



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

URGENT ACTION APPEAL

Case NIG-DN 010606

Abuja, Nigeria authorities massively evict communities, rendering up to 800,000 people homeless

House/community demolitions, forced evictions, use of force, deprivation of the means of subsistence

The Housing and Land Rights Network (HLRN), part of Habitat International Coalition (HIC), in cooperation with its member, the Development Initiatives Network (DIN), and with Women Environmental Programme, in Nigeria, have received disturbing news about mass evictions in the city of Abuja. **Your urgent action is required in Nigeria.**

Brief description

Our partner organizations estimate that up to 800,000¹ persons may have been rendered homeless through these evictions.

Evictions began on a mass scale in the Federal Capital Territory (FCT), of which Abuja is a part, with the appointment of FCT Federal Minister Mallam El-Rufai in 2003. Since then, evictions have taken place in nine communities, of a total 49 settlement areas earmarked for demolition. The communities affected by these demolitions thus far include: Wuse, (2004), Mpape (2004), Dantata (November 2004), Old Karimo (November 2004), Jabi/Kado (April 2004), Chika (November 2005), Idu Karimo (2005-2006), Kubwa (June 2005-April 2006), and Dei-dei (April 2006).

The authorities have left Chika (Extension) Community in total destruction, including social services, schools and churches. They also have demolished most of Idu-Karmo community, leaving only the church, in operations carried out during February and March 2006. Witnesses report that only half-destroyed churches remain amid vast areas of former human habitat with houses having disappeared into rubble.

Local people refer to the government's bulldozers as "El-Rufai's" bulldozers. Many persons having lost their houses have had no recourse but to sleep in the church hall. When the bulldozers came to destroy the sacristy and parish house in the Idu-Karmo neighbourhood, on 13 March 2006, inhabitants wept for their beloved community-built church. After the bulldozer finished destroying the small buildings and the hall, the driver proceeded to do the same with the church facade and its tall bell tower, but underwent a heart attack at that moment and had to be taken to hospital. Reportedly for superstitious reasons, no bulldozer operator accepted to continue the job.

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Approximately three hundred churches, mosques, schools and social services are said to have been affected. Six big parishes are completely destroyed, some of them with 30,000 or more community members. The destroyed churches, particularly the Catholic Church in Idu Karimo, represent a loss to the communities of no less than \$230,760.

Evictions and demolitions are being conducted haphazardly, often at the whim of local authorities, with little or no notice to the inhabitants. Demolitions take place mostly in the outlying regions of Abuja City and often continue from 08:00 until 18:00.

Critique of the official reasons

The government rationalizes this wide-scale destruction as implementation of the 1979 Abuja Master Plan. Belatedly and retroactively applying the outdated plan now renders entire communities “illegal.” The present government argues that the previous administration was corrupt and, thus, has nullified allocation documents that the former authorities had issued.

Minister El-Rufai claims that President Obasanjo mandated him to ensure that Abuja not suffer the degradation and unregulated developments that have characterized other Nigerian cities, including Lagos. Implementation of the Master Plan, which seeks the “beautification” of the Federal Capital City, is being undertaken without adequate community consultations. The Development Control Department of the Federal Capital Development Authority (FCDA) has been carrying out demolitions in all districts of Abuja, including the exclusive neighbourhoods of Maitama and Asokoro, and in the central districts of Wuse and Garki. The six communities along the Airport Road, that is Chika, Karimajiji, Kuchingoro, Alerta, Piwoyi, and Pyakassa, have predominantly low-income residents.

The protraction of the evictions is particularly suspicious, considering that many of those being evicted have official allocations of and/or deeds to the land. For example, according to Abuja’s Archbishop John Onayiekan, all the parishes and churches were built on officially designated sites with the consent of the city administration and under formal title deeds registered years ago.

Real estate investment and privatization are the real causes underlying the evictions and demolitions. Consequently, private real estate developers have assumed the key role in rebuilding over demolished property. For example on the site of the demolished Chika community two projects are planned: a national park and a technology village, the land of which is owned by a private real estate developer, Aldenco System Nigeria Limited.

Duty Holders

The FCDA is chaired by the Federal Minister Mallam El-Rufai, whom President Obasanjo appointed. As such, the primary duty holders are the State authorities, which include President Obasanjo and Federal Minister El-Rufai. No government body has provided adequate alternative accommodation for the affected people or compensation for the considerable costs and losses that the residents have incurred. The FCDA bears that statutory responsibility. In addition, private corporations directly involved in and/or making available the tools for demolitions are secondary duty holders.

