



**The ILA study group on the Role of
Cities in International Law
City Report: Lagos**

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City Report on International Law: Lagos in Focus

1. Introduction

Tracing the origin of Lagos or *Èkó* as it is known to the indigenous population is beyond the scope of this report. It suffices to say that there are several oral accounts of the origin of Lagos which has passed down for centuries.¹ However, there is no consensus on the founders of this kingdom located on the West African coast. As to the origins of the present name 'Lagos', this is attributed to Portuguese merchants who traversed the coast of West Africa looking for new trading partners in the 15th century.²

Contemporary Lagos can best be described as an urban conurbation - a territorial fusion of previously independent but geographically contiguous satellite settlements.³ The population within the metropolitan area of Lagos is estimated at 14,368,000 as of 2020.⁴ Lagos is also a constitutionally recognised second-tier government, former capital and the commercial nerve centre of Nigeria. More so, with its port function, Lagos' strategic location along the West African coast has over the years drawn it into close proximity with international actors along the transatlantic trade and commerce corridor. Given this, there have been pivotal developments in the evolution of Lagos - through pre-colonial, colonial and post-colonial times - which has led to interactions with international law.

1.1 *The evolving identity of Lagos*

Before British intervention in the politics of the territory in the 19th century, *Èkó* was an independent kingdom ruled by an Oba.⁵ However, from 1861 up until Nigeria's independence in 1960, the status of Lagos has changed on several occasions. Between 1890 and 1897, the Lagos Colony acted as a protectorate over most of Yorubaland. The Lagos Colony was

¹ See K Mann, *Slavery and the Birth of an African City: Lagos, 1760–1900* (Bloomington IN: Indiana University Press, 2007) 27. For details on the disputed origins of Lagos, see HO Damole, 'Lagos History Lecture: Lagos yesterday, today and tomorrow,' (2017) available at <https://lagosstate.gov.ng/blog/2017/05/25/lagos-history-lecture/> accessed 01 June, 2020. See also, HI Tijani, 'The Lagos-Awori frontier: 19th Century History, Migrations and Transformation of an African Community,' *Journal of the Historical Society of Nigeria* (2006) 16 141, at 142-144.

² Ruy de Sequeira who visited the area in 1472, is credited with naming the area around the city Lago de Curamo. Alfred Moloney reporting in his notes about Lagos described it thus: 'The name Lagos is Portuguese, possibly from 'lago', a lake, as it looks like an island situate in a lake, but more probably from the seaport Lagos, in Portugal.' See A Moloney, 'Notes on Yoruba and the Colony and Protectorate of Lagos, West Africa' (1890) 12(10) 596, at 599.

³ FGI Omiunu, 'The Effect of Distance on Intra-Urban Social Movements in the Metropolitan Region of Lagos, Nigeria,' *Journal of Economic and Social Geography* (1991) 82 (3) 185 -194.

⁴ See Population Stats available at <https://populationstat.com/nigeria/lagos#:~:text=Lagos%20Population%20Review,so%20in%20the%20urban%20area> accessed 01 November, 2020.

⁵ Damole, *supra* note 1.

subsequently merged with the Protectorate of Southern Nigeria in February 1906. With the amalgamation of the Northern and Southern Protectorates in 1914, Lagos became the capital of the Colony and Protectorate of Nigeria. In 1950, a Lagos Town Council was established as the administrative unit of Lagos. An elected Mayor headed the Council.⁶ Under the 1951 Macpherson Constitution, Lagos was merged with the Western Region. The Western Regional government subsequently cancelled the mayoral office in 1953. Lagos was then removed from the Western region and in 1959, it reverted to a local government status.

In 1963, the City of Lagos Act conferred on Lagos a city status.⁷ This is the first time we see the official title of 'city' used in reference to Lagos. The city status was however short-lived with the military interventions in Nigerian politics leading to a dissolution of the Lagos City Council in April 1966.⁸

With the adoption of the 12 states structure in 1967, Lagos became a recognised sub-state of the Nigerian Federation. Lagos' status as a sub-state has continued up until the current 1999 Constitution which designates Lagos as one of the 36 recognised second-tier governments in the Federal Republic of Nigeria.⁹



Source: [World Map](#)

⁶ Dr Abubakar Olorun-Nimbe became the first and only Mayor in the history of Lagos. For details on the Mayoral elections that brought Dr Olorun-Nimbe into power see generally, HI Tijani, 'The 'new' Lagos Town Council and urban Administration, 1950-1953', in T Falola; SJ Salm (eds) *Nigerian cities* (Trenton, NJ: Africa World Press, 2004).

⁷ See City of Lagos Act No V, 1963 available at <https://gazettes.africa/archive/ng/1963/ng-government-gazette-supplement-dated-1963-09-30-no-77-part-d.pdf> accessed 02 November, 2020.

