Archival Review of The Role of the Citizens Mediation Centre in Landlord-Tenant Dispute Resolution in Lagos State, Nigeria

Kasumu Taiwo, Onyeonoru, I.P. Department of Sociology Covenant University Ota, Nigeria

Abstract- Millions of people in developing and developed countries use rental housing to meet their housing or business needs or as a source of income. While peaceful co-existence between landlords and tenants is the norm in some places, elsewhere, landlord-tenant relations are characterised by suspicion, mistrust, power tussle, and the struggle by each group to get the best out of the relationship at the expense of the other. This situation most times leads to disputes, which if not amicably resolved, could sour the relationship between the two parties and may degenerate into violence and breach of public peace. Although indigenous channels for resolving landlord and tenant disputes exist, lack of fairness of the mechanisms coupled with the cost, prolonged hearing and lack of privacy of the judicial forum led to the establishment of the Citizens Mediation Centre (CMC) in 1999. However, it has been observed that the CMC faces many operational challenges which have hampered its functions. These include inadequate coverage of all the local government areas in Lagos State, lack of adequate funding, inability of the Centre to engage with its target audiences, and inability of the Centre in sharing its success stories with prospective disputants. Using the Human Needs Theory, this paper argues that resolving landlord-tenant disputes in Lagos State will require parties recognising the needs of each other and striving to meet them, while at the same time, parties should recognise, respect, accept, listen to or accommodate the other party's diversities such as culture, language, values, needs and interests. The paper recommends that for a more vibrant CMC to be realised, there is need for greater funding, greater publicity of its activities, and continuous engagement with its target population.

(Abstract)

Keywords— Landlords, Tenants, Disputes, Citizens, Mediation, Centre

I. INTRODUCTION

Rental housing is a key feature of the housing sector in many developing and developed countries, providing accommodation to millions of people for residential and commercial purposes. The rental housing markets are important and provide a genuine alternative to homeownership, playing a balancing role between those who can own their house and those who cannot, and minimising house price pressures on mostly young, low- and middle-income

households, particularly those just starting their careers (Cuerpo, Kalantaryan, & Pontuch, 2014). Rental housing has become a viable alternative to a first step into owning or buying a house and an essential housing option for the poor (Water and Sanitation for the Urban Poor [WSUP], 2013).

People rent houses for different reasons ranging from inability to own their own houses, need to stay mobile and move away when work is available elsewhere, without being tied down to a particular house; budget-friendly nature of rental housing which allows flexibility for tenants to move to cheaper housing when times are hard and to better housing, when their income increases, or through rental housing tenants save more to meet their essential needs such as food, education, medical care or emergencies (UN-HABITAT, 2011). Renting also supports those in transitory periods of their lives who are not yet ready to settle down in one place, and is convenient for those who have dependants or relatives in the villages who depend on their city earnings, while allowing those interested in buying land or building back in their villages to do so (UN-HABITAT, 2011).

On the other end of the scale, rental housing has become a viable livelihood strategy for landlords (WSUP, 2013). For these millions of people, rental housing or properties provide a significant source of income. Rental units have therefore become attractive to both tenants and landlords because the demand-side of rental properties outstrips the supply-side (Lemanski, 2009; Skuse & Cousins, 2007) due to reasons advanced thus far.

Since rental housing predominates in most societies, private-sector landlords appear to enjoy an advantage that protects, projects and advances their interests as against the interests of their tenants (UN-Habitat, 2008). This is why rental housing has been viewed as having a poor reputation and as being exploitative (WSUP, 2013). The perception of the landlord-tenant relations has been negative with many scholars suggesting a patron-client relationship where the landlord struts around as the "Lord of the Manor" (Bank, 2007; Crankshaw,

1993; Guillaume & Houssay-Holzschuch, 2002; Lemanski, 2009), offering a take-it-or-leave-it rental system that demands high rents but presents low quality rental properties with mediocre facilities (Wahab & Adetunji, 2015; Wahab & Odetokun, 2014).

