policy and practice choices or decisions are made from a range of feasible alternatives by powerful socio-political actors which foreclose other choices (Capoccia, 2015; Capoccia & Kelemen, 2007; Choi et al., 2019; Mahoney, 2001; Peters, 2019; Sorensen, 2017b, 2018). Major institutional changes, key governance decisions, or key historical moments with determinate significant influence on future outcomes have been described as critical junctures because they produce long-term path-dependent processes that shape outcomes (Capoccia & Kelemen, 2007; Mahoney, 2001; Sorensen, 2018; Sorensen & Hess, 2015; Thelen, 1999). The *determinate significant influence on future outcomes* refers to the path dependency of a critical juncture. Critical junctures are thus major governance decisions or policies, often as a product of the interplay between different actors aimed at a solution to existing problems, that are capable of setting new path-dependent trajectories for future outcomes.

Critical junctures, as Mahoney (2001) argues, are only those choice points that close off important future outcomes. In a similar vein, Capoccia and Kelemen (2007) and Capoccia (2015) suggest that since several interconnected socio-political events and processes can influence outcomes of interest, critical junctures should be the ones with a substantially heightened probability to significantly impact or have direct causal effects on outcomes of interests. Another important aspect of understanding critical junctures is antecedent conditions which are the historical factors that define the available options for institutional actors thereby shaping the activities of actors and the processes that trigger critical junctures (Mahoney, 2001). Similarly, Capoccia (2015) argued

that some antecedent conditions have the structural causal power to produce multiple critical junctures or candidate critical junctures. For Capoccia, candidate critical junctures can be seen as moments in which the institutional status quo was challenged and in which demands for radical institutional change emerged. Thus, the antecedent conditions that produce the critical junctures explained in this paper comprise interconnected socio-political processes or decisions that have direct or indirect structural causal relationships with the examined critical junctures.

In summary, critical junctures have three defining features. First, there are antecedent conditions out of which critical junctures emerge and become defined. Secondly, during the antecedent conditions, there are feasible alternative options for governance actors to choose from. And lastly, the chosen option that becomes the critical juncture has path-dependent tendencies capable of shaping future outcomes. Hence, critical junctures in this study refer to those major governance decisions or policies that have produced the path-dependent processes that define the current dynamics around Abuja's informal settlements. Taken together, the two main concepts of path dependency and critical junctures provide a valuable conceptual and analytic framework to explain how some historical antecedents define the present dynamics and complexities around the informal settlements of Abuja. The next section outlines the methodological approach to this study.

### 3. Research setting, methodology, and methods

Located in West Africa, Nigeria is the sixth most populous country in the world and the most populous in Africa. There are 36 states in addition to the Federal Capital Territory (FCT) where Abuja is located as the capital city. Since its creation in 1979, Abuja has been home to constant frictions between city planning and governance authorities and urban informal dwellers faced with (threats of) demolitions, displacement, and dissatisfaction with resettlement compensation packages (Abubakar, 2014). Given current reality and the imagined dreams of how Abuja was to turn out, it becomes important to explore what accounts for this disjuncture.

This paper is based on a four-year research project examining the governance of informal settlements in Abuja via interactions between state and non-state actors in relation to issues around land rights and tenure security (Author). A mainly qualitative approach involving interviews, document analysis, focus group discussion, and observations was adopted. For this current paper, the empirical analyses are based on 48 interviews, 10 focus group discussions, and participant observations produced by the first author between March 2019 and November 2020 in Abuja, particularly in the informal settlements of Mabushi and Mpape. This was supplemented with document analysis of documents such as the Abuja master plan, reviews of developmental plans, official handbooks of planning agencies, the Centre for Housing Rights and Eviction (COHRE)'s reports on Abuja, Mpape court case judgment report, and Abuja resettlement plans. The participants of the interviews and focus group discussions include the informal settlements' dwellers (ISD), their community leaders and political representatives, government officials, and private sector real estate developers.