⁸ See Lagos City Council (Dissolution) Decree No 25 of 19 April 1966 available at <https://gazettes.africa/archive/ng/1966/ng-government-gazette-supplement-dated-1966-04-20-no-38-part-a.pdf> accessed 02 November, 2020.

⁹ See section 3(1) of the Constitution of the Federal Republic of Nigeria (CRFN).

1.2 The Constitutional framing of Lagos' interaction with international law

Currently situated in a post-colonial state, the interaction of Lagos with international law comes against the backdrop that Nigeria's constitutional configuration gives plenary powers to the central government to formulate, direct and coordinate the implementation of Nigeria's engagement with the international system. As such, the conventional domestic/international dichotomy in international law, in principle, dictates the interaction of Lagos (both as a state and city) with international law.

Understanding Lagos' constitutional designation and powers are important for several reasons. First, with the constitutional changes to its status over the years, the identity of Lagos as a city is unclear. Ikeja, a city district within the metropolitan area of Lagos, is designated as the capital city of Lagos under Part 1 of the First Schedule of the Constitution of the Federal Republic of Nigeria (CRFN). Ikeja is also designated as a Local Government Area under the CRFN. However, beyond being the administrative seat of power, Ikeja is not projected as a city. Even though Ikeja may meet the threshold of city status under the CRFN, it is overshadowed by the Lagos city brand. As such, Lagos' identity as a city within a state is best understood when we trace the metamorphosis of the settlement from the pre-colonial era till present. Second, Lagos' engagement with international law within the current framework of the Nigerian state is more pronounced under her identity as an economic hub with a strategic port function, rather than as a sub-national state. In essence, Lagos' economic might and strategic location give it access to the international scene, despite the constitutional limitations on its powers to engage in this policy space. Third, even though Lagos can lay claim to 'soft power' due to its economic might and strategic location, restrictions under the Nigerian constitution, limit these interactions in the contemporary era to nuanced and symbolic engagements.

1.3 Structure of the report

Given the background context, the analysis in this report is structured around the evolving identity and functions of Lagos through pre-colonial, colonial and contemporary periods.

From a historical perspective, the report examines examples of Lagos' interaction with international law before and during the period of colonial rule. In the pre-colonial era, the focus is on Lagos' participation in the transatlantic slave trade. In the colonial era, the report focuses on Lagos role as a proxy, used by imperial Britain to consolidate its economic and political interests in the West African region.

In the contemporary era, the report focuses on Lagos as a part of the Nigerian State from 1960 – till present. From this perspective, the report explores the socio-economic and political contexts of Lagos' interaction with international law. In this section of the report, Lagos' interactions with international law are symbolic and nuanced due to the restrictions that come with its constitutional position as a sub-state in the Nigerian federation.

2. The historical era of Lagos's interaction with international law

2.1 Lagos during the transatlantic slave trade

The transatlantic slave trade at its prime was a major facilitator of the interaction between the territory of Lagos and the global West.¹⁰ The demand for slaves of African origin in Europe and the Americas, made Lagos, a strategic port city along the Bight of Benin.¹¹



In the context of international law's response to slavery and the slave trade, Lagos featured prominently in the equation in the 19th century. This is because the attitudes of major European powers, especially Great Britain towards the slave trade was changing at the time that this trade was becoming of crucial economic importance to the ruling hierarchy in Lagos. Great Britain in particular, which had a change of heart towards the morality and legality of slavery and the slave trade took up a prominent role in the campaign to curb the trade, which by the early 19th century was thriving along the coast of West Africa.¹²

The efforts of anti-slavery crusaders, chiefly Great Britain, to put an end to the trafficking of slaves, were frustrated by the ambivalent nature of international law towards the legality of slavery and slave trading. Only several countries among the comity of nations, including Great Britain and the United States of America (USA) had abolished slave trading within their municipal laws. As such, the illegality of the slave trade was yet to gain the status of customary international law.¹³ A plethora of cases relating to intercepted slave-trading vessels originating

¹⁰ Mann, *supra note 1*, at 1. According to Kristin the slave trade '...brought the West and the territory the world now knows as Lagos into steady and intimate contact with one another.' Van Hulle also points out that: 'From the seventeenth century onwards, the region running east from the mouth of the Volta River to the Lagos Channel was dubbed the 'Slave Coast', a reference to its role as a supplier of African slaves for the transatlantic slave trade.' See I Van Hulle, *Britain and International Law in West Africa* (The History and Theory of International Law) (Oxford: Oxford University Press, 2020) 10.