The city of Lagos, Nigeria's commercial jewel, with a population exceeding 21 million residents, is an example of a state in the country suffering from shortage in housing production with the private rented sector predominating (Adelaja, 2014; Lagos State Government, 2014). According to a report, Lagos is growing at a rate of 3.2% per annum, while its urbanisation growth rate is 16% (Economist Intelligence Unit, 2012). The extent of the housing shortage in Lagos is enormous. Citing a Lagos Household Survey (2011), the Economist Intelligence Unit (2012) posits that about 72% of Lagos residents are tenants paying rent as high as 50% of their monthly incomes; while most of the existing accommodations are provided by private-sector landlords. The survey further states that only 18% owned their dwelling units while 10% are free occupants, with no rental payment.

This situation pits landlords against their tenants with each camp seeking to outwit the other. Thus, landlord-tenant relations in Lagos, a city in a developing country, are characterised by suspicion, mistrust, power tussle, and the struggle by each group to get the best out of the relationship at the expense of the other group (Bank, 2007; Lemanski, 2009). This status quo leads to disputes that if not amicably resolved sour the relationship between the two groups, and turn violent, leading to the breach of public peace. While landlords could be forced to repossess their rental properties, tenants could be evicted and left with no home or business to turn to. This situation could create homelessness for many residents, cause the abrupt closure of businesses and loss of jobs and at the same time lead to the loss of income for others.

Although indigenous dispute resolution measures are utilised by landlords and their tenants to resolve their disputes, the absence or not enough justiceability of these measures and the need for the preservation of the landlord-tenant relationship might have prompted parties to take their disputes to the police or law courts with their attendant challenges. It was the need for speedy, fair and early resolution of landlord-tenant disputes in Lagos State that led to the creation of the Citizens Mediation Centre (CMC) in 1999, which among other forms of disputes it was established to resolve, attends to disputes between landlords and tenants, and offers the alternative dispute resolution (ADR) mechanisms of mediation to find solutions to the disputes between Lagos landlords and tenants. The CMC was designed to resolve landlord-tenant disputes in an inexpensive, speedy, impartial and confidential fashion, among other benefits that alternative dispute resolution is known to offer to disputants. This service by the CMC is very important to the continued prosperity, peace and progress of Lagos State and its growing population.

Using a qualitative approach, this study examines the role of the Citizens Mediation Centre in resolving landlord-tenant disputes in Lagos State, Nigeria. The study will rely on the Human Needs Theory to analyse landlord-tenant relations. Findings from the study are expected to promote a better understanding of the CMC's dispute resolution activities in addition to making recommendations on how the centre can improve its landlord-tenant dispute resolution in Lagos State.

II. STUDY OBJECTIVES

The objectives of this study are to:

- 1. Examine the role of the Citizens Mediation Centre in resolving landlord-tenant disputes in Lagos State.
- 2. Utilise the Human Needs Theory to analyse landlord-tenant relations in Lagos State.
- 3. Identify the challenges facing the CMC in the resolution of Landlord-Tenant disputes in Lagos State.
- 4. Make recommendations on how the CMC can improve its landlord-tenant dispute resolution in the state.

The research design for this study is the qualitative approach which relies on the use of secondary data-gathering methods such as academic journals, periodicals, textbooks, magazines and the internet for the collection of data used in analysis of the variables in the study

III. LITERATURE REVIEW

The authors of this study consider the landlord as an individual or organisation that owns a property (whether for residential or business purposes) and includes anyone deriving title under the original landlord (including its/his/her heirs, successors, agents, managers or employees acting on their behalf) and who transfers this property to another person or organisation who is the tenant for a period under an agreement and is entitled to the rent and profits from the premises during the tenancy and the immediate reversion of the property at the expiration of the tenancy.

On the other hand, the tenant is a person or institution and includes an individual's family, sub-tenants or a lessee of a dwelling or property who receives the landlord's consent to occupy the said property or rental unit for an agreed-upon consideration and period.