Data analysis for this paper involved an inductive thematic analysis of the gathered data with the help of the ATLAS.ti qualitative data management and analysis software. In addition, a detailed document analysis supported by field observations was used in tracing out the path dependencies and critical junctures. The narratives from the participants were used to foreground the analysis of critical junctures vis-à-vis available empirical evidence to support their significance and path-dependent trajectories in the current dynamics. Thus, in this study, the critical governance processes and decisions are considered and analysed chronologically and relatedly. The extent of stakeholders' references to particular moments was used in tracing the relevant critical junctures and their path dependencies as this provided a holistic understanding of the dynamic issues around the settlements – i.e. the more

references are made to particular moments, the more the 'criticalness'. As we will show in the next sections, our approach takes off from the idea that all the critical governance processes are interwoven or transition into one another, and, what is more important, they all have interconnected long-time structural effects or path-dependent influences on the current contentions around Abuja's informal settlements.

### 4. Critical junctures and their ongoing path dependencies in the governance of Abuja's informal settlements

Four critical junctures shape the current dynamics around Abuja's informal settlements: the Federal Capital Territory (FCT) ACT of 1976; the Land Use ACT of 1978, Abuja's master plan, and the attempted demolition of Mpape in 2012 and the resulting 5-year court case that ended in 2017. These critical junctures and their path dependencies are discussed in the subsections that follow, drawing on the overview provided in Table 1.

#### 4.1. Critical junctures 1 & 2: the creation of Abuja with the FCT Act in 1976 and the Land Use Act of 1978

In the period after independence from British colonial rule in 1960, Lagos as the then national capital of Nigeria was seen as having several issues inimical to the development of the country. The main reasons for the unsuitability of Lagos were its peripheral location, dual and conflicting role as both federal and state capital, acute shortage of land space for expansion, and infrastructural development due to being a coastal region (Abubakar, 2014; Nor et al., 2020). It is in this context of a search for new capital that Abuja came to be the Federal Capital Territory (FCT) on the 4th of February 1976 through a promulgated decree no. 6 which is known as the FCT Act 1976 (Federal Government of Nigeria, 1976). Abuja was carved out from the current states of Kogi, Niger, Kaduna, and Nassarawa states. The FCT Act made explicit clarifications on the governance of this new capital city and of land ownership. Abuja ceased to be a part of any of its parent states and instead was to be governed and administered through the control of the Government of the Federation (Federal Government of Nigeria, 1976, p. 2). The Federal President was to delegate administrative powers over the FCT to an FCT minister and other executives through direct appointment for the governance of Abuja. In addition, the FCT Act proposed the creation of the Federal Capital Development Authority (FCDA) with a statutory mandate to coordinate the development of Abuja. This was subsequently followed by other developmental planning agencies like the Development Control Department, Lands Department, and Abuja Geographic Information System (AGIS) as independent offshoots of the FCDA.

In 1978, the Land Use Act was promulgated with the goal of developing a federal-level approach to land use planning by unifying the various land tenure systems operational across Nigeria at that time. Before this, there were different tenure practices across Nigeria before, during, and after the colonial era (Atilola, 2010; Otubu, 2018). The Land Use Act of 1978 centralized land rights and tenure practices in all areas across the country, particularly those designated as 'urban' by the state. This was especially applicable to the state capitals and the Federal Capital City (FCC). In this sense, the Land Use Act was a further affirmation of the nonrecognition of customary tenure practices in Abuja and the rest of Nigeria at large. Taken together, they provide the legal basis for the top-down land administration in Abuja and remain the legal reference point in land administration issues in Nigeria at large. In other words, the state can use the constitutional powers of the FCT Act and Land Use Act to dispossess anyone of their lands or displace communities and structures that the state considers as an obstacle in the development plans of Abuja. Thus, since the coming into force of the FCT Act and Land Use Act, indigenous communities overnight became designated as informal settlements marked for displacement and resettlements.