¹¹ According to Smith, 'During the eighteenth-century Lagos became a centre of the Atlantic slave trade. The beginning of the trade here on a large scale is traditionally ascribed to the invitation to a group of Portuguese (and probably also Brazilian) slavers to settle in the town by Oba Akinshemoyin (c. 1760- c. 1775). By the last years of the century the trade was thriving, eclipsing not only that of the western Slave Coast but also the trade in the Benin river, and was stimulating an increasing demand for slaves in the Yoruba hinterland. It reached its height in the 1820s and continued to flourish down to the 1840s.' see R Smith, 'The Lagos Consulate, 1851-1861: An Outline,' *Journal of African History* (1974) 393, at 393.

¹² According to Mann '...soon after the commerce took root at Lagos in the late eighteenth century, a great shift in moral consciousness in the West led Britain, then the dominant power in the Atlantic world, to reconceptualize Europe's relationship with Africa and resolve to abolish the trade in human beings in the Bight of Benin, where Lagos is located, and elsewhere.' Mann, *supra note 1*, at 2.

¹³ H Fischer, 'The Suppression of Slavery in International Law. I,' *The International Law Quarterly* (1950) 3(1) 51, at 30-31.

from the west African coast decided in the early part of the 19th century in the USA and Britain respectively demonstrate the confusion on the position of international law towards the legality of the slave trade.¹⁴ Fischer, who carried out a detailed dissection of a number of these 19th-century cases decided in Britain, argues that the legality in international law of slave trading carried out on international waters was problematic. According to Fischer's accounts, capturing and searching vessels involved in the slave trade at that point in history was only justified in international law, '*...provided slavery [was] prohibited by the laws of the flag of both vessels (the one capturing and the one captured...)*'.¹⁵

The ambiguity in international law towards the legality of the slave trade emanating from the coast of West Africa was one of several catalysts for Great Britain's less than an altruistic interest in Lagos.¹⁶ Undoubtedly, Great Britain's economic interests in palm oil grown in abundance in Lagos and across the Yoruba hinterland was another incentive that accelerated the intermeddling of Great Britain in the local affairs of the region.¹⁷

Things came to a head in November 1851, when British gunboats led by John Beecroft the then British Consul stationed in West Africa tried to persuade Oba Kosoko to sign a treaty abolishing slavery and slave trade in his territory.¹⁸ Upon his refusal to sign the Treaty, Lagos was bombarded by British naval forces. The British troops were initially repelled, but in a second attack in December of 1851, the city of Lagos was captured by the invading British forces.

2.2 *The annexation of Lagos to the British Empire: The use of treaties*

The events from December 1851 onwards introduce another dimension of Lagos's interaction with international law. This is so because treaties were the preferred instrument of choice used

¹⁴ To mention a few, in *Commonwealth v. Aves* (1836) 18 Pic. 193, it was decided per Shaw C.J. of Massachusetts that slavery was not contrary to international law, though contrary to natural law.

¹⁵ Fischer, *supra* note 13, at 34.

¹⁶ William MacGregor the colonial governor of Lagos colony between 1899 -1904 in a report corroborates this assertion when he points out that 'Great Britain first came officially into contact with Lagos in connection with the slave trade. See W MacGregor, 'Lagos, Abeokuta and the Alake,' *Journal of the Royal African Society* (1904) 3(12) 464, at 464. Also, Kristin argues that '*in the longer term, Lagos's growth as a slave port led to its conquest and colonization by Great Britain, which by the mid-nineteenth century had extended its anti-slavery crusade to West Africa in the name of spreading civilization and promoting trade in new commodities, such as palm oil and later palm kernels.*' See Mann, *supra* note 1, at 5.

¹⁷ As Smith points out, '*the rift in the royal house of Lagos provided the British with a pre- text and an opportunity for their intervention there...*' See R Smith, 'To the Palaver Islands: War and Diplomacy on the Lagos Lagoon in 1852-1854,' *Journal of the Historical Society of Nigeria* (1969) 5 (1) 3, at 4. Van Hulle also remarks that '*When the campaign for the abolition of the slave trade took flight during the course of the nineteenth century, especially the region of the African trading states in the Niger Delta, Lagos, and Dahomey became the theatre of British treaty-making and 'gunboat diplomacy.'*' Van Hulle *supra* note 10, at 11. For a detailed narrative of the complex politicking that cumulated in the reduction of Lagos in 1851 see Smith (1974), '*supra* note 11 at 396-400.

¹⁸ Smith (1969), '*supra* note 17 at, 5.

by the British Empire to validate their violation of the territorial sovereignty of the West African kingdom.

