



HOUSING AND LAND RIGHTS NETWORK

Habitat International Coalition

URGENT ACTION APPEAL

Case NIG–FEDN 060809

Port Harcourt, Nigeria authorities to evict communities, rendering hundreds of thousands 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), a global coalition of member organizations in over 100 countries, is deeply disturbed to have learned from our counterparts in the National Union of Tenants of Nigeria (NUTN) and other sources in Nigeria about the mass evictions and demolitions taking place in Port Harcourt. **Your urgent action is required.**

HLRN has learned that the Rivers State government is intending to embark on mass evictions in the Port Harcourt area of Rivers State this summer. Local sources warn that the state government already has approached various commanders of the Nigerian armed forces, including the army, airforce, navy and the police, to provide their services by assisting in the planned evictions of all waterfront settlements in Port Harcourt. In a meeting with stakeholders on 14 July 2009, the state governor, Mr. Rotimi Amaechi, has confirmed that the state will not yield in its decision to demolish the entire waterfront of Port Harcourt as part of its beautification efforts for Port Harcourt and its environs as an attempt to “create a better living environment for residents.”¹ The Governor has promised that the demolitions would take place in phases so as to be able properly to evaluate and enumerate the lands and determine the appropriate compensation. In total, 55 waterfront communities will be demolished as part of the intended year-long project. The government has claimed to have plans to spend 20 billion Naira (€89,544,000) in compensation,² all of which has been earmarked for the landlords’ population, and not the tenants. Thus far, even the amount paid to the landlords has not reached one-quarter the publicly stated allotment.

The Rivers State government has claimed further that the development plans were in an effort to improve the security and living conditions of the local population. According to Secretary to the State Government, Mr. Magnus Ngei Abe, “There is no place in the world where people live in the kind of place you live now at Abonnema Wharf [in Port Harcourt] and it is the responsibility of government to change all that for the good of everyone.”³ Despite these public proclamations of state intentions for

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public service, the evictions likely will both leave hundreds of thousands homeless and exacerbate local ethnic tensions.

Should the evictions take place, one-fourth of the total population of Port Harcourt, or approximately 200,000 people, are expected to be at risk of homelessness and victimization from state violence. In addition, the evictions probably will escalate ethnic tensions between the Okrikans and the Ikwerres, who each have land claims in the region. Specifically, the Okrikans, who are primarily settled along the Port Harcourt waterfronts, perceive the upcoming evictions by the governor, an indigenous Ikwerre (a community that predominantly occupies the Port Harcourt uplands), as an attempt to remove the Okrikans from Port Harcourt.

In addition to planned evictions, some of which have already begun, Port Harcourt's military forces have arrested over 1,000 Njemanze waterfront residents on the morning of 5 August 2009 who were protesting the planned demolition of their homes. According to local sources among those arrested were many women and children, whose whereabouts remain unknown.

Background

Rivers State is renowned for its natural resources, including oil and gas, which have attracted considerable international investment, extraction and, consequently, have attracted the influx of over five million workers to the state. Port Harcourt, the only city in the state, is host to upwards of 3.3 million people, 1.5 million of whom live in informal settlements referred to as the *waterfronts*. The waterfronts are mostly owned by the Okrikans, but occupied by a multi-ethnic population, primarily people from other parts of the Niger Delta, who are either home owners or rent-paying tenants. The high cost of inner-city rentals and urban housing deficits has forced many of the estimate 200,000 waterfronts population into the impoverished structures and created a large underprivileged class in Port Harcourt.

The intended evictions are part of a 50 billion Naira (€223,860,000) government plan to create a new Port Harcourt. According to Governor Amaechi,

To this end, the government will establish a Greater Port Harcourt City Development Authority charged with the responsibility of implementing the master plan. We have set aside N50 billion this year to fund the project. Let me assure you all, that at the end of this exercise, we will have a world class city that will be clean, green, orderly and a delight for us to live in.⁴

However, corporate interests in the waterfronts have raised suspicions about the motives for the government's forced-eviction drive. Specifically, Silverbird Properties, a real estate conglomerate, is expected to build an entertainment complex on lands on which the waterfront communities currently reside.