Dispute connotes the disagreements or conflict that may happen within or to the landlord-tenant relationship. Landlord-tenant disputes can be caused by social, economic, interpersonal, or personality factors. Mediation is an activity voluntarily entered into by disputants, whereby a professionally trained neutral facilitator (Mediator) using recognised methods systematically encourages communication between the parties, with the aim of enabling them to reach a resolution of their dispute by themselves (Alaska Judicial Council, 1997; Nosyreva, 2003). It is a peaceful dispute resolution tool that is complementary to the existing court system and the practice of arbitration.

IV. LANDLORD-TENANT DISPUTES

The landlord-tenant relationship in Nigeria has been argued not to be different from the perspectives shared from other parts of the world. According to Wahab and Adetunji (2015) in a very recent work, they aver that while landlord-tenant relationship is founded on an agreement and is usually reasonable, some common problems have been observed. These include incompatibility of goals between the parties, differences in behavioural style, distortions in communication or communication gaps, unmet expectations, needs or interests, unequal power relations and wrong perceptions. Landlord and tenant disputes could arise from personality clashes, incompatible interests, needs and desires, self-esteem problems, hidden expectations and one's party's suspicion arising from a negative experience in the past (Cloke & Goldsmith, 2000). Danielsen (2005) believes that landlordtenant disputes could arise out of feelings that one party does not recognise, respect, accept, listen to or accommodate the other person's diversities such as culture, language, personal beliefs, values and interests. Stigliz (2011) identifies the issue of power differentials as one challenge that puts landlords and tenants on the war path.

In Nigeria, several studies have also identified the various causes of landlord-tenant disputes. These include inadequate facilities; non-payment of utility bills, security and development levies; maintenance issues; domestic scuffle, and misunderstanding among residents (Awodiran, 2008; Kolugo, 2010). In his study of multi-tenanted buildings in Ajegunle area of Lagos State, Olusola (2009) discovered that conflict between landlords and tenants in that area was caused by lack of maintenance of buildings and facilities by landlords, improper use of housing infrastructure by tenants culminating in blocked drainages, damaged electric poles, broken entrance gate, and unwillingness of tenants to participate in any repairs or maintenance work. Similarly, Kehinde (2010) identified house renovation (16.0%), refusal to pay utility bill (5.3%), intolerance (5.3%), parking space (1.3%), use of generating set (1.3%) as causes of conflict between landlords and tenants in Lagos State.

Consequently, from the studies reviewed, causes of landlord-tenant disputes in Nigeria, with focus on Lagos State, can be categorised into social, economic, interpersonal, or personality factors.

V. EXISTING INDIGENOUS CHANNELS FOR LANDLORD-TENANT DISPUTE RESOLUTION

In managing landlord-tenant disputes, several indigenous dispute resolution measures have been identified in literature such as tenants' intervention, ejection of conflicting tenants by the landlords or their representatives, intervention by mediators made up of members of the executive committee of landlord associations, community leaders (Baale or Ward Chiefs), opinions leaders, Estate Surveyors/Managers/Agents, elders in the community, and the local government/town planning

authority, among others (Kehinde, 2010; Oni, Durodola & Oni, 2014; Shodayo, 2011; Wahab & Odetokun, 2014). Against the background of a housing shortage situation in Lagos State, and the fact that conflict is inevitable in any interpersonal social relationship (George & Amusan, 2013; Onveonoru, 2015), it becomes imperative for landlords and tenants, in the existing housing stock, to find more amicable ways of managing their disputes so that they do not become violent with recourse to the judicial forum with its attendant disadvantages of lengthy and costly trials, adversarial posturing, lack of privacy and confidentiality, among other drawbacks (Burton, 1997). The establishment of the Citizens Mediation Centre, which among other objectives was to find an amicable dispute resolution process to landlord-tenant disputes in Lagos State, was seen to be timely and aimed at reducing the incidents of landlordtenant disputes in the state (Citizens Mediation Centre, 2012) and neutralising the drawbacks located within the indigenous dispute resolution mechanisms.