A perusal of the Lagos Treaty of 1852 underscores a darker side in the evolution of international law.¹⁹ Although the Treaty's primary focus was to abolish slavery and the slave trade emanating from the kingdom of Lagos,²⁰ the prohibitive terms of the treaty text and the conditions under which assent to the Treaty was acquired indicates the instrumentality of international law at that period in time to perpetuating imperialism in the 19th century.²⁷ Olaniyan reports that to eradicate slavery from the West African region, the British government signed an estimated 65 agreements from 1841 to 1853 with African chiefs.²² However, the events that followed demonstrated that these instruments of international law served a more imperialist aim.

Less than a decade after the coerced signing of the Lagos Treaty of 1852, Lagos was 'formally' annexed to the British empire via the instrumentality of another treaty – the 1861 Treaty of Cession.²³

The nature of the 1861 Lagos treaty of Cession is a pivotal moment in the history of international law for several reasons. First, the 'acquisition' of Lagos via a treaty signed under duress exemplifies the use of 'gunboat diplomacy' by imperial Britain in the 19th century to exert its geopolitical dominance in the region.²⁴

Second, the coerced treaty-making practices between European colonial powers and African rulers/elites in territories such as Lagos laid the foundations for international law to subsequently define and construct ideas about sovereignty, property and debt which have persisted till present, albeit in re-constructed terms.²⁵

Third, Britain's manipulation of international Treaty practise to achieve its imperialistic agenda in Lagos, and the wider region casts indelible shadows over the anti-slave trade campaign

¹⁹ For details of the Lagos Treaty of 1851, see R Smith, *The Lagos Consulate 1851-1861* (London: Macmillan, 1978) 135–137.

²⁰ Smith reports that '*The British claimed that their intervention at Lagos in 1851 and the establishment of their influence there were actuated by a determination to stamp out the slave trade of which Lagos was a center.*' See Smith (1969) *supra* note 17 at, 6.

²¹ As Van Hulle points out, '*the significance of Britain's efforts to abolish the slave trade in Africa for the development of imperialism and international law cannot be overstated.*' See Van Hulle *supra* note 10, at 109.

²² R Olaniyan, 'British Imperial Politics and Diplomacy in West Africa, 1860-1865,' *The Historian* (1972) 34(4) 650, at 653. According to Van Hulle, 'The abolition of the slave trade became an objective that was incorporated in almost every treaty that would be concluded by Britain in West Africa after 1840.' Van Hulle *supra* note 10, at 109.

²³ See R Smith, *The Lagos Consulate 1851-1861* (CA: University of California Press, 1979) 135–137 Appendix A. ISBN 9780520037465. For detailed accounts of the political dynamics within Lagos and the wider region which precipitated the annexation of Lagos in 1861 see Smith (1974), '*supra* note 11 at 400-414.

²⁴ The period of British occupation of Lagos coincides with a tenure of Lord Palmerston as Foreign Secretary and Prime Minister when 'British "gunboat diplomacy" had reached its apogee. See T Johnson and J Gimblett, 'From Gunboats to BITs Evolution of Modern International Investment Law' in Karl Sauvant (ed) *Yearbook on International Investment Law & Policy 2010-2011* (Oxford: Oxford University Press, 2011) 649, at 652.

²⁵ See generally Thomas Johnson and Jonathan Gimblett, *supra* note 24.

which ideally should be considered a remarkable milestone in the evolution of international humanitarian law. Van Hulle argues that despite the 'noble intentions' of Britain to end the trafficking in slaves in West Africa, the use of slave treaties such as the one procured in Lagos was a pivotal moment were '*...the seeds for the increased resort to force as an integral part of British legal strategies were sown.*'²⁶ Although Martinez considers the anti-slave trade campaign to be '*the most successful episode ever in the history of international human rights law...*'²⁷ Van Hulle, however, argues that '*the urgency of enforcing a humanitarian agenda through experimentation with the model agreement and with the use of force during this period had a lasting effect on the manner in which legal relations were conducted between Britain and African polities.*'²⁸ Indeed, the most significant impact of the Treaty of Concession was on Lagos because it ushered in a new era in the identity and function of Lagos; changing the way it has related with the rest of the world till present.

2.3 Lagos' interactions with international law during colonial rule (1861-1960)

After annexation in 1861, Lagos was designated a colony of the British Empire on March 05 1862. From this point on, the Colony of Lagos became a launchpad for Great Britain's imperial expansion into the Yoruba hinterland and subsequently the territories that now form present-day Nigeria.²⁹ In this period, Lagos became an important site or proxy for Britain's exercise of extraterritorial jurisdiction and for launching reprisals against other adjoining colonial territories in West Africa.³⁰

Although the actions of the Colony in this period were mainly attributable to the Crown, records indicate that the overthrown elites and ruling class in Lagos were in certain instances co-opted into the unfolding geopolitical scramble by Great Britain and France for territory in West Africa. For example, Van Hulle reports that:

Following the coerced Cession of Lagos in 1861, the newly minted Colony was in dire need of additional income. The most efficient way to achieve this was to levy customs duties. The new Governor of Lagos, Henry Stanhope Freeman (1862–65), found a creative way of increasing Lagos' revenue further by levying custom duties in the adjoining towns of Badagry, Palma, and Lecki, claiming them as Lagos' territory. In order to strengthen his

²⁶ Van Hulle *supra* note 10, at 109.