Legal Aspects

Domestic Laws

HIC-HLRN’s partners and local organizations confirm that, although courts issued injunctions against some of the Abuja demolitions, the FCDA disregarded them. In fact, the persistent

disobedience of court orders was one of the reasons that the Nigerian Bar Association (NBA) cited for organizing a national boycott of the courts on 13–14 March 2006. As the NBA President Price Lanke Odogiyon observed at the NBA's World Press Conference of 9 March 2006:

The Federal Capital Territory is replete with instances of court orders restraining the minister of the Federal Capital Territory from demolishing certain structures until the determination of the cases brought before the Courts. We are all living witnesses to the fact that these orders were disobeyed. Indeed, the minister stated that only the president who appointed him could give him orders. He refused to take orders from the courts established by the Constitution that equally established the authority of his boss.²

Human Rights, International Law, and Treaty Violations

Arbitrary eviction, lack of proper consultation with the affected inhabitants, failure to provide restitution and compensation, and the use of force outside the principles of necessity and proportionality violate a bundle of human rights and several treaties to which Nigeria is a ratifying party. These acts of commission and omission constitute violations of internationally recognized elements of the right to adequate housing. Nigeria, therefore, is violating Articles 6, 7, 10, 11, 12 and 13 of the International Covenant on Economic Social and Cultural Rights (ICESCR), including duties spelled out in General Comments Nos. 4 & 7 on the human right to adequate housing. Having ratified the ICESCR on 29 October 1993, the State of Nigeria is bound to conduct itself in line with these minimum norms of State behaviour.

The current and the still-planned evictions and demolitions, with their grave consequences, also violate the right to private and family life, the right to access to justice, the right to work and the right to health, as guaranteed in several international and regional human rights instruments that Nigeria has ratified, including the International Covenant on Civil and Political Rights, and the African Charter on Human and People's Rights. The 1999 Constitution of the Federal Republic of Nigeria also guarantees some of these rights.

We urge the Government of Nigeria, including the FCDA and other local authorities, to uphold their treaty-based obligations to avoid forced eviction and to provide the affected families with effective remedies. We also urge the government to ensure adequate compensation and alternative accommodation as essential elements of their duty to respect, protect and fulfil the human right to adequate housing.

Action requested:

Please write to the authorities in Nigeria, urging them to uphold local demands by:

- a. Immediately stopping demolitions and embracing a culture of people-oriented urban renewal and upgrading process through dialogue with the settlements/communities.
- b. Reviewing and amending the Land Use Act (1978) to ensure that the social function of land is at its centre.
- c. Fully compensating all affected communities, including Chika village, so as to enable the inhabitants to rebuild their houses and other structures, while government provides basic infrastructures and planning, thereby restoring the community. Where restoration may not be possible (e.g., due to projects of national and international importance within the principles of human rights and democratic society), the authority should provide inhabitants the opportunity to choose nearby resettlement schemes such as, Gosa, in Airport Rd, Kubusa, or Giri, in the 10,000 housing units proposed there, and not just Yangoji, where they cannot survive now.
- d. Ensuring that needed land is affordable and accessible for the ordinary citizens of Nigeria by creating an enabling environment by installing necessary infrastructural

facilities and allocating adequate lands/houses to those whom the demolitions have affected, including with gradual payment/repayment plans.

- e. Providing temporary land allocation that enables temporary shelter for the affected people, as most of them do not have anywhere to go, and are sleeping in uncompleted buildings.

The United Nations, the African Union and the European Union to take immediate action to:

- publicly condemn the Abuja evictions;
- provide a forum where the Government of Nigeria and all the interested parts, including the recognised representatives of the inhabitants of the slums, international networks, NGOs and public agencies, can agree on the relocation of persons evicted in a manner consistent with their dignity and well-being, and agreed upon with the interested communities' consent;
- guarantee security of tenure for all;
- reform and redistribute land with a view to protecting the human rights of the most needy citizens;
- establish popular funds for land and housing;
- ensure adequate and affordable access to basic public services.

UN Habitat to:

- monitor the respect, protection and fulfilment of international housing rights norms by dispatching a fact-finding mission of the UN-Habitat Advisory Group on Forced Evictions and UN Habitat-OHCHR Housing Rights Programme to observe, report and mediate toward solutions consistent with the human right to adequate housing. Despite the outcry of the people in Nigeria, UN-Habitat still has not deemed it necessary to visit Nigeria on a fact-finding mission.