In June 2008, the government of Rivers State, through the State Commissioner of Urban Development, began issuing notices to landlords throughout the entire Port Harcourt waterfront of the decision to acquire and demolish all buildings in the area.

Despite a government promise to relocate and compensate victims, no such arrangement yet exists for them. The Abonnema Wharf and Njemanze waterfronts—both home to over 70,000 persons comprised of both indigenous residents and migrants—are scheduled for immediate demolition.

The evictions already have been extensive. Between June and October 2008, Rivers State officials destroyed numerous buildings and made 200,000 people homeless in Port Harcourt. In December 2008, the state government has rendered approximately 125,000 homeless people with evictions on just four major streets in Port Harcourt: Bonny Street, Creek Road, Gambia Lane and Anyama Street. Most recently, the state government has planned the eviction of parts of the Port Harcourt main-city, affecting approximately 150,000 people, to make way for a “Silverbird Showtime” cinema. The government has deployed police and army to intimidate tenants, in addition to procuring a large amount of bulldozers for the demolition campaign that is now expected to affect 40% of Port Harcourt population.

According to reports, the evictions and demolitions are part of a long-term government attempt to merge the waterfront areas with the city proper. The first of such attempts took place in 1984, when the waterfronts of Ndoki, Aggrey and Abuja were upgraded into standard housing units. However, unlike recent attempts, these historical initiatives saw the inhabitants relocated back into the area after the upgrading, and most became apartment owners in the process.

The success and sustainability of that earlier project relied on the tenants’ trust in the government, due to the transparency of the process. Apparently, the current process is anything but fair or transparent, however, and now constitutes a recipe for dissent and plummeting government legitimacy.

The lack of government relocation has put a considerable strain on victims who are both unable to afford the soaring rents and whose livelihoods remain dependent on employment near their homes. According to NUTN, public authorities have abandoned affected persons to seek alternative housing in other locations at the cost of their employment, their children’s education and the physical, mental and economic health of their families.

Legal Implications

The ongoing demolitions and evictions contravene the 1999 Nigerian Constitution, legislation, national policies and Nigeria’s human rights obligations under international law. Section 37 of the Nigerian Constitution guarantees the fundamental rights to privacy and family life. Enjoying these rights is essential to realizing the human right to adequate housing enshrined in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESR), which is binding on Nigeria. Nigeria’s housing policy formally recognizes both the right to housing as consistent with essential human need and the government’s corresponding obligation to ensure all persons’ access to adequate housing.

The ongoing Port Harcourt demolitions and evictions also violate the right to life and dignity of the human person, as enshrined in sections 33(1) and 34(1) of the Constitution of Nigeria, and Articles 4 and 5 of the African Charter on Human and People’s Rights (ACHPR). Moreover, the private-venture projects, for which Rivers State officials carry out these violations in the progressive Abonnema Wharf and Njemanze demolitions, also may be in contravention of Article 14 of ACHPR, as it serves private interest and not the overall well-being of the public.

The evictions so far have been arbitrary. Officials are violating a bundle of human rights and several treaties to which Nigeria is a ratifying party through their failure to conduct effective consultation with the affected inhabitants; the government's failure to provide reparations, including restitution and compensation; and the use of force, as well as being inconsistent with the necessity and proportionality principles.

Notably, these serial violations by official acts of commission and omission constitute breaches of internationally recognized elements of the right to adequate housing. Having ratified the ICESCR on 29 October 1993, the State of Nigeria is treaty bound to conduct itself in accordance with these minimum norms of state behaviour. Thus, by condoning these Port Harcourt waterfront evictions, Nigeria is violating Articles 6, 7, 10, 11, 12 and 13 of the ICESCR, including duties specified in General Comments Nos. 4 & 7 on the human right to adequate housing.

In its 1998 review of Nigeria, the Committee on Economic, Social and Cultural Rights already addressed the unacceptability of the housing-rights situation in the country, saying that it is:

appalled at the great number of homeless people, and notes with concern the acute housing problem in Nigeria where decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health.