V. THE CITIZENS MEDIATION CENTRE

The Citizens Mediation Centre (CMC) under the Directorate of the Citizens Rights of the Lagos State Government Ministry of Justice was set up in 1999 in response to the pressure and demands for an Alternative Dispute Resolution scheme and also as part of the Lagos State Government policy of providing an enlargement of access to justice and its institutions (Citizens Mediation Centre, 2012). The Centre was carved out of the Directorate for Citizens Rights (DCR), which was established from the complaint centre. CMC is the first agency established by any government in Nigeria to provide comprehensive legal assistance and mediation services for indigent members of the public and residents as an Alternative Dispute resolution body from the court system and arbitration (Citizens Mediation Centre, 2012). These legal services are to be offered free to disputants. The CMC later became a separate entity by the enactment of the Lagos State Citizens Mediation Law No. 6 of 2007 which consolidated and institutionalised the development of the Centre, providing legal framework for its operations (Lagos State Government Ministry of Justice [LSGMJ], 2013).

VI. CMC'S MANDATE/OBJECTIVES

The Lagos State Citizens Mediation Law no. 6 of 2007 empowered the CMC to provide mediation on disputes relating to:

- 1. Landlord and Tenant matters
- 2. Workmen Compensation Matters
- 3. Family Matters (including marital disputes, child custody)
 - 4. Employer and Employee Disputes
 - 5. Property Inheritance and Land Matters
 - 6. Monetary Claims
 - 7. Juvenile
 - 8. Estate

- 9. Property Inheritance
- 10. Commercial disputes
- 11. Other Civil-Related Disputes

The state government had considered that the traditional adversarial method was not only incapable of amicably resolving disputes, but arising from the economic, social and political development in the country, there was a considerable rise in the number of cases in the courts, which put tremendous pressure on the court system and made the adjudicatory process a painful one for disputants. Moreover, most people, particularly the indigents found litigation to be cumbersome, technical, time-consuming, and expensive, hence the resort to alternative dispute resolution mechanism (Citizens Mediation Centre, 2012). Therefore, CMC was created with a view to providing a friendly, congenial and business-like atmosphere where disputes are resolved by experienced mediators. Particularly, some disputes are of sensitive and confidential nature and disputants would wish to settle them in private rather than in the glare of public proceedings. In addition, there are claims by parties involving small sums which are hardly worth the expenses of litigation. It is for all these concerns that parties seek alternative methods of dispute resolution which led to the government's establishment, support and promotion of the Citizens' Mediation Centre in the state.

VI. THE HUMAN NEEDS THEORY

This school of thought is led by the following theorists: Abraham Maslow, John Burton, Marshall Rosenberg and Manfred Max-Neef. Their studies within the Human Needs Theory have tried to link the relationship that human needs have with conflict and peace. The Human Needs Theory proposes that all humans have certain basic universal needs and that when these needs are not met or people are deprived of them, they will revolt and may even fight back. Abraham Maslow proposed a hierarchy of needs beginning with the need for food, water, and shelter followed by the need for safety and security, then the need for love or sense of belonging, selfesteem and, finally, personal fulfilment and self-actualisation (Daniels, 2001). Later on in his life, Maslow proposed selftranscendence as a need above self-actualisation in the hierarchy of needs. By doing so, Maslow and the conflict scholar Burton have acknowledged that human needs go beyond the essentials of food, water, and shelter. They include both physical and non-physical elements needed for human growth and development, as well as all those things humans are innately driven to attain. Some of these needs (Burton, 1990) itemised are as follows:

- Safety/Security: This is the need for structure, predictability, stability, and freedom from fear and anxiety.
- Belongingness/Love: This is the need to be accepted by others and to have strong personal ties with one's family, friends, and identity groups.
- Self-esteem: This is the need to be recognised by oneself and others as strong, competent, and capable. It also

includes the need to know that one has some effect on her/his environment.