²⁷ See JS Martinez, 'The Slave Trade and the Origins of International Human Rights Law,' October 28 2011, *Stanford Lawyer*, 85 available at: <https://law.stanford.edu/stanford-lawyer/articles/the-slave-trade-and-the-origins-of-international-human-rights-law-2/> accessed 02 November, 2020.

²⁸ Van Hulle *supra* note 10, at 109.

²⁹ Smith, writing about the period of Consular authority in Lagos points out that '*...under a series of British consuls and the governors who succeeded them, Lagos emerged as a pacifier, though one with a rather heavy hand and with its own favorites among the protagonists.*' See Smith (1974), '*supra* note 11 at 393 ff 400.

³⁰ For an in-depth discussion on extraterritoriality and the use of reprisals as defining features of Britain's imperial governance in West Africa, see generally, Van Hulle, *supra* note 10.

claim, Freeman had invited the exiled King Kosoko to sign a document wherein he confirmed that the above towns had formed an integral part of Lagos, which in all probability had not been the case. The African chief, Possu, who resided in the town of Epé, nevertheless refused to acquiesce in what constituted effectively an illegal cession of the towns by Kosoko.³¹

In this period, we also see that Lagos' growing immigrant population was attributable to the international migration processes that accompanied the anti-slave trade campaign. As the British Royal Navy 'liberated' Africans from slave ships in their patrols on the Atlantic Ocean, legal mechanisms were set up to re-settle these displaced people. Anderson points out that *'With the exception of St. Helena, most liberated Africans were settled within the immediate proximity of the courts that adjudicated the legality of their capture.'*³² Some of these liberated slaves, especially the Sierra Leonians referred to as the 'Saro', the Brazilians and Cubans collectively referred to as the 'Amaro' found their way to Lagos.³³ These re-settlers will go on to play a significant role in shaping the politics, trade and cultural identity of Lagos even till date.³⁴

3. The contemporary era of Lagos' interaction with international law (1960 – till present)

3.1 Lagos' symbolic contributions to political and economic self-determination across the African continent

In the post-colonial era, Lagos metamorphosed to fulfil several roles in the sovereign state – Nigeria, which gained independence in 1960.

Notably, as the administrative seat of power for Nigeria during colonial times and after independence in 1960, up until 1991, Lagos played a symbolic role in the struggle for political and economic self-determination across the African continent.³⁵ The interaction of Lagos with international law within this timeframe was more symbolic and passive. Several initiatives which are regarded as pivotal to our understanding of economic interaction and human rights

³¹ Van Hulle *supra note 10*, at 186.

³² R Anderson, 'The Diaspora of Sierra Leone's Liberated Africans: Enlistment, Forced Migration, and "Liberation" At Freetown, 1808-1863,' *African Economic History* (2013) 41, 101, at 101.

³³ Smith (1974), *supra note 11* at 401.

³⁴ Ibid. Smith records that *'...the influence of the Saro, as the Sierra Leonians were called, quickly became greater than their numbers. As immigrants, without rights to fish or farm but in many cases with a grounding in western education, they resorted to the new commercial life of Lagos and soon occupied an important place, a few as exporters in competition with the Europeans but most as middlemen in the palm oil trade.'* See also EA Oroge, 'The Fugitive Slave Question in Anglo-Egba Relations 1861-1886', *Journal of the Historical Society of Nigeria*, (1975) 8 (1) 61, at 79.

³⁵ Notable agreements related to economic and political integration in Africa which were signed in Lagos include the treaty establishing the Economic Community of West African States in 1975 and the 1981 Lagos Plan of Action which set out an alternative economic development blueprint for Africa at a time of increasing resistance to the influence of Bretton woods institutions in the African States.

regimes in Africa such as the 1980 Lagos Plan of Action (LPA) and the Law of Lagos³⁶ respectively were signed in Lagos.³⁷ Ideally, Nigeria should be credited with the hosting of these two-landmark events. However, the reference to 'Lagos' in these documents which outlined an economic development and human rights blueprint for the African continent respectively point to the emotive and symbolic significance of Lagos in the history of Africa's interaction with international law. The importance of Lagos as a site for Africa's emancipation from colonialism is not unconnected with the fact that freed slaves from Brazil who re-settled in Lagos were instrumental to the birth and growth of pan-Africanism across Africa.³⁸

3.2 *Lagos and environmental governance/activism*

Despite being subsumed under the federal framework of the Nigerian state as a recognised second tier of government, it was inevitable that Lagos' economic significance within Nigeria and the wider sub-Saharan African region would create pathways to the global community.