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Please see the attached Sample Letter.

Kindly inform HLRN of any action undertaken quoting the code of this appeal in your reply to: urgentactions@hlrn.org; wep@usa.com; info@dinresourcecentre.org; dinlagos@yahoo.co.uk

[Sample letter for Nigerian officials]

Dear Sir:

We are profoundly disturbed by news from the Housing and Land Right Network (HLRN) and local Nigerian organisations about the recent brutal eviction and demolition of Abuja communities, dispossessing and making homeless up to an estimated 800,000.

Evictions began on a mass scale when the Federal Capital Territory (FCT) Federal Minister Mallam EI-Rufai took office in 2003. The evictions, so far, have flattened nine communities, of a total 49 settlement areas earmarked for demolition. The communities affected thus far include: Wuse, (2004), Mpape (2004), Dantata (November 2004), Old Karimo (November 2004), Jabi/Kado (April 2004), Chika (November 2005), Idu Karimo (2005-2006), Kubwa (June 2005-April 2006), and Dei-dei (April 2006).

The authorities have left Chika (Extension) Community in total destruction, including social services, schools and churches. They have demolished most of Idu-Karmo community also

through operations during February and March 2006. Witnesses report that only some half-destroyed churches remain amid vast areas of former human habitat with houses having disappeared into rubble.

In the first week of March 2006, the government's bulldozers already had destroyed part of Idu-Karmo neighbourhood, leaving only the church. Local people refer to these as "EI-Rufai's" bulldozers. Many persons having lost their houses had no recourse but to sleep in the church hall. When the bulldozers came to destroy the sacristy and parish house on 13 March 2006, people wept for their beloved community-built church. After the bulldozer finished destroying the small buildings and the hall, the driver proceeded to do the same with the church facade and its tall bell tower, but underwent a heart attack at that moment and had to be taken to hospital. Reportedly for superstitious reasons, no bulldozer operator accepted to continue the job.

Approximately three hundred churches, schools, and social services have been affected. Children lost their schools, hundreds of church buildings or mosques and six big parishes are completely destroyed, some of them with 30,000 or more community members. The values of the destroyed churches have cost communities no less than \$230,760, particularly the Catholic Church in Idu Karimo.

Evictions and demolitions are being conducted haphazardly, often at the whim of local authorities, with little or no notice to the inhabitants. Demolitions take place mostly in the outlying regions of Abuja City and often continue from 08:00 until 18:00.

No government body has provided adequate alternative accommodation for the affected people or compensation of the considerable costs and losses that the residents would incur. The residents have not been issued adequate notice so as to permit them to secure adequate alternative housing for themselves and their families.

Arbitrary eviction, lack of proper consultation with the inhabitants, failure to provide restitution and compensation, and the use of force outside the principles of necessity and proportionality violate a bundle of human rights and several treaties to which Nigeria is a ratifying party. These constitute violations of internationally recognized elements of the right to adequate housing. Nigeria, therefore, violates Arts. 6, 7, 10, 11, 12 and 13 of the International Covenant on Economic Social and Cultural Rights (ICESCR), including duties spelled out in General Comments 4 & 7 on the human right to adequate housing. Having ratified the ICESCR 29 October 1993, the State of Nigeria is bound to conduct itself in line with these minimum norms of civilized State behaviour.

The current and the still-planned evictions and demolitions and their grave consequences also violate the right to private and family life, right to fair hearing, the right to work, the right to health recognized by several international and regional human rights instruments ratified by Nigeria, including the African Charter on Human and People's Rights. The 1999 Constitution of the Federal Republic of Nigeria also guarantees some of these rights.

We urge your Government and local authorities, including the FCDA, to uphold these obligations to provide the affected families with effective remedies and to avoid forced eviction. We also urge you to ensure compensation and adequate accommodation as essential elements of the human right to adequate housing.

Therefore, we urge your government to take the following urgent measures:

- a. Immediately stopping demolitions and embracing a culture of people-oriented urban renewal and upgrading through dialogue with the settlements/communities.