- Personal fulfilment: This is the need to reach one's potential in all areas of life.
- Identity: This is the need that goes beyond a psychological "sense of self." Burton and other human needs theorists define identity as a sense of self in relation to the outside world. Identity becomes a problem when one's identity is not recognised as legitimate, or when it is considered inferior or is threatened by others with different identifications.
- Cultural security: This need is related to identity; it is the need for recognition of one's language, traditions, religion, cultural values, ideas, and concepts.
- Freedom: This is the condition of having no physical, political, or civil restraints; having the capacity to exercise choice in all aspects of one's life.
- Distributive justice: This is the need for the fair allocation of resources among all members of a community.
- Participation: This is the need to be able to actively partake in and influence civil society.

According to human needs theorists, conflict or dispute does not just arise as a result of the lack of needs for subsistence, but unmet human needs in the areas of protection, identity, recognition, respect, participation and understanding can trigger dispute which if not well managed can engender violent conflict. They advise that disputants should give more importance to these latter needs, truly recognising them as human needs essential to the wellbeing of all human beings (Danielsen, 2005). This stance agrees with the views of Max-Neef and Rosneberg who argue that no need is superior to the other, and that human needs are all complementary and essential to human life and peace.

By way of this theory, landlord-tenant relations in Lagos State will do well when the parties recognise the needs of each party and strive to meet them. That means for peace to exist between landlords and their tenants, the parties must recognise, respect, accept, listen to or accommodate the other party's diversities such as culture, language, values, needs and interests.

VII. CHALLENGES OF THE CMC IN THE RESOLUTION OF LANDLORD-TENANT DISPUTES IN LAGOS

There are many challenges facing the operational effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State. Some of the challenges have been identified below:

First, there is low publicity of the centre and its activities. Many Lagosians do not know much about the existence of the CMC let alone its services or activities. This is a drawback that has affected the Centre's ability to provide fast, cheap, informal and easy access to justice for landlords and tenants involved in disputes in the state. The rise in the number of cases in the courts, which puts tremendous pressure on the court system and makes the adjudicatory process a painful one for landlords and tenants, is a pointer to the low publicity of the role the Citizens Mediation Centre could have played in reducing courts' dockets in the area of landlord-tenant disputes.

Second, there is also inadequate coverage of the local government areas in the states by the Citizens Mediation Centre. Recently, a report mentioned that the centre has established offices in three additional LGAs in Lagos State, namely, Ojo, Alimosho and Badagry LGAs (CMC, 2016). While this effort is aimed at increasing the Centre's nearness to disputing parties in these new local government areas, until mediation units are established in all 57 local governments and local council development areas of the State, the objective of helping disputants, including landlords and tenants, to find justice in an inexpensive, timely and amicable fashion may not be realised. Daily, reports are revealing the embedded violent disposition within the landlord-tenant relationship in Lagos State

Third, funding is another challenge that makes it difficult for the Citizens Mediation Centre to effectively discharge its responsibilities, among which include resolution of landlord-tenant disputes. Creative funding windows need to be created or explored by the state government to enable the Centre ably discharge its functions. Grants, aids and other form of funding from international organisations such as the UN-HABITAT can be sought and judiciously used to ensure that the resolution of landlord-tenant disputes in the state is realised.

Fourth, the onus is on the CMC to continue to engage with its target audiences and explain the benefits they will get by bringing their disputes to the centre. These benefits include, among others, that mediation will help landlord-tenant disputants to:

- i. by-pass ineffectiveness in some courts processes because it will provide disputants with greater access to justice and even support the causes of the poorest of disputants;
 - ii. find greater satisfaction in the resolutions reached;
- iii. reduce the formality of the legal process, thus speeding up the dispute resolution process for them;
- iv. reduce the time spent on the resolution of their disputes;
 - v. reduce the cost of resolving their disputes;