The current and the still-planned evictions and demolitions, with their grave human and material consequences, also violate the human right to private and family life, to access to justice, to work, education and health, all of which rights are guaranteed in the above-cited and other international and regional human rights treaties that the Federal Republic of Nigeria has ratified, as well as enshrined in its 1999 Constitution.

Posing Solutions

We urge the Government of Nigeria, its agencies and officials to uphold their treaty-bound obligations to avoid and protect against forced eviction, and to provide the affected families with effective remedies and reparations. We, therefore, urge the government to ensure adequate compensation and alternative accommodation *in advance of* any evictions as essential elements of their obligations to respect, protect and fulfill the human right to adequate housing under Nigeria's treaty ratifications.

HIC-HLRN supports the NUTN in urging the Government of Nigeria, the Government of Rivers State and local Port Harcourt authorities to uphold the binding obligations they share to:

1. Provide tenants with adequate alternative accommodation *before* proceeding with the demolition, and holding consultation with NUTN in the determination of alternative accommodation consistent with the express needs of the waterfront inhabitants;
2. Conduct meaningful consultations with the inhabitants of the areas under past, current and future demolitions in Port Harcourt, in order to explore alternatives to the evictions and demolitions and to assess and meet the needs of all people whose rights are violated by this public-private partnership project;

3. Give adequate notice to the tenants before proceeding with any further demolition and ensuring that premises occupied by the tenants are both empty and vacant before carrying out any further demolition; and
4. Follow scrupulously the principles of General Comment No. 7 on the right to adequate housing: forced eviction, as well as the UN Special Rapporteur on adequate housing's Basic Principles and Guidelines on Development-based Evictions and Displacement.

In addition, HLRN urges the Government of Nigeria, in order to comply with its human rights treaty obligations, by taking immediate steps to:

- Ensure and effect full reparations for those persons and households whose rights have been violated in the ongoing waves of Port Harcourt violations;
- Publicly condemn the Port Harcourt evictions;
- Promote a forum where the Government of Nigeria and all the interested parties, including the recognized representatives of the inhabitants of the slums, concerned habitat networks, NGOs, relevant UN agencies, and public bodies can consult, come to mutual understanding and agree upon the alternatives to evicting persons in a manner agreed with the concerned communities and consistent with their needs;
- Guarantee secure tenure for all in Nigeria, particularly those currently lacking such protection, in genuine consultation with the affected persons and/or groups;
- Reform land administration and distribute land equitably with a view to protecting and meeting the needs of the most-disadvantaged inhabitants;
- Enable and support the establishment of popular funds for development of land and housing; and
- Ensure equitable access to basic public services for citizens and inhabitants.

Action requested:

Please write to the authorities in Nigeria, urging them to uphold local demands, which the Habitat International Coalition and its Housing and Land Rights Network support, 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, in order to enable the inhabitants to rebuild their houses, other structures and livelihoods, while government provides basic infrastructures and planning, thereby restoring the communities. Where restoration may not be possible (e.g., due to projects of national or public interest within the principles of human rights and democratic society), the authority should provide inhabitants the opportunity to choose nearby resettlement;

- 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 after eviction, and are sleeping in uncompleted buildings.

Please see the attached Sample Letter to the duty holders listed below. Kindly inform HLRN and National Union of Tenants of Nigeria (NUTN) of any action undertaken, including sending a copy of your letter to the authorities, quoting the code of this appeal (NIG-FEDN 220709) to: urgentactions@hlrn.org and info.nutn@yahoo.com and to the UN Special Rapporteur on adequate housing Raquel Rolnik, at: E-mail: urgent-action@ohchr.org.

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Sample Letter

Your Excellency:

We are profoundly disturbed by news from the The Housing and Land Rights Network (HLRN), part of Habitat International Coalition (HIC), a global coalition of member organizations in over 100 countries, and local Nigerian counterparts in the National Union of Tenants of Nigeria (NUTN) and other sources in Nigeria about the mass evictions and demolitions taking place in Port Harcourt.