The FCT Act of 1976 followed by the Land Use Act of 1978 (Federal Government of Nigeria, 1978) represents the first two major critical

**Table 1**

An overview of the key governance processes in the governance of Abuja's informal settlements.

Antecedent conditions	Available options/ forgone alternatives	The chosen path option	Path-dependencies
The need for a new and centralized FCT to foster national unity	-Redesigning and expansion of the previous capital (Lagos) towards its neighbouring states with more land mass -Using uninhabited locations -Choosing Abuja as the suitable site for the FCT	The creation of Abuja as the new FCT with the FCT Act	Gazetted in 1976 empowering the president/FCT minister to determine the development of Abuja and how the lands are used/ managed. Abolition of primordial land rights claims to Abuja lands
The need to harmonize/ regularize various land tenure practices across the country to effectively manage reoccurring land conflicts	-Enhancement or empowerment of traditional institutions in land governance -A bottom-up land use policy involving a hybrid of customary and statutory tenure practices - A top-down land use policy excluding customary tenure practices	A top-down Land Use Act	Enacted in 1978 empowering the state as the sole authority in land administration. Top-down land administration that also abolishes customary land rights claims to Abuja lands. It empowers the state to confiscate lands, resettle and compensate ISD, and demolish illegal structures. Production of multiple land right claims and building of houses on contested lands
The need to allocate lands to individuals and developers to develop Abuja lands according to the master plan; and the housing needs of the uncontrolled migrants into Abuja	-The state working with the traditional rulers to allocate lands -The state taking care of the housing needs of both the invited and uninvited migrants into Abuja -Complete resettlement of the informal settlements before the statutory allocation of their lands -Allowing traditional rulers to continue allocating land based customary tenure practices	Conflicting land allocations (through both tenure practices)	
The need to develop Abuja as a modern city with international standards through a master plan; and the need to resettle the pre-existing indigenous communities to give way for modernizing Abuja	-Designing the master plan to accommodate all the existing indigenous communities or their integration into the development plans of Abuja -Prompt resettlement of some indigenous communities and in-situ development of others	Abuja's master plan and resettlement of indigenous communities	Institutionalized in 1979 for development control exercises (resettlements, demolitions, and displacements) by the state planning agencies. Necessitated the resettlement or forced evictions of the ISD

**Table 1 (continued)**

Antecedent conditions	Available options/ forgone alternatives	The chosen path option	Path-dependencies
The need to curb the growth and expansion of informal settlements that are disfiguring the modernity image of Abuja; Unresolved land ownership contentions and the need to confiscate lands for the statutory allottees	-Developing a feasible master plan based on local realities -State recognition of customary land rights -Proper resettlements -Systematic gentrification or slum upgrading -Provision of alternative locations (e.g. the uncompleted resettlement sites) to statutory land allottees -Demolition and forced evictions	Demolition of illegal structures	Demolition is usually the peak of the contentions over land ownership. Planning and executing demolitions make them path-dependent because of the resulting resistance, reactions, or counterreactions