As a commercial metropolis and a megacity, Lagos has unique challenges related to its urban nature that have influenced the direction and intensity of its engagement in multilateral, regional and bilateral forums. For example, Lagos is a member of the C40 network³⁹ as well as of the Global Covenant of Mayors for Climate and Energy.⁴⁰ Lagos' involvement with these international networks is instructive of the growing agency of cities across the world in international environmental governance. Lagos is, directly and indirectly, engaging with other cities within these networks in a bid to contribute to global climate change action, while simultaneously advancing its socio-economic development priorities through these internationalisation strategies. For example, in May 2018, Lagos hosted the launch of the C40 Climate Action Planning Africa Programme, where leaders of 9 African Megacities committed to delivering their share of the 2015 Paris Agreement.⁴¹

Lagos' engagement with these international networks reflects a consistent track record of climate change policies implemented by the Lagos State government since the return to

³⁶ The Law of Lagos emerged from the African conference on the Rule of Law organised by the ICJ. See African Conference on the Rule of Law January 3-7, 1961, 'A Report on the Proceedings of the Conference'. Journal of the ICJ 3 (Geneva, 1961), 3-28.

³⁷ See United Nations. Economic and Social Council; United Nations. Economic Commission for Africa (1991-03). Appraisal and review of the impact of the Lagos Plan of Action on the development and expansion of intra-African trade. UN. ECA Conference of African Ministers of Trade Meeting (11th session :1990, Apr. 15 - 19: Addis Ababa, Ethiopia).

³⁸ See AB Laotan, 'Brazilian Influence on Lagos,' (1961) *Nigeria Magazine* 69, 57 and Damole, *supra note 1*.

³⁹ See <https://www.c40.org/cities/lagos> accessed 18 May 2020.

⁴⁰ See <https://www.globalcovenantofmayors.org/cities/lagos/> accessed 18 May 2020.

⁴¹ See https://www.c40.org/press_releases/mayors-of-9-african-megacities-commit-to-delivering-their-share-of-the-paris-agreement . accessed 18 May 2020.

democratic governance in 1999.⁴² More importantly, it demonstrates the strategic position of Lagos in the unfolding decentralised approach to international environmental governance.

On a bilateral level, Lagos has pursued a series of strategic partnerships with external stakeholders, including the city of Dubai, to develop the first smart city in Africa.⁴³ The smart city agenda seems ambitious in light of the crippling infrastructure deficit in Nigeria. However, Lagos has over the years been ahead of the curve concerning innovation among the sub-national entities in Nigeria. As such, the city has over the years demonstrated that it has the resilience to thrive despite the dim socio-economic outlook of the Nigerian state. To achieve this aim, engaging in international collaborations has become a common strategy of successive governments in power. Lagos has also been careful to avoid conflicts with the federal government in the area of its external interactions. Lagos has achieved this by using soft law mechanisms such as Memorandum of Understandings (MoUs) signed with counterpart cities.

The aspiration to make Lagos a smart city does not create an immediate connection to international law. However, the implications of developing a smart city entail developing the necessary digital infrastructure and putting in place cybersecurity measures on a scale not currently undertaken in any other part of the country. Issues of this nature fall within the purview of ongoing debates to develop effective and binding international law on cyberspace.⁴⁴ Looking forward, Lagos's progression towards becoming a smart city will undoubtedly situate Lagos within the evolving discussion on creating international legal norms pertaining to cyber activities.⁴⁵

3.3 Lagos and geopolitical/paradiplomatic relations

Another important interaction between Lagos and international law in the post-colonial setting is seen in an incident that occurred in the early 1990s when a street corner in New York City was renamed after Kudirat Abiola, a Nigerian political activist who was killed by assassins linked to the military administration of General Sani Abacha. The ruling military junta in a symbolic retaliatory measure of defiance responded to the commemorative renaming of the New York street by renaming a Lagos street where the US Embassy is located after the African American anti-establishment activist Louis Farrakhan. When Nigeria returned to civilian rule in

⁴² It is instructive to note that the majority of the climate change mitigation strategies introduced in Lagos are attributable to the leadership of Mr. Babatunde Fashola.

⁴³ See M Nwakalor, 'Lagos State signs historic Smart City deal with Dubai,' available at <http://venturesafrica.com/lagos-signs-historic-smart-city-deal-with-dubai/> accessed 18 May 2020.