We have learned that the Rivers State government is intending to embark on mass evictions in the Port Harcourt area of Rivers State this summer. Local sources warn that the state government already has approached various commanders of the Nigerian armed forces, including the army, airforce, navy and the police, to provide their services by assisting in the planned evictions of all waterfront settlements in Port Harcourt. In a meeting with stakeholders on 14 July 2009, the state governor, Mr. Rotimi Amaechi, has confirmed that the state will not yield in its decision to demolish the entire waterfront of Port Harcourt as part of its beautification efforts for Port Harcourt and its environs as an attempt to “create a better living environment for residents.”⁵ The Governor has promised that the demolitions would take place in phases so as to be able properly to evaluate and enumerate the lands and determine the appropriate compensation. In total, 55 waterfront communities will be demolished as part of the intended year-long project. The government has claimed to have plans to spend 20 billion Naira (€89,544,000) in compensation,⁶ all of which has been earmarked for the landlords’ population, and not the tenants. Thus far, even the amount paid to the landlords has not reached one-quarter the publicly stated allotment.

The Rivers State government has claimed further that the development plans were in an effort to improve the security and living conditions of the local population. Despite such claims, the evictions likely will both leave hundreds of thousands homeless and exacerbate local ethnic tensions.

Should the evictions take place, one-fourth of the total population of Port Harcourt, or approximately 200,000 people, are expected to be at risk of homelessness and victimization from state violence. In addition, the evictions probably will escalate

ethnic tensions between the Okrikans and the Ikwerres, who each have land claims in the region. Specifically, the Okrikans, who are primarily settled along the Port Harcourt waterfronts, perceive the upcoming evictions by the governor, an indigenous Ikwerre (a community that predominantly occupies the Port Harcourt uplands), as an attempt to remove the Okrikans from Port Harcourt.

The evictions already have been extensive. Most recently, the state government has planned the eviction of parts of the Port Harcourt main-city, affecting approximately 150,000 people, to make way for a “Silverbird Showtime” cinema. The government has deployed police and army to intimidate tenants, in addition to procuring a large amount of bulldozers for the demolition campaign that is now expected to affect 40% of Port Harcourt population. In addition to planned evictions, some of which have already begun, Port Harcourt’s military forces have arrested over 1,000 Njemanze waterfront residents on the morning of 5 August 2009 who were protesting the planned demolition of their homes. According to local sources among those arrested were many women and children, whose whereabouts remain unknown.

The lack of government relocation has put a considerable strain on victims who are both unable to afford the soaring rents and whose livelihoods remain dependent on employment near their homes. According to NUTN, public authorities have abandoned affected persons to seek alternative housing in other locations at the cost of their employment, their children’s education and the physical, mental and economic health of their families.

The ongoing demolitions and evictions contravene the 1999 Nigerian Constitution, legislation, national policies and Nigeria’s human rights obligations under international law. Section 37 of the Nigerian Constitution guarantees the fundamental rights to privacy and family life. The ongoing Port Harcourt demolitions and evictions also violate the right to life and dignity of the human person, as enshrined in sections 33(1) and 34(1) of the Constitution of Nigeria, and Articles 4 and 5 of the African Charter on Human and People’s Rights (ACHPR). Moreover, the private-venture projects, for which Rivers State officials carry out these violations in the progressive Abonnema Wharf and Njemanze demolitions, also may be in contravention of Article 14 of ACHPR, as it serves private interest and not the overall well-being of the public.

Enjoying these rights is essential to realizing the human right to adequate housing enshrined in Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights (ICESR), which is binding on Nigeria. Nigeria’s housing policy formally recognizes both the right to housing as consistent with essential human need and the government’s corresponding obligation to ensure all persons’ access to adequate housing. In addition, having ratified the ICESCR on 29 October 1993, the State of Nigeria is treaty bound to conduct itself in accordance with these minimum norms of state behaviour. Thus, by condoning these Port Harcourt waterfront evictions, Nigeria is violating Articles 6, 7, 10, 11, 12 and 13 of the ICESCR, including duties specified in General Comments Nos. 4 & 7 on the human right to adequate housing.