junctures in the unfolding issues of Abuja and its informal settlements as they created a certain path and structural constraints to urban governance. This has had structural effects, especially in terms of the FCT minister's sole power and discretion in the developmental planning of Abuja and the administration of Abuja lands. The most significant effect of the FCT Act on informality in Abuja is that overnight, the traditional rulers and the indigenous inhabitants of the area that came to be Abuja lost any right over their ancestral lands. Their customary land rights and systems of land administration are not recognized by the state. This was further reinforced by the Land Use Act through which the state usurped the primordial right to indigenous lands and settlements for the overriding national interest of making Abuja a modern capital city of Nigeria. This has meant that indigenous communities in and around Abuja are left only with entitlement to their present settlements from which they are due to be resettled into new state-sanctioned housing in different areas of the capital territory. This process is spearheaded by the FCDA established through the FCT Act as the state's chief planning agency responsible for overall spatial planning in Abuja. Thus, the federal government is invested with the power to control and allocate the FCT lands. But in practice, the sales and allocation of lands in Abuja in the early years of its creation were a 'free market' affair between the indigenous community leaders and new migrants into the new city. The federal government made limited attempts to provide lands and housing facilities for the federal civil servants who had to migrate to the new capital from Lagos. Moreover, the private sector workers, construction workers, and the population that continuously trooped into Abuja in search of employment opportunities were not catered for in the housing plans for the new capital (see [COHRE & SERAC, 2008](#); [Jibril, 2006, 2009](#)). These set of people who could not get accommodation in the government housing schemes found affordable alternative housing within the indigenous communities. It is this initial process that accounts for the now heterogeneous population and the difficulties in identifying indigenous from non-indigenous settlers in most of the settlements that are currently considered informal.

#### 4.2. Critical junctures 3 & 4: Abuja's Master plan and the Mpape court case

Upon the creation of Abuja as the Federal Capital of Nigeria, a master plan was developed in 1979 to guide the spatial and development planning of the new city. This Abuja Master Plan also included the plans for the resettlement of indigenous communities away from the central



district to new locations. This Master Plan, the development of which was contracted to the international firm of International Planning Associates (IPA, 1979) was based on a lifespan of 20 years. Thus, the Abuja Master Plan as the guide for planning and development expired before the turn of the new millennium in 1999. In 2007 an Abuja Development Control Manual was developed by the Development Control Department (DCD) as an auxiliary development plan. Nonetheless, it is the expired Master Plan of 1979 that remains the main reference point for city planning and development control by state planners FCDA and DCD to plan, execute, and coordinate developmental projects. In this Master Plan, most of the informal settlements were earmarked for appropriate resettlements in accordance with (inter)national laws and conventions to pave the way for the development of Abuja into a model modern capital city. Yet, the state and FCT authorities have been unable to provide the needed resettlement options for the indigenous communities who continue to live within the city but are under constant threats of demolitions, forced evictions, and persecutions.

It bears stating that Abuja was not created on *terra incognita* virgin land devoid of human settlements. There were up to 600 pre-existing indigenous settlements with a total population of 300,000 when Abuja was created as the federal capital of Nigeria in 1976 (IPA, 1979). The Master Plan, therefore, proposed the accommodation, merging, integration, and upgrading of about 300 indigenous settlements into districts and local government areas of the new Abuja. Such settlements had a strong sense of local residential community in terms of kinship ties, locational identity, administrative organization, and social network. They were to be consolidated and upgraded through the provision of health, security, welfare, education, and social infrastructures (IPA, 1979). About 264 other settlements that did not meet the criteria for upgrading and integration were to be resettled elsewhere. These included the relocation of about 125 settlements within a 5 km radius of the inner city to protect the city periphery from development encroachment and unplanned expansion; about 40 settlements along the major roads to avoid unplanned and spontaneous development and about 80 settlements in the proposed corridors of major development such dam, game reserve, airport and major access routes (IPA, 1979). These recommended resettlement process to make way for the modernization of Abuja has never been successfully carried out. The Abuja Master Plan with its discontent, particularly, the failure or incapability of the state to resettle these indigenous communities as outlined in the plan is therefore a critical juncture in the historical unfolding of the present realities facing the now expanded settlements that are now considered informal.