- b. Reviewing and amending the Land Use Act (1978) to ensure that the people are at its centre.
- c. Fully compensating all affected communities, including Chika village, so as to enable the inhabitants to rebuild their houses and other structures, while government provides basic infrastructures and planning, thereby, restoring the community. Where restoration may not be possible (e.g., due to projects of national and international importance within the principles of human rights and democratic society), the authority should provide inhabitants the opportunity to choose nearby resettlement schemes such as, Gosa, in Airport Rd, Kubusa, or Giri in the 10,000 housing units proposed there, and not just Yangoji, where they cannot survive now.
- d. Ensuring that needed land is affordable and accessible for the ordinary citizens of Nigeria by creating an enabling environment by installing necessary infrastructural facilities and allocating adequate lands/houses to those whom the demolitions have affected, including with gradual payment/repayment plans.
- e. Providing temporary land allocation for temporary shelter for the affected people, as most of them do not have anywhere to go, and are sleeping in uncompleted buildings.

Thank you in advance for your attention to this matter.

We look forward to hearing from you about your remedial response.

Please be assured of our highest consideration.

Sincerely,

[Name of sending organization and contact information]

[Sample letter to UN, EU and UA officials]

Dear Sir/Madam:

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No government body has provided adequate alternative accommodation for the affected people or compensation of the considerable costs and losses that the residents would incur. The residents have not been issued adequate notice so as to permit them to secure adequate alternative housing for themselves and their families.

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Therefore, we urge your government to take the following urgent measures:

- a.** Immediately stopping demolitions and embracing a culture of people-oriented urban renewal and upgrading through dialogue with the settlements/communities.
- b.** Reviewing and amending the Land Use Act (1978) to ensure that the people are at its centre.

- c. Fully compensating all affected communities, including Chika village, so as to enable the inhabitants to rebuild their houses and other structures, while government provides basic infrastructures and planning, thereby, restoring the community. Where restoration may not be possible (e.g., due to projects of national and international importance within the principles of human rights and democratic society), the authority should provide inhabitants the opportunity to choose nearby resettlement schemes such as, Gosa, in Airport Rd, Kubusa, or Giri in the 10,000 housing units proposed there, and not just Yangoji, where they cannot survive now.
- d. Ensuring that needed land is affordable and accessible for the ordinary citizens of Nigeria by creating an enabling environment by installing necessary infrastructural facilities and allocating adequate lands/houses to those whom the demolitions have affected, including with gradual payment/repayment plans.
- e. Providing temporary land allocation for temporary shelter for the affected people, as most of them do not have anywhere to go, and are sleeping in uncompleted buildings.

In particular also, we asked that you take steps in response to these violations, including to:

- publicly condemn the Abuja evictions;
- promote a forum where the Government of Nigeria and all the interested parties, including the recognised representatives of the inhabitants of the slums, international networks, NGOs and public agencies, can agree on the relocation of persons evicted in a manner agreed with the interested communities ;
- urge the Nigerian government to guarantee security of tenure for all;
- urge the Nigerian government to reform and redistribute land with a view to protecting the most needy citizens;
- urge the Nigerian government to establish popular funds for land and housing;
- urge the Nigerian government to ensure access to basic public services for its citizens.
- monitor the respect, protection and fulfillment of international housing rights norms by dispatching a fact-finding mission to observe, report and mediate. Despite the outcry of the people in Nigeria, no international or intergovernmental party has investigated these large-scale violations.,

Thank you in advance for your attention to this matter.

We look forward to hearing from you about your constructive response.

Please be assured of our highest consideration.

Sincerely,

[Name of sending organization and contact information]

¹ This number has been reported by various local organizations. However, while not underestimating the seriousness of the evictions, it should be noted that exact confirmation is made difficult due to the lack of precise demographic data. DIN reports

that, until the recent census of March 2006, the results of which have not been announced, the last headcount was in 1991.

² Some of the cases from the Federal Capital Territory include:

- Suit No. FCT/ABJ/CS/719/05: Alhaji Ahmed Tijani Ibrahim & Anor; Type of Order/Judgment: An interlocutory order of injunction restraining the Minister of the FCT from demolishing shop Nos. 144 and 82 at Area 11 Neighbourhood Centre, Abuja (18 October 2005).
- Suit No: FHC/ABJ/CS/2005: *Mrs. Elizabeth Alfred & 3 Ors v The Minister of Federal Capital Territory Abuja & 3 Ors*; Type of Order/Judgment: An Interim Order of Injunction restraining the Minister of FCT from demolishing shop Nos. 8A, 59, 57, 21C at Maitama Corner Shop (Uruguay Street) Maitama District, Abuja. (27 June 2005)”
- *Folwoshele Folusho v Federal Capital Development Authority & Anor*; Typt of Order/Judgment An Interim Order of Injunction restraining the Minister of the FCT and the Federal Capital Development Authority from demolishing the shop in Zone 5 Wuse, Abuja Corner shop (September 2005).”