- vi. reduce the level of tension and conflict in their communities;
- vii. overcome the barrier of illiteracy by providing neutrals who speak the local languages of the people;
- viii. have a platform for the expression of their emotions, concerns, and needs without negative and stereotypical labels such as victim, trouble maker, racist or harasser;

Lastly, the CMC has not been able to communicate its success stories to prospective users of its services. For instance, a recent report by the Director of the CMC, Mrs. Oluwatoyin Odusanya has it that in 2015, alone, a total of 37,275 complaints were received, while 22,952 were mediated upon, out of which 21,534 matters were resolved and the monetary settlement was to the tune of N812 million (NAN, 2016). She added further that in January and February 2016, alone, 7,511 cases had been received, while 4,088 were handled by the Centre out of which 4,069 were resolved with the value of the settlement being N84 million (NAN, 2016). These success stories need to be communicated to the Lagos rental market made up of landlords and tenants so they can see the feasibility of bringing their disputes to the CMC for quick resolution.

VIII. RECOMMENDATIONS

To make the Citizens Mediation Centre more effective in the resolution of landlord-tenant disputes, the following are important:

- i. There is need to increase the funding and funding channels to the Centre so it can hire more lawyers and legal professionals who will be able to assist the Centre in fulfilling its mandate of giving justice to Lagosians, particularly those in the rural areas or considered to be indigent.
- ii. There is need for greater publicity of the existence of the Centre and its activities so more Lagosians can become aware of what the Centre stands for and what it can accomplish for disputing landlords and tenants.
- iii. With greater funding, the Lagos State Government, must seek ways to increase the coverage of the Centre to have at least a unit in all the 57 Local Government Areas and Local Government Council Areas in the state. This will bring the Centre closer to the people and give them more access to enjoy its services and benefits.
- iv. Lastly, the CMC itself should continue to engage with its target population and to share its success stories in order to encourage more Lagosians, particularly landlords and tenants to come forward with their disputes for a quick and amicable resolution.

IX. CONCLUSION

There will be a reduction in the breach of public Owing to a housing shortage situation in Lagos State, and the inevitability of disputes conflict in the landlord-tenant relationship, finding more amicable ways of managing landlord-tenant disputes so that they do not become violent with recourse to the judicial forum with its attendant disadvantages will help to reduce the violence-prone outcomes that such disputes take if unchecked. It has been established that if not effectively curbed, landlord-tenant disputes could lead to the breach of peace, cause bodily harm to parties through violent self-help measures, result in possible death of one or both parties, bring about limited access to justice, lead to biased dispute resolution process, or protracted legal battles, and result in lack of confidentiality and expensiveness in the dispute resolution process, among other drawbacks.

The establishment of the Citizens Mediation Centre has resulted in the peaceful resolution of several landlord-tenant disputes which could have turned ugly if they had not been handled by the Centre. The intervention of the CMC has helped to reduce courts' dockets somewhat and has the potential to provide more platforms and access to disputing landlords and tenants in the state when the CMC eventually establishes a unit in all the 57 Local Government Areas and Local Government Council Areas of the state. This portends a lot of benefits to the state. One, it will enlarge opportunities in the housing rental market in the state with attendant benefits for all stakeholders, namely, landlords, tenants, and the state. Landlords will make generate more income from their housing investments, pay their taxes and tenement rates and meet their own financial needs, among others. Access to rental housing means more social and economic stability for tenants living and working in the state and fewer violent runins with landlords and problems with the law. The state, on its own, will experience more social stability, peaceful coexistence between its landlord and tenant population, a situation requisite for economic progress, and of course, it means more income through tenement rates to the state. Two, violence from landlord-tenant disputes will be drastically peace arising from landlord-tenant fights and a reduction in the bodily harm likely to be inflicted by parties on each other. Lastly, it will lead to greater access to justice for parties with the advantage of reduced costs, confidentiality, speed in the resolution of conflicts, balance of power relations between landlords and tenants and elimination of injurious self-help measures or other indigenous dispute resolution mechanisms which may not offer better solutions to disputants.

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