



8 September 2008

Mr Umaru Musa Yar'Adua  
President of the Federal Republic of Nigeria  
Office of the President  
Aso Rock, Abuja  
Federal Republic of Nigeria

Rt. Hon. Rotimi Chibuike Amaechi  
The Executive Governor of Rivers State  
Government House  
Port Harcourt, Nigeria  
Email: gov@riversstatenigeria.net / govthouse@riversstatenigeria

**Re: Forced evictions and demolitions in Port Harcourt, Nigeria**

Dear Mr Umaru Musa Yar'Adua and Rt. Hon. Rotimi Chibuike Amaechi

The Centre on Housing Rights and Evictions (COHRE) is an international human rights non-governmental organisation based in Geneva, Switzerland, with offices throughout the world. COHRE has consultative status with the United Nations and Observer Status with the African Commission on Human and Peoples' Rights. COHRE works to promote and protect the right to adequate housing for everyone, everywhere, including preventing or remedying forced evictions.

COHRE is deeply concerned about the ongoing and escalating demolition of 'illegal' buildings and informal settlements in Port Harcourt, carried out by the Rivers State Government's Ministry of Urban Development in order to ostensibly 'clean up' Port Harcourt and restore its 'garden city' status. The State Commissioner for Urban Development, Mr Osima Ginah, has stated that any illegal structures that do not conform to town planning regulations for the development of Port Harcourt will be demolished. COHRE is also aware that demolitions and evictions are being carried out in order to ostensibly combat militant activity in the area, and that the Joint Task Force, under Brigadier General Sarkin Yaki-Bello, has called for Governor Amaechi to demolish all waterfronts in the State as they act as "observation and exit" posts for militants.

Regardless of the rationale it is clear that the recent demolitions are resulting in the forced eviction of poor people from their homes and places of work, rendering them homeless and destitute and thus leading to human rights violations. As the demolitions increase it is likely that hundreds of thousands of people in the city will be affected.

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COHRE is particularly worried about the fate of the Port Harcourt informal settlements known as the 'waterfronts', which include Abonnema Wharf, Njemaze, Bundu and Marine-Base amongst others. Approximately 40% of Port Harcourt's population live in the waterfronts informal settlements as there is an acute lack of affordable housing for low-income families in the inner city. Demolition of these informal settlements without adequate rehabilitation would push a large number of Port Harcourt's working classes deeper into poverty and deprivation.

In June 2008, the State Commissioner of Urban Development issued letters to the landlords of buildings situated at Abonnema Wharf Road, notifying them of the decision to acquire and demolish all buildings in the area. The Commissioner made it clear to the National Union of Tenants that only landlords would be relocated and compensated, pointing out that the government has no obligation to relocate or compensate tenants. The Commissioner further stated that it is not only Abonnema Wharf Road that would be demolished, but the entire waterfronts area in Port Harcourt, and that the demolition would commence as soon as landlords of Abonnema Wharf Road buildings are relocated or compensated. Approximately two days after this meeting, the Rivers State Government demolished no fewer than 500 structures in Port Harcourt without any arrangement to provide alternative accommodation to tenants and regardless of the fact that the matter was in the High Court. COHRE has learnt that the Rivers State Government refused to acknowledge the need to consult with or offer resettlement to those living in buildings it has earmarked for demolition, even though the particular buildings are *not* illegal structures and are occupied by lawful tenants.

It is clear that the rule of law in Port Harcourt regarding forced evictions and demolitions is not being followed, and this is an extremely worrying situation. COHRE is in possession of a copy of a court order that provided an interim injunction restraining the Government from threatening to demolish or demolishing the property in the case of a woman tenant residing at No. 177 Niger Street, Port Harcourt. Despite the injunction, on 14 July 2008 a demolition team, complete with heavy security backup and police, was again sent to the property in order to "correct only the offensive part of the building," according to the State Commissioner of Urban Development. The building subsequently collapsed, and the occupiers lost their homes and most of their property.

The Government of Nigeria is legally bound to respect, protect and fulfil the African Charter on Human and Peoples' Rights. Indeed, the African Commission on Human and Peoples' Rights in 2002 found that the African Charter guaranteed the right to adequate housing including the prohibition on forced eviction (see SERAC and CESR v. Nigeria, ACHRP 2002). COHRE also wishes respectfully to point out to you that as a State Party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Federal Republic of Nigeria and its political subdivisions are legally obligated to respect, protect and fulfil the right to adequate housing, including the strict prohibition on forced evictions, as guaranteed under Article 11(1). It is furthermore obligated to not interfere with persons who enjoy some level of housing as well as to protect everyone within its jurisdiction from forced evictions undertaken by third parties including State and Municipal authorities.

In terms of international human rights law, for evictions to be considered as lawful, they may only occur in very exceptional circumstances and *all* feasible alternatives must be explored. If and only if such exceptional circumstances exist and there are no feasible alternatives, can evictions be deemed justified. However, certain requirements *must* still be adhered to. These are:

1. First, States *must* ensure, prior to any planned forced evictions, and particularly those involving large groups, that *all* feasible alternatives are explored *in consultation with affected persons*, with a view to avoiding, or at least minimizing, the need to use force.
2. Second, forced evictions should not result in rendering individuals homeless or vulnerable to the violation of other human rights. Governments *must* therefore, ensure that adequate alternative housing is available to affected persons.
3. Finally, in those rare cases where eviction is considered justified, it *must* be carried out in strict compliance with international human rights law and in accordance with general principles of reasonableness and proportionality. These include, *inter alia*:
  - Genuine consultation with those affected;
  - Adequate and reasonable notice for all affected persons prior to the scheduled date of eviction;
  - Information on the proposed evictions, and where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected;
  - Especially where groups of people are involved, government officials or their representatives to be present during an eviction;
  - All persons carrying out the eviction to be properly identified;
  - Evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise;
  - Provision of legal remedies; and
  - Provision, where possible, of legal aid to persons who are in need of it to seek redress from the courts.

The Rivers State Government through the Ministry for Urban Development has not complied with any of the above guidelines in its carrying out of its demolition exercises and no consultation or engagement with tenants has taken place, no adequate notice for the evictions has been given and no alternative accommodation or compensation provided to the affected persons. COHRE urges the Rivers State Government to take the above into consideration, and to cease what is escalating into a large-scale human rights violation in Port Harcourt.

We look forward to hearing from you regarding any aspect of this urgent matter. Thank you very much for your time and consideration.

Sincerely,

Salih Booker

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cc.

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