⁴⁴ See AA Adonis, 'International Law on Cyber Security in the Age of Digital Sovereignty,' Mar 14 2020, <https://www.e-ir.info/2020/03/14/international-law-on-cyber-security-in-the-age-of-digital-sovereignty/> accessed 18 May 2020.

⁴⁵ <https://ccdcoe.org/uploads/2018/10/Tallinn-Paper-No-5-Schmitt-and-Vihul.pdf> accessed 18 May 2020.

1999, the street was renamed after the US ambassador, the African American Walter Carrington.

Wale Adebawwi discusses these events from the perspective of 'Toponymy,' i.e. *the study of place names, arguing that 'when street names are targeted at foreign governments/states, they potentially constitute retaliatory measures or 'retortion' in international law.'*⁴⁶ In making this argument, Wale points out that:

*...the conduct of misconduct within (international relations, street (re)naming can provide opportunities for symbolic retaliation - the retaliatory gesture which, in international law, is described as a non-amicable action, short of war, which one state takes against the other in response to conduct that the retaliating state considers injurious or unfriendly.*⁴⁷

Wale makes a persuasive argument here for elevating the symbolic retaliation by both parties over the killing of Kudirat Abiola with retaliatory gestures in international law. The events that ensued after the New York City Council proposed to name the street housing the Nigerian Embassy after the late Kudirat Abiola created palpable tension between the Nigerian military junta and the New York City Council. At some point, the Nigerian government took the New York City Council to court arguing that the proposed naming was an unconstitutional attempt by New York City to conduct foreign policy.⁴⁸ However, with the benefit of hindsight, the events that played out in the city of Lagos and New York lacked the severity to escalate to armed conflict. The incident, however, illustrates how cities can catalyse or escalate conflicts in international law and relations.

⁴⁶ W Adebawwi, 'Global Naming and Shaming: Toponymic (Inter) National Relations on Lagos and New York's Streets', *African Affairs* (2012) 111 (445), 644. See also M Swart, 'Name Changes as Symbolic Reparation After Transition: The examples of Germany and South Africa,' *German Law Journal* (2008) 9(2) 105-120.

⁴⁷ Wale, *supra note 46*, at 646-647.

⁴⁸ For detailed accounts of the events that transpired in reaction to the killing of Kudirat Abiola, see Wale Wale, *supra note 46*, at 647-652.



Source: midtownblogger.blogspot.com

More so, Lagos, which at this point was no longer the capital of Nigeria, was caught up in this diplomatic row due to its symbolic and strategic position in Nigeria's engagement with the rest of the world. Home to most foreign embassies and consulates in Nigeria, it was inevitable that Lagos would be pivotal in the military junta's retaliation/response against the actions of the New York City Council. Wale recounts that:

Two weeks after the Kudirat Abiola Corner's sign was raised in New York, the Abacha regime secretly ordered the military-appointed Eti-Osa Local Government Council in Lagos State - a state which was the hotbed of opposition politics - to rename Eleke Crescent in Victoria Island, Lagos, after the Leader of the Nation of Islam and virulent critic of the US government, Farrakhan. The foreign embassies located on Eleke Crescent included those of the United States, Britain, Canada, The Netherlands, and India. It was the regime's own way of shaming the US government in return.⁴⁹

The choice of name for the renamed street - Louis Farrakhan – was as symbolic as the street which was selected. Louis Farrakhan was a political activist, leader of Nation of Islam, a black nationalist group, and a reputed anti-establishment campaigner. The Abacha military junta renamed Eleke Crescent after Louis Farrakhan because he had publicly expressed his support for the military junta in a state-sponsored visit to Nigeria in 1996.⁵⁰ The US embassy in defiance of this retaliatory move by the Abacha regime refused to acknowledge the new street name.⁵¹

⁴⁹ *ibid*, at 654.

⁵⁰ *Ibid*.

⁵¹ *Ibid*.

This act of contestation by the US which Azaryahu argues is tantamount to civil disobedience⁵² underscores the pivotal role that street naming and renaming in Lagos played in Nigeria's interaction with the Global West during the Abacha era of military rule.

With the sudden death of General Sani Abacha in June 1998, Nigeria transited back to civilian democratic rule in May 1999. Under the new civilian administration in Lagos state headed by Bola Ahmed Tinubu, the Louis Farrakhan Crescent was renamed Walter Carrington Crescent after former the former US Ambassador to Nigeria. This was a unilateral act of the newly elected Lagos State Governor who had been privy to the events that led to change of name from Eleke Crescent to Louis Farrakhan Crescent.⁵³ The renaming of this iconic street of international reputation and fame was regarded both home and abroad as a symbolic triumph over tyranny represented by the years of military interregnum experienced in Nigeria.