In its 1998 review of Nigeria, the Committee on Economic, Social and Cultural Rights already addressed the unacceptability of the housing-rights situation in the country, saying that it is:

appalled at the great number of homeless people, and notes with concern the acute housing problem in Nigeria where decent housing is scarce and relatively expensive. The urban poor, especially women and children, are forced to live in makeshift shelters in appalling and degrading conditions presenting hazards for both physical and mental health.

The evictions so far have been arbitrary. Officials are violating a bundle of human rights and several treaties to which Nigeria is a ratifying party through their failure to conduct effective consultation with the affected inhabitants; the government's failure to provide reparations, including restitution and compensation; and the use of force, as well as being inconsistent with the necessity and proportionality principles.

We urge your Government and local authorities in Port Harcourt to uphold these obligations to provide the affected families with effective remedies and to avoid forced eviction. We also urge the government to ensure adequate compensation and alternative accommodation *in advance of* any evictions as essential elements of their obligations to respect, protect and fulfill the human right to adequate housing under Nigeria's treaty ratifications.

Therefore, we urge your Government, the Government of Rivers State and local Port Harcourt authorities to comply with their human rights treaty obligations by taking immediate steps to:

- A.** Ensure the immediate halt to the Port Harcourt demolitions and fostering a culture of people-oriented urban renewal and upgrading process through dialogue with the settlements/communities;
- B.** Review and amending the Land Use Act (1978) to ensure that the social function of land is at its centre;
- C.** Give adequate notice to the tenants before proceeding with any further demolition and ensuring that premises occupied by the tenants are both empty and vacant before carrying out any further demolition;
- D.** Provide tenants with adequate alternative accommodation *before* proceeding with the demolition, and holding consultation with NUTN in the determination of alternative accommodation consistent with the express needs of the waterfront inhabitants;
- E.** Ensure fair and full compensation for all affected communities, in order to enable the inhabitants to rebuild their houses, other structures and livelihoods, while government provides basic infrastructures and planning, thereby restoring the communities. Where restoration may not be possible (e.g., due to projects of national or public interest within the principles of human rights and democratic society), authority should provide inhabitants the opportunity to choose nearby resettlement;
- F.** Ensure 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; and
- G.** Provide temporary land allocation that enables temporary shelter for the affected people, as most of them do not have anywhere to go after eviction, and are sleeping in uncompleted buildings.

Your Excellency,

We thank you in advance for your attention to this gravely important matter, in order to avoid further deprivation of disadvantaged people and communities in Nigeria and to pre-empt forced evictions, which inevitably augur the deepening of poverty and deprivation in the country.

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

In the meantime, please be assured of our highest consideration.

Sincerely,

[your signature and organizational affiliation]

¹ Austine Unoarumi, "No Going Back on Demolition of Waterfronts—Amaechi," *Leadership Nigeria* (10 July 2009), at: <http://leadershipnigeria.com/index.php/news/headlines/3482-no-going-back-on-demolition-of-waterfronts--amaechi>.

² Marth Goswell, "Waterfronts Demolition Provokes More Protests," *The Mirror* (17–23 July 2009).

³ George Onah, "Rivers Waterfront Dwellers Protest Planned Demolition Exercise," *Vanguard* (15 July 2009), at: <http://www.vanguardngr.com/2009/07/15/rivers-waterfront-dwellers-protest-planned-demolition-exercise/>.

⁴ Okwy Iroegbu, "Rivers Set Aside N50 b for 'Greater Port Harcourt City'," *The Nation* (1 June 2009), at: <http://www.thenationonlineng.com/dynamicpage.asp?id=74158>.

⁵ Austine Unoarumi, "No Going Back on Demolition of Waterfronts—Amaechi," *Leadership Nigeria* (10 July 2009), at: <http://leadershipnigeria.com/index.php/news/headlines/3482-no-going-back-on-demolition-of-waterfronts--amaechi>.

⁶ Marth Goswell, "Waterfronts Demolition Provokes More Protests," *The Mirror* (17–23 July 2009).