In the absence of an appropriate resettlement process and in the bid to enforce the 'expired' Abuja Master Plan, city planning authorities have had to resort to forced displacement of communities. Demolitions of what are considered informal settlements or illegal buildings became a common phenomenon in Abuja from early 2000 onward, particularly between 2003 and 2007. In areas within the city centre such as Wuse, Jabi, Utako, Mabushi, Gwagwa, Idu, Karmo, Mabushi, Durumi, and Kado, the government used military men and sporadic shooting to chase out residents before bringing down their *illegal* structures (Interviews with FCDA officials; COHRE, 2004). There were reports and victims' accounts (COHRE, 2004; COHRE & SERAC, 2008) that showed the demolitions as arbitrary, inhumane, haphazard, uncoordinated, and selective especially as houses of prominent indigenes and highly connected individuals were reportedly not touched. Also, alternative housing was not provided for displaced persons according to the (inter) national regulations. In such a situation, most of the displaced people find their way into the already expanding suburbs of the city like Lugbe, Mpape, Nyanya, Dutse, and Kubwa. For example, on the expansion of the informal settlements in the suburb, a tribal head in Mpape remarked that '*...we have up to 141,000 houses in Mpape, we are more than 800, 000 people, and the population keeps increasing since the demolition of other places in the city...*'.

Demolitions usually mark the ultimate physical confrontation

between the state and the informal settlement dwellers (ISD). The attendant loss of livelihoods, properties, family, and community ties engender people to start fighting back through legal and non-legal mechanisms. An important instance of the ISD using the courts to support their cause is illustrated in the popular case of the attempted demolition of Mpape and the resulting legal tussle which became a critical juncture in the unfolding of the dynamics around Abuja's informal settlements. This case illustrates how the outworking of a critical juncture can evolve into another critical juncture. Mpape was originally a temporary settlement location for those construction workers involved in the building of the new city of Abuja in the 1980s and 1990s. However, what was meant to be temporary has now become permanent. Mpape is currently one of the biggest informal settlements in the peripheries of Abuja constituted mainly by highly unplanned and haphazard developments, illegal structures, unapproved land uses, and the uncontrolled expansion of the settlement. Before 2012, there had been demolition attempts of illegal structures in Mpape but most of such demolitions were countered with active resistance from the residents. The residents' resistance has been enforced and consolidated from their previous displacement experiences (especially the previous demolitions in the city centre) and the massive awareness of their rights. Many NGOs and human rights activists have also contributed to enlightening the ISD on their rights. It is in this context that the state sought to utilise its repressive apparatus of the military to push through a demolition exercise. This marked a turning point in the socio-spatial and political dynamics of Mpape and other similar settlements because of the series of events and reactions that followed.

In 2012, the government through its planning institutions attempted demolitions in this settlement. In July 2012, the FCDA through the DCD served Mpape residents with notices to quit and immediately mobilized demolition equipment to the area without having first conducted adequate consultation or offering any alternative options, accommodation, or compensation. Contrary to the requirements of local and international laws, this planned demolition would have displaced hundreds of thousands of Mpape residents (AmnestyInternational, 2017). Knowing that physical protests and resistance would not stop the state's renewed vigour of displacing them, most of the ISD of Mpape mobilized themselves to take the FCT minister and the state planning agencies to court to stop the proposed demolition. The court granted an interim injunction for the government to suspend the proposed demolition till the final judgment. In the end, it took nearly five years of legal tussle and a state of feared uncertainties for the residents of Mpape, before the court ruled against demolition and declared it an illegal process that could not proceed. The ISD won this now famous court case on the 2nd of February 2017, and have since continued to deploy various place-making strategies in inserting themselves into the urban space of Abuja (Ismail et al., 2023). The legal victory has also become a precedent for other informal settlements that contend against state demolition moves.

## 5. Tracking path dependencies in the making of Abuja's informal settlements

Upon the creation of Abuja, the FCT ACT of 1976 and the 1978 Land Use Act provided the constitutional powers for the investiture of all lands into the hands of the executive power of the federal President. This situation meant that the customary land rights of the indigenous inhabitants were usurped, and thus traditional land acquisition processes were rendered obsolete – in principle, if not wholly in practice. Consequently, the state began to allocate lands in accordance with its development plan. The lands that were allocated by the state also included those being occupied by the original inhabitants and lands bought by migrants under customary land practices. The assumption was that these inhabitants would be resettled sooner or later. However, most of these indigenous communities have not been resettled since the creation of Abuja. In the meantime, those individuals to whom the state allocated

land in accordance with Abuja's Master Plan are still waiting for resettlement which is not forthcoming to claim their statutory lands. Those who cannot wait for their resettlement are either reselling their statutory allocation to others or putting pressure on the state planning authorities to evict the current occupants for them (Interviews with the Abuja South sector manager in the Development Control Department and the political leader of Mabushi). Consequently, most of the land contentions around the informal settlements are between the original inhabitants and those that acquired lands customarily from traditional rulers, and those that have statutory allocations from the state on the same piece of land. The double allocations based on different tenure practices constitute and generate powerful and self-reinforcing path dependencies. These are the fundamental root causes of the contentions over land ownership rights in the informal settlements.

These different land allocations made by the state and traditional rulers/original inhabitants of Abuja underline and produce the persisting different land ownership claims in the informal settlements. The federal government's refusal to acknowledge the rights of individuals who have been previously allocated lands based on customary tenure practices, therefore, renders some areas of the city informal by the state planning authorities. In this context, both the original inhabitants and the migrant *illegal* dwellers have to struggle to belong to the city by any means they can (Ismail, 2023). People who bought lands based on customary arrangements are always subjected to displacement threats from the state planning agencies. A number of the land transactions between the new migrants and indigenous communities were acknowledged at the state municipal level with official land certification or building permits. But these were all considered illegal when the government started its demolition exercises in the name of controlling slums and haphazard developments (Interview with Mabushi traditional council; see also COHRE, 2004; COHRE & SERAC, 2008). The current contention is that most of the statutory allottees have the backing of the federal government but have no access to the land because the lands are already occupied by the original inhabitants and customary allottees. The customary allottees claim to have their land allocation papers from community leaders and officially approved at municipal council levels. But unlike the municipal local governments in other states that can approve customary allocations, the municipal councils in Abuja do not have the authority to approve customary allocations based on the FCT and Land Use Acts. Thus, the land certificate and allocation papers from the municipal councils are not valid before the federal land and planning agencies. It is only those with official land allocation papers from AGIS/Land department that the law considers to be the statutory and legal landowners.

The production of different land claimers from the statutory and customary allocations is one of the fundamental problems around Abuja's informal settlements. The statutory land allottees are constantly confronting the customary land claimers who are currently occupying the lands to access their statutorily allocated lands. As explained by a community leader in Mabushi, the statutory land claimers usually end up aggravating the threats around the ISD by putting pressure on the state's planning agencies to displace the ISD so they can access their statutory lands. He explained that the ISD are willing to leave their ancestral lands if the state can provide them with a *suitable alternative* – a resettlement package that is acceptable to them which is yet to come from the state. It is in the absence of such a resettlement package that the dwellers engage in their dynamic resistance to any form of land confiscation. In many cases, the statutory land claimers are faced with three options: 1) they can wait for the government resettlement and/or forced eviction of the ISD before they can claim their lands; 2) they can enter into a negotiation with the ISD and pay off the value of landed assets and; 3) they can sell their statutory land papers to other persons who are willing to take up the challenge of options 1 and 2 above. It is when third-party entrants who buy statutory land papers from others enter the fray that the cycle of contention and pressure begins again. Another major effect of the statutory allocations is that the ISD are losing

their main socio-economic activity which is farming through the dispossession of their farmlands. According to some Mubushi elders in an FGD, statutory allottees are still disturbing them over their farmlands including the ones outside the city. Unlike their houses which cannot be easily appropriated or demolished without resistance, the farmlands of the ISD can easily be taken over and developed by rich statutory allottees with state backing.

The failure of the state to effectively resettle the ISD as recommended by the FCT Act, the Land Use Act, and Abuja's master plan continues to aggravate the contentions between the different land claimers. The failure to resettle earmarked communities has meant that no progress can be made in effectively planning the development of the city as envisaged. This situation, therefore, has laid down the path dependencies regarding the governing challenges of urban planning and development in Abuja. Part of the complications in this path dependence is that while resettlements have not been completed, the lands have already been allocated. The result is ongoing controversies and contentions between statutory and customary landowners. The impasse provides further impetus and a cover for new migrants into Abuja who tend to move into these informal settlements thereby expanding in size and increasing the difficulty of future resettlement. As a town planner at the resettlement department explained, the rationale of the government in allocating lands when people living there have not been resettled was because the communities were already considered not part of Abuja's master plan. Thus, their lands were allocated to those who could build or develop it according to the master plan (Interview with a Senior planner at FCDA resettlement department).

In process-tracing the making of Abuja's informal settlements, it becomes evident that the attempted and successful demolitions, (un)successful resettlement projects, and the Mpape court case as critical junctures have greatly contributed to the making of Abuja's informal settlements. Past demolition exercises within the inner city of Abuja displaced a large number of informal settlement dwellers who given their economic ties to the city had to look for alternative accommodation. What happened is that these dwellers migrated from the inner city informal settlements to those informal settlements in the peripheries. Thus, places like Mpape had to absorb a flux of people and this meant a further expansion of the informal settlements. With increased population size, these informal settlements became empowered to demand their rights to the city. It is in this context that the Mpape court case emerged and subsequently further strengthened the resolution of Abuja's informal settlements to resist efforts to displace them. Moreover, the unsuccessful resettlement programmes of the government have meant an explosion of dwellers in informal settlements in the city because new migrants continue to find accommodation in settlements that exist on the ground even if these settlements are not to be found in any version of Abuja's master plan.

## 6. Conclusion

History matters and it is the inadequate attention to it that explains, in part, failures to effectively deal with major urban issues. Many of the contemporary urban planning issues around the world are inescapably the outcome of specific historical contexts. In particular, dealing with the persistent problems of informal settlements requires a clear understanding of their defining historical processes to arrive at a clear sight of the most optimal urban planning and policy directions. In this paper, we developed an institutionalist approach to exploring the messy and complex dynamics of urban informal settlements in Abuja, Nigeria. Through an engagement with the historical institutionalism approach (HI) and adopting the concepts of critical junctures and path-dependency, we provide insights into the historical legacies of Abuja's urban planning policy evolution and trajectories.

This study shows how inconsistencies in the formulation of policies and their implementation in the planning of cities are a result of historically embedded problems. We have shown the interconnectedness

and influence of four critical historical junctures in the production and governance challenges of informal settlements in Abuja. Our analysis of the critical junctures shows how their effects on the current dynamics around the informal settlements are interwoven or transition into one another. The contentions over customary and statutory landownership rights emerged from the regulations in the FCT and Land Use Acts' and their top-down land administration recommendations. The FCT Act also empowered the FCDA to produce a master plan to guide the development of Abuja into a world-class modern city. The master plan recommended the resettlements of Abuja's indigenous communities. However, unsuccessful resettlement programmes combined with the uncontrollable and unchecked influx of migrants into Abuja led to the expansion of the indigenous communities into slums that are now too big and too costly to resettle. Without consideration for present realities, city planning authorities are constantly trying to forcefully displace the now expanded settlements, now considered informal, under the guise of guiding city developments in accordance with the 'expired and yet-to-be revised' 1979 Master Plan of Abuja. It is the ISD's resistance to such forced displacements that produced the Mpape landmark court case that lasted from 2012 to 2017.

The use of the HI framework in our study follows a unique approach. The framework enabled us to explain how the current complexities in informal settlements are intricately connected to past historical antecedents and the critical junctures in their governance. There are two remarkable insights into the dynamics of informal settlements that emerge from our study. Firstly, we show the processes of informalisation that render some settlements informal, and secondly, we identify land rights and tenure security as the most contentious issues in informal settlements. Many informal settlements were once formal but the ongoing neoliberal transformation in city planning and governance processes often end up proscribing such settlements as informal (Chimhowu, 2019; Huchzermeyer et al., 2014). Through processes of underdevelopment, poverty, poor infrastructures, and marginalization from city affluence informal settlements get marked out as ineligible to exist in the city based on planning goals. The informalization of such settlements and their exclusion from subsequent city developmental plans based on statutory policies and changing land tenure system aggravates contentions over land rights in informal settlements. In many cases, unresolved frictions between the statutory land administration and traditional customary practices lead to different land allocation systems that produce contending statutory and customary land claimers. This insight also provides a basic understanding of the controversial issue of land rights and tenure security in many Global South cities such as those in Africa as shown for example in the work of Patel (2013) in Durban, South Africa, and the work of van Gelder (2010). Disagreement over tenure practices where the statutory tenure criteria used by the state to determine land rights and tenure security are practically different from the dominant customary arrangements used to allocate lands to most of the informal settlement dwellers. This generates controversies, conflicts, and legal tussles over land ownership claims around the informal settlements.

The theoretical contribution of our study lies in highlighting the importance of a holistic approach to a close examination of all the governance processes through which historical critical junctures emerge. This is particularly important in relation to the path dependencies that shape the historical evolution of informal settlements around the world. In many urban informality studies, the dynamics issues around informal settlements have been explored in relation to their local socio-political practices, national political economy or ecology, and global, neoliberal, and capitalist forces. What is not common in informal settlement studies is a retrospective exploration of how the current dynamics around the settlements have evolved through past critical governance processes (critical junctures). Therefore, the use of the concepts of critical junctures and path dependency as a framework for a historical exploration of informal settlements is quite novel. Thus herein lies our theoretical contribution that speaks beyond our case

study. Historical explorations are fundamental to the understanding of the complexities around informal settlements. The findings and insights from the retrospective analysis of the relevant antecedent conditions in this study are pointers to the foundational importance of history in understanding the complexities of the governance of informal settlements. The relevance of path-dependency in explaining historical causal relationships around a phenomenon is widely acknowledged. Yet, as Kay (2005) has pointed out, the path-dependency framework can be seen as merely descriptive to explain causal relationships through the historical interplay of governance actors rather than prescriptive to provide insights into current dynamics and future trends. Our study demonstrated that the path-dependency framework has major explanatory power that goes beyond mere description. Future studies on urban informality and on informal settlements will do well to take up and further extend these theoretical findings. This study shows how inconsistencies in the formulation of policies and their implementation in the planning of cities are a result of historically embedded problems. Insights into such historical legacies are the first step to a comprehensive understanding and future planning of urban informal settlements.

### Funding acknowledgement

**Nuhu Adeiza Ismail** acknowledges the Tertiary Education Trust Fund (TETFUND) Overseas Scholarship Award (No.: TETF/ES/UNIV/KOGI/ASTD/2018) granted to him in 2018 for his PhD study from the Federal Government of Nigeria. The primary research underlying this study was made possible through this award.

**Emmanuel Akwasi Adu-Ampong** acknowledges the Dutch Research Council (NWO) Veni Grant with number VI.Veni.2015.037 which made possible his contribution to this study.

### CRediT authorship contribution statement

**Nuhu Adeiza Ismail:** Conceptualization, Data curation, Formal analysis, Funding acquisition, Investigation, Methodology, Project administration, Software, Writing – original draft, Writing – review & editing. **Emmanuel Akwasi Adu-Ampong:** Conceptualization, Project administration, Resources, Supervision, Validation, Writing – review & editing. **Ana Aceska:** Conceptualization, Project administration, Resources, Supervision, Validation, Writing – review & editing.

### Declaration of competing interest

The authors have no competing interests to declare that are relevant to the content of this article.

### Data availability

The data that has been used is confidential.

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