This action by the Lagos state government demonstrates once again the symbolic importance of Lagos in Nigeria's interaction with international law and relations. The reaction of the Lagos state government under Governor Tinubu was paradiplomatic, mirroring the prior actions of New York City which was *prima facie* acting as a paradiplomatic actor, and perhaps also as a proxy for the US federal government. The retaliatory actions by the Abacha military junta against this act of symbolic retortion by New York City and the counter-balancing actions by the Tinubu-led civilian government underscores the potency of cities and regions to tilt the scale of international relations and international law. Acting within the confines of municipal law which subsumes their voice within the sovereign nation-state, Lagos and New York City through this episode demonstrated the growing agency/activism of cities and regions in the international realm which these city reports aim to mainstream into the academic discourse of international law.

3.4 Lagos and international investment regulation/law

Furthermore, from an international trade/investment law perspective, Lagos has indirectly played a crucial role in the development of Nigeria's policies for engaging with international investment law regimes. Especially in the context of Nigeria's reform of the regulatory and institutional mechanisms for foreign direct investment and investor protection, Lagos has featured prominently in the equation. Evidence of this is found in the fact that international organisations such as the OECD in their engagement with Nigeria on its reform process have had to factor in Lagos into their reviews. In 2015, for example, the OECD conducted a state-level review side-by-side with the national review of Nigeria's investor reform process.⁵⁴ Justifying the selection of Lagos for review, it was pointed out in this report that Lagos state

⁵² M Azaryahu, 'The Power of Commemorative Street Names,' *Environment and Planning D: Society and Space* (1996) 14 (3), 322 at 318.

⁵³ Wale, *supra note 46*, at 657.

⁵⁴ See OECD, *OECD Investment Policy Reviews: Nigeria* (OECD Publishing, 2015)

through its pioneering policies such as the establishment of a commercial arbitration centre and the enactment of investment focused policies, e.g. a state Arbitration Law, a Public-Private Partnership Law and State Public Procurement Law has a pivotal role to play in Nigeria's reformed investment regime.

The attention given to Lagos in this regard is not surprising, considering that Lagos is regarded as the economic powerhouse of the country. Since 1999, Lagos has attracted a significant amount of foreign direct investment (FDI) to meet its unique economic developmental challenges as an urban centre. More so, Lagos has attracted the attention of national governments, who see it as a strategic actor in their foreign relations agenda for Nigeria. For example, in 2011, the British Prime Minister - David Cameron in his first official visit to Nigeria led a business delegation to Lagos state and shunned Abuja, the capital city.⁵⁵ Although the security threats from Boko Haram insurgents in Abuja at that prevailing time was a justification for the British Leader's visit to Lagos, it was also a symbolic statement of the priority Lagos occupied in the eyes of the International community under the leadership of Governor Fashola.

4. Conclusion

This report captures the multi-dimensional nature of Lagos' interactions with international law. From its origins as a port settlement strategically situated along the Bight of Benin to its current expression as a constitutionally recognised state in modern-day Nigeria, Lagos has remained in the international spotlight. It is evident from the analysis that during its eventful and colourful history, Lagos' interactions with international law has evolved and found diverse expression. Despite the diversity of expressions and interactions discussed in this analysis, a reoccurring theme in the discourse is Lagos's centrality to events around it. Lagos has always been impacted by events external to it, including international law. Notably, Lagos' strategic location and prominence during the trans-Atlantic slave trade situated the city in the epicentre of human trafficking both at its peak and decline. This also put Lagos on the receiving end of the 'dark side' of international law, especially as international law was used as an imperialistic tool by the British Empire to subdue it. Again, in Nigeria's interactions with other sovereign states, international organisations and global governance mechanisms, Lagos has played a symbolic role.

⁵⁵ See 'British PM, Cameron Visits Nigeria, Shuns Abuja!' The Street Journal (Ibadan, 19 July 2011) available at: <http://thestreetjournal.org/2011/07/british-pm-cameron-visits-nigeria-shuns-abuja/> accessed 01 June 2020. See also: 'Fashola, UK Envoy Discusses Better Business Ties' PM News (Lagos, 20 February 2012) available at: <http://www.pmnewsnigeria.com/2012/02/20/fashola-british-envoy-discuss-improvement-in-business-relations-fashola-british-envoy-discuss-improvement-in-business-relations/> accessed 01 June 2020.; 'Lagos, Netherlands Seek Partnership to Tackle Infrastructure, Environmental Challenges' Naira Land Forum, 8 March 2012 available at: <http://www.tundefashola.com/archives/news/2012/03/06/20120306N01.html> accessed 4 April 2014; 'Fashola Makes Case for Nigeria-Russia Cooperation in Railway Development' available at: <http://www.lagosstate.gov.ng/news2.php?k=2902> accessed 01 June